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CODIFIED ORDINANCES OF FAIRFIELD

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CHAPTER 1101

Introduction and General Interpretation

1101.01 Preamble.
1101.02 General provisions.
1101.03 Appeal procedure.
1101.04 Revisions.
1101.99 Penalty.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Definitions - see P. & Z. 1105.01

1101.01 PREAMBLE.

Subdividing or platting is the usual means by which open land is converted into building sites. It consists of laying out such land into streets and lots and the installation of the street and sanitary improvements necessary to provide for traffic access and for water, sewer and other utility services. Subdividing is usually the first step in the process of urbanization and urban expansion.

(a) Subdivision control is the exercise by public authority of the right to withhold the privilege of public record from subdivision plats which have been poorly or inappropriately designed, or which are not properly adjusted to the existing or potential development of adjoining areas or to the officially adopted Comprehensive Plan. Plats of new subdivisions and of resubdivisions must be approved by such authority before they may be admitted to the public record, which means before all or any part of such plats can be legally sold or otherwise conveyed.

(b) The statutes of the State delegate control over subdivisions within the City to the Planning Commission, when the Commission has complied with certain requirements. More specifically, Ohio R.C. 711.09 provides, in part, that: "Whenever a City Planning Commission adopts a plan for the major streets or thoroughfares and for the parks and other public grounds of a City or any part thereof ... then no plat of a subdivision of land within such City or territory shall be recorded until it has been approved by such City Planning Commission and such approval be endorsed in writing on the plat."

(c) The Charter of the City, moreover, provides the authority for the Planning Commission "to act as the Platting Commission of the City and to carry out powers and duties relating to platting as granted to it by the ordinances and resolutions of the City and the general laws of Ohio, to the extent such laws are not in conflict with and are consistent with this Charter and the City's ordinances and resolutions."

(d) The Subdivision Regulations set forth in considerable detail the general principles of design and the minimum requirements for the layout of subdivisions; the street and block layout; minimum right-of-way widths for streets of various categories, alleys and easements for utilities; minimum roadway widths, maximum street grades, minimum sight distances, the treatment of intersections; the sizes, shapes and layout of lots; recommendations with respect to recreational and other desirable open spaces; provisions for drainage, storm water management and sedimentation control; street trees and other improvements.

(e) An important general requirement stipulates that a subdivision be so designed as to provide for all public facilities which directly affect the tract to be platted. In general, these may include highways and thoroughfares, sites for schools, parks, playgrounds and other public facilities. The layout of a subdivision is required to conform also with the provisions of the Zoning Ordinance, as these will determine the kind of street layout, lot sizes, and other features of interior design appropriate for the subdivision.

(f) All existing and proposed thoroughfares shown on the Thoroughfare Plan as crossing or bordering a proposed subdivision are required to be provided in the general location and at the width designated on the Plan.

(g) Other principles of design and minimum requirements and standards pertain largely to the internal layout and development of the subdivision. The location, alignment and width of the street; block length; lot sizes and arrangements; and the extent and character of street and utility improvements to be installed are mainly involved. The purpose of these Regulations is to obtain, through compliance with widely recognized up-to-date principles of design and the installation of street and utility improvements of acceptable standards, healthful, safe and otherwise desirable conditions for the future users of the subdivision.

(h) The requirement of the installation of street and sanitary improvements prior to building construction is among the most important provisions of the Subdivision Regulations. These installations are essential to secure the health and safety of the future users of the subdivision, the larger neighborhood, as well as the community.

(i) In order that such requirements may not work a hardship on the developer in case of a large tract, the Regulations permit him to limit the installation of improvements to a portion of the subdivision, no matter how small, provided this conforms with the preliminary plat of the whole subdivision as tentatively approved. The Subdivision Regulations stipulate the technical features to be shown, and the manner in which these are to be shown, in both the preliminary and final plat. These requirements, as well as the purposes to be served, are self-explanatory and should require no elaboration.

(j) Finally, it is recognized that there may be exceptional situations where the strict application of the general standards or requirements may cause practical difficulty or undue hardship. In such cases, the Planning Commission has the authority to vary the rules to relieve such hardship or difficulty, provided the relief may be granted without substantial detriment to the public good or without impairing the desirable general development of the community.

(Ord. 141-83. Passed 9-26-83.)

1101.02 GENERAL PROVISIONS.

(a) Policies.

(1) Public improvements included with and as a part of land subdivision subject to these Regulations shall conform to the be properly related to the Comprehensive Plan, all official land use maps, and the "Design, Construction and Material Specification Handbook for Fairfield, Ohio".

(2) Prior to the start of any construction, the developer shall notify the Public Works Director and Public Utilities Director of such construction in accordance with the requirements for notification listed in the "Design, Construction and Material Specification Handbook".

(b) Purposes. These Regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety and general welfare of the City;

(2) To insure the future growth and development of the City in accordance with the official plans and regulations;

(3) To secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of populations. All subdivision proposals shall be consistent with the need to minimize flood damage.

(4) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playground, recreation and other public requirements and facilities.

(5) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

(6) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;

(7) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;

(8) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land.

(c) Authority and Conditions.

(1) By authority of Section 8.01 of the Chapter, the Planning Commission is authorized to review, approve and disapprove plats for subdivision of land within the corporate limits of the City.

(2) Per Ohio R.C. 711.09, paragraph 5, Council shall by legislative action adopt the "Design, Construction and Material Specification Handbook" as the City's official design and construction standards for all public improvements to land subdivisions. All subsequent amendments to the "Design, Construction and Material Specification Handbook" shall also be adopted by legislative action of Council.

(3) A proposed division of an original tract of land may be approved by the Planning Commission without a plat provided the conditions in Section 1105.06(a) are met.

(4) These Subdivision Regulations shall be effective upon their adoption by Council. No preliminary plat which does not comply with these Regulations shall be approved after such effective date. No final plat which does not comply with these Regulations shall be approved after such effective date, whether or not a preliminary plat for such subdivision has been approved prior to the effective date of these Subdivision Regulations.

(5) For the purpose of these Regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the plat of such subdivision is first discussed shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval shall commence to run.

(6) Council shall establish a schedule of fees applicable to the filing of plats for both major and minor subdivisions and for any other submissions pertaining to these Regulations. The schedule of fees shall be posted in the office of the Planning Department and may be altered or amended by Council. Until all applicable fees have been paid in full, no action shall be taken on any application for approval of plats in regards to these Regulations. In addition to such schedule of fees, the developer shall be responsible for the actual cost to the City of all inspections, engineering review and testing of materials and soil for the subdivision whether performed by City personnel or others. Such costs may be billed to the subdivider periodically as the work progresses and/or the City Engineer may require a deposit to cover such costs. No plat shall be recorded until all required fees are paid by the developer.

(d) Interpretation, Conflict and Separability.

(1) In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements for the promotion of the public health, safety and general welfare.

(2) Conflict with public and private provisions shall be alleviated as provided below:

A. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. These Regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern.

(3) These Regulations and various articles and sections are hereby declared severable. If any article, section, subsection, paragraph, sentence or phrase of these Regulations is adjudged unconstitutional, or invalid by any court of competent jurisdiction, the remainder of the Regulations shall not be affected thereby.

(e) Resubdivision of Land. Wherever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lot or lots will eventually be resubdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future widening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

(f) Sale of Land Within Subdivisions. No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the

manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations. (Ord. 167-95. Passed 11-13-95.)

1101.03 APPEAL PROCEDURE.

Any applicant whose subdivision plat has been disapproved by the Planning Commission may within sixty days of such disapproval file a petition appealing the disapproval in the Butler County Court of Common Pleas pursuant to Ohio R.C. 711.09, paragraph 3.

(Ord. 167-95. Passed 11-13-95.)

1101.04 REVISIONS.

These Regulations may be amended by ordinance of Council after public hearings by both the Planning Commission and Council. Such hearings may be accomplished by a joint hearing of the two bodies. (Ord. 141-83. Passed 9-26-83.)

1101.99 PENALTY.

(a) Whoever violates any of the provisions of these Subdivision Regulations, or any amendment or supplement thereto, shall be guilty of a misdemeanor of the third degree and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days or both.

(b) Each and every day during which such violation continues shall constitute a separate offense. (Ord. 141-83. Passed 9-26-83.)

CHAPTER 1105

Requirements for Subdivision Approval

- 1105.01 Definitions.
- 1105.02 Territorial limits of regulations.
- 1105.03 Platting procedure.
- 1105.04 Preliminary plat.
- 1105.05 Final or record plat.
- 1105.06 Modifications and exceptions.
- 1105.07 Construction and inspection.
- 1105.08 Subdivision bonds.
- 1105.09 Final inspection.
- 1105.10 Enforcement.
- 1105.11 Sample forms.

CROSS REFERENCES

Construction requirements - see P. & Z. Ch. 1113
Storm drainage and sediment control - see P. & Z. Ch. 1117
Sanitary sewer and water supply - see P. & Z. Ch. 1121
Electric and communication utilities - see P. & Z. Ch. 1125

1105.01 DEFINITIONS.

For the purpose of these Regulations, certain terms and words used herein shall be used, interpreted and defined as follows:

- (1) "Alley" or "service drive" means a passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (2) "Applicant" means the owner of the land to be subdivided.
- (3) "Bond" means a form of security agreement in an amount and form, as provided for in Section 1105.08. All bonds shall be approved by the City Engineer on behalf of the Planning Commission and approved as to form by the Director of Law.
- (4) "City" means the city of Fairfield, Ohio.
- (5) "City Engineer" means the City Engineer of the City or his agent designated to perform certain duties on his behalf.
- (6) "Construction plans" or "drawings" means the maps or drawings accompanying a final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with these Regulations and with the requirements of the Planning Commission as a condition of the approval of the plat.
- (7) "Comprehensive Plan" means the official Comprehensive Plan of the City and including any part of such plan separately adopted and any amendment to such plan or parts thereof.
- (8) "County Engineer" means the County Engineer of Butler County, Ohio.
- (9) "Cul-de-sac" means a local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
- (10) "Developer" means the owner of land proposed to be subdivided.

(Ord. 141-83. Passed 9-21-83.)

(11) "Design, Construction and Material Specification Handbook" as referenced herein means the official standards for the City governing the design, construction and materials used in all proposed improvements. Such handbook dated April 2014, and prepared by the administrative staff of the City, a copy of which is on file in the office of the Clerk of Council, is hereby adopted for purposes of these subdivision regulations and shall also have general application to the construction of all improvements to which it pertains in the City whether such improvements are constructed in subdivisions or otherwise.

(Ord. 21-14. Passed 3-24-14.)

(12) "Drainage plan" means a plan for the control of storm water runoff in accordance with the requirements of Chapter 1117 of these Regulations.

(13) "Easement" means a right of a person or entity to use the property of another, or part thereof, for a specific purpose or purposes.

(14) "Final plat" means the plan or record of a subdivision intended to be recorded with the Butler County Recorder's office and any accompanying material, as prescribed in these Regulations.

(15) "Frontage" means the side of a lot abutting on a public street and as defined in the Zoning Ordinance.

(16) "Frontage access" or "service road" means a minor street or road generally running parallel with a main street or thoroughfare and connected therewith at infrequent intervals or placed at the rear of lots abutting a main street or thoroughfare and which is designed to limit curb cuts on the main street and segregate local traffic from higher speed through traffic.

(17) "Health officer" means the Butler County Board of Health or other official of the City or County or other individual appointed or officially designated to perform the functions and duties of a health officer or sanitarian for the City.

(18) "Local street" or "collector street" means a street intended to serve and to provide access to neighborhoods or subneighborhoods.

(19) "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the Zoning Ordinance of the City and having its principal frontage on a public street.

(20) "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street. The point of intersection of the street lines is the "corner".

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

(22) "Maintenance bond" means an agreement by the developer with the City to maintain and keep in good repair all improvements of the subdivision for a period of one year after approval by the City Engineer of the construction of such improvements and in an amount determined by the City Engineer to be sufficient to secure such maintenance and not less than ten percent (10%) of the performance bond amount and which agreement shall be secured by sufficient sureties or assets.

(23) "Major subdivision" means any subdivision not classified as a minor subdivision.

(24) "Minor subdivision" means a division of a parcel of land in accordance with Ohio R.C. 711.131 and with Section 1105.06 of these Regulations; also known as lot splits.

(25) "Minor street" means any street not a highway, primary or secondary thoroughfare, or local or collector street, and intended to serve and to provide access exclusively to the properties abutting thereon.

(26) "Performance bond" means an agreement by the developer with the City guaranteeing the completion of physical improvements according to approved plans and specifications and in an amount determined by the City Engineer to be sufficient to secure the completion of such improvements and secured by sufficient sureties or assets.

(26.1) "Permanent marker" means a one-half inch diameter steel rod thirty inches in length.

(27) "Planned Unit Development" means the type of land development defined in the Zoning Ordinance, wherein standards and procedures are established for such land use, including reference to these Regulations.

(28) "Planning Commission" means the Planning Commission of the City.

(29) "Planning Director" means the Planning Director as defined in the Charter of the City or his agent designated to perform certain duties on his behalf.

(30) "Preliminary plat" means the preliminary drawing described in these Regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

(31) "Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways which the general public or a public entity have a right to use, or which are dedicated to public use, whether improved or not.

(32) "Registered engineer" means an engineer properly licensed and registered in the State of Ohio.

(33) "Registered land surveyor" means a land surveyor properly licensed and registered in the State of Ohio.

(34) "Resubdivision" means a change in the plat or drawing of a recorded major or minor subdivision if such change affects any street layout, lot line or public way.

(35) "Right of way" means any parcel of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features such as separation, landscaped areas, viaducts and bridges.

(36) "Sedimentation plan" means a plan for the control of sedimentation in accordance with the requirements of Chapter 1117 of these Regulations.

(37) "Sidewalk bond" means an agreement by the developer with the City guaranteeing the construction of required sidewalks in a subject subdivision or development.

(38) "Subdivision" means:

A. The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

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

(39) "Tree plan" means a plan for the planting of desirable shade trees in public areas in accordance with Chapter 1129 of these Regulations.

(40) "Thoroughfare" means a major trafficway designated in the Thoroughfare Plan as a regional thoroughfare, primary thoroughfare, secondary thoroughfare or collector street.

(41) "Thoroughfare Plan" means the official plan of proposed regional highways, primary and secondary thoroughfares, and collector

streets of the City.

(42) Other pertinent terms shall be as defined in any current Zoning Ordinance or other ordinance of the City or as their use and ordinary meaning indicate.

(Ord. 21-14. Passed 3-24-14.)

1105.02 TERRITORIAL LIMITS OF REGULATIONS.

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the corporate limits of the City.

(Ord. 141-83. Passed 9-26-83.)

1105.03 PLATTING PROCEDURE.

(a) General Provisions.

(1) No person, firm or corporation proposing to make or have made a subdivision within the territorial limits of these Regulations shall enter into any contract for the sale of or offer to sell such subdivision or any part thereof, or proceed with any construction work on the proposed subdivision, including grading, until he has obtained the approval of the preliminary plat of the proposed subdivision by the Planning Commission and the approval of construction drawings, sedimentation plans and drainage plans by the Planning Director and the Planning Commission.

(2) The approval of the final plat by the Planning Commission shall not constitute or effect an acceptance by the public of the responsibility for construction or maintenance of any street, other proposed public way, space shown on such plat, or any other improvements.

(3) Approval of the final plat by the Planning Commission shall not authorize a waiver of any officially adopted design and construction requirements which may have been inadvertently omitted during the technical review of the final plat.

(b) Procedure. In planning and developing a subdivision, the subdivider and his agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth herein and in the "Design, Construction and Material Specification Handbook" and in every case shall pursue the following procedures.

(1) Before preparing the preliminary plat of a subdivision and while the plat is still in sketch form, the subdivider, his engineer, surveyor, or other agent shall confer with the Planning Director and City Engineer to ascertain the location of existing and proposed highways, thoroughfares, parks, playgrounds and other proposed public facilities, which may affect and need to be taken into account in designing the layout and developing the subdivision, and to inform himself of the requirements in these Regulations and others applying to the design and development of his subdivision.

(2) The subdivider shall prepare and file a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Section 1105.04 and shall file with the Planning Commission an application in writing for the approval of the plat. It is requested that this information be submitted at least two weeks prior to the voting meeting of the Planning Commission at which action is desired.

(3) The preliminary plat shall be checked by the Planning Director on behalf of the Planning Commission for compliance with other applicable sections of the official Comprehensive Plan and the principles, standards and requirements hereinafter set forth. The Planning Director shall submit technical checks after conferring with appropriate departments concerning matters within their respective jurisdiction.

(4) Concerning matters covered in subsection (b)(3) hereof, the Planning Commission shall approve or disapprove the preliminary plat, or approve it with modification, as agreed to by the subdivider, noting any such changes that shall be required. One copy shall be returned to the subdivider with the date of the approval or disapproval endorsed thereon.

(5) The approval of the preliminary plat by the Planning Commission is to be considered only as an approval of the layout with the understanding that the Planning Director, or other officials having jurisdiction, may modify any engineering or construction details proposed by the subdivider, whenever required for the protection of the public interest. The approval or disapproval of the preliminary plat will be made within thirty days of the official submission of the plat which shall be the date on which the Planning Commission first considers the plat at a meeting. The approval shall be effective for one year. If the developer submits a final plat or plats for part of the subdivision within one year after the preliminary plat approval, the approval of the preliminary plat shall be extended for one year from the date of the last such plat submission. The Planning Commission in its discretion, may extend its approval of a preliminary plat which has expired.

(6) Following the approval of the preliminary plat, the developer may submit for approval any portion of the subdivision for final plat approval in accordance with Section 1105.05. It is suggested that the final plat be submitted to the Planning Director at least two weeks prior to the meeting of the Planning Commission at which consideration of the plat is desired. The Planning Director is not an agent of the Planning Commission but provides a service to the subdivider in submitting plats to the Planning Commission. The official submission of the plat to the Planning Commission is the date on which the Planning Commission first considers the plat at a meeting.

(7) A copy of the final or record plat thus filed shall be transmitted to the City Engineer who will check the final plat and construction drawings. He shall return such plat to the Planning Commission, together with a technical check showing that the technical details of the plat itself have been checked and found satisfactory. In addition, the Planning Director shall prepare a technical check list of the final plat on behalf of the Planning Commission.

(8) After a copy of the final plat, together with the foregoing two technical checks have been received by the Planning Commission and provided that the final plat is found to conform with the preliminary plat as approved, the Commission shall approve or disapprove the final plat within thirty days after official submission to the Commission, which is the date on which the Planning Commission first considers the plat at a regular meeting. The Commission shall enter such approval or disapproval of any plat submitted, by the signature of the Chairman on the plat. The minutes of the Planning Commission shall include a citation or reference to the rules or regulations violated by the plat, if the plat is disapproved.

(9) The City Engineer shall establish the amount of the performance bond at the time of the approval of the final plat. This performance bond must be submitted and approved as outlined in Section 1105.08 before the plat can be recorded.

(10) After approval of the final plat by the Planning Commission and after receipt and acceptance by the City of the performance bond in accordance with Section 1105.08, the plat shall be submitted by the Planning Director to the County Recorder. (Ord. 167-95. Passed 11-13-95.)

1105.04 PRELIMINARY PLAT.

(a) General Submission Requirements. The preliminary plat shall be prepared in accordance with the provisions stated herein. An application for preliminary plat approval (sample following) must be submitted with the preliminary plat. A filing fee is to be submitted with the application. This fee shall be in the amount established by Council.

(1) Twelve black line prints along with a reproducible copy prepared by a registered professional surveyor of the preliminary plat of the proposed subdivision shall accompany an application in writing to the Planning Commission for tentative approval of the subdivision.

(2) Construction drawings, sedimentation plans and drainage plans shall be approved by the City Engineer, Planning Director and Planning Commission before any construction begins.

(3) The preliminary plat shall show all existing subdivisions and the street and tract lines or acreage parcels of land, together with the names of record owners of such parcels immediately adjoining the proposed subdivisions and between it and the nearest existing highways or thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood.

(4) The horizontal scale of the preliminary plat shall be 100 feet or less to the inch.

(b) Specific Information Required. The preliminary plat shall clearly show the following features and information:

(1) A vicinity map at a scale of 200 feet or greater detail to the inch shall be included on the plat showing all existing subdivisions, roads, and tract lines and the nearest existing thoroughfares. It shall also show the most advantageous connections between roads in the proposed subdivision and those in the neighboring areas.

(2) The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the County.

(3) The tract designation according to real estate records of the County Records.

(4) The names and addresses of the owner of record, the subdivider and the surveyor who prepared the plat. In the case where the owner of record is a corporation, the principal officers shall be listed.

(5) The names of adjacent subdivisions and the names of recorded owners of adjacent parcels of unplatted land.

(6) The boundary lines, accurate in scale, of the tract to be subdivided and the approximate acreage of the tract.

(7) The location, widths and names of all existing or platted streets or other public ways within or immediately adjacent to the tracts, and other important features, such as railroad and utility rights of way, public open spaces, existing permanent buildings and structures, large trees, watercourses, section and corporation lines, etc. The boundary of any floodway and/or floodway fringe area must be shown.

(8) The following information concerning utilities and drainage shall be included on the preliminary plat:

A. Existing sewers, water lines, culverts, and other underground structures and power transmission poles and lines within and adjacent to the tract with sizes shown.

B. Approximate location of proposed water and sanitary sewer lines, showing their connection with the existing system.

C. Approximate location of storm sewer pipes, catch basins and retention/detention area.

D. Calculation of retention/detention volume as required in the "Design, Construction and Material Specification Handbook".

(9) Existing contours at an interval of not greater than two feet.

(10) The layout, proposed names and widths of proposed streets, alleys, and easements. The layout, numbers and approximate dimensions of proposed lots. Proposed street names shall not duplicate or closely approximate any existing street names in the County, except for extensions of existing streets.

(11) Existing zoning of the tract and adjacent areas, including zoning boundary lines, if any; proposed uses of property and proposed front yard setback lines.

(12) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for public use, or to be reserved in the deed for the common use of property owners in the subdivision, with the purpose, conditions or limitations of such reservation indicated.

(13) North-point, scale and date.

(14) Proposed deed restrictions shall be submitted with the preliminary plat.

(Ord. 167-95. Passed 11-13-95.)

1105.05 FINAL OR RECORD PLAT.

(a) General Submission Requirements. The final plat shall be submitted within one year from the date of the approval of the preliminary plat unless the Planning Commission extends the period of approval. All information contained on the approved preliminary plat must also appear on such submitted final plat.

(1) An "Application for Approval of Final Plat" must be submitted with the final plat. A filing fee is to be submitted along with the application. This fee shall be in the amount established by Council.

(2) The final plat, legibly drawn in waterproof ink and in standard 18" x 24" size of cloth, mylar or similar durable reproducible material and twelve black line or blue line prints shall accompany the application for final plat approval. The final plat shall be at a scale of 100 feet or less to the inch.

(3) All plats shall conform to the minimum standards for plats and surveys passed by the State Board of Registration for Professional Engineers and Surveyors. If the regulations herein conflict with such standards the more restrictive provision shall apply.

(b) Specific Information Required.

(1) A vicinity sketch at a scale of 200 feet or greater detail to the inch.

(2) All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes; these boundaries to be determined by an accurate survey in the field which shall be balanced and closed with an error of closures not to exceed 1 to 10,000. A copy of the closure calculations shall be submitted with the final plat.

(3) The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

(4) Bearings and distances to nearest established street bounds, established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be located on them.

- (5) The accurate location and material of all permanent reference monuments.
- (6) The exact layout of the following:
- A. Street alley lines; their names, bearings and widths, including widths along the line of any obliquely-intersecting street.
- B. The lengths of all arcs-radii, points of curvature and tangent bearings.
- C. All easements, existing or proposed, both public or private, delineated with limitation of the easements rights definitely stated on the plat.
- D. All lot lines with dimensions in feet and hundredths and with bearings to half minutes if other than right angles to the street and alley lines.
- (7) Lots and blocks in numerical order.
- (8) Municipal, township, County or section lines if located within or adjacent to the tract to be subdivided, accurately tied to the lines of the subdivision by distances and bearings.
- (9) The accurate outlines with dimensions and legal description, when necessary, of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.
- (10) In case the subdivision is traversed by a watercourse, channel, stream or creek, show the prior or present location of such watercourse, channel, stream or creek. The boundary of floodway and/or floodway fringe area shall be shown, if applicable.
- (11) Setback building lines as fixed by the applicable Zoning Ordinance and any other setback lines or street lines established by public authority, and those stipulated in the deed restriction.
- (12) Private restrictions, if any:
- A. Boundaries of each type of use restrictions.
- B. Other private restrictions for each definitely restricted section of the subdivision.
- (13) Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
- (14) Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
- (15) Names and addresses of the owner of record, the subdivider, and of the engineer or surveyor. In the case the owner is a corporation, the principal officers shall be listed.
- (16) North-point, numerical scale and date.
- (17) The following statements shall be affixed as applicable to the subdivision plat in addition to any additional notes pertinent to the particular subdivision. The numbering of paragraphs, as below, is not necessary.
- A. The undersigned, being owners of _____ acres of land in Section _____, Town _____, Range _____, City of Fairfield, Butler County, Ohio and also being known as part lot(s) # _____, in said City, do hereby dedicate to the public forever, in accordance with the laws in such cases made and provided, the streets and roadways as shown on said plat, certifying the same to be free and unencumbered.
- B. Utility easements are provided on this plat and designated as such. No improvement or impediment of any kind shall be made on said utility easement which will interfere with access to the said utility. The City of Fairfield, and/or the Utility Company shall not be responsible to any present or future owner(s) of said lot for any damages done on said easement to sod, shrubbery, or other improvements natural or artificial by reason of entry for purposes of constructing, maintaining, replacing or repairing the utility. The erection or placement of any structure and planting or placement of any trees on said utility easement shall also be prohibited. Private drainage easements are provided on this plat and designated as such. The City of Fairfield does not accept private drainage easements shown on this plat and the City of Fairfield is not obligated to maintain or repair any channels or installations in said easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may obstruct, retard or change the direction of the flow of the water through the drainage channel in the easement.
- C. The lots are numbered from _____ to _____ inclusive. Note: If the protective covenants are to be filed with the plat, the above statement shall further state: "and shall be subject to the protective covenants and restrictive provisions as set forth in deed book _____, page _____ of the Butler County, Ohio records."
- D. All public improvements included as part of this subdivision shall be constructed and designed in accordance with the current requirements of the "Design, Construction and Material Specification Handbook for Fairfield, Ohio" and all other applicable ordinances adopted by the City of Fairfield.
- E. The plat shall also include the signature of the owners or their authorized agent and a notarization of their signatures with the following suggested format:

"In witness thereof we have hereunto set our hand this _____ day of _____, 19 _____.

WITNESS

Signed _____

STATE OF OHIO, COUNTY OF BUTLER, SS:

Be it known, that on this _____ day of _____, 19 _____, before me a Notary Public in and for the State aforesaid, personally came _____, who then and there did acknowledge the signing of the foregoing instrument to be his voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notorial seal on the day and year aforesaid."

My Commission expires _____ Notary Public State of Ohio

F. A statement by a registered land surveyor:

I hereby certify that the accompanying plat is the correct return of a survey made by me for _____ subdivision, that all monuments have been set, and Subdivision Ordinance No. 141-83 of the City of Fairfield, Ohio has been complied with to the best of my knowledge.

Signature

Reg. Surveyor No. _____ in Ohio

G. The acceptance of the plat will be provided for by including the following statement:

"Approved by the Planning Commission, City of Fairfield, Ohio, this _____ day of _____
19 _____.

H. Provisions for acknowledging the transfer and recording the plat shall be provided for by the following:

"Entered for transfer _____, 19 _____

Transferred _____, 19 _____

by _____

Auditor, Butler County, Ohio Deputy

Filed for record _____ at _____

Recorded _____ 19 _____

Plat Book _____ Page _____

by _____

Recorder, Butler County, Ohio Deputy

File _____ Free _____ "

(18) A statement shall be included on all applicable final plats of subdivisions showing sanitary sewers to be connected to the sanitary sewers of the City stating: "All sanitary sewers shown on this plat shall be subject to the same charges and same rates as required for the City-wide system."

(19) A certificate of title for the platted property from an attorney licensed to practice in the State showing ownership and any encumbrances on the platted property.

(20) A. A plat of land of the dedicators in conformance with Ohio R.C. 711.02.

B. Any mortgagee holding a mortgage on the property shall sign the plat signifying his or its consent to the plat and any dedication of lands to public use in the plat.

(c) Procedure for Approved Final Plat. Upon receiving approval and having the final plat signed by the chairman of the Planning Commission, the applicant shall furnish the Planning Director three reproducible copies of the approved plat and twelve black line or blue line prints of the approved final plat. These copies shall then utilized by the Planning Director for recording the plat with the County Recorder.

(Ord. 141-83. Passed 9-26-83.)

1105.06 MODIFICATIONS AND EXCEPTIONS.

(a) Minor Subdivisions: Lot Splits. A proposed division of a parcel of land along existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the Planning Commission, upon written application, as provided in the Sample Form, Section 1105.11(c), for approval without plat. The Planning Commission, acting through the Planning Director, shall approve or disapprove such proposed division within seven working days after submission. If satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations shall stamp the same "Approved by City Planning Commission, Fairfield, Ohio, no plat required" and have it signed by the Planning Director or his authorized representative. In doing so, the Planning Commission shall require that three copies of the plat of the proposed division and other pertinent information be filed with the Commission for record keeping purposes.

(b) Preliminary Plat Exceptions. In the case of a minor subdivision situated in a locality where conditions are well defined, the Planning Commission may exempt the subdivider from complying with some or all of the requirements stipulated in Section 1105.04 pertaining to the preparation of the preliminary and final plats.

(c) Large Development Exceptions. The general principles of design and the minimum requirements for the laying out of subdivision may be varied by the Planning Commission in the case of a Planned Unit Development authorized under provisions of the Zoning Ordinance of the City, to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which, in the judgment of the Commission make adequate provisions for all essential community facilities; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Thoroughfare Plan, or with other features of the Comprehensive Plan, or with the intent and purpose of the general principles of design and minimum requirements.

(d) Modifications Due to Developmental Hardships. In any particular case where the subdivider may show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these Regulations would cause practical difficulty or exceptional or undue hardship, the Planning Commission may relax such requirements to the extent deemed just and proper after reviewing the recommendation of the Planning Director, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these Regulations or the desirable general development of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance. Any modification thus granted shall be entered in the minutes of the Planning Commission setting forth the reasons which, in the opinion of the Planning Commission, justified the modification.

(Ord. 167-95. Passed 11-13-95.)

1105.07 CONSTRUCTION AND INSPECTION.

Construction of all improvements contained in the final plat, and the inspection of such construction shall be done in accordance with the requirements of the "Design, Construction and Material Specification Handbook" and all other applicable ordinances.

(Ord. 141-83. Passed 9-26-83.)

1105.08 SUBDIVISION BONDS.

(a) Performance Bonds.

(1) After approval of the final plat by the Planning Commission, the developer may secure from the proper authorities the necessary

permits to proceed with the construction and begin work on the improvements.

(2) All improvements must be completed according to the approved plans before the final plat is signed and recorded; or

A. The developer shall post a performance bond within six months of the date of approval of the final plat by the Planning Commission. This performance bond shall be sufficient to cover the full cost of all improvements shown on the approved construction drawings. This bond amount shall be set by the City Engineer based on the construction plans and cost estimates and shall insure the satisfactory performance of all improvements during a fixed time set by the City and in accordance with other of its requirements. Once the bond has been posted, the final plat may be signed and recorded.

B. The performance bond shall be in conformance with the type of bonds described in subsection (d) hereof and shall be secured by a "Performance Agreement Bond" to be obtained from the City.

C. The performance bond must be accepted by the City by signature on the completed performance bond agreement accompanying the performance bond.

(3) After all construction work is completed, it shall be inspected by the City to insure that the work has been correctly performed. Any deficiencies shall be recorded and a list forwarded to the developer for correction. Once the deficiencies have been corrected and checked by the City, a maintenance bond shall be posted and the performance bond released.

(b) Maintenance Bonds.

(1) After all construction is completed and approved by the Public Works Director and Public Utilities Director, the developer must maintain and keep in good repair all improvements for a period of one year.

(2) The developer shall post with the City a maintenance bond to secure the required maintenance of the improvements.

(3) The Public Works Director and Public Utilities Director are authorized to permit the subdivider, or his successors and assigns, to transfer from the performance bond period to the maintenance bond period, upon certification by the Public Works Director and Public Utilities Director that the subdivision has been completed in accordance with all of the conditions of the performance bond, and applicable State statutes. In no case shall a subdivision be accepted for maintenance without all improvements as shown on the construction drawings.

(4) In determining the amount of the maintenance bond to be required by the City Engineer, such amount shall be not less than ten percent (10%) of the performance bond.

(5) At the termination of the one year maintenance period, the subdivision shall again be inspected by the City and all necessary corrections recorded and forwarded to the developer. It shall be the responsibility of the developer to request such inspection. Unless and until the developer requests the inspection in writing, the maintenance period shall not expire and the developer shall be responsible for all defects found upon inspection of the subdivision whether or not the one year period has expired. Once these corrections are completed, a request shall be submitted to Council for the acceptance of the subdivision.

(6) The final release of all maintenance bonds shall be by approval of Council and such shall be by ordinance.

(c) Sidewalk Bond.

(1) In the event that sidewalks are not completed at the time that the subdivision should be put on the maintenance bond, then the uncompleted sidewalks are to be placed on separate performance bonds, the amount of which is to be determined by the City Engineer. In such event, after the complete installation of sidewalks, there shall be established a sidewalk maintenance bond, which shall not be less than ten percent (10%) of the sidewalk performance bond, such bond to be for a period of one year from the date of the complete installation of sidewalks.

(2) The sidewalk maintenance bond shall apply to the sidewalks not installed at the time of the establishment of the sidewalk performance bond only, and it shall be the responsibility of the City Engineer to delineate and determine the location of all such sidewalks not installed, for the future purpose of releasing the sidewalk maintenance bond, after the one year time period has expired. All such delineation is to be done on a copy of the subdivision plat or map, and such is to be maintained in the office of the Public Works Director for future reference.

(d) Types of Bonds. The Law Director has jurisdiction as to the types of bonds which are acceptable to the City. Those which are generally acceptable are listed below.

(1) Irrevocable letter of credit. A bank, savings and loan, or other lending institution may secure a subdivision performance or maintenance bond by rendering a letter similar to the example shown in Section 1105.11(d)(1). The salient points are the following:

A. As improvements are installed, the City shall sign and release all loan withdrawals against the bond submitted by the contractor or developer. Each withdrawal form shall list the items, quantities, item costs and total cost for the improvements. Each withdrawal must be signed by the developer, the developer's engineer and the Public Works Director in that order. The lending institution shall not release the withdrawal until it is properly signed by all three individuals listed above.

B. The draws shall only include completed work. Draws for material delivered to the site only shall not be approved.

C. Throughout the performance period, the bond amount shall not be reduced to less than ten percent (10%) of its original amount.

(2) Property bonds. Bonds that may be posted either performance or maintenance bonds must meet the following requirements to be acceptable.

A. The developer must submit an appraisal prepared by a licensed real estate appraiser of the property to be held as a bond.

B. The developer must submit evidence that it is the first and best lien on the property at the time the bond is accepted.

C. For land which has not been previously platted, the developer shall provide a description and plat for the parcel of land designated for the property bond.

D. The bond shall be executed on a form similar to the forms available at City Hall.

(3) Insurance bonds. Insurance bonds issued on a company form by a reputable insurance company may be accepted for performance and maintenance bonds.

(4) Cash bonds. Cash bonds may be posted for both performance and maintenance bonds. The cash shall be in a savings account of a bank, savings and loan or other Federally insured savings association. Funds in the savings account shall be disbursed only after two representatives of the City sign the withdrawal card. Signature cards for such City officers shall be maintained on file at the bank. The account book will be held by the City.

(5) All bonds are subject to the approval of the Law Director.

1105.09 FINAL INSPECTION.

Upon completion of all improvements except sidewalks, the developer shall submit a written request for final construction inspection. The results of this inspection shall be forwarded to the developer in a letter format. Immediately prior to the termination of the one year maintenance period, the developer shall submit a written request for the final maintenance inspection and acceptance of the subdivision by the City. All sidewalks must be complete prior to the final maintenance inspection or secured by a sidewalk performance bond. Bonds shall be as specified in Section 1105.08.

(Ord. 141-83. Passed 9-26-83.)

1105.10 ENFORCEMENT.

It shall be the duty of the Public Works Director and Public Utilities Director to enforce these Subdivision Regulations. Pursuant to that duty, the Public Works Director and Public Utilities Director shall have, in addition to all other authority granted to them by these Subdivision Regulations, the authority to issue stop work orders for any work being performed in violation of these Subdivision Regulations or any other applicable ordinance of the City.

(Ord. 167-95. Passed 11-13-95.)

1105.11 SAMPLE FORMS.

The sample forms for application, review and approval of preliminary plats, final plat and lot splits are samples of the ones available at the Municipal Building for official use.

(a) Preliminary Plat Forms.

(1)

APPLICATION FOR APPROVAL OF

PRELIMINARY PLAT

(Ord. 141-83)

1. Name of Applicant _____
Address _____
Phone _____
2. Name of Owner of Record _____
Address _____
3. Name of Surveyor or Engineer _____
Address _____
Phone _____
4. Name of Subdivision _____
5. Locational Description: Section _____ Town _____
Range _____

(In addition, please attach copy of legal description.)

6. Proposed Use _____
7. Present Zoning District _____
8. Number of Lots _____ Acreage of Parcel _____
9. Do you propose deed restrictions? Yes _____ No _____
(If yes, please attach a copy.)
10. In which elementary school district is this parcel located?
(i.e., South, Central, West) _____
11. Attach 12 copies of Preliminary Plat.

The undersigned agrees that the submittal date for this plat shall be as defined in Section 1105.03(b)(5), the date on which the Planning Commission first considers the plat at a regular meeting.

Date Signature of Applicant or Authorized Agent
OFFICIAL USE ONLY

Date received _____
Date of meeting of Planning Commission _____ (Official submission date)

Filing Fee: Amount _____
Paid by _____
Check No. _____
Date _____

Action by Planning Commission _____
Date _____

If plat was rejected, reason(s) for rejection: _____

Date Chairman

(2)

PRELIMINARY PLAT CHECKLIST

Subdivision _____

The following items (do, do not) conform with the requirements of Section 1105.04(b) of the Subdivision Regulations.

Does Does Not Item

1. _____ Vicinity Map
2. _____ Subdivision Name
3. _____ Tract Designation
4. _____ Names and address of owner, subdivider, surveyor.
5. _____ Names of adjoining subdivisions and owners of adjacent parcels of unplatted land.
6. _____ Boundary lines and approximate acreage.
7. _____ Location and width of existing streets within or adjacent to the tract; features such as rights-of-way, public open spaces, buildings, large trees, water-courses, section and corporation lines, floodway boundaries.
8. _____ Existing utility lines, culverts, etc. with pipe sizes; proposed sanitary sewer and water lines with proposed connections to existing system; provisions for drainage of storm water.
9. _____ Existing contours - 2 foot intervals
10. _____ Layout of proposed streets and lots with dimensions.
11. _____ Existing zoning, including zoning boundary lines, if any; proposed use and setback lines.
12. _____ Proposed dedication of public land or reservations for common use of property owners.
13. _____ North point, scale and date.
14. _____ Copy of proposed deed restrictions, if any.

Date _____ Title _____
Signature _____

(b) Final Plat Forms.

(1)

SUBDIVISION REGULATIONS

(Ord. 141-83)

City of Fairfield, Ohio

Application for Final Plat Approval

1. Name of Subdivision _____
2. Name of Applicant _____
- Address _____ Phone _____
3. Name of Local Agent, if any _____
- Address _____
4. Owner of Record _____
- Address _____
5. Engineer _____
- Address _____ Phone _____
6. Surveyor _____
- Address _____ Phone _____
7. Have the necessary construction drawings and construction cost estimates been furnished the City Engineer? _____
8. Do you propose deed restrictions? _____ Yes _____ NO (If yes, please attach a final copy.) _____
9. Total Acreage _____
10. Zoning Classification of Property _____
(i.e., A-1, R-O, R-1, etc.)
11. Number of Lots _____
Date of Preliminary Plat Approval _____
12. Have any changes been made since this Plat was last before the Planning Commission? _____
Attach an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in records of the Butler County Recorder. This affidavit shall indicate the legal ownership of the property, and the date the contract of sale was executed.
The undersigned agrees that the submittal date for this plat shall be defined as in Section 1105.03(b)(5), the date on which the Planning Commission first considers the plat at a regular meeting.

Date _____ Signature of Applicant or Authorized Agent _____
FOR OFFICIAL USE ONLY

Filing Fee _____

Paid by _____

Check No. _____

Date _____

Date Received _____

Date of Meeting of Planning Commission _____

(Official Submission Date)

Action by Planning Commission _____

Date of Action _____

If Plat was rejected, reason(s) for rejection _____

Date _____ Chairman _____

(2)

SUBDIVISION REGULATIONS

(Ord. 141-83.)

Final Plat Checklist

Date _____

Subdivision _____

The following items (do, do not) conform with the requirements of Section 1105.05(b) of the Subdivision Regulations.

<u>Does</u>	<u>Does Not</u>	<u>Item</u>
1. _____	_____	Submitted within 12 months of preliminary approval.
2. _____	_____	Conforms to Preliminary Plat and incorporates suggested changes.
3. _____	_____	Vicinity sketch.
4. _____	_____	Boundaries of subdivision.
5. _____	_____	Location and width of existing public streets.
6. _____	_____	Bearings and distances of permanent monuments.
7. _____	_____	Location and material of all permanent monuments.
8. _____	_____	Layout, including street and alley lines, length of arc radii, points of curvature and tangent bearings, public and private easements, lot lines.
9. _____	_____	Lots in numerical order.
10. _____	_____	Municipal, township, county or section lines located within or adjacent to tract.
11. _____	_____	Dimensions and description of any property dedicated for public use or reserved for common use of property owners.
12. _____	_____	Easements are provided for watercourses, channels, streams or creeks traversing subdivision and retention/detention facilities and include any flood hazard area. Notes on plat are in conformance with Chapter 1105.
13. _____	_____	Building setback lines.
14. _____	_____	Private restrictions, if any.
15. _____	_____	Name of subdivision.
16. _____	_____	Name and location of adjoining subdivisions and owners of unsubdivided adjoining property.
17. _____	_____	Names and addresses of owners, surveyors, engineer and subdivider.
18. _____	_____	North point, scale and date.
19. _____	_____	Certification by surveyor, and standard statements regarding easements, lots, streets, etc., and signature blocks.
20. _____	_____	Statement concerning sewer service charge.
21. _____	_____	Certificate of title.
22. _____	_____	Plat of land of dedicators.
23. _____	_____	Signature of any mortgagor holding mortgage on property.

Date _____
Title _____

Signature _____

(c) Lot Split Forms.

APPLICATION FOR MINOR SUBDIVISION

(Lot Split)

Fairfield Planning Commission

Fairfield, Ohio

Date _____

The undersigned applies for Minor Subdivision approval under Section 1105.06 of these Regulations, and certifies all material submitted with this application is true and correct.

In accordance with the provisions of Section 1105.06(a) of Subdivision Regulations of the City of Fairfield, Ohio, this application shall be approved or disapproved within seven working days.

IDENTIFICATION OF PROPERTY

Old Lot No.(s) _____ New Lot No.(s) _____

Address of Property (if applicable) _____

Located _____ (Identify location of property as being off _____ street, or fronting _____ street, etc.)

Signature _____

Address _____

Phone _____

Minor Subdivision approval may be granted only under the following conditions:

1. The proposed subdivision is along an existing public road and involves no openings, widening or extension of any street.
2. No more than five lots are involved after the original parcel has been completely subdivided.
3. The subdivision is not contrary to applicable platting, subdividing or zoning regulations.

4. The property has been surveyed and a sketch and legal description is submitted.
Note: Three copies of the sketch or plat of survey should be provided with the application.

FOR OFFICIAL USE

Action _____

Comments _____

Filing Fee Amount _____ Approved by City Planning _____ Commission Fairfield, Ohio

Paid by _____ No Plat required

Check No. _____

Signature

Date _____

Title

(Ord. 141-83. Passed 9-26-83.)

CHAPTER 1109

Improvement Plan

- 1109.01 Required drawings.
- 1109.02 Construction plans.
- 1109.03 Drainage plan.
- 1109.04 Sedimentation plan.
- 1109.05 Street trees.
- 1109.06 Standard construction drawings.
- 1109.07 Street classifications.
- 1109.08 Street and block layout.
- 1109.09 Lots.
- 1109.10 Easements.
- 1109.11 Intersections.
- 1109.12 Minimum right-of-way widths.
- 1109.13 Minimum pavement widths.
- 1109.14 As-built drawings.
- 1109.15 Modifications by Planning Commission.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Lot numbering and revision - see Ohio R.C. 711.02, 711.06, 711.28 et seq.

Electric and communication utilities - see P. & Z. Ch. 1125

1109.01 REQUIRED DRAWINGS.

(a) Complete construction drawings, signed and approved by a registered engineer, herein referred to as an improvement plan, shall be made for all new streets and other improvements to be constructed. Such drawings are to be approved by the Planning Director before any construction or excavation may begin and before the plat of the subdivision may be recorded. Eight sets of prints of the construction drawings shall be submitted to the Planning Director's office for review and approval.

(b) All elevations shall be based on the U.S.G.S. datum. Each plat, and the improvement plan, shall show the description and elevation of the bench marks which are used for the subdivision survey.

(c) Improvement plans for a subdivision shall include the following:

- (1) Construction plans showing all existing and proposed facilities;
- (2) Drainage plan;
- (3) Sedimentation plan;
- (4) Standard drawings;
- (5) Tree planting; street tree plan.

(Ord. 167-95. Passed 11-13-95.)

1109.02 CONSTRUCTION PLANS.

Construction plans shall contain the following:

- (a) A detailed plan and profile of all existing and proposed facilities at a horizontal scale of one inch equals fifty feet or less and a vertical scale of one inch equals ten feet or less.
- (b) The locations shall be shown of existing facilities, existing structures, drives, and other facilities which may be affected by the improvements.
- (c) All proposed lots and streets shall be delineated in plan, showing radii, function of curves, curbs, sidewalks, steps and any other relevant information.
- (d) Street names, lot numbers, lot dimensions and easements shall be shown.
- (e) The plans and profiles of proposed streets, sanitary sewers, storm sewers, and water mains, with grades and sizes indicated. Water

lines, gas lines, and sanitary sewer details shall be shown as required by the authority having jurisdiction. Other details shall be shown as required by the Planning Director or County Board of Health. Plan for the detention/retention of storm water shall be provided in accordance with Chapter 1117.

(f) Where a street ends at a property line or may be extended in the future, the profile shall be shown for at least 200 feet beyond the subdivision property line or end of a street.

(g) A plan of any proposed gas distribution system showing pipe sizes, location of valves and other facilities.

(h) Notes.

(1) General notes and miscellaneous details shall include any pertinent notes and details that are not covered in the standard drawings or the plan or profile.

(2) Construction notes as necessary.

(3) Each set of plans must include the statement that "roof drains, foundation drains, and other clear water connections to the sanitary sewer are prohibited."

(4) A note shall be included as follows: "All work shall be done under the supervision of the Public Works Director and Public Utilities Director and in accordance with the City of Fairfield Subdivision Regulations."

(Ord. 167-95. Passed 11-13-95.)

1109.03 DRAINAGE PLAN.

A drainage plan designed in accordance with the guidelines of Chapter 1117 of this Regulation shall be a part of the improvement plan.

(Ord. 141-83. Passed 9-26-83.)

1109.04 SEDIMENTATION PLAN.

A sedimentation plan designed in accordance with the guidelines of Chapter 1117 of this Regulation shall be part of the improvement plan. (Ord. 141-83. Passed 9-26-83.)

1109.05 STREET TREES.

A street tree plan designed in accordance with the guidelines of Chapter 1129 of this Regulation shall be part of the improvement plan.

(Ord. 141-83. Passed 9-26-83.)

1109.06 STANDARD CONSTRUCTION DRAWINGS.

(a) The standard drawings, included in the "Design, Construction and Material Specification Handbook" shall accompany the plan to show the details of many items which are frequently used. Those standard drawings which will be needed for construction shall be listed on the title page of the improvement plan.

(Ord. 128-07. Passed 10-9-07.)

(b) Special detail drawings shall be included in the plans for all items where conformance with the standard drawings is not practical. Special intermediate prints of those standard drawings needed may be obtained from the office of the City Engineer.

(c) Details such as type of pavement, locations of utilities and other facilities shall be as shown on typical sections and standard drawings for the City subdivision streets.

(d) Streets within and on the perimeter of industrial subdivisions shall be individually designed in accordance with the procedures outlined in the "Design, Construction and Material Specification Handbook".

(Ord. 167-95. Passed 11-13-95.)

1109.07 STREET CLASSIFICATIONS.

Street classifications shall be determined by the Planning Commission and shall conform to the official Thoroughfare Plan.

(a) In addition to the street classifications provided in the official Thoroughfare Plan, the following street classifications shall be included as part of this article.

(1) Industrial streets. Streets primarily used for providing access to individual industrial property and designed to accommodate heavy local truck traffic.

(2) Local streets. Streets primarily used for providing access to individual residential properties should be designed to discourage through traffic movement. (Ord. 141-83. Passed 9-26-83.)

1109.08 STREET AND BLOCK LAYOUT.

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.

(a) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing planned, or platted streets with which they are to connect.

(b) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the subdivision with the existing layout, or the most advantageous future development of adjacent tracts. Residential dead-end streets (cul-de-sacs) should normally not exceed 600 feet in length. The length of a cul-de-sac shall be determined beginning at the centerline of the nearest intersecting through street.

(c) Minor streets shall be so designed that their use by through traffic shall be discouraged.

(d) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than sixty degrees in any case.

(e) Alleys should be platted in all business districts when appropriate. To provide safe access to residential lots fronting on a thoroughfare, alleys shall be platted in the rear of such lots or service drives provided in front of such lots. Alleys shall not be approved in other locations in residential districts, unless required by unusual topography or other exceptional conditions.

(f) Intersections of more than two streets at one point should be avoided.

(g) Proposed streets shall be adjusted to the contours of the land so as to produce reasonable gradient and more desirable building sites.

(h) Lands abutting highways or thoroughfares should be platted with the view toward making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such lots; and with the view, also toward minimizing interference with traffic on such highways as well as the accident hazard. This may be accomplished in several ways, the choice depending on topography and other physical conditions, the character of existing and contemplated developments and other pertinent factors as indicated below.

(1) By platting the lots abutting such trafficways at generous depth and by providing vehicular access to them by means of either alleys or service drives in the rear, or frontage access roads next to the highway, connected therewith at infrequent intervals.

(2) By not fronting the lots on the highway or primary thoroughfare but on a minor street paralleling the highway at a distance of a generous lot depth, not to be less than 200 feet. Private driveways in this case would connect with such minor streets.

(3) By means of a collector street platted more or less parallel with the highway, 600 to 1000 feet distant therefrom, from which loop streets or cul-de-sacs would extend toward the highway and provide access to the lots backing upon the highway.

(4) One of the means just described shall be required on all federal numbered highways, and any frontage access streets shall be incorporated as part of the right of way of such highway.

(i) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except in the case of an interior street paralleling a limited access highway or an arterial thoroughfare.

(j) The lengths of blocks shall be such as are appropriate for the locality and the type of development contemplated but shall not exceed 1,320 feet where the average size of lots does not exceed one acre in land.

(k) In any block over 900 feet in length, the Commission may require that a cross-walk or pedestrian way, not less than twelve feet wide, be provided near the center and entirely across such block.

(l) The number of intersecting streets along highways and thoroughfares, shall be held to a minimum. Wherever practicable, blocks along such trafficways shall not be less than 1000 feet in length.

(m) The Planning Commission may determine the number and location of curb cuts and may require deceleration lanes, acceleration lanes, storage lanes and service drives where necessary, and such shall be shown in the construction drawings for the plat of land prior to the plat of land being approved.

(Ord. 141-83. Passed 9-26-83.)

1109.09 LOTS.

(a) Every residential lot shall have frontage along a public street. Every commercial or industrial lot shall have access to a public street.

(b) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform with the provisions of the Zoning Ordinance.

(c) Excessive depth in relation to width shall be avoided. A portion of three and one-half to one normally shall be considered a maximum.

(d) Lots for residence purposes shall be at least seventy-five feet wide at the building line and corner lots shall be platted wider than interior lots in order to permit conformance with the setback on the side street required by the Zoning Ordinance.

(e) Double frontage lots should not be platted, except where desired along limited access highways or where lots face an interior street and back on such thoroughfares; in which case, a planting strip easement for a screen, at least twenty feet wide, shall be provided along the back lots.

(f) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot abuts.

(g) Residential lots fronting or abutting on all thoroughfares should have a minimum depth of 200 feet to permit buildings to be set back a sufficient distance from such trafficways. All driveways on such lots shall have turnabouts.

(h) Lots abutting a water course, drainage way, channel, or stream shall be of such additional depth or width as required to provide an acceptable building site.

(Ord. 141-83. Passed 9-26-83.)

1109.10 EASEMENTS.

(a) Where alleys are not provided, easements for utilities shall be provided along all rear lot lines and those side lot lines where needed. Such easements shall have minimum widths of twenty feet; and, where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with utility officials to assure their proper placing for the installation of such services. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors and street light locations.

Easements of greater width may be required along or across lots where necessary for the extension of main sewers to accommodate retention/detention facilities or other utilities or where both water and sewer lines are located in the same easement. A two foot easement shall be required on one side of an alley to accommodate pole lines.

(b) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided an adequate drainage easement conforming substantially with the line of such water course. It shall include both edges of the flood plain area as designated by the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the City.

(c) If there is a natural surface drainage across the subdivision from adjoining lands, easements of sufficient width shall be provided, and if necessary, storm sewers of sufficient capacity constructed to provide drainage of the adjacent tracts for both present use and future development.

(d) Where utilities are located on rear lots, easements shall be provided to allow quick and easy access to these utilities for maintenance purposes. In addition, when electric utilities are located on rear lots, easements shall be provided for the installation of street lights in accordance with the requirements of the utilities section of this Regulation.

(Ord. 141-83. Passed 9-26-83.)

1109.11 INTERSECTIONS.

(a) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be fifteen and

ten feet respectively. In business districts, a chord may be substituted for such arc.

(b) Street curb intersections shall be rounded by radii of at least twenty-five feet.

(c) The above minimum radii shall be increased when the smallest angle of intersection is less than ninety degrees. (Ord. 141-83. Passed 9-26-83.)

1109.12 MINIMUM RIGHT-OF-WAY WIDTHS.

(a) Regional thoroughfares or primary thoroughfares as specified on the Thoroughfare Plan, but not less than 100 feet in any case.

(Ord. 141-83. Passed 9-26-83.)

(b) Secondary thoroughfares as specified on the Thoroughfare Plan, but not less than eighty feet in any case.

(Ord. 128-07. Passed 10-9-07.)

(c) Collector and industrial streets, sixty feet.

(d) Local streets, fifty feet. All cul-de-sacs shall terminate in a circular right of way with a minimum diameter of 100 feet. However, the Commission may approve a "T" or "Y" shaped space in place of such turning circle.

(e) Alleys, twenty feet.

(f) In business or industrial subdivisions, the above minimum right-of-way widths of streets and alleys shall be increased in accordance with the requirements of the Planning Commission. (Ord. 141-83. Passed 9-26-83.)

1109.13 MINIMUM PAVEMENT WIDTHS.

Minimum pavement widths, back to back of curb, required to be installed at the subdivider's expense, shall be as follows:

(a) Primary and secondary thoroughfares, as shown on the Thoroughfare Plan.

(b) Collector streets, thirty-eight feet.

(c) Local and minor streets, twenty-eight feet.

(d) The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum outside diameter of eighty feet. A "T" or "Y" shaped paved space, when approved by the Commission, in place of a turning circle, shall extend entirely across the width of the street right of way and shall be at least twenty feet wide with the flared portion rounded by minimum radii of twenty feet.

(e) Alleys, full width of right of way, twenty feet.

(Ord. 141-83. Passed 9-26-83.)

1109.14 AS-BUILT DRAWINGS.

(a) At the completion of construction, the plans shall be revised as necessary to provide "as built plans". This work shall be done by the subdivider's engineer, who was responsible for setting grades and the staking for improvements. "As built plans" shall be submitted prior to transferring the subdivision from the performance period to the maintenance period.

(b) "As-built plans" containing any changes to elevations, major drainage ditches/swales, structures, retention/detention basins, and buffering landscape mounds shall be submitted to the Public Works Director or his/her designee for review and approval. The following note shall be included on the as-built drawing:

(1) The planned contour lines on this grading plan do not necessarily reflect the final grading conditions for each individual lot.

Please refer to ballooned spot elevations and individual plot plans for as-built data.

(2) As-built plans shall be provided on reproducible mylar sheets measuring twenty-four inches (24") by thirty-six inches (36") and sealed and signed by the Engineer to certify that the "as-built" are per field conditions and along with an autocad (.DWG or .DXF) or microstation (.DGN), on CD or DVD.

(3) As-built plans shall be provided by the contractor within thirty days after the public improvement becomes operational.

(Ord. 128-07. Passed 10-9-07.)

1109.15 MODIFICATIONS BY PLANNING COMMISSION.

Where unusual or exceptional factors or conditions exist, the Planning Commission may modify any of the provisions of these Regulations. A written statement of the reasons for such modification shall be attached to all copies of the construction plans.

(Ord. 141-83. Passed 9-26-83.)

CHAPTER 1113

Construction Requirements

1113.01 Design Construction and Material Specification Handbook.

1113.02 Excavating and filling of land.

1113.03 Construction procedures.

1113.04 Design, construction and material requirements.

1113.05 Monuments and markers.

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14

Excavating and filling of land - see P. & Z. Ch. 1196

Lands subject to flooding - see P. & Z. Ch. 1199

1113.01 DESIGN CONSTRUCTION AND MATERIAL SPECIFICATION HANDBOOK.

All construction shall be done in compliance with the "Design Construction and Material Specification Handbook" 2020 Sixth Edition, which is hereby adopted and incorporated herein by reference. A copy of the 2020 Sixth Edition Handbook is on file in the office of the Clerk of Council.
(Ord. 77-20. Passed 9-28-20.)

1113.02 EXCAVATING AND FILLING OF LAND.

All requirements of Chapter 1196 of the Zoning Ordinance entitled "Excavating and Filling of Land" are applicable. (Ord. 141-83. Passed 9-26-83.)

1113.03 CONSTRUCTION PROCEDURES.

(a) Notice. Prior to the start of any construction, the developer shall furnish the name and address of the engineer who will be in charge of the stakeout and grades and the contractor(s) to be hired for the project. The developer or his contractor shall give notice to the Public Works Director at least twenty-four hours in advance of each phase of construction, or when work is resumed after being suspended.

(b) Responsibility for Work. All construction shall be performed in the best and most workmanlike manner and shall be in accordance with the best accepted practice of the trade involved. The work shall be under the control and supervision of the subdivider at all times until written final acceptance is issued by the City. The subdivider shall be responsible for the movement of traffic over the work, for all suits, actions, claims of any character brought on account of any injuries or damage sustained by any person or property by or on the work, until the final date of acceptance. Completed portions of work that are damaged shall be rebuilt and corrected immediately. Suitable drainage of the roadway shall be provided at all times. The subdivider shall take whatever precautionary measures that are deemed necessary to protect all adjacent properties from damage or disruption due to drainage, mud, dust, rubbish, weeds or similar nuisances. The Public Works Director reserves the right to direct those measures necessary to remove such nuisances, to include dust abatement and the daily removal of mud and debris resulting from construction vehicles and equipment operating in or near the subdivision.

(c) Inspection. The Public Works Director and Public Utilities Director shall provide for inspection of all material used and all construction work. Such inspection may extend to all parts of the work. Inspection of construction of any utility may be done by representatives of the agency responsible for the utility, except that all backfill operations shall meet the requirements of these specifications, and shall be approved by an inspector representing the Public Works Director and Public Utilities Director. The contractor, upon request, shall furnish the Public Works Director and Public Utilities Director all information relating to the work and the material thereof, and with samples of the materials. The Public Works Director and Public Utilities Director shall have the authority to reject defective material and to suspend any work that is being improperly and/or unsafely done. Upon completion of all improvements except sidewalks, the developer shall submit a written request for final construction inspection. Immediately prior to termination of the one year maintenance period, the developer shall submit a written request for the final maintenance inspection and acceptance of the subdivision by the City. All sidewalks must be complete prior to the final maintenance inspection or secured by a sidewalk performance bond.

(d) Sequence of Construction. Prior to the issuance of a certificate of occupancy in a new subdivision, all improvements necessary for the safety, health, and welfare of a prospective resident must be completed. This includes the construction of all sanitary sewers, water lines, storm sewers, drainage and sedimentation facilities, grading, streets, electric utilities, telephone utilities, and any other vital improvement. Before any occupancy of houses is permitted, the streets must have a minimum of one course of asphalt, but not the final course. The final course of asphalt shall be installed during the maintenance period. (Ord. 167-95. Passed 11-13-95.)

1113.04 DESIGN, CONSTRUCTION AND MATERIAL REQUIREMENTS.

In addition to the "Design, Construction and Material Specification Handbook", the following requirements must be met.

(a) General State and City Standards. All construction work and materials shall be provided in accordance with City standards and specifications and applicable portions portions of the State Department of Transportation specifications and other private utility specifications.

(b) Traffic Control. When construction interferes with the normal use of a highway, street or walkway, the contractor shall be responsible for adequate warning signs, barricades, lighting and warning lights to assure safety. The installation and operating of all traffic controls and traffic control devices shall conform to the requirements of the "Ohio Manual of Uniform Traffic Control Devices for Streets and Highways."

(c) Street Signs. After construction of the streets is completed, or prior to the occupancy of any residence, industrial building or commercial establishment, street name signs shall be erected by the City at the expense of the developer, after the area in the vicinity of the street sign is properly graded by the developer. Prior to the installation of permanent street name signs, the developer shall install temporary street signs to aid construction traffic.

(d) Driveway Culverts. The developer shall be responsible for the proper construction of all driveways from the edge of the pavement to the right-of-way line. Any driveway which has not been built in compliance with the "Design, Construction and Material Specification Handbook" shall be replaced by the developer before the subdivision streets and utilities are accepted. If the street has been inspected and accepted by the City before the driveway is built, the owner or builder will be required to obtain a curb cut permit from the Building Inspection and Zoning office before placing the driveway.

(e) Sidewalks. Sidewalks at least four feet wide and four inches thick or of such other type and width as required by the Public Works Director shall be constructed on both sides of all streets within all residential subdivisions. Sidewalks are required for commercial and industrial subdivisions unless waived by the Planning Commission.

(f) Driveways. No part of any driveway or driveway approach within the road right of way shall be closer than two feet to any inlet, utility pole, or guy wire anchor, or closer than five feet to any fire hydrant.

(g) Curbs and Curb Ramps. Curbs shall be constructed on both sides of all new streets within all subdivisions.

(h) Constructing Utilities Under Existing Roadways. Where utilities (water lines, sewer lines, storm lines, etc.) must be installed under existing roadways, the developer or contractor must bore, tunnel, push or by some other approved method, install the utility under the roadway without cutting or otherwise disturbing the road surface or use of the road unless it is not possible to install the utility under the road surface without an open cut. The developer or contractor shall submit a written request in accordance with the attached form and receive written permission for an open road cut from the City before he can proceed with the installation.

- (i) Control of Drainage, Silting and Erosion. The developer and contractor shall perform all work in strict accordance with the requirements of Chapter 1117 and the drainage and sedimentation plan.
- (j) Guardrails. On thoroughfares and collector streets, guardrail shall be constructed and the shoulder width increased two feet when the vertical distance from the edge of the pavement to the bottom of the slope is five feet or greater, and the slope is greater than 4:1. Guardrail shall be constructed on local streets when required by the Public Works Director.
- (k) Parkways. Parkway are defined as that area of public right of way located between the back of the curb and edge of sidewalk.
- (l) Acceptable Uses. The parkway is normally a grass covered strip that contains approved street trees, driveway aprons, and all utilities, to include water, sanitary sewers, storm sewers, gas mains, underground telephone lines, underground electric, utility poles or any other public or quasi-public utility. Refer to the typical street cross section for further information.

(Ord. 141-83. Passed 9-26-83.)

1113.05 MONUMENTS AND MARKERS.

(a) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments and markers shall be placed so that the marked point shall coincide exactly with the intersections of lines to be marked.

(b) Permanent markers shall be set:

- (1) At all points where lot lines intersect curves, either front or rear.
- (2) At all angles in property lines of lots.
- (3) At all other lot corners. Curb may be notched in lieu of front corner markers.

(c) Offset permanent marking is permitted should conditions prevent the placing of monuments on line, provided that exact offset courses and distances are accurately shown on the subdivision plat.

(d) Monuments shall be of concrete with a minimum size of six inch square by thirty-six inches in length, and shall be marked on top with a steel pin or copper cap set flush with the top of the monument which shall be flush with the ground. See standard drawing in the "Design, Construction and Material Specification Handbook."

(Ord. 141-83. Passed 9-26-83.)

CHAPTER 1117

Storm Drainage and Sediment Control

- 1117.01 Definitions.
- 1117.02 General requirements.
- 1117.03 Flooding restrictions.
- 1117.04 Drainage plan.
- 1117.05 Design of storm sewers.
- 1117.06 Sedimentation plan.
- 1117.07 Detention/retention of storm water.
- 1117.08 Use of drywells.

CROSS REFERENCES

Storm drain conductors and leaders - see OAC 4101:2-51-69

Water backflow prevention - see S.U.&P.S. 921.12

Sanitary sewers - see S.U.&P.S. Ch. 925

Excavation and fill - see P. & Z. Ch. 1196

Lands subject to flooding - see P. & Z. Ch. 1199

1117.01 DEFINITIONS.

Certain words and phrases as used in this chapter are defined as hereafter set forth.

- (a) "Cut" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, cut means the materials removed in excavation.
- (b) "Erosion" means the wearing away of the land surface by the action of wind, water or gravity.
- (c) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- (d) "Fill" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Fill also means the material used to make a fill.
- (e) "Grading" means any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.
- (f) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- (g) "Natural vegetation" means the ground cover in its original state before any grading, excavation or filling.
- (h) "Permanent vegetation" means producing long term vegetative cover; i.e., bluegrass, tall fescue, crown vetch, etc.
- (i) "Sediment" means the solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.
- (j) "Sediment basin" means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or

other materials.

- (k) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical distance.
- (l) "Swale" means a low-lying stretch of land which gathers or carries surface water run-off.
- (m) "Temporary vegetation" means short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation; i.e., oats, rye, or wheat.
- (n) "Topsoil" means surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.
- (o) "Watercourse" means a permanent stream, intermittent stream, river, brook, channel, creek, or ditch for water whether natural or manmade.

(Ord. 25-14. Passed 4-14-14.)

1117.02 GENERAL REQUIREMENTS.

- (a) Each subdivision shall be provided with a properly designed and constructed storm drainage system which includes sediment control.
- (b) The drainage system and sediment control provisions shall be adequate to serve the area being platted and to protect both adjacent and downstream properties and shall meet the approval of the City Engineer and Public Works Director.
- (c) The means by which this is attained shall include but not be limited to the following:
 - (1) Topographic map;
 - (2) Drainage and grading plan;
 - (3) Drainage report;
 - (4) Sediment control plan;
 - (5) Pre-construction meeting;
 - (6) Certified "as built" drawings; and
 - (7) Construction of drainage facilities prior to lot grading or occupancy.

(Ord. 25-14. Passed 4-14-14.)

1117.03 FLOODING RESTRICTIONS.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewers, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least five lots or one acre, whichever is less. Refer to the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the City. (Ord. 25-14. Passed 4-14-14.)

1117.04 DRAINAGE PLAN.

- (a) The subdivision improvement drawings shall include a drainage plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses.

The drainage plan shall include the following:

- (1) Topographic map of the area prior to construction with two foot contours and a minimum scale of one inch equals fifty feet.
- (2) Grading plan superimposed on the topographic map which shows in two foot contours the grading of all streets, lots, swales and any other proposed improvements.
- (3) Location, size, grade and capacity of existing and proposed storm sewer pipes, inlets, culverts, watercourses, bridges, creeks, ditches and swales.
- (4) Locations and dimensions of existing and proposed streets, lot lines and utilities.
- (5) Engineering estimate of the quantity of storm water entering the subdivision.
- (6) Estimate of the quantity of flow at each pick-up point (inlet, channel or culvert).
- (7) Locate and describe any apparent pollution of watercourses and ditches.
- (8) Arrows depicting proposed flow along each lot line, curb line, storm sewer pipe and open watercourse.
- (9) Proposed elevations to nearest foot of each lot corner, change in lot line grade, pipe inlet or outlet, and other points critical to the drainage of the area. The minimum proposed elevation of each house first floor, to the nearest tenth of a foot based on one-half inch per foot of fall from the house to the curb line at midpoint. The City Engineer or Public Works Director may waive this requirement in writing.
- (10) The area encompassed within the drainage plan shall be compatible with any area wide drainage plan or drainage plans for adjacent areas. There must exist or be provided an adequate outlet for storm water, such that buildings in the development will not be flooded by a fifty year storm.
- (11) A statement by the engineer or surveyor certifying that the plans submitted provide adequate and complete storm drainage service for all parts of the entire area being platted and comments on the effects that the proposed development will have on drainage of adjacent areas.
- (12) The plot plan for each building permit shall include the same grading, draining, and elevation information as the drainage plan.
- (13) Drainage plans shall also include a drainage report containing calculations, evaluations and explanations of the drainage.

(Ord. 25-14. Passed 4-14-14.)

1117.05 DESIGN OF STORM SEWERS.

- (a) The design and construction of all sanitary sewers and water facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook."
- (b) All storm sewers, open ditches and driveway culverts shall have a minimum size adequate for a ten year storm frequency.

- (1) All road culverts on primary and secondary thoroughfares and collector streets shall be adequate for a twenty-five year storm frequency and be designed in accordance with the latest State Department of Transportation requirements.
 - (2) In all cases where there are flood hazards, the developer's engineer shall insure that all drainage courses, ditches, sewers and other such facilities are adequate for a fifty year storm frequency and in addition will prevent flooding of residential, commercial and public buildings or that would endanger health, life or property.
 - (c) The minimum grade for all ditches shall be one percent (1%) except for streams, large channels with a paved bottom, and slopes paved to a height approved by the City Engineer.
 - (1) All proposed channels shall be properly lined to prevent erosion unless waived by the Public Works Director. All ditches having a velocity of five feet per second or less shall be sodded, except that ditches not along the roadway may be seeded if the velocity is under two feet per second. All ditches with a velocity of over five feet per second shall be lined.
 - (2) Where possible, natural streams, including growth along the banks, shall not be disturbed. Roughness coefficients and increased peak flows and velocities shall be evaluated to determine stability.
 - (3) When part of a storm drainage system is outside of the road right of way, the developer shall provide an easement for storm drainage and maintenance. All easements for water courses or ditches shall be wide enough to contain such ditches, including side slopes, plus ample clearance for maintenance operations. Easements shall be shown and shall be provided for all existing or proposed channels. Easements shall provide ingress and egress for maintenance equipment from a public right of way.
- (Ord. 25-14. Passed 4-14-14.)

1117.06 SEDIMENTATION PLAN.

(a) Intent.

- (1) No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and approved by the City Engineer or Public Works Director or there has been a determination by the Planning Commission that such plans are not required.
- (2) For sites regulated under the Ohio EPA General Construction Permit for Storm Water Discharges (Ohio EPA Permit No. OHC000004, or latest edition), the person seeking coverage under that Ohio EPA Construction Permit, shall provide a copy of the "Notice of Intent" (NOI) to do so and a copy of the Ohio EPA's related "letter of coverage authorization", prior to start of construction.
- (3) No subdivision shall be approved unless:
 - A. There has been a plan approved by the City Engineer or Public Works Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other acceptable securities are deposited with the City in the form of an escrow guarantee which will insure installation and completion of the required improvements; or
 - B. There has been a determination by the Planning Commission and the Ohio EPA that such plans are not required.

(b) Performance Principles and Standards.

- (1) The following principles are effective in minimizing erosion and sedimentation and shall be met where applicable for a developing site and included in the control plan.
 - A. Development or redevelopment sites that are covered under the Ohio EPA General Construction Permit shall develop a stand-alone Storm Water Pollution Prevention Plan (SWP3) per the requirements of the Ohio EPA Permit OHC000004 (or latest edition). This SWP3 shall be provided to the City Engineer for review when the plan for minimizing erosion and sedimentation is submitted for the development proposal. After the SWP3 is approved and during construction, it shall be kept on the construction site, along with a copy of the NOI and letter granting permit coverage under the Ohio EPA General Construction Permit.
 - B. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - C. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential.
 - D. The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.
 - E. Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.
 - F. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - G. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally retarded.
 - H. Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.
- (2) The following standards shall be followed in all water management and sediment control plans:
 - A. All lots shall be graded to provide proper drainage away from buildings and to dispose of it without pending. All land within a development shall be graded to drain and dispose of surface water without pending, except where waived by the Planning Commission.
 - B. All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted or paved as required and shall be of such slope, shape and size as to conform with the requirements of the City.
 - C. The installation of the specified water management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources document entitled, "Rainwater and Land Development Manual". A copy of such standards and

specifications will be kept on file in the offices of the Public Works Director and Development Services Director.

- (3) The approved plan for water management and sedimentation control required of the landowner or his agent shall include, but not be restricted to, the following requirements:
- A. A description of the nature and type of the construction activity.
 - B. Indicate the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - C. An estimate of the impervious area and percent imperviousness created by the construction activity.
 - D. A calculation of the runoff coefficients for both the pre-construction and post-construction site conditions.
 - E. Existing data describing the soil and, if available, the quality of any discharge from the site.
 - F. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to the MS4, the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated.
 - G. A description of prior land uses at the site.
 - H. A site map identifying the following:
 - 1. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3.
 - 2. Elevations and/or contours, dimensions, location and extent of all work proposed to be done, and the existing elevations and/or contours of the land all in two foot increments. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.
 - 3. Soils types for all areas of the site, including locations of unstable or highly erodible soils.
 - 4. Location of any buildings, structures, utilities, sewers, water and storm drains on the site where the work is to be performed.
 - 5. Location of any building or structure on land of adjacent property owners within 100 feet of the site.
 - 6. The location of all erosion and sediment control practices that are designed in accordance with the Ohio EPA General Construction Permit Requirements and ODNR Rainwater and Land Development Manual Standards, including the location of areas likely to require temporary stabilization during the course of site development.
 - 7. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area.
 - 8. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
 - 9. The location of designated construction entrances where the vehicles will access the construction site.
 - 10. The location of any in-stream activities including stream crossings.
 - 11. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
 - 12. Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of proposed fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain, computed in accordance with current City storm drainage criteria.
 - I. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing.
 - J. Temporary and permanent soil stabilization controls in accordance with the Ohio EPA General Construction Permit Requirements and ODNR Rainwater and Land Development Manual Standards.
 - K. Detail drawings for all structural practices that include installation, inspection, and maintenance procedures.
 - L. A certification of the quantity of excavation and fill involved.
 - M. A timing schedule and sequence indicating the anticipated starting and completion dates of the development; stripping and/or clearing, rough grading and construction, final grading and vegetative establishment, and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
 - N. The estimated cost of the grading and/or filling and the cost of the required erosion controls.
- (c) Approval Procedures.
- (1) Three backline copies of complete plans shall be filed with the office of the City Engineer.
 - (2) In order to insure that emergency measures could be taken by the City if the water management and sediment control measures were not implemented according to the agreed upon plan and schedule, a performance bond in the amount of the cost of the water management and sediment control measures shall be required to be filed with the City. Such performance bond shall authorize immediate payment to the City upon certification of the Planning Commission that necessary emergency work must be done immediately to ensure proper water management and sediment control as a result of the landowner's failure to complete or adhere to the approved water management and sediment control plan.
 - (3) The Planning Commission and the City Engineer shall make a continuing review and evaluation of the methods used and overall effectiveness of the storm water management and sediment control program.

(d) Enforcement.

- (1) The Public Works Director or his designee shall enforce compliance with the approved sediment control plans for projects that involve the construction of public infrastructure, including residential and commercial subdivisions.
- (2) The Development Services Director or his designee shall enforce compliance with the approved sediment control plans for individual lot development projects.
- (3) The Public Works Director and Development Services Director have the authority to issue stop work orders to any person, firm or corporation performing work where sediment and erosion control measures are not provided in accordance with the approved site development plans.

(Ord. 25-14. Passed 4-14-14.)

1117.07 DETENTION/RETENTION OF STORM WATER.

Detention/retention of storm water shall be required for each subdivision unless specifically exempted by the Planning Commission.

The objective of a detention/retention facility is to regulate the run-off from a rainfall and to control discharges to downstream areas in order to reduce the impact on downstream drainage systems.

(a) Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this section shall be as follows:

- (1) "Storm water detention/retention facility" means any structure or facility used to detain storm water run-off, and gradually release the stored run-off at an acceptable rate.
- (2) "Detention basin" means dry surface areas created by constructing an excavated or embankment basin.
- (3) "Retention basin" means permanent ponds where additional storage capacity is provided above the normal water level.
- (4) "Storm water run-off" means that portion of rainfall that is not lost to infiltration, surface storage or evaporation.

(b) Exemptions to Detention/Retention Requirements. The developer may apply to the Planning Commission for exemption from construction of detention/retention facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(c) Design.

- (1) Quantity of run-off. The peak rate of run-off during the 100 year post development storm cannot exceed the peak rate of run-off during the two year pre-development storm. For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.

(d) Submission Requirements. Plans and supporting data to verify storage volumes, release rates, etc., shall be submitted to the City Engineer. The submission shall include, but is not limited to, the following:

- (1) A plan prepared by a registered professional engineer which may be the improvement plan, drainage and grading plan or similar plan at a scale of one inch to 100 feet or larger, shall be submitted and contain at least the following information:
 - A. All existing and proposed drainage facilities.
 - B. Existing and proposed contours.
 - C. Existing structures.
 - D. The detention/retention facility with outlet structures.
 - E. Cross section through detention/retention facility.
 - F. Pertinent elevations, e.g., water surface, flowline of flow control devices, etc.
 - G. Emergency spillway designed to pass a 100 year storm and with a minimum depth of one foot.
 - H. Any other information required by the City Engineer to clarify intent or design features.
- (2) All calculations, outlines and designation of drainage areas, and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(e) Fees. Review work performed by professional consultants and other costs incurred by the City may be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the Planning Director.

(Ord. 25-14. Passed 4-14-14.)

1117.08 USE OF DRYWELLS.

If drywells are to be used for storm water drainage control or storm water detention/retention in any new subdivision or dedication of public improvements, the developer shall be required to execute an agreement with the City of Fairfield satisfactory to the Law Director prior to recording of the plat or dedication which provides a warranty by the developer of the proper and efficient operation of all storm water drainage and retention/detention facilities of the subdivision in accordance with the requirements of this chapter for a period of five years after the recording of the plat or dedication. The agreement shall require the developer to take any and all corrective action, including, but not limited to, the installation of new or additional facilities in order for the subdivision or improvements to meet the requirements of this chapter. The developer's performance of the agreement shall be secured by an appropriate performance bond or other security approved by the Law Director.

(Ord. 25-14. Passed 4-14-14.)

CHAPTER 1121

Sanitary Sewers and Water Supply

- 1121.01 Design basis.
- 1121.02 General design.
- 1121.03 Trenching, grade and cover.
- 1121.04 Sanitary sewer requirements.
- 1121.05 Water requirements.

CROSS REFERENCES

Water main extension; submittal of subdivision plans - see S.U.&P.S. 921.02(e)

Sewer construction - see S.U.&P.S. 923.03(f)

Excavating and fill - see P. & Z. Ch. 1196

1121.01 DESIGN BASIS.

The design and construction of all sanitary sewer and water facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook".

(Ord. 141-83. Passed 9-26-83.)

1121.02 GENERAL DESIGN.

In addition to the requirements contained in the "Design, Construction and Material Specification Handbook", the following design guidelines shall be required.

(Ord. 141-83. Passed 9-26-83.)

1121.03 TRENCHING, GRADE AND COVER.

(a) No trenching or laying of pipe or fitting shall be done until the curb and gutter have been installed or until curb grade stakes have been set. Trench cut stakes may, in certain installations, be substituted for curb grade stakes, but only when approved by the City Engineer or Public Works Director.

(b) The contractor shall establish all locations, lines and grades in advance of all work insofar as it is practical. The contractor shall keep the Public Works Director informed a reasonable time in advance of the times and places at which he intends to work.

(c) All work during the progress and its completion shall conform to the lines and grades given by the engineer and shall be done in accordance with the drawings and specifications, subject to such modifications as the engineer or City may determine to be necessary during the execution of the work. The main shall have a minimum of forty-eight inches of cover, except at such points where the grade must be adjusted to meet existing conditions or unforeseeable obstacles, and except where otherwise indicated on the plans.

(Ord. 167-95. Passed 11-13-95.)

1121.04 SANITARY SEWER REQUIREMENTS.

(a) Protection of Water Supplies. There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto, which would permit the passage of any sewage into the potable supply.

(b) General Requirements.

(1) Design capacity. In determining the required capacities of sanitary sewers, the following factors should be considered:

- A. Maximum hourly sewage flow.
- B. Additional maximum sewage or waste flow from industrial plants.
- C. Ground water infiltration.
- D. Topography of area.
- E. Location of waste treatment plant.
- F. Depth of excavation.
- G. Pumping requirements.

(2) Treatment requirements. All sewage must be treated before discharge into the water of the State or any drainage facility.

A. Wastes from commercial laundries and manufacturing processes are considered as industrial wastes and must be given special treatment and consideration. Wastes from laboratories are corrosive wastes and must be given special consideration. (See Chapter BB51-53 OBC.) Waste from swimming pool filter backwash must be given special consideration.

B. Roof drainage, foundation drainage, cooling waste, swimming pool water, or other clear water wastes need no treatment and shall not be connected to the sanitary sewer system.

(c) Sanitary Sewer Mains.

(1) Pipe size. In general, the minimum size of sanitary sewers may be used as lateral sewers for apartments, mobile home parks, camps, schools, restaurants and other semi-public operations, provided their hydraulic capacity is not exceeded because of short run-off periods (high peak flows).

(2) Depth. In general, sewers shall be sufficiently deep so as to receive sewage from basements and to prevent freezing.

(3) Alignments. Sewers twenty-four inches or less shall be laid with straight alignment between manholes.

(d) Sanitary Sewer Individual Service.

(1) The developer shall provide each lot with an individual sanitary sewer service.

(2) The developer shall install the sanitary sewer lateral in a suitable manner from the sewer main to one foot beyond the right-of-way line.

(3) The location of each service line shall be clearly marked with an "S" and printed in a concrete curb before the concrete hardens.

(Ord. 141-83. Passed 9-26-83.)

1121.05 WATER REQUIREMENTS.

(a) Water Mains.

(1) Minimum size. The minimum size of pipe along subdivision streets shall be eight inches diameter.

(2) Grading. The standard grading schedule of the American Insurance Association and related agencies should be followed in all cases for purposes of fire protection.

(3) Sizing. Any departure in sizing shall be justified by hydraulic analysis and future water use and can be considered only in special circumstances.

(4) Connection to hydrants. Mains not intended to carry fireflows shall not be connected to fire hydrants.

(5) Dead-ends. Dead-ends shall be minimized by looping of all mains. Where dead-ends occur, they should be provided with a fire hydrant, flushing hydrant or blow-off for flushing purposes.

(6) Pressure. The system shall be designed to maintain a minimum pressure of twenty pounds per square inch at all points in the proposed distribution system under all conditions of flow.

(b) Individual Water Services.

(1) The developer shall provide each lot with an individual water service.

(2) The developer shall install the service line in a suitable manner from the water main to the curb box.

(3) The location of each curb stop shall be clearly marked with a "W" imprinted in the concrete curb, near the top, before the concrete hardens.

A. The developer shall insure that the curb stops can be operated at all times.

B. The curb stop box shall be free of mud and debris, straight, lids bolted in place, in good condition and easy to open.

(Ord. 141-83. Passed 9-26-83.)

CHAPTER 1125

Electric and Communication Utilities

1125.01 Underground utilities.

1125.02 Street lighting.

CROSS REFERENCES

City consent for electrical fixtures and lines on public property - see Ohio R.C. 715.27, 4933.13, 4933.16

Consent for water and gas fixtures on public property - see Ohio R.C. 4933.01

1125.01 UNDERGROUND UTILITIES.

The developer shall provide underground electrical distribution and street lighting facilities, and underground communication distribution facilities in all new subdivisions. In all cases where underground utilities are installed, street lights shall be included by the developer.

(a) Underground utilities shall serve the subdivision within or along the right of way of existing or proposed public streets, provided that prior to installation of such facilities, the developer pays the utility company's schedules and gives written commitment to pay the utility company for the cost of any relocation of such facilities and to provide all easements necessary for relocation and for any extension. The developer shall provide necessary easements to the utility company at no cost.

(b) All service lines connecting the customer's service with the utility company's underground distribution lines shall be installed underground to connection points on the distribution facilities determined by the utility companies. The customer's service line shall be installed by the developer or customer, except for communications service lines. The actual connection to the utility company's facilities shall be made by the utility companies. Underground wiring shall be a minimum of thirty inches below final grade and shall be bedded in and covered by a minimum of four inches of sand, or shall be protected by commercially available electric schedule 40 PVC or approved equal.

(c) Installation of transformers and communication inter-connection cabinets are required and nothing in this chapter shall be construed as requiring the installation of this equipment underground. The use of underground transformers shall not be permitted. Prior to paving any street, the developer shall install, at his own cost, acceptable separate conduit crossovers for electric, street lights and communication facilities at locations specified by the utility company.

(Ord. 22-00. Passed 2-28-00.)

1125.02 STREET LIGHTING.

(a) Installation. The developer shall install street lights in all subdivisions. As part of the construction drawings to be submitted with a proposed subdivision, the developer shall submit a plan for street lighting as prepared by the utility company for approval by the City. Street light pole standards and fixtures shall be selected in accordance with subsection (b) hereof. The light pole and fixture shall be provided and installed by the developer, the maintenance of the pole and fixture shall be provided by the utility company and the electricity fees for the street light only shall be paid by the City.

(b) Location and Fixtures. Street lights must be located within the right-of-way at every intersection, at the neck of every cul-de-sac and should be spaced at a maximum of approximately 150 feet on center therein between and on or near abutting property lines. The style of the street lighting fixture shall be selected by the developer with the approval of the City. However, the selection is limited to the following fixtures unless otherwise determined by the Planning Commission in accordance with Chapter 1191:

(1) Residential subdivision - street light fixtures shall be 9,500 lumen sodium vapor mounted on fiberglass or aluminum poles.

(2) Commercial and industrial subdivisions - street lights shall be 22,000 lumen sodium vapor mounted on fiberglass or aluminum poles.

Street lighting fixtures shall include only those types of lights that the utility company agrees to maintain. Noting in this chapter shall be construed to require the conversion to underground of any existing overhead electric or communication distribution or street lighting system.

(Ord. 22-00. Passed 2-28-00.)

CHAPTER 1129

Street Trees

1129.01 General requirements.

1129.02 Approved and prohibited trees and spacing.

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessment for tree planting or maintenance - see Ohio R.C. 727.011

Injury or destruction - see GEN. OFF. 541.06

1129.01 GENERAL REQUIREMENTS.

(a) As part of the construction drawings to be submitted with a proposed subdivision, the developer shall submit a plan for shade trees of a desirable and approved type which shall be planted at appropriate intervals along streets in the subdivision either in or adjacent to the public right of way in accordance with the Chapter 901 of the Codified Ordinances of Fairfield, Ohio. Such plan for shade trees shall conform to the requirements of Chapter 901 of the Codified Ordinances of Fairfield, Ohio and must be approved by the designee of the City Manager under Section 901.04 of these Codified Ordinances. The shade trees planted pursuant to the approved plan shall be a part of the improvements of the subdivision and the cost of planting and maintenance of such shade trees shall be included in the performance and maintenance bond amounts for the subdivision.

(b) In lieu of the shade tree plan required in subsection (a) above, the developer may pay the City the sum of two hundred fifty dollars (\$250.00) per tree and the designee of the City Manager shall be responsible for the planting of shade trees in accordance with Chapter 901 of the Codified Ordinances of Fairfield, Ohio. The timing of the plantings will be subject to the discretion of the City Manager's Designee.

(Ord. 36-06. Passed 3-28-06.)

1129.02 APPROVED AND PROHIBITED TREES AND SPACING.

The approved and prohibited trees for planting in and along the public ways and the spacing thereof are specified in Chapter 901 of these Codified Ordinances.

(Ord. 208-99. Passed 11-22-99.)

TITLE THREE - Zoning Administration

Chap. 1131. Title; Scope; Purpose.

Chap. 1133. Definitions.

Chap. 1135. Enforcement and Penalty.

Chap. 1137. Board of Zoning Appeals.

Chap. 1139. Amendments.

CHAPTER 1131

Title; Scope; Purpose

1131.01 Purpose and scope.

1131.02 Title.

1131.03 Interpretation of standards.

1131.04 Validity and repeal.

CROSS REFERENCES

Enforcement - see P. & Z. Ch. 1135

Effects of districting; compliance required - see P. & Z. 1143.01

Planned unit developments - see P. & Z. Ch. 1191

Nonconforming uses - see P. & Z. Ch. 1198

1131.01 PURPOSE AND SCOPE.

The Zoning Ordinance is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity and general welfare by regulating and restricting the location, bulk and height of buildings and structures and of premises to be used for trade, industry, residence or other specified uses, all in accordance with a comprehensive plan for the desirable future development of the community; and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described. (Ord. 94-84. Passed 7-9-84.)

1131.02 TITLE.

The Zoning Ordinance shall be known and may be cited and referred to as the City of Fairfield, Ohio, Zoning Ordinance. (Ord. 94-84. Passed 7-9-84.)

1131.03 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be minimum requirements. Wherever the Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the Zoning Ordinance shall govern. (Ord. 94-84. Passed 7-9-84.)

1131.04 VALIDITY AND REPEAL.

(a) Validity. The Zoning Ordinance and the various parts, chapters and sections thereof, are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of the Zoning Ordinance is adjudged unconstitutional or invalid by any court

of competent jurisdiction, the remainder of the Zoning Ordinance shall not be affected thereby.

(b) Authentication. The Clerk of Council is hereby ordered and directed to certify to the passage of the Zoning Ordinance and to cause same to be posted. The Zoning Ordinance shall be effective thirty days after passage.

(c) Repeal. All ordinances of the City, inconsistent herewith are hereby repealed. Specifically, Ordinance 45-69 referred to as the Zoning Ordinance of the City of Fairfield and any amendments thereto, are hereby repealed.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1133

Definitions

1133.01 Definitions.

CROSS REFERENCES

Subdivision regulations definitions - see P. & Z. 1105.01

Sign definitions - see P. & Z. 1187.02

Building Code definitions - see BLDG. Ch. 1303

1133.01 DEFINITIONS.

As used in Titles Three, Five and Seven of Part Eleven - Planning and Zoning Code, the following words and phrases shall have the following meanings ascribed to them in this section.

(1) Interpretation of language. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Ordinance. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; and the word "shall" is mandatory.

(2) "Accessory use or structure" means a use or structure subordinate to the principal use of a building or to the principal use of land, located on the same lot as such principal use and serving a purpose customarily incidental to the use of the principal building or land use.

(3) "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce raised on the premises; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and further provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

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

(5) "Alterations" means as applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

(7) "Apartment hotel" means an apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

(8) "Apartment house". See Dwelling, Multi-Family.

(Ord. 94-84. Passed 7-9-84.)

(8.1) "Banquet hall" means an establishment which is rented by individuals or groups to accommodate public or private functions including, but not limited to, banquets, weddings, birthday parties, anniversaries, receptions and other similar celebrations and may or may not have a liquor license or open air facilities.

(Ord. 123-18. Passed 12-3-18.)

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

(10) "Beginning of construction" means the incorporation of labor and materials for foundation installation in new buildings and when within the wall of a building being altered.

(11) "Board" means the Board of Zoning Appeals of the City of Fairfield, Ohio.

(12) "Boarding or lodging house" means a dwelling or part thereof where meals and/or lodging are provided, for compensation, for five or more persons not transients.

(12.1) "Buffer" means the portion of a lot or parcel of land to be preserved as open space which may be required along the common property line(s) of two incompatible land uses.

(13) "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum sideyard requirements as hereinafter provided.

(14) "Building, height of" means the vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

(14.1) "Car wash" means an establishment for the washing of automobiles, motorcycles and trucks of one ton rating or less which involves automatically controlled or hand washing operations attended on the premises by employees of the operation at all times during designated hours of business.

(14.2) "Car wash, self-service" means an establishment for the washing of automobiles, motorcycles and trucks of one ton rating or less

done by the customer and ordinarily not attended by employees of the business.

(15) "Cellar" means a story the floor of which is more than one-half of its story height below the average level of the adjoining ground at the exterior walls of the building.

(16) "Certificate of occupancy" means a document issued by the Building Inspector certifying that a building, structure, and/or its use or the use of premises conform with the provisions of the Zoning Ordinance or, in case of a nonconforming use that it constitutes such use under terms of the Zoning Ordinance.

(17) "City Engineer" means the City Engineer of the City of Fairfield, Ohio.

(17.1) "Church" means an institution where persons sharing the same faith, and observance of ceremonies and doctrines assemble regularly for worship, congregation, study and instruction for religious purposes.

(18) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with board or room or kept overnight on the premises.

(19) "Club" means a nonprofit association of persons who are bona-fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(19.1) "College" means an institution established for the instruction and teaching of students already having fulfilled the requirements for compulsory education as defined in Ohio R.C. 3321.04. A college shall also possess certification of the State of Ohio to issue academic degrees.

(20) "Commission" means the Planning Commission of the City of Fairfield,

Ohio. (Ord. 94-84. Passed 7-9-84.)

(20.1) "Community social service facilities" means a family care facility or

group care facility. (Ord. 156-92. Passed 12-14-92.)

(20.2) "Composting facility" means a device or area designed for the biological reclamation of organic materials by a natural decomposition process. Household compost includes such things as leaves, plant refuse, vegetable parings, lawn clippings and non-greasy food waste. Compost within the facility is to be periodically "turned" to aerate the mass and mix the material for better decomposition.

(Ord. 29-94. Passed 3-14-94.)

(21) "Conditional use" means a use that is permitted, but only by application to and specific approval by the Commission in each specified instance, and after a determination by the Commission that all regulations and standards of the Zoning Ordinance applying to the specific use in the particular location shall be met, along with such additional conditions or safeguards as the Commission may prescribe in the specific case and circumstances in order to prevent harm or injury to adjacent uses, the neighborhood and/or in order to improve the public health, safety, convenience, comfort, prosperity and general welfare.

(Ord. 154-96. Passed 10-15-96.)

(22) "Council, City" means the Council of the City of Fairfield, Ohio.

(23) "Court" means an unoccupied open space, other than a yard, on the same lot with a building, which is surrounded wholly or in part by the walls of such building.

(24) "Day care center" means a facility for the care of preschool children during the day. A day care center is not an educational use and is not a home occupation.

(25) "Deed parcel" means the land which is directly under a living unit in the development in question. Such deed parcel cannot be conveyed separate and apart from the common areas of the development in question.

(26) "Deed parcel, commercial" means that land which is directly under the commercial or industrial building in the development in question. Such deed parcel cannot be conveyed separate and apart from the common areas of the development in question.

(27) "District" means a portion of the territory of the City of Fairfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

(28) "District, more restricted or less restricted" means that each of the districts in the following list shall be deemed to be more restricted than any of the districts succeeding it, and each shall be deemed to be less restricted than any of the districts preceding it: A-1, R-0, R-1, R-2, R-3, R-4, B-1, C-4, C-1, C-2, C-2A, C-2B, C-3, C-3A, M-1, M-1A, M-2 and M-2A.

(29) "Drive-thru facility" means any operation by a business establishment where the transfer of goods and services to the customers is designed to be done while the customer remains in his or her vehicle.

(30) "Dump" means a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, or garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

(31) "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, summer home, boarding or lodging house, motel, hotel, tourist home, resort and, except when located in an appropriate trailer park, a trailer or trailer coach.

(32) "Dwelling, one-family" means a building designed for or used exclusively for residence purposes by one family.

(33) "Dwelling, two-family" means a building designed for or used exclusively for residence purposes by two families living independently of each other.

(34) "Dwelling, three-family" means a building designed for or used exclusively for residence purposes by three families living independently of each other.

(35) "Dwelling, multi-family" means a building or portion thereof designed for or used exclusively for residence purposes by four or more families living independently of each other.

(36) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment for the furnishing of adequate service by such public utilities or Municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings, other than accessory buildings. (Ord. 94-84. Passed 7-9-84.)

(37) "Family" means a person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as

distinguished from a group occupying a boarding or lodging house, motel or hotel, fraternity or sorority house. This definition also excludes groups occupying community social service facilities. (Ord. 156-92. Passed 12-14-92.)

(37.1) "Fast food restaurants" means any restaurant whose service or facility is designed for food or drinks to be obtained over the counter by persons desiring quick service and the option to carry-out their food order. Any restaurant where food or drinks are to be consumed by persons in vehicles parked on the premises is included. Drive-thru facilities are not included in this definition. (Ord. 94-84. Passed 7-9-84.)

(37.2) "Family care facility" means a residential facility licensed by and/or approved or supported by the State of Ohio or any state or county agency that provides room and board, personal care, habilitation services and twenty-four hour supervision in a family setting for not more than six persons who are physically handicapped, mentally impaired and developmentally disabled, and not more than two staff or supervisory personnel. This category includes foster homes for children.

(Ord. 156-92. Passed 12-14-92.)

(37.3) "Flea market" means a facility where individual vendors rent, lease or acquire space from the owner or operator of the facility to display and/or sell merchandise, goods or services to the general public.

(Ord. 9-98. Passed 2-9-98.)

(38) "Garage, private" means a garage used for storage purposes only and having a capacity of not more than four automobiles or not more than three automobiles per family housed in a multiple family building to which such garage is accessory, whichever is greater.

(Ord. 94-84. Passed 7-9-84.)

(38.1) "Graffiti" means any unauthorized inscription, word, figure, character or design which is marked, etched, scratched, drawn, applied or painted on any building, structure or premises. Unauthorized means that the inscription, word, figure, character or design is not a sign as defined in Section 1187.02(a) and is not otherwise specifically excluded from the definition of sign in Section 1187.02(a). (Ord. 154-96. Passed 10-15-96.)

(38.2) "Group care facility" means a residential facility licensed by and/or approved or supported by the State of Ohio or any state or county agency that provides room and board, personal care, habilitation services and twenty-four hour supervision in a family setting for not more than twelve unrelated residents (not including staff) who, by reason of mental or physical disability, chemical or alcohol dependency or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care.

(Ord. 156-92. Passed 12-14-92.)

(39) "Home occupation" means an accessory use of a service character customarily within a dwelling by only the residents thereof, which is clearly secondary to the use of the dwelling for living purposes, does not change the character thereof, and of which there is no exterior evidence other than a small name plate which shall not exceed one square foot in size, and which does not involve the keeping of a stock-in-trade in connection therewith. The practice of a single insurance or real estate salesman or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time, who offers skilled services to clients, and is not professionally engaged in the purchase or sale of goods, shall be deemed to be home occupations; and the occupations of dressmaker, milliner or seamstress shall be deemed to be home occupations. Physician, surgeon, dentist, attorney or lawyer, dancing instruction, band instrument instruction in groups, tea rooms, tourist homes, beauty parlors, barber shops, convalescent homes, mortuary establishments and stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations.

(Ord. 136-85. Passed 11-25-85.)

(40) "Hospital" shall, unless otherwise specified, be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis or treatment of human ailments or the care of humans, except a clinic.

(41) "Hotel" means any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing twelve or more guest rooms or suites where no provisions for cooking is made in any individual room or suite, except hospitals and jails. (Ord. 94-84. Passed 7-9-84.)

(41.1) "Infill parcel" means any parcel in a residential or agricultural zoning district which does not contain a habitable principal residential structure including parcels on which a previous principal residential structure has been or will be removed and is either: (i) in a subdivision of which any part was platted ten (10) years or more earlier and the entire subdivision is at least eighty percent (80%) built out with existing principal residential structures, or (ii) not in a platted subdivision and is two acres or less in size.

(Ord. 123-18. Passed 12-3-18.)

(42) "Junkyard" means:

- A. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, house wrecking yards, used lumber yards, places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including storage of materials incidental to manufacturing operations;
- B. Any establishment, place of business or property upon which motor vehicles are kept for the primary purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such motor vehicle to extract parts, components or accessories; or
- C. Any establishment, place of business or property upon which ten (10) or more unlicensed, partially disassembled, wrecked or inoperable motor vehicles are kept or stored.

(43) "Kennel" means any structure or lot on which more than four dogs or cats over four months of age are kept. (Ord. 114-19. Passed 12-2-19.)

(44) "Landfill" means a method of solid waste disposal consisting of burying solid waste with intermittent layers of clean earth, compacted and covered daily.

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

(46) "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the Zoning Ordinance and having its principal frontage on a public street.

- (47) "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.
- (48) "Lot, interior" means a lot other than a corner lot.
- (49) "Lot, depth" means the mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.
- (50) "Lot lines" means the property lines bounding the lot.
- (51) "Lot line, front" means the line separating the lot from a street. On a corner lot, the front lot line shall be the street lot line having the least dimension.
- (52) "Lot line, rear" means the lot line opposite and most distant from the front lot line.
- (53) "Lot line, side" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- (54) "Lot line, street or alley" means a lot line separating the lot from a street or alley.
- (55) "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder or a lot described by metes and bounds, the description of which has been recorded in such office.
- (56) "Lot width" means the mean horizontal width of the lot measured at right angles to its depth.
- (57) "Lot area" means the computed area contained within the lot lines.
- (58) "Lot, through" means a lot having frontage on two parallel or approximately parallel streets.
- (59) "Motel or motor hotel" means a series of attached, semi-attached, or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, such units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants. (Ord. 94-84. Passed 7-9-84.)
- (60) "Motor vehicle" means any machine designed or intended to travel over land, sea or air by self-propulsion or while attached to any self-propelled vehicle, i.e. camper, trailer, travel trailer.
- (61) "Motor vehicle fuel dispensing facility" means a place where gasoline or alternative fuel/power/energy is sold at retail to the public and deliveries are made directly into or onto motor vehicles and no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel, alternative power/energy under this definition must be the primary use. Retail grocery and/or convenience store sales are permitted. Vending machines and outdoor retail display do not constitute retail sales under this definition unless specifically approved by the Planning Commission.
- (62) "Motor vehicle service facility" means any establishment or place of business which is maintained and operated for the primary purpose of performing routine maintenance of motor vehicles such as removal and replacement of lubricants, tires and batteries for the public and which may include retail sales of fuels, lubricants, air and/or for washing operable motor vehicles. This definition does not include any establishment, place of business or property upon which storage or repair of any unlicensed, partially dismantled or inoperable motor vehicles takes place.
- (63) "Motor vehicle repair garage" means any establishment or place of business which is maintained and operated for the primary purpose of making general repair, rebuilding or reconstruction of engines or making general repair to motor vehicle quarter panels, doors, fenders, bumpers, other parts of auto body, frames or other exterior surfaces or providing collision services including but not limited to painting, frame straightening or frame dissecting. This definition does not include any establishment, place of business or property upon which ten (10) or more unlicensed, partially disassembled, wrecked or inoperable motor vehicles are kept or stored.
- (63.1) "Motor vehicle sales area" means any establishment, place of business, property or open area used for the display, storage, sale, lease or rental of new or used motor vehicles in operable condition.
- (63.2) "Motor vehicle storage yard" means any establishment, place of business or property used by a tow company or wrecker or other business for temporary storage of operable motor vehicles, or inoperable motor vehicles designated to be transported to a motor vehicle repair garage or junkyard. This definition does not include any establishment, place of business or property upon which ten (10) or more unlicensed, partially disassembled, wrecked or inoperable motor vehicles are kept or stored.
- (64) "Nightclub" means any establishment, including but not limited to, bars, lounges, taverns, dance halls and pool halls, that serves alcohol and/or beer and provides entertainment through any of the following: amplified music, dancing, table games, video games and/or other live entertainment activities. This definition does not include restaurants or banquet halls that provide the above entertainment if the business closes on or before 12:00 a.m. every day of the week.
- (64.1) "Nonconforming use" means a use of a building or land legally existing at the time of adoption of the Zoning Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located.
(Ord. 114-19. Passed 12-2-19.)
- (65) "Parking area, private" means an open area for the same uses as a private garage.
- (66) "Parking area, public" means an open area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee, or an accommodation for clients or customers.
- (67) "Parking space" means an area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a single motor vehicle.
- (68) "Planned unit development" means an area of land controlled by a landowner, to be developed as a unified project for a variety of dwelling units and other uses, the plan for which may not correspond in all respects in lot size, bulk, or type of dwelling, density, use or lot coverage to the regulations established in the several districts.
- (69) "Public utility" means any person, firm, corporation, governmental department or board, duly authorized to furnish and furnishing, under State or Municipal regulation, to the public electricity, gas, steam, communications, telegraph, transportation, water or sewer services.
- (70) "Resort" means a lot or part thereof, together with buildings or structures, used primarily for the provision, on a commercial basis, of recreational activities and/or facilities normally for the use of persons housed on the premises during the time they are engaged in such activities or are utilizing such facilities. The term resort shall include dude ranch, guest ranch, spa or any other similar term.
(Ord. 90-84. Passed 7-9-84.)
- (70.1) "Restaurant" means any establishment where food or drinks are primarily served by a waitress or waiter to the general public in a dining area for consumption within the principal building which closes on or before 12:00 a.m. every day of the week. Carry-out services must be accessory to the service by waitresses and waiters. This definition does not include nightclubs, fast food restaurants, drive-thru facilities and vending machines. (Ord. 114-19. Passed 12-2-19.)
- (70.2) "School" means any public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities.

(Ord. 154-96. Passed 10-15-96.)

- (70.3) "Screen" means any combination of natural and man-made elements constructed along the common property line(s) of two incompatible land uses so as to provide a vertical barrier to reduce the effect of noise pollution, air pollution, visual pollution, and artificial light glare generated by one structure, use or activity from adversely affecting another.

(Ord. 90-84. Passed 7-9-84.)

- (70.3.1) "Self-service storage facility" means a building or group of buildings consisting of individual, self-contained units leased to persons, firms, organizations or corporations for storage of personal property.

(Ord. 123-18. Passed 12-3-18.)

- (70.4) "Sexually oriented businesses" are adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, live sex act businesses, massage parlors, sexual device shops, sexual encounter establishments, sexual encounter centers, escort agencies and nude or semi-nude model studios but does not include a business solely by reason of its showing, selling or renting materials that may depict sex, to which the following definitions shall apply:
- A. "Adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "employee," "nude," "nudity," "state of nudity," "seminude," "state of seminudity," "operator," "patron," "premises," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Ohio Revised Code.
 - B. "Adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Ohio Revised Code.
 - C. "Adult motel" means a motel, hotel or similar commercial establishment which:
 - 1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
 - 2. Offers a sleeping room for rent for a period of time less than ten hours; or
 - 3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
 - D. "Consideration" means the payment of money or the exchange of any item of value for:
 - 1. The right to enter the business premises or any portion thereof; or
 - 2. The right to remain on the business premises or any portion thereof; or
 - 3. The right to purchase any item permitting the right to enter, or remain on, the business premises or any portion thereof; or
 - 4. The right to a membership permitting the right to enter, or remain on, the business premises or any portion thereof.
 - E. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 - F. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 - G. "Immediate family" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.
 - H. "Live sex act" means any act whereby one or more persons engage in a live performance or live conduct which contains oral contact or sexual intercourse.
 - I. "Live sex act business" means any business in which one or more persons may view, or may participate in, a live sex act for a consideration.
 - J. "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
 - K. "Operate" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.
 - L. "Oral sexual contact" means oral contact with a penis, vulva, or anus.
 - M. "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
 - N. "Sexual intercourse" means penetration into the penis, vulva, or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva.
 - O. "Specified criminal activity" means any of the following offenses:
 - 1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;

2. For which:
 - a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
 3. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.
- P. "Transfer of ownership or control" of a sexually oriented business shall mean any of the following:
1. The sale, lease, or sublease of the business;
 2. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
 3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 124-17. Passed 11-27-17.)

- (71) "Standard performance" means a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in, or incidental to, certain uses and activities.
- (72) "Sign" means any writing, pictorial representation, emblem, flag or any other figures of similar character which is a structure or part thereof or is attached or painted on or in any manner represented on a building or structure; and is used to announce, direct attention to, or advertise and is visible from outside a building. The word sign includes the word billboard but does not include a flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by any public officer in the performance of a public duty, also as regulated in Chapter 1187.

(Ord. 98-84. Passed 7-9-84.)

- (72.1) "Storage shed or barn, carport or play structure sales area" means an open area used for the display, storage, sale, lease or rental of storage sheds or barns, carports or play structures.

(Ord. 96-14. Passed 10-27-14.)

- (73) "Story" means that portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- (74) "Story, first" means the lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average level of the adjoining ground at the exterior walls of the building; except that any basement or cellar used as a dwelling shall be deemed the first story.
- (75) "Story, half" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used as a dwelling shall be deemed a full story.
- (76) "Story, mezzanine " means a story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath it.
- (77) "Street" means a public right of way fifty feet or more in width which provides a public means of access to abutting property, or any such right of way more than twenty feet and less than fifty feet in width provided it existed prior to the enactment of the Zoning Ordinance. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term. (Ord. 98-84. Passed 7-9-84.)
- (78) "Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, and also includes anything constructed which is not enclosed within another structure and is placed in a stationary location. This definition does not include motor vehicles. (Ord. 30-00. Passed 3-13-00.)
- (79) "Summer home" means a detached building having only one kitchen or kitchenette and designed or used as a seasonal or occasional residence or sleeping place of a person or two or more persons living together as a single housekeeping unit and including a summer cabin, hunting or fishing cabin or trailer, but not including a tent, boarding or lodging house, hotel, motel, resort or tourist home.
- (80) "Thoroughfare plan" means the official Thoroughfare Plan establishing the general location, character and extent of streets and thoroughfares in the City as adopted and as amended from time to time by the Planning Commission.
- (81) "Tourist home" means a building or part thereof, other than a hotel, boarding house, lodging house, resort or motel, where lodging is provided by a resident family for compensation, mainly for transients.
- (82) "Trailer" means any vehicle or structure constructed in such manner as to permit occupancy thereof for use as sleeping and eating quarters, or for the conduct of any business, trade or occupation; use as a selling or advertising device, or for storage or conveyance of tools, equipment, or machinery; and so designed that it is or may be propelled by a motor power other than its own. The term trailer includes automobile trailer, trailer coach and mobile home.
- (83) "Trailer park" means any lot or part thereof which is used or offered as a location for two or more trailers used for any of the purposes set forth in subsection (82) hereof.
- (84) "Use" means the purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.
- (85) "Use, first permitted in 'X' district" means a use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" district. (Ord. 94-84. Passed 7-9-84.)
- (86) "Variance" means a variation of the requirements of the Zoning Ordinance, granted by the Board of Zoning Appeals in specific cases when warranted, in order to alleviate unnecessary and undue hardship which may otherwise ensue owing to exceptional narrowness, shallowness or shape of a lot, to difficult topography or other peculiar physical conditions of a lot, or to the nature of existing uses or structures on adjoining lots, and so that the general spirit and intent of the Zoning Ordinance shall be observed and substantial justice done. A Variance may be a "use variance" or an "area/size variance". The Board of Zoning Appeals shall grant or deny such variances pursuant to Section 1137.08 herein or in accordance with Sections 1199.36 and 1199.37 for flood damage reduction regulation variances only. (Ord. 98-10. Passed 11-8-10.)

- (86.1) "Wall, retaining" means any wall used to resist the lateral displacement of any material. (Ord. 163-86. Passed 12-22-86.)
- (87) "Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as expressly permitted in the Zoning Ordinance.
- (88) "Yard, front" means a yard extending across the full width of the lot between any part of a building not hereafter excepted and the front lot line. The depth of a front yard is the minimum horizontal distance between any part of the building, other than such parts as hereinafter excepted, and the front lot line.
- (89) "Yard, front - least depth, how measured" means that front yard depth shall be measured from the right-of-way of the existing street on which the lot fronts, i.e. the front lot line; provided, however, that if a proposed right-of-way line of such street has been officially established, then the required front yard least depth shall be measured from such proposed right-of-way line.
- (90) "Yard, rear" means a yard extending across the full width of the lot between a building and the rear lot line. The depth of a rear yard is the minimum horizontal distance between any part of the building, other than such parts as hereinafter excepted, and the rear lot line.
- (91) "Yard, side" means a yard extending between the front yard and the rear yard between a building and the nearest side lot line; and the width of a side yard is the minimum horizontal distance between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.
- (92) "Yard, side - least width, how measured" means that side yards shall be measured from the nearest side lot line, and in case such lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if a proposed right-of-way line of such street has been officially established, then the required side yard least width shall be measured from such proposed right-of-way line.
- (93) "Zoning Inspector" means the Building Inspector of the City or his authorized representative.
- (94) "Zoning Map" means the Zoning Map or Maps of the City dated September 22, 1969, together with all amendments subsequently adopted.
- (95) "Zoning certificate" means a document issued by the Building Inspector authorizing buildings, structures or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.
- (96) "Health Officer" means the Health Commissioner of the City or County or an individual appointed or officially designated to perform the functions or duties of a Health Officer or Sanitarian for the City. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1135

Enforcement and Penalty

- 1135.01 Enforcement by Zoning Inspector.
- 1135.02 Filing plans.
- 1135.03 Zoning certificate required.
- 1135.04 Certificate of occupancy.
- 1135.05 Fees.
- 1135.99 Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
 Board of Zoning Appeals - see CHTR. §8.02; P. & Z. Ch. 1137
 Nonconforming uses - see P. & Z. Ch. 1198

1135.01 ENFORCEMENT BY ZONING INSPECTOR.

(a) For the purpose of the Zoning Ordinance, the Building Inspector shall be and is hereby designated as the Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce the Zoning Ordinance in accordance with the administrative provisions of the Building Code of the City and the Zoning Ordinance.

(b) All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses, shall comply with the provisions of the Zoning Ordinance and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1135.02 FILING PLANS.

(a) General Requirements. An application for a zoning certificate for one and two-family detached units must be filed with the Building Inspector's office and include preliminary and final development plans for principal and a cessory building uses which meet the requirements of the zoning district in which they are located. All other applications for zoning certificates shall include both a preliminary and final development plan with the required information identified in subsection (b) hereof for the respective zoning districts in which the property is located. If an applicant so desires he may submit only a final development plan to the Building Inspector's office in order to comply with the requirements for receipt of a zoning certificate per this article.

(b) Development Plan Submission Requirements.

(1) Minimum requirements for preliminary review.

- A. Existing site information.
 - 1. Vicinity map.
 - 2. Zoning of property and adjacent property within 200 feet (only for rezonings.)
 - 3. Adjacent property owners, (for rezoning only).
 - 4. Boundaries and parcel size.
 - 5. Contour map five foot intervals.
 - 6. Existing streets/public right-of-way.
 - 7. Wooded areas.
 - 8. Waterways/ponds.

9. Existing buildings.
- B. Proposed site improvements.
 1. Proposed streets/curb cuts.
 2. Proposed building locations.
 3. Parking areas and walkways.
 4. Utility plan.
 5. Grading drainage plan.
 6. Landscaping/buffering plan.
- (2) Requirements for final review.
 - A. Site plan requirements.
 1. Vicinity map.
 2. Site plan (scale between one inch equals thirty feet and one inch equals 100 feet).
 3. Zoning of property.
 4. Name of submitted project.
 5. Owner, engineer, developer, surveyor and architect when applicable.
 6. Surveyor's certification.
 7. Legal boundaries and survey markers.
 8. Contour map five foot intervals with drainage arrows shown (for two percent (2%) slope or less - see subdivision rules and regulations).
 9. Existing streets/public rights-of-way/easements.
 10. Existing buildings.
 11. Waterways/ponds.
 12. Trees six inches in caliper or greater.
 13. Floodways (Federal Insurance Rate Map) data.
 14. Proposed streets/curb cuts.
 15. Off-street parking.
 16. All walkways and bikeways.
 17. Open space/recreational areas.
 18. Screening and buffering materials/dimensions.
 19. Final grade plan.
 20. Utilities plan.
 21. Drainage/ sedimentation/ erosion/ retention/ detention plans where applicable.
 22. Landscaping plan.
 23. Building locations and first floor elevation.
 24. Finished grade at the building corners.
 25. Floor plan square footages for PUD final development plan.
 26. Lot area.

(c) Referral of Applications for Zoning Certificates. Except for one and two-family detached dwellings, the application for a zoning certificate shall be forwarded to the Planning Director for review.

(d) Building Inspector or Planning Director to Act Within Fourteen Days.

(1) The Building Inspector in the case of zoning certificates involving one and two-family detached dwellings and the Planning Director in all other applications for zoning certificates shall act upon such applications within fourteen days, not including Saturdays, Sundays or holidays, after the application is filed in full compliance with all the applicable requirements.

(2) The Building Inspector or the Planning Director shall either issue the zoning certificate within fourteen days, or shall notify the applicant in writing of the refusal of such certificate, the reasons therefor. Such written notice of refusal shall be mailed by regular U.S. mail, delivered to the applicant personally or hand delivered to the applicant's address within the fourteen day period.

(Ord. 167-95. Passed 11-13-95.)

(e) Evaluation Standards. The standards by which the preliminary and final development plan requirements are evaluated shall include the following: the Thoroughfare Plan of the City; requirements of the Subdivision Rules and Regulations and the standard construction drawings referenced therein except those requirements which clearly have application only to subdivision of land; any applicable ordinances relative to access and traffic control; any applicable provisions of the Zoning Ordinance; and any other applicable ordinances of the City, as such plans, drawings or ordinances may be amended from time to time. Such plans, drawings and ordinances are referenced herein for their technical content only and any procedural matters included in such plans, drawings or ordinances do not supersede or replace the zoning certificate review procedure outlined in this chapter.

(Ord. 127-03. Passed 8-11-03.)

(f) Appeals. An applicant may appeal the decision of the Building Inspector or Planning Director with regard to the Zoning Certificate in accordance with the provisions of Chapter 1137.

(g) Certificate of Health Officer. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Butler County Board of Health of the proposed method of water supply and/or disposal of sanitary wastes.

(Ord. 167-95. Passed 11-13-95.)

1135.03 ZONING CERTIFICATE REQUIRED.

(a) Start of Construction Prohibited Without Zoning Certificate. No owner, lessee, tenant or person shall begin any excavation or the construction, reconstruction, extension, conversion or structural alteration of any building or structure, or any part thereof, without first obtaining a zoning certificate, which may be a part of the building permit, from the Building Inspector or Development Services

Director.

(Ord. 135-03. Passed 8-25-03.)

(b) Excavating Permit. No permit for excavation or construction shall be issued by the Building Inspector, unless the plans, specifications and the intended use conform to the provisions of the Zoning Ordinance.

(c) Changes in Use of Buildings or Land. No person shall establish or alter the use of land or structures without first obtaining a zoning certificate under this chapter.

(Ord. 94-84. Passed 7-9-84.)

1135.04 CERTIFICATE OF OCCUPANCY.

(a) Required for All New and Altered Buildings and Land Uses. No owner, lessee, tenant or person shall occupy, use or permit the use of any structure, building or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, or of any land when no building or structure are involved until a Certificate of Occupancy shall have been issued by the Building Inspector, after inspection. Such Certificate of Occupancy shall show and certify that such building, structure or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of the Zoning Ordinance, the Building Code and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Appeals or other proper authority. The requirement of a Certificate of Occupancy under this section shall be in addition to any other requirements of the Zoning Ordinance including but not limited to a zoning certificate under Section 1135.03.

(b) New Buildings and Alterations. A Certificate of Occupancy for a building hereafter erected, constructed, reconstructed, converted or otherwise altered, shall be applied for coincident with the application for a building permit, and shall be issued within seven days, not including Saturdays, Sundays, or holidays, after the erection or alteration of such building has been completed in conformity with the provisions of the Zoning Ordinance.

If such certificate has not been issued within seven working days or written notice given as to why not issued, then all things shall stand as if the certificate were issued. It shall be the obligation of the owner to notify the Building Inspector, in writing, when the building is ready for occupancy. All final inspections shall be approved before an occupancy certificate can be requested.

(c) Changes in Use of Buildings or Land. A Certificate of Occupancy for a change in the use of a building or land shall be applied for before any such building or land is occupied or used, and a Certificate of Occupancy shall be issued within seven days, not including Saturdays, Sundays or holidays, after application has been made, provided such use is in conformity with all the provisions of the Zoning Ordinance.

(d) Records and Copies. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or a building affected.

(e) Nonconforming Use.

(1) A Certificate of Occupancy shall be required for each nonconforming use existing at the time of passage of the Zoning Ordinance or which may be created through any amendment thereto. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or premises occupied by such nonconforming use within one year from the date such use becomes nonconforming through the enactment of any amendment thereto.

(2) The Building Inspector shall notify all persons having a nonconforming use of their property at the time of passage of the Zoning Ordinance. If the person(s) are not notified in writing within one year from the date of passage of the Zoning Ordinance, then this section does not apply and the nonconformance may continue. It shall be the responsibility of the property owner to prove he had a nonconforming use at the time of passage of the Zoning Ordinance. (Ord. 94-84. Passed 7-9-84.)

1135.05 FEES.

No fees shall be charged for an original zoning certificate or Certificate of Occupancy applied for with the application for a building permit, where such permit is required and issued under the Building Code of the City. For all other zoning certificates or Certificates of Occupancy, there shall be such fees as are established and/or amended by ordinance from time to time. Existing fees shall remain in effect until amended by Council. (Ord. 94-84. Passed 7-9-84.)

1135.99 PENALTY.

(a) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any provision of the Zoning Ordinance, or any amendment or supplement thereto adopted by the Council. Any person, firm, or corporation violating any provision of the Zoning Ordinance, or any amendment or supplement thereto, shall be guilty of a third degree misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days or both. Each and every day during which such violation continues shall constitute a separate offense.

(b) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of the Zoning Ordinance, or any amendment or supplement thereto, the City Manager, Council, the Law Director, the Building Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. 94-84. Passed 7-9-84.)

(c) In addition to any other penalty provided in subsection (a) above, any person, firm or corporation who is convicted of violating subsection 1187.03(j) of these Codified Ordinances shall be prohibited from obtaining promotional events signage under subsection 1187.03(i) for a period of one calendar year after the date of conviction.

(d) For purposes of this Section 1135.99, "Zoning Ordinance" refers to Chapters 1131 through 1199, inclusive, of these Codified Ordinances.

(Ord. 66-92. Passed 5-26-92.)

CHAPTER 1137

Board of Zoning Appeals

- 1137.01 Appointment.
- 1137.02 Procedure.
- 1137.03 Quorum.
- 1137.04 Assistance of other departments.
- 1137.05 Applications, appeals, hearings and stay of proceedings.
- 1137.06 Powers.
- 1137.07 Interpretation of zoning map.
- 1137.08 Variances.
- 1137.09 Administrative review.
- 1137.10 Permit expiration.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R. C. 713.11, Chap. 2506

Members; powers and duties - see CHTR. §8.02

Exceptions and modifications - see P. & Z. Ch. 1180

Authorization for conversion of dwellings - see P. & Z. 1197.63

Nonconforming uses - see P. & Z. Ch. 1198

1137.01 APPOINTMENT.

(a) A Board of Zoning Appeals is hereby created. Such Board shall consist of seven members who shall be residents of the City.

(b) One member shall be appointed by a majority vote of Council from among its membership to serve at the pleasure of Council. Such member may be removed from office on the Board, without cause, by a majority vote of the members of Council. One member shall be appointed by a majority vote of the Planning Commission from among its members to serve at the pleasure of the Planning Commission. Such member may be removed from office on the Board, without cause, by a majority vote of the Planning Commission. Five members shall be electors of the City and shall be appointed by a majority vote of Council. Citizen members of the Board shall serve for overlapping terms of five years each, except that the members first appointed under the Charter shall serve for the following terms of office: one member shall serve for a term of one year; one member shall serve for a term of two years; one member shall serve for a term of three years; one member shall serve for a term of four years; and one member shall serve for a term of five years; and thereafter, each member shall serve for a term of office of five years.

(c) A vacancy during the term of any member of the Board shall be filled for the unexpired term, if any, in the manner authorized for an original appointment; provided that if such appointing authority shall fail to fill the vacancy within thirty days, the Mayor shall fill the vacancy by appointment for the unexpired term, if any. Members of the Board of Zoning Appeals may be removed from office for just cause.

Ord. 94-84. Passed 7-9-84.)

1137.02 PROCEDURE.

(a) The Board of Zoning Appeals shall organize and adopt rules for its own government in accordance with the Zoning Ordinance. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and the Board may compel the attendance of witnesses.

(b) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Building Inspector and shall be a public record.

(Ord. 94-84. Passed 7-9-84.)

1137.03 QUORUM.

Four members of the Board shall constitute a quorum. The Board shall act by resolution and the concurring vote of four members of the Board shall be necessary to reverse any order or determination of the Building Inspector, or to decide in favor of an applicant in any matter on which the Board has original jurisdiction under the Zoning Ordinance, or to grant any variance from the requirements stipulated in the Zoning Ordinance. (Ord. 94-84. Passed 7-9-84.)

1137.04 ASSISTANCE OF OTHER DEPARTMENTS.

The Board of Zoning Appeals may call upon the 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.

(Ord. 94-84. Passed 7-9-84.)

1137.05 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.

(a) Application Procedure. An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of the Zoning Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Building Inspector who shall transmit the same to the Board.

(b) Appeals. An appeal to the Board may be taken by any person aggrieved or by any officer of the City affected by any decision of the Building Inspector. Such appeal shall be taken within twenty days after the decision, by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. (Ord. 94-84. Passed 7-9-84.)

(c) Hearings and Fees.

(1) The Board shall fix a reasonable time for the hearing of the applications or appeal; give at least ten days notice in writing to the parties in interest; and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

(2) Each application or appeal shall be accompanied by a check payable to the City Treasurer or a cash payment sufficient in amount to cover the cost of publishing and mailing the notices of the hearing, but in no event shall it be less than twenty-five dollars (\$25.00).

(d) Decision of the Board.

(1) The Board shall decide all applications and appeals within thirty days after the final hearing thereon.

(2) A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.

(3) A decision by the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(4) Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County on the ground that the decision was unreasonable or unlawful. Such Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

(e) Stay of Proceedings. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after notice of appeal has been filed with him, that by reason of fact 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 an order which may, on due cause shown, be granted by the Board on application after notice to the Building Inspector, or by judicial proceedings.

(Ord. 94-84. Passed 7-9-84.)

1137.06 POWERS.

The Board of Zoning Appeals shall have those powers, duties and functions as are provided under the Charter, by the ordinances and resolutions of the City and the general laws of Ohio, to the extent those laws are not in conflict with and are consistent with the Charter and the ordinances and resolutions of the City, and in addition, the Board shall:

(a) Hear and decide appeals where it is alleged there is error in any order, requirement or decision of determination by an administrative official in the enforcement of the Zoning Ordinance;

(b) Authorize, upon appeal, a variance as defined in Section 1133.01(a)(86);

(c) Interpret the provisions of the Zoning Ordinance as provided in Chapter 1141;

(d) Authorize or prohibit additional uses as provided in Sections 1143.02 and 1143.03;

(e) Permit the extension or substitution of a nonconforming use as provided in Chapter 1198;

(f) Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature, and does not involve the erection of a substantial structure, and further provided that a zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve month period, subject to such conditions as shall safeguard the public health, safety, morals and general welfare;

(g) Authorize the restoration or reconstruction of a nonconforming building or structure as provided in Section 1198.05; and

(h) Such other duties as may be required by the provisions of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1137.07 INTERPRETATION OF ZONING MAP.

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 of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of the Zoning Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the zoning map, the Board shall give due regard to the nature and condition of all adjacent uses and structures. (Ord. 94-84. Passed 7-9-84.)

1137.08 VARIANCES.

In authorizing a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of the Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and shall be complied with.

(a) Use Variance. No use variance shall be authorized by the Board of Zoning Appeals unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

(1) The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

(2) The hardship condition described in Section 1133.01(86) is not created as a result of actions by the applicant;

(3) The granting of such variance will not adversely affect the rights of adjacent property owners;

(4) The granting of such variance will not adversely affect the public health, safety or general welfare;

- (5) Such variance will be consistent with the general spirit and intent of the Zoning Code;
 - (6) The variance sought is the minimum which will afford relief to the applicant; and
 - (7) There is no other economically viable use which is permitted in the zoning district.
 - (b) Area/size Variance. No area/size variance shall be authorized by the Board of Zoning Appeals unless the Board has considered and weighed the following factors to determine if the property owner requesting a variance has encountered practical difficulties:
 - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services, including, but not limited to, water, sewer, and garbage services;
 - (5) Whether the property owner purchased the property with knowledge of the zoning restrictions;
 - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
- (Ord. 98-10. Passed 11-8-10.)

1137.09 ADMINISTRATIVE REVIEW.

In considering an appeal from an alleged error in the administration of the Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of the Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties and the public interest. In exercising its power to review such allegation, the Board may, in conformity with the provisions of statute and of the Zoning Ordinance reverse or affirm, wholly or partly, or may modify the order, decision, or determination made, and to that end shall have all powers of the officer from whom the appeal is taken.

(Ord. 94-84. Passed 7-9-84.)

1137.10 PERMIT EXPIRATION.

No order of the Board of Zoning Appeals permitting the erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained and the work is started within such period, or where no erection or alteration is necessary, the permitted use is established within such period.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1139

Amendments

1139.01 Procedure.

1139.02 Petition.

CROSS REFERENCES

Amendments not to be enacted as emergency legislation - see CHTR. §4.06(B)(3)

Zoning legislation generally - see CHTR. §4.10

Council may amend districting or zoning - see Ohio R.C. 713.10

1139.01 PROCEDURE.

(a) Ordinances or resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by a member of Council. If the proposed ordinance or resolution changes the zoning classification of any property, written notice of the proposed rezoning ordinance or resolution shall be mailed by the Clerk of Council by certified mail with return receipt requested at least ten days before the first reading of such ordinance or resolution to the owner(s) of the property proposed to be rezoned, unless such notice is waived by the property owner(s) in writing. Such notices shall be sent to the addresses of owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any ordinance or resolution. Immediately after the first reading of the ordinance or resolution, the presiding officer of Council shall refer such measure to the Planning Commission for its consideration and recommendation. Within thirty days after receipt of referral, the Planning Commission shall hold a public hearing on such measure and return to the Clerk of Council the written recommendations of a majority of the members of the Commission. Unless Council and the Planning Commission have previously held a joint public hearing as hereinafter provided, upon receipt of the recommendations of the Planning Commission, the Mayor shall set a date for a public hearing before Council, not earlier than fifteen days after the receipt of the Planning Commission's recommendations. The Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of circulation within the City; such publication to be made at least seven days prior to the date of the public hearing. When the amendment, revision, change or repeal involves ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by certified mail with return receipt requested at least seven days before the date of the public hearing, to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. Such notices shall be sent to the addresses of owners appearing on the County Auditor's current tax list and to other lists as may be required by Council. The failure of delivery of the notice shall not invalidate any ordinance or resolution. Council and the Planning Commission may hold joint hearings on any such ordinance or resolution. In the event of a joint public hearing between the Planning Commission and Council on any such ordinance or resolution, notice as required for public hearings

of Council shall be given and no other public hearing before the Planning Commission or Council shall be required.

(b) A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be passed unless it receives at least a majority vote of the members of Council. (Ord. 94-84. Passed 7-9-84.)

1139.02 PETITION.

A petition requesting amendment or change in the district boundaries or regulations herein may be considered by Council. Such petition shall be duly signed by the owners of fifty percent (50%) or more of the area of lots included in such proposed change, and fifty percent (50%) of all lots or portions thereof within two hundred feet in every direction from the boundaries of the proposed change. Such petition shall not be accepted or presented or considered at any meeting of Council unless and until the person or persons requesting the amendment shall have filed a receipt from the Zoning Inspector showing the payment into the City Treasury of the sum of twenty-five dollars (\$25.00) to cover the cost of advertisement of the proposed change.

(a) List of Property Owners. Any person or persons desiring a change in the zoning classification of property shall file a list with the Zoning Inspector giving the name and addresses of the owners of all properties lying within two hundred feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

(b) Documents Submitted With Petition. Any person and persons submitting a petition for a change in the zoning classification of property shall file:

(1) A preliminary layout showing lot plan in the case of residential property; or

(2) A general plan showing to what use the property shall be put with respect to commercial or industrial zoning, together with a conceptual layout.

(c) Technical Review Committee Referral and Recommendation. Upon the referral of an ordinance to the Planning Commission by the Clerk of Council under Section 1139.01, the Clerk of Council shall also refer such ordinance to the Technical Review Committee as that body is defined in Section 1135.02(c). The Technical Review Committee shall make written recommendations with regard to such ordinance to the Planning Commission prior to the Planning Commission recommendations to Council. (Ord. 94-84. Passed 7-9-84.)

TITLE FIVE - Zoning Regulations

Chap. 1141. Districts and Boundaries.

Chap. 1143. Effects of Districting; General Regulations.

Chap. 1144. Wireless and Cellular Telecommunications Towers and Facilities.

Chap. 1145. A-1 Agricultural and Estate Residence District.

Chap. 1147. R-0 One-Family Residence District.

Chap. 1149. R-1 One-Family Residence District.

Chap. 1151. R-2 One to Four Family Residence District.

Chap. 1153. R-3 Multi-Family Residence District.

Chap. 1155. R-4 Low Density Multi-Family Residence District.

Chap. 1157. C-1 Neighborhood Business District.

Chap. 1159. C-2 Central Business District.

Chap. 1161. C-2A Central Business District Modified. (Repealed)

Chap. 1163. C-2B Central Business District Modified. (Repealed)

Chap. 1165. C-3 General Business District.

Chap. 1167. C-3A General Business District Modified.

Chap. 1168. D-1 Downtown District.

Chap. 1169. M-1 Industrial Park District.

Chap. 1171. M-1A Industrial Park District Modified. (Repealed)

Chap. 1172. (ST) Service Transition Commercial/Industrial District.

Chap. 1173. M-2 General Industrial District.

Chap. 1174. D-1A Downtown District Modified.

Chap. 1175. M-2A General Industrial District Modified. (Repealed)

Chap. 1177. B-1 Institutions and Office District.

Chap. 1179. C-4 Commercial Transition District.

Chap. 1180. Exceptions and Modifications.

CHAPTER 1141

Districts and Boundaries

1141.01 Division of City into districts.

1141.02 Districts and boundaries established.

1141.03 District boundaries.

1141.04 Lot divided by districts.

1141.05 Interpretation of uncertain boundaries.

1141.06 Vacated streets or alleys.

1141.07 Annexations.

CROSS REFERENCES

Zoning of annexed areas - see Ohio R. C. 303.25, 519.18

Basis of districts - see Ohio R. C. 713.10

Exceptions and modifications - see Ohio P. & Z. Ch. 1180
Planned unit developments - see P. & Z. Ch. 1191
Nonconforming uses - see P. & Z. Ch. 1198

1141.01 DIVISION OF CITY INTO DISTRICTS.

For the purpose of the Zoning Ordinance, the City is hereby divided into eighteen categories of Zoning Districts as follows:

- (a) Agricultural - Residential Districts.
 - (1) A-1 Agricultural and Estate District.
 - (2) R-0 One-Family Residence District.
 - (3) R-1 One-Family Residence District.
 - (4) R-2 One to Four Family Residence District.
 - (5) R-3 Multi-Family Residence District.
 - (6) R-4 Low Density Multi-Family Residence District.
- (b) Non-Residential Districts.
 - (1) B-1 Institutions and Office District.
 - (2) C-4 Commercial Transition District.
 - (3) C-1 Neighborhood Business District.
 - (4) C-2 Central Business District.
 - (5) C-2A Central Business District - Modified.
 - (6) C-2B Central Business District - Modified.
 - (7) C-3 General Business District.
 - (8) C-3A General Business District - Modified.
 - (9) M-1 Industrial Park District.
 - (10) M-1A Industrial Park District - Modified.
 - (11) M-2 General Industrial District.
 - (12) M-2A General Industrial District - Modified.

(Ord. 94-84. Passed 7-9-84.)

1141.02 DISTRICTS AND BOUNDARIES ESTABLISHED.

The several districts and boundaries thereof are hereby adopted and established as shown on the City Zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon shall be and are hereby made a part of the Zoning Ordinance. The Zoning Map, properly attested, shall be and remain on file in the office of the Planning Director.

(Ord. 94-84. Passed 7-9-84.)

1141.03 DISTRICT BOUNDARIES.

Except where referenced on the Zoning Map to street or alley lines or other designated lines by dimensions shown on the Zoning Map, the district boundary lines follow lot lines or the centerlines of streets or alleys as they existed at the time of the adoption of the Zoning Ordinance; but where a district line obviously does not coincide with the lot lines or such centerlines or where it is not designated by dimensions, it shall be determined by scaling. (Ord. 94-84. Passed 7-9-84.)

1141.04 LOT DIVIDED BY DISTRICTS.

Where a district boundary line established in this chapter or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of the Zoning Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under the Zoning Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.

(Ord. 94-84. Passed 7-9-84.)

1141.05 INTERPRETATION OF UNCERTAIN BOUNDARIES.

All questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it. (Ord. 94-84. Passed 7-9-84.)

1141.06 VACATED STREETS OR ALLEYS.

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall henceforth be subject to all regulations of the extended district or districts. (Ord. 94-84. Passed 7-9-84.)

1141.07 ANNEXATIONS.

In every case where property has not been specifically included within a district, the same is hereby declared to be in the A-1 District. Township zoning regulations in effect for territory annexed to or consolidated with the City subsequent to the effective date of the Zoning Ordinance shall, upon the effective date of such annexation or consolidation, remain in force and effect for a period not to exceed nine months. The Planning Commission shall recommend to City Council, within a period of not to exceed six months from such date of annexation or consolidation, a zoning districting plan of such property in accordance with the provisions of Chapter 1139. (Ord. 94-84. Passed 7-9-84.)

Effects of Districting; General Regulations

- 1143.01 Conformance required.
- 1143.02 Additional uses.
- 1143.03 Additional prohibited uses.
- 1143.04 Airports.
- 1143.05 Rear dwellings in A or R districts.
- 1143.06 Accessory uses in A or R Districts and on property used for residential purposes in any other zoning district.
- 1143.07 Side yard.
- 1143.08 Traffic and pedestrian visibility.
- 1143.09 Parking of trucks.
- 1143.10 Screening and buffering.
- 1143.11 Performance standards.
- 1143.12 Street frontage.
- 1143.13 Required area or space cannot be reduced.
- 1143.14 Off-street parking and loading.
- 1143.15 Encroaching doors.
- 1143.16 Essential services.
- 1143.17 Unsafe buildings.
- 1143.18 Pending applications for building permits.
- 1143.19 Inoperative and/or unlicensed motor vehicles and trailers.
- 1143.20 Sale of motor vehicles, boats, recreational vehicles, and trailers.
- 1143.21 Composting in agricultural and residential districts.
- 1143.22 Dumpster enclosure provisions.
- 1143.23 Tent requirements and restrictions.
- 1143.24 Removal of graffiti.
- 1143.25 Parking of recreational vehicles in A or R Zoning Districts and on all other property used for residential purposes in any other zoning district.
- 1143.26 Portable storage units within A or R Zoning Districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.
- 1143.261 Portable storage containers within the C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST and C-4 Zoning Districts and on all other property used for non-residential purposes in any Planned Unit Development.
- 1143.27 Dumpsters located within A or R Districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.
- 1143.28 Solar energy equipment.
- 1143.29 Site landscaping.
- 1143.30 Security bars.
- 1143.31 Rain barrels within A or R zoning districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10

Special zoning regulations - see P. & Z. Title Seven

1143.01 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such regulations including, but without limitation, the following; the use of buildings, structures or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use; the height, size or dimensions of buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

(Ord. 94-84. Passed 7-9-84.)

1143.02 ADDITIONAL USES.

Uses other than those specifically mentioned in the Zoning Ordinance as permitted uses in each of the districts may also be allowed therein, except for uses prohibited therein or which are first permitted in a less restrictive district and provided that, in the judgement of the Board as evidenced by resolution of record, such other uses are of similar character to those mentioned and shall have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or the community than the permitted uses specifically mentioned for the district.

(Ord. 94-84. Passed 7-9-84.)

1143.03 ADDITIONAL PROHIBITED USES.

Uses other than those specifically prohibited in the Zoning Ordinance in any district shall also be prohibited therefrom, provided that if, in the judgement of the Board of Zoning Appeals, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have a similar or more serious adverse influence on adjacent properties, the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

(Ord. 94-84. Passed 7-9-84.)

1143.04 AIRPORTS.

Airports, airfields or heliports may be built within City limits only with permission of the Planning Commission and Council.
(Ord. 94-84. Passed 7-9-84.)

1143.05 REAR DWELLINGS IN A OR R DISTRICTS.

In any A or R District, no building in the rear of a principal building on the same lot shall be used for residential purposes.
(Ord. 94-84. Passed 7-9-84.)

1143.06 ACCESSORY USES IN A OR R DISTRICTS AND ON PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.

(a) Buildings and Parking Space. In any A or R District, and all property used for residential purposes in any other zoning district, accessory buildings or structures may be erected, detached from the principal building or may be erected as an integral part of the principal building, or may be connected therewith by a breezeway or similar structure. Except as provided in Section 1180.03, no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard. The exterior wall surface of an accessory building or structure, if greater than 100 square feet, shall not be made of metal, resin, plastic or non-finished composite material and accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size. Metal roofs are not permitted for accessory structures except metal panel roofs which are factory-finished with a rib or standing seam design without exposed fasteners and warranted against rust shall be permitted on accessory structures except carports. It is preferred that metal roof panels match some color of the principal building or be an Earth tone color. Accessory buildings and structures shall be distant at least six feet from any dwelling situated on the same lot, unless erected as an integral part thereof, and at least six feet from all lot lines or adjoining lots which are within any A or R District or are used for residential purposes. An accessory paved parking space may be located in any yard except a front yard. The accessory use area of a building or structure which is constructed both contemporaneously with and as an integral part of the original principal residence shall not be included in the calculation of allowable accessory building or structure area under this subsection.

(b) Corner Lots. In any A or R District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building or structure on such corner shall be near a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot.

(c) Front Setback. No accessory use or structure in any A or R District, except an off-street parking area subject to the provisions of Chapter 1183, shall be permitted nearer to any front lot line than sixty feet, unless such use or structure is contained within, or connected by breezeway or similar structure to, the principal structure.

(d) Yard Requirements. Except as provided in Section 1180.03, an accessory building or structure, if not located in the rear yard, shall be erected as an integral part of, or connected by a breezeway or similar structure with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as such accessory building or structure.

(e) Without Main Buildings. In any A or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(f) Paved Ingress and Egress. An accessory building or structure which has a door opening(s) greater than six feet in width must have paved access in accordance with subsection 1183.05 (c).

(g) Height of Accessory Building. In no case shall the height of an accessory building or structure exceed the height of the principal structure that occupies the same lot or parcel except on parcels zoned A-1 which are two acres or greater in size.
(Ord. 94-16. Passed 10-24-16.)

1143.07 SIDE YARD.

(a) There shall be a side yard on each side of all buildings in the A and R Districts as specified in each of such districts. The side yard on the street side of a corner lot which lot adjoins in the rear a lot fronting on the side street and located in any A or R District shall be the front yard setback required for a dwelling on such adjoining lot.

(b) In the B-1 and C Districts a nonrequired side yard, if provided, shall be at least six feet wide.

(Ord. 94-84. Passed 7-9-84.)

1143.08 TRAFFIC AND PEDESTRIAN VISIBILITY.

On any lot, no fence, structure or planting shall be erected or maintained which interferes with reasonable sight distance for pedestrians or motor vehicle operators along sidewalks and/or streets and on private property and for vehicular ingress and egress to and from adjoining property. (Ord. 98-10. Passed 11-8-10.)

1143.09 PARKING OF TRUCKS.

No truck or other commercial vehicle of a rated weight of more than three-quarter ton shall be parked on any street or any residential premises in any A or R District for any consecutive period of four hours or more; provided that nothing herein shall prevent the parking of such vehicle in a fully enclosed garage or similar permanent structure. (Ord. 94-84. Passed 7-9-84.)

1143.10 SCREENING AND BUFFERING.

(a) Where Required. Screen(s) and buffer(s) shall be provided along the common property line separating all A and Residential (R) Districts from Institutional (B), Commercial (C) and Industrial (M) zoning districts as well as between residential zoning districts in accordance with the requirements of the Zoning Ordinance.

(b) Responsibility. Provisions for such buffer areas and construction of required screens shall be the responsibility of the property owner or developer introducing the new use as defined by the requirements for screening and buffering found within the individual zoning district (i.e., A-1, R-0, R-1, R-2, etc.). These screening and buffering requirements are to be utilized for reference in evaluating P.U.D. plans and preliminary/final development plans as provided for in Chapter 1191.

(c) Construction. All screens required or provided shall be constructed of any combination of natural and man-made elements to comply with the height and material requirements of the Zoning Ordinance. All vertical screening elements between incompatible land uses as described below and required within the various zoning districts of the Zoning Ordinance shall be a minimum height of six feet.

Natural screens made of vegetation having a mature height greater than six feet may be required in cases where the difference in topography and/or intensity of the two uses being screened merits such action.

(d) Buffer Areas. All buffer areas shall be unobstructed from ground to sky, except for required screens and natural plantings, and planted in grass or other natural ground cover upon which no activity, use or structure shall be placed. Screening and buffering will extend along the common property line forward to the building line of the adjoining use except when the new use conducts primary and/or accessory activities excluding driveways of two lanes or less forward of the primary building of the adjoining use. In that situation, the screening and buffering shall be extended to provide screening and buffering between such primary and/or accessory activity and the adjoining property. The height of such screen may be adjusted to prevent limits to visibility that may affect safety.

(e) Screening Materials. For the purpose of screening incompatible land uses, the property owner may utilize any combination of the following: masonry wall, chain link fence with slats, opaque wooden fences, earthen mounds, natural vegetation hedges and plantings, open space or any other material approved by the Technical Review Committee. Plantings must utilize a mix of coniferous and deciduous type plantings so as to provide a minimum of sixty percent (60%) winter opacity and an eighty percent (80%) summer opacity within five years after installation. The Zoning Inspector shall have authority to determine whether such plantings will provide the appropriate levels of opacity within five years recognizing the growth of natural vegetation. Screens other than plantings must provide a minimum of eighty percent (80%) opacity at all times.

(f) Maintenance and/or Replacement. All buffers and screens shall be maintained in a condition reasonably representing the original condition, recognizing growth of natural vegetation, and shall be replaced as necessary. The property owner shall be responsible for such maintenance and/or replacement of buffer areas and screens, including but not limited to, appropriate trimming of natural vegetation, painting and general repair. (Ord. 94-84. Passed 7-9-84.)

1143.11 PERFORMANCE STANDARDS.

Even though compliance with Chapter 1181 may not be expressly required for a particular use, initial and continued compliance with performance standards is required of every use. (Ord. 94-84. Passed 7-9-84.)

1143.12 STREET FRONTAGE.

Except as permitted by other provisions of the Zoning Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least forty feet on a street. There shall not be more than one single-family dwelling for such frontage. (Ord. 94-84. Passed 7-9-84.)

1143.13 REQUIRED AREA OR SPACE CANNOT BE REDUCED.

No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by the Zoning Ordinance. No part of a yard, court, parking area or other space provided about, or for any building or structure for the purpose of complying with the provisions of the Zoning Ordinance shall be included as part of a yard, court, parking area or other space required under the Zoning Ordinance for another building or structure. (Ord. 94-84. Passed 7-9-84.)

1143.14 OFF-STREET PARKING AND LOADING.

In every district, spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Chapter 1183.

(Ord. 94-84. Passed 7-9-84.)

1143.15 ENCROACHING DOORS.

Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened shall not project beyond any lot line of the lot on which such building is located. When such doors open to an alley, the wall or portion thereof containing the doors shall be at least six feet from the line forming the common boundary between such lot and the alley.

(Ord. 94-84. Passed 7-9-84.)

1143.16 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1143.17 UNSAFE BUILDINGS.

Nothing in the Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority. (Ord. 94-84. Passed 7-9-84.)

1143.18 PENDING APPLICATIONS FOR BUILDING PERMITS.

Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of the Zoning Ordinance, the construction of which shall have been completed within twelve months after the effective date of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1143.19 INOPERATIVE AND/OR UNLICENSED MOTOR VEHICLES AND TRAILERS.

No person, firm or corporation owning or occupying a lot or land within the Municipality shall place, cause to be placed or allow to remain an inoperative and/or unlicensed motor vehicle or trailer on such premises for a period exceeding seventy-two hours, except where such use is specifically authorized for the district in which such motor vehicle or trailer is located.

(Ord. 154-92. Passed 12-14-92.)

1143.20 SALE OF MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES AND TRAILERS.

No person, firm or corporation shall display for sale a motor vehicle, boat, recreational vehicle or trailer except that such provision shall not apply in the following specific instances:

- (a) No more than one motor vehicle, boat, recreational vehicle or trailer at a time may be displayed for sale on a lot or parcel and no more than a total of four such motor vehicles, boats, recreational vehicles or trailers may be displayed for sale on any lot or parcel during any consecutive twelve month period, provided that any such motor vehicle, boat, recreational vehicle or trailer which is displayed for sale under this subsection (a) must be titled in the name of an occupant of the property and provided further that any boat on a trailer may be displayed for sale together and shall be considered one unit under this subsection (a).
- (b) Such motor vehicles, boats, recreational vehicles or trailers are displayed by duly and proper licensed dealers and such display occurs in areas properly zoned to conduct such a business.
- (c) For the purposes of subsection (a) above, "motor vehicle" does not include any truck or bus which has a gross vehicle weight in excess of 11,000 pounds or machinery or equipment.

(Ord. 154-92. Passed 12-14-92.)

1143.21 COMPOSTING ON AGRICULTURAL AND RESIDENTIAL DISTRICTS.

In any agricultural or residential district, composting facilities serving only the occupants of that particular lot may be constructed and used by said occupants. The only yard waste which may be placed in a compost facility is that which is generated from the lot on which the compost facility is located. The compost facility shall be constructed as a bin or a structure and must be located in the rear yard and be a minimum of six feet from any adjacent lot lines. Additionally, no composting facility shall be permitted or maintained which is offensive due to disproportionate size or due to the emission of odor. Compost within the facility must be periodically "turned" to aerate the mass and mix the material for better decomposition. (Ord. 29-94. Passed 3-14-94.)

1143.22 DUMPSTER ENCLOSURE PROVISIONS.

As stated in Section 717.05(b)(3) of these Codified Ordinances.

(Ord. 28-94. Passed 3-14-94.)

1143.23 TENT REQUIREMENTS AND RESTRICTIONS.

Tents are to be used for special events or to promote the sale of various goods or services and are not to be used in place of a permanent structure. The erection of a tent is permitted only after a permit has been secured from the building superintendent or his/her designee, and the appropriate fees paid. As a requirement for issuance of the permit, the applicant must present a certificate that the tent meets the applicable flame retardancy requirements as required in the Fire Code. Applications for tent permits shall only be permitted for a maximum of two periods in a calendar year not to exceed thirty days each. A minimum of thirty days between each thirty day permit period is required. An application for a tent permit shall be granted by lot or parcel under this section, not by individual business, except that if a business occupies contiguous lots or parcels, those lots or parcels shall be considered as one lot or parcel for purposes of this section. (Ord. 154-96. Passed 10-15-96.)

1143.24 REMOVAL OF GRAFFITI.

The owners and/or occupants of all property shall maintain the exterior of all structures and premises free from graffiti when such graffiti is visible from any point off the property. Owners and/or occupants on whose property graffiti is displayed shall completely remove the graffiti without leaving the surface color in a spotted or mismatched condition or shall completely and uniformly cover the graffiti with appropriate paints or finish within ten days after being ordered to do so by the Zoning Inspector. If the owner, lessee, agent or tenant having charge of or responsibility for maintenance of the building or land fails to comply with the notice, the City Manager shall thereupon cause the graffiti to be removed, and for such purpose may employ the necessary labor to carry out the provisions of this section. All expenses of labor and costs incurred shall, when approved by the City Manager, be paid out of Municipal Funds not otherwise appropriated. Costs incurred by the Municipality for removing such graffiti shall be entered upon the tax duplicate and shall be a lien upon such lands and property. (Ord. 30-00. Passed 3-13-00.)

1143.25 PARKING OF RECREATIONAL VEHICLES IN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.

(a) For purposes of this section, "recreational vehicles" includes trailers, non-commercial trailers, motor homes, truck campers and recreational vehicles as defined in Ohio Revised Code Section 4501.01 and watercrafts, personal watercrafts and vessels as defined in Ohio Revised Code Section 1547.01.

(b) All parking of recreational vehicles in A or R Zoning Districts and on property used for residential purposes in any other zoning district shall be subject to the following requirements:

- (1) No part or extension of a recreational vehicle shall be parked or extend nearer than two (2) feet from a public right-of-way or other property line, whether or not such part or extension of the recreational vehicle actually touches the ground or a surface on the ground.
- (2) All recreational vehicles shall be parked on a completely paved surface in accordance with Section 1183.05(c), which paved surface shall cover completely all areas beneath any part of the recreational vehicle, excluding the area beneath any pull-out or other extension while extended and which is retracted when the recreational vehicle is used on the public roadways. Canoes of any length and rowboats ten feet (10') or less in length which are stored in a rear yard or on a corner lot in the side or rear yard away from the street are excluded from this subsection.
- (3) All recreational vehicles shall be maintained in a clean and sanitary condition, in good structural and mechanical repair and fully operational for their intended use with all current licenses and registrations required for their operation and use upon public roadways and/or waterways as applicable.
- (4) All watercrafts, personal watercrafts and vessels, except canoes of any length and rowboats ten feet (10') or less in length, must be parked on a trailer which is suitable and licensed for use upon the public roadways.
- (5) No recreational vehicle shall be occupied as a permanent or temporary residence and shall have no permanent electric, water or

gas connections and no connections of any kind to a public or private sanitary sewer system.

- (6) No personal property of any kind or description, except wheel blocks and jack stands, may be placed or stored on the ground or surface under any part of a recreational vehicle, including pull-outs. Grass or vegetation, if any, under a recreational vehicle, including pull-outs, shall be cut and maintained at the same height as the other parts of the abutting grass or vegetation.

(c) This section shall not apply to any recreational vehicle which is located within a completely enclosed permanent structure. (Ord. 180-04. Passed 12-13-04.)

1143.26 PORTABLE STORAGE UNITS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, "portable storage unit" means any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle and is left on site in an A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development.

(b) Portable storage units are permitted as a temporary use for a period not to exceed thirty days within any one year period.

(c) Portable storage units must be located on a paved surface and outside the City right-of-way.

(d) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e. fire, flood or other event where there is significant property damage), the Building Inspector may extend the time period to a maximum of ninety days total within a one year period.

(e) Portable storage units may not exceed a size of 1200 cubic feet on the interior. All portable storage units in excess of 1200 feet are prohibited in residential areas as defined in subsection (a) above. (Ord. 114-19. Passed 12-2-19.)

1143.261 PORTABLE STORAGE CONTAINERS WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST AND C-4 ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR NON-RESIDENTIAL PURPOSES IN ANY PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, "portable storage container" means any enclosed container made of metal or other durable construction material designed for storage of property which is designed to be transported by motor vehicle and is left on site. The definition of portable storage container includes, but not limited to, shipping containers, cargo containers and semi-truck trailers.

(b) Portable storage containers may be used within the C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, and C-4 Zoning Districts and on all other property used for non-residential purposes in any Planned Unit Development as an accessory use.

(c) Portable storage containers shall be subject to the following requirements:

(1) Portable storage containers shall not exceed forty (40) feet in length, ten (10) feet in width or ten (10) feet in height.

(2) Vertical stacking of portable storage containers or stacking of other materials or merchandise on top of any portable storage container is prohibited.

(3) Portable storage containers shall not be placed on a public street, road, alley or right of way or in a way that interferes with the property ingress or egress or creates a traffic hazard for neighboring property owners.

(4) Portable storage containers shall be placed on a hard-durable surface such as asphalt or Portland cement.

(5) Portable storage containers shall be placed at the rear of the property in such a manner as to minimize/screen their visibility from any public street and adhere to side and rear yard setback requirements, except that a temporary portable storage container for construction or remodeling may be located in another reasonable location not otherwise prohibited herein for a period not to exceed 180 days.

(6) Portable storage containers shall be kept in good condition, free from evidence of deterioration, weathering, discoloration, rust, damage, graffiti, and shall be properly maintained at all times.

(7) Portable storage containers shall not be used for retail sales, office space or business operations or to store waste and shall comply with the requirements of Chapter 1511 of the Codified Ordinances, including, but not limited to, Section 1511.01(10) Identification of Hazardous Substances. (Ord. 56-20. Passed 7-27-20.)

1143.27 DUMPSTERS LOCATED WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, "dumpster" means any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees, or limbs and designed to be delivered and picked up by a truck and which is left on site in any A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development. Dumpster does not include garbage cans which can be moved by a person.

(b) Dumpsters are permitted within multiple family residences for the regular collection of trash and garbage from the residents thereof, subject to all other applicable requirements as to enclosure with lids and/or screening and/or location, etc. Dumpsters at all other residential locations are subject to the following limitations:

(1) At new building construction sites, not to exceed nine months without specific written approval of the Building Inspector and then not to exceed a period reasonably necessary to complete the construction.

(2) For existing buildings, dumpsters may be located on-site for the duration of the remodeling, renovation or expansion work but not to exceed a total of three months in any one year period without specific written approval of the Building Inspector and then not to exceed a period reasonably necessary to complete the construction.

(3) For existing buildings, dumpsters must be located on a paved surface out of the City right-of-way.

(4) Dumpsters must be removed from all residential premises after construction is complete or a certificate of occupancy has been issued, whichever is earlier, except as provided above with regard to multiple family residences.

(5) No more than one dumpster at a time is permitted on a single-family residential lot without the written approval of the Building Inspector.

(6) No trash, yard waste, garbage, building or construction debris, trees or limbs may be brought from other property or premises to a dumpster located on residential premises, except to a dumpster specifically provided by the City of Fairfield on a temporary use basis for residential property.

(Ord. 26-06. Passed 2-27-06.)

1143.28 SOLAR ENERGY EQUIPMENT.

Solar energy equipment is permitted in accordance with the following requirements:

- (a) Solar panels or solar film is allowed on the roof of any principal permitted structure and as roof material for overhangs, porches, awnings, gazebos, or similar structures but only when such structures are constructed as an integral part of the principal structure.
- (b) Rooftop solar panels shall be installed on the plane of the roof (flush mounted) and shall not extend above the ridgeline of the roof. In no case can the solar panels extend greater than eighteen inches from the roof surface.
- (c) For rooftop solar panels, all exposed conduits, plumbing lines and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
- (d) No ground mounted or wall mounted solar panels greater than one (1) square foot are permitted in any residential or agricultural zoning districts. Ground mounted and wall mounted solar panels are permitted in M-2, ST, SE, C-2, C-3, C-3A and B-1 zoning districts. They must be located no closer than 200 feet from any residential or agricultural zoning district.
- (e) A ground mounted solar panel shall be subordinate in size to the principal structure it serves, shall not exceed 15 feet in height, and is subject to the setbacks as defined in the district in which it is permitted.
- (f) Ground mounted solar panels may not be located in the front yard.
- (g) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity. The owner and/or occupant of the property on which the solar panels are located shall be responsible for correcting any violation of this subsection.
- (h) Solar panels used exclusively for traffic control signals or devices are exempted from this section except subsection (g) above which shall apply.

(Ord. 98-10. Passed 11-8-10.)

1143.29 SITE LANDSCAPING.

In all zoning districts, except single-family residences, all areas not occupied by structures, pathways, parking lots or loading areas shall be covered with plantings, grass or other natural ground cover. Hardscape, such as rock, shall only be permitted an necessary to convey stormwater run-off or as a minor accessory to plantings, grass or other natural ground cover.

(Ord. 94-16. Passed 10-24-16.)

1143.30 SECURITY BARS.

Security bars, grilles or similar devices shall be retractable, shall be installed on the interior of the window or door frames, and shall be retracted at all times during which the building is open for business. A building permit shall be required prior to installation of security bars, grilles or similar devices.

(Ord. 94-16. Passed 10-24-16.)

1143.31 RAIN BARRELS WITHIN A ORR ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

- (a) For the purposes of this section, the following terms are defined as:
 - (1) "Rain barrel" means a container designed or used to collect rainwater from a collecting structure.
 - (2) "Collecting structure" means any house, garage, building or canopy from which rainwater is diverted for collection in a rain barrel(s).
- (b) Location. Rain barrels and accessories are not permitted in the front or street side yard and shall be located within 12 inches of a collecting structure.
- (c) Appearance. Rain barrels are to be earth tone colors. Rain barrels that do not meet this requirement are to be screened from view by either a collecting structure or a vinyl or pressure treated wood privacy fence that is of a white or an earth tone color.
- (d) Height. The height of the rain barrel, including the pedestal riser stand, shall not exceed six feet in height from grade. An elevated platform is permitted, but the height of the rain barrel and platform together shall not exceed six feet in height from grade.
- (e) Maximum Size and Number. The maximum capacity of a rain barrel shall not exceed 100 gallons. If two or more rain barrels are interconnected, they must be screened from view by either a collecting structure or a vinyl or pressure treated wood privacy fence that is of a white or earth tone color.
- (f) Rain barrels shall be operated in such a manner as to avoid creating a public or private nuisance. (Ord. 114-19. Passed 12-2-19.)

CHAPTER 1144

Wireless and Cellular Telecommunications Towers and Facilities

- 1144.01 Purpose, definitions and effect.
- 1144.02 General requirements.
- 1144.03 Registration of wireless and cellular telecommunications facilities, carriers and providers.
- 1144.04 Wireless and cellular telecommunication towers and facilities structural requirements.
- 1144.05 Zoning districts and locations where permitted.
- 1144.06 Application procedure.
- 1144.07 Application requirements.
- 1144.08 Existing wireless and cellular telecommunication towers and facilities.
- 1144.09 Design standards for wireless and cellular telecommunications towers and facilities.
- 1144.10 Design standards for wireless and cellular telecommunication facilities as attachments to existing structures.
- 1144.11 Standards for wireless and cellular towers and facilities on publicly owned property.
- 1144.12 Wireless and cellular telecommunication tower and facility location within existing electrical transmission towers.
- 1144.13 Removal of wireless telecommunication towers and facilities.

1144.01 PURPOSE, DEFINITIONS AND EFFECT.

(a) Purpose. It is the purpose of the regulations contained in this chapter entitled "Wireless and Cellular Telecommunications Towers and Facilities", to:

- (1) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the City;
- (2) Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;
- (3) Avoid potential damage to adjacent properties from communications towers and support structure failure; and

- (4) Encourage the joint use of tall structures and any new and existing communications towers and support structures to reduce the number of such structures needed in the future.
- (b) Definitions. As used in this chapter, the following terms shall have the meanings indicated:
- (1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - (2) "Antenna" means any exterior apparatus designed for telephonic, radio or television communications through the sending, relaying and/or receiving of electromagnetic waves; including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.
 - (3) "Clear and convincing evidence" means the measure of proof which will produce a firm belief as to the allegation sought to be established.
 - (4) "Co-location" means the process of providing space for more than one user on a tower or facility.
 - (5) "Cellular or wireless communications support structure" means any building or structure, including equipment shelter, guy wire anchors, accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
 - (6) "Height", when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.
 - (7) "Wireless and cellular telecommunication equipment" means antennas and satellite dishes, etc. which are used for transmitting, receiving or relaying communications signals, except as such equipment has been preempted from regulation by the Telecommunications Act of 1996.
 - (8) "Tower" means any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
 - (9) "Wireless and cellular telecommunication facilities" means any cable, wires, lines, wave guides, support structure, antennas and any other equipment or facilities associated with the transmission or reception of communications, as authorized by the Federal Communication Commission. However, the term "wireless telecommunications facilities" shall not include:
 - A. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or which is granted approval as a conditional use.
 - B. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
 - C. Antennas used by amateur radio operators are excluded from this definition.
 - (10) "Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.
 - (11) "Cellular communication services" means personal communications accessed by means of cellular equipment and services.
 - (12) "Tall structures" means any structure or building, including but not limited to, smoke stacks, water towers, buildings over forty-five feet in height, antenna support structures of other cellular or wireless communication companies, and other communication towers.
- (c) Effect on Other Zoning Regulations. The provisions of any other zoning regulation of these Codified Ordinances notwithstanding, the provisions of this chapter shall apply to all wireless and cellular telecommunications towers and facilities and shall supercede any contrary zoning regulation, including, but not limited to, zoning regulations related to essential services, public utilities and height restrictions, modifications and exceptions.
(Ord. 75-97. Passed 6-5-97.)

1144.02 GENERAL REQUIREMENTS.

- (a) Wireless and cellular telecommunications towers and facilities are either permitted uses or conditional uses in a variety of zoning districts contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.
- (b) Registration of wireless and cellular telecommunication towers and facilities is needed as required in Section 1144.03.
- (c) Shared usage of towers and transmission facilities is encouraged and towers should be designed to accommodate such uses including governmental telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- (d) The applicant must co-locate its facilities except where the applicant can demonstrate by clear and convincing evidence that its facilities cannot be located on any other existing communication tower, building, or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the "clustering" of towers within an area. The applicant must send a certified mail announcement to all other owners of existing towers and tall structure owners in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a facility can or cannot be located on another communication tower, building, or structure, the City shall consider the space available on an existing structure, the technological practicality of the co-location, the financial feasibility of the co-location, and such other factors as the City deems appropriate.
- (e) Any applicable airport land use compatibility criteria/policies and Federal Aviation Administration regulations shall be met and requirements presented to the City of Fairfield prior to facility approval.
- (f) The owner of any tower or facility shall indemnify and hold the City harmless against any and all claims, demands, suits, causes of action or judgment due to any injury including death, damage caused by the operation or construction of the tower or facility.
(Ord. 75-97. Passed 6-5-97.)

1144.03 REGISTRATION OF WIRELESS AND CELLULAR TELECOMMUNICATIONS FACILITIES, CARRIERS AND PROVIDERS.

- (a) Registration is required by all telecommunication tower owners and carriers and providers that offer or provide any telecommunications services for a fee directly to the public from wireless and cellular telecommunications facilities within the City of Fairfield. The registration forms to be provided to the City are available from the Planning Director. A fee of one hundred dollars (\$100.00) shall be charged for the registration.
- (b) Each owner shall inform the City within sixty days of any change of the information set forth on the registration form.
- (c) Wireless telecommunication towers and facilities registration must be renewed on a biennial basis, at the beginning of each even-numbered year. The registration must be accompanied by the one hundred dollar (\$100.00) fee. The telecommunications tower or facility owner/operator must submit the registration to the Planning Department of the City of Fairfield by February 1 of the applicable year.
(Ord. 75-97. Passed 6-5-97.)

1144.04 WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES STRUCTURAL REQUIREMENTS.

No wireless and cellular telecommunication tower and/or facility shall be designed and/or sited such that it poses a potential hazard to nearby improvements or surrounding properties. The structural integrity of towers and facilities must meet the applicable OBBC and EIA/TIA 222 standards and be designed by a professional engineer qualified in electrical/structural design. A building permit will only

be issued when these requirements are met to the satisfaction of the Building Superintendent.
(Ord. 75-97. Passed 6-5-97.)

1144.05 ZONING DISTRICTS AND LOCATIONS WHERE PERMITTED.

(a) Principally Permitted. Towers and facilities are principally permitted in M- 1, Industrial Park District and M-2, General Industrial District subject to the provisions of Section 1144.09, Design Standards for Wireless and Cellular Telecommunication Towers and Facilities.

(b) Conditional Uses. Towers and facilities not to exceed a total of 200 feet in height shall be permitted as a conditional use when expressly authorized by the Planning Commission and subject to the provisions of Section 1144.09, Design Standards for Wireless and Cellular Telecommunication Towers and Facilities in the following zones: C-3, General Business District; C-3A, General Business District, Modified; ST, Service Transition Commercial/Industrial District.

(c) Administrative Approval by Planning Director. Wireless and Cellular Telecommunication facilities of a height not to exceed the lesser of twenty-five feet or twenty- five percent (25%) of height of structure, shall be permitted in all zoning districts subject to Section 1144.10.

(d) Tower and facilities located on publicly owned property subject to Section 1144.11.

(e) Wireless and cellular telecommunications towers and facilities are permitted to locate with existing electrical transmission towers in all zoning districts subject to Section 1144.12.

(Ord. 75-97. Passed 6-5-97.)

1144.06 APPLICATION PROCEDURE.

(a) Any person or company intending to apply for the placement or operation of a cellular or wireless communications tower or facilities within the City of Fairfield shall first schedule a pre-application conference with the Planning Director. At the conference, the perspective applicant must present to the Planning Director any proposed locations for siting of towers and equipment. The information should identify possible locations, tower and tall structure heights, and the possibility of co-location.

(b) The purpose of the pre-application conference will be to, generally, evaluate the impact on adjacent areas and neighborhoods, discuss co-location; identify suitable sites that minimize any negative impact on surrounding areas.

(c) Upon the completion of the pre-application conference, an application may be filed with the Planning Director. The applicant must comply with the requirements of this chapter.

(d) A two hundred fifty dollars (\$250.00) application fee will be charged for each new cellular or wireless telecommunication tower or facility. This fee shall be in addition to any applicable building permit fee.

(Ord. 75-97. Passed 6-5-97.)

1144.07 APPLICATION REQUIREMENTS.

An applicant proposing to construct a new tower must submit an improvement plan in accordance with Chapter 1109. In addition to meeting the requirements of Section 1109.01, the plan must include:

(a) The location of all existing facilities and towers owned or used by the applicant within the City and outside the City limits within a one-fourth mile radius. Provide the following information for each existing facility:

- (1) Type and size of the tower and facilities at each location.
- (2) The type and accessory equipment and/or building located at each site.
- (3) The ground network and associated land lines utilized by each tower.

(b) The general location of planned future towers and facilities.

(c) For each specific tower location shown on the plan, there must be a schedule showing:

- (1) Type and size of the tower and facility at each location.
- (2) The type of accessory equipment located or proposed on each tower.
- (3) Type, size and location of any support structure to be used by the tower for which the application is being submitted.
- (4) The ground network and associated land lines, if any, utilized by each site.
- (5) A site plan showing the parcel on which any existing tower is located.
- (6) Detailed drawing of screening plan and related design standards.

(d) Copies of all certified mail announcements to all other owners of towers and tall structures must be attached to the application. See Section 1144.02 (d) herein.

(e) Notification from the FAA and local airport describing any requirements to be set forth on the tower and its location.

(Ord. 75-97. Passed 6-5-97.)

1144.08 EXISTING WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES.

Existing wireless and cellular telecommunication towers and facilities which do not comply with the conditions of this chapter at the time of its adoption, shall be classified as nonconforming. However, the owner and/or operator must comply with any registration requirements set forth in this chapter. Future co-location of facilities on existing towers and changes to the towers or facilities must comply with requirements of this chapter.

(Ord. 75-97. Passed 6-5-97.)

1144.09 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATIONS TOWERS AND FACILITIES.

(a) All telecommunication towers, support structures, and associated facilities shall be enclosed with a six foot high solid fence or barrier and a continuous evergreen hedge a minimum of thirty inches in height on the outside of the fence or barrier. Applicant is responsible for installation and maintenance of the fence or barrier and hedge.

(b) Proof shall be provided by the applicant in a form satisfactory to the Planning Director that the proposed installation has been approved by and will be operated in compliance with all agencies and governmental entities having jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions.

(c) Lights, beacons or strobes of any kind shall not be permitted on any tower, antenna, or facilities unless required by the Federal Aviation Administration. Any such requirements must be presented to the Planning Director prior to City approval of the facility. Furthermore, telecommunication towers are discouraged from locating in areas which would require special painting or lighting by the FAA regulations.

(d) Setback Requirements. Towers shall be located no closer than 500 feet from an A or R zoning district line and no closer than 250 feet to a public street right of way and no closer to any property lines than twenty-five (25%) of the height of the proposed tower.

(e) The minimum size of a parcel on which a tower is located shall be two acres and no more than one tower may be located on a parcel. Parcel means a separate tract of land as determined by the Butler County Auditor's Office.

(f) No advertisement of any kind shall be installed on telecommunication towers and/or facilities.

(g) The towers shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration. When permitted as a conditional use, the Planning Commission may require an alternative tower structure to blend into the existing environment. The towers shall be maintained in

accordance with Chapter 1343.

(h) Towers erected in C-3, C-3A or ST zones shall be 200 feet or less in height.
(Ord. 75-97. Passed 6-5-97.)

1144.10 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES AS ATTACHMENTS TO EXISTING STRUCTURES.

(a) Telecommunication facilities on existing structures are permitted in all districts as specified in Section 1144.05, subject to the following standards:

- (1) Existing tall structures includes water towers, smoke stacks, buildings, lighting standards or other structures.
- (2) Telecommunication facilities on existing structures must be aesthetically and architecturally compatible with the surrounding environment.
- (3) The maximum height of such telecommunication facilities shall not exceed the lesser of twenty-five feet or twenty-five percent (25%) of the height of the structure on which it is located. If located on a building, such facilities must be set back from the edge of the building a distance equal to the height of the facility. Any facility which will not extend more than ten feet above the height of the building and flush-mounted panel antennae are exempt from the setback requirement in this subsection.

(Ord. 75-97. Passed 6-5-97.)

1144.11 STANDARDS FOR WIRELESS AND CELLULAR TOWERS AND FACILITIES ON PUBLICLY OWNED PROPERTY.

(a) Towers and facilities may be permitted on any City of Fairfield owned property subject to the following:

- (1) The property must be leased from the City at its sole discretion.
- (2) The maximum height and design of any tower and/or facility on City of Fairfield property shall be determined by City Council.
- (3) All design standards in Sections 1144.09 and 1144.10, shall apply to towers and facilities under this Subsection except for the setback requirements in Subsection 1144.09 (d).
- (4) The Fairfield Parks and Recreation Board, must also approve the location and design of towers and facilities located on land under the control of the Board.

(b) Towers and facilities may be permitted on any Fairfield City School owned property subject to the following:

- (1) Planning Commission approval of a Conditional Use for the tower or facility located on property located in an A or R District.
- (2) Fairfield School Board approval is required.
- (3) The maximum height of any tower and/or facility shall not exceed 200 feet in height.
- (4) All design standards in Sections 1144.09 and 1144.10 shall apply to towers and facilities under this Section except for setback requirements in Section 1144.09 (d).

(c) Towers and facilities may be permitted on any other publicly owned property subject to the following:

- (1) A conditional use must be approved by the Planning Commission for any publicly owned property located in a district in which towers and/or facilities are not a principally permitted use.
- (2) The maximum height of any tower and/or facility shall not exceed 200 feet in height.
- (3) All design standards in Section 1144.09 and 1144.10 shall apply to towers and facilities under this Section except for setback requirements in Section 1144.09(d).

(Ord. 75-97. Passed 6-5-97.)

1144.12 WIRELESS AND CELLULAR TELECOMMUNICATION TOWER AND FACILITY LOCATION WITHIN EXISTING ELECTRICAL TRANSMISSION TOWERS.

(a) Wireless and cellular telecommunication towers and facilities are permitted and encouraged to utilize existing electrical transmission towers which have a height of at least 120 feet.

(b) The height of the wireless and cellular telecommunication towers and facilities shall not exceed a total of 200 feet.

(c) Section 1144.09 (c) and 1144.09 (f) shall apply.

(Ord. 75-97. Passed 6-5-97.)

1144.13 REMOVAL OF ABANDONED WIRELESS AND TELECOMMUNICATION TOWERS AND FACILITIES.

(a) All wireless and cellular telecommunication towers and facilities shall be removed within six months after they are no longer used. All owners or operators of such towers or facilities shall notify the Superintendent of Building and Zoning in writing of the date upon which such towers or facilities are no longer used.

(b) Wireless and cellular telecommunication towers and facilities which are not removed within six months after they are no longer used are hereby declared to be a public nuisance and shall be abated by removal of such tower and/or facilities.

(c) The Superintendent of Building and Zoning shall serve written notice on the owner or operator of the tower and/or facilities and the lessee and/or owner of the property upon which such tower and facilities are located ordering removal of the tower and/or facilities within one hundred twenty (120) days of the receipt of the notice.

(d) In the event that the tower and/or facilities are not removed within 120 days after the written notice, then the Superintendent of Building and Zoning is authorized and directed to abate such public nuisance by causing the removal of the tower and/or facilities at the expense of the owner or lessee of the tower, facilities or property.

(e) The cost of removal of the tower and/or facilities by the Superintendent of Building and Zoning shall be certified to the Butler County Auditor as a lien for assessment and collection against the real property upon which the tower and/or facilities were located in the same manner as general taxes and returned to the City's general fund.

(Ord. 75-97. Passed 6-5-97.)

CHAPTER 1145

A-1 Agricultural and Estate Residence District

1145.01 Principal permitted uses.

1145.02 Conditional uses.

1145.03 Accessory uses.

1145.04 Height regulations.

1145.05 Lot area, frontage and yard requirements.

1145.06 Courts.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exception and modifications - see P. & Z. Ch. 1180
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Mineral extraction - see P. & Z. Ch. 1195

1145.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Agricultural. Agriculture.
- (b) Residential. One-family dwellings.
- (c) Institutional. Churches, schools, libraries, seminaries. See conditional uses relative to school and church activities.
- (d) Essential Services. As defined in Section 1133.01(a)(36).
- (e) Recreational. Noncommercial recreation facilities; swimming pools subject to the provisions of Chapter 1193. (Ord. 94-84. Passed 7-9-84; Ord. 18-85. Passed 2-25-85.)

1145.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Tourist Homes. Tourist homes, rooming and boarding houses when located on or having access from a State or Federal highway or principal thoroughfare.
- (b) Recreational. Commercial recreation facilities; swimming pools subject to the provisions of Chapter 1193.
- (c) Institutional. Hospitals, museums, art galleries and similar cultural facilities; and colleges for academic instruction.
- (d) Cemetery. A minimum site area shall be twenty acres. No graves are to be placed less than 100 feet from any property line.
- (e) Utility. Public utility buildings necessary for the furnishing of adequate service to the area.
- (f) Kennel. Breeding, grooming and sale of domestic animals.
- (g) Club. Noncommercial clubs and lodges.
- (h) Day-care Center.
- (i) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses; commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses.

(Ord. 94-84. Passed 7-9-84.)

- (j) Family Care Facility. As defined in Section 1133.01 (37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

- (k) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1145.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

- (a) Residential. The keeping of not more than two roomers or boarders by a resident family.
- (b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.
- (c) Parking Facility. Parking garage or parking area subject to the provisions of Chapter 1183.
- (d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.
- (e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-half the area of one floor of the dwelling is devoted to such use.
- (f) Sign. As regulated and defined in Chapter 1187.
- (g) Temporary Produce Stand. On any premises used for the sale of agricultural products grown on such premises only.

(Ord. 94-84. Passed 7-9-84.)

1145.04 HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half stories or thirty feet except as provided in Section 1180.02. For parcels less than 2 acres, no accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02.

(Ord. 98-10. Passed 11-8-10.)

1145.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

- (a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 and 1 1/2 stories	20,000	100	40	10% of Lot Width	30
2 and 2 1/2 stories	20,000	100	40	Each Side Max. 20	35
All other uses	90,000	300	40	60	40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
A-1	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R Zones	6'

(Ord. 94-84. Passed 7-9-84.)

1145.06 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side or rear yard, a court, conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(a) Outer Court. A court which extends directly to and opens for its full width on a front, side or rear yard, shall not be less than six inches wide for each foot of height above the sill of the lowest window served by it, nor in any case less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless the width conforms to the requirements of subsection (b) hereof.

(b) Inner Court. A court which does not extend directly to, nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each foot of height above the sill of the lowest window served by it, nor in any case less than ten feet wide.

(Ord. (94-84. Passed 7-9-84.)

1145.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

(a) The purpose of these architectural standards is to ensure that principal residential structures built on infill parcels respect and are responsive to their physical context and preserve the architectural character and property values of the surrounding area. For purposes of this paragraph (a), elements that define architectural character of the surrounding area include, but are not limited to, building size and mass, building materials, colors, architectural styles, roof types and ancillary elements such as building setbacks and private deed or subdivision restrictions.

(b) All new principal residential structures constructed on infill parcels shall conform to the architectural character of the surrounding area and shall require specific review and prior approval of the Planning Commission before issuance of a building permit.

(Ord. 123-18. Passed 12-3-18.)

CHAPTER 1147

R-0 One-Family Residence District

1147.01 Principal permitted uses.

1147.02 Conditional uses.

1147.03 Accessory uses.

1147.04 Height regulations.

1147.05 Lot area, frontage and yard requirements.

1147.06 Courts.

1147.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Nonconforming use - see P. & Z. Ch. 1198

1147.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Agricultural. Agriculture, but not including animal and poultry husbandry and dairying.
- (b) Residential. One-family dwellings.
- (c) Institutional. Churches, schools and libraries. See conditional uses relative to school and church activities.
- (d) Essential Services. As defined in Section 1133.01(a)(36).

(Ord. 94-84. Passed 7-9-84.)

1147.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Day-care Center.
- (b) Recreational. Noncommercial recreational facilities; swimming pools subject to the provisions of Chapter 1193.
- (c) Institutional. Hospitals and colleges for academic instruction.
- (d) Club. Noncommercial clubs and lodges.
- (e) Utility. Public utility buildings necessary for the furnishing of adequate service to the area, but not including general offices, garages, warehouses, or outdoor storage yards.
- (f) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses; commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses.

(Ord. 94-84. Passed 7-9-84.)

(g) Family Care Facility. As defined in Section 1133.01 (37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located. (Ord. 156-92. Passed 12-14-92.)

- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1147.03 ACCESSORY USES.

Accessory uses, buildings or structures, customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

- (a) Residential. The keeping of not more than two roomers or boarders by a resident family.
- (b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.
- (c) Parking Facility. Parking area subject to the provisions of Chapter 1183.
- (d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.
- (e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use.
- (f) Sign. As regulated and defined in Chapter 1187.
- (g) Temporary Building. For uses incidental to construction.

(Ord. 94-84. Passed 7-9-84.)

1147.04 HEIGHT REGULATIONS.

No accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02.

(Ord. 94-84. Passed 7-9-84.)

1147.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

- (a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 & 1 1/2 stories	14,000	90	30	10% of Lot Width	30

2 & 2 1/2 stories	14,000	90	30	Each side Max. 15	35
All Other Uses	90,000	300	40	60	40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-O	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R zones	6'

(Ord. 94-84. Passed 7-9-84.)

1147.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1147.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1149

R-1 One-Family Residence District

- 1149.01 Principal permitted uses.
- 1149.02 Conditional uses.
- 1149.03 Accessory uses.
- 1149.04 Height regulations.
- 1149.05 Lot area, frontage and yard requirements.
- 1149.06 Courts.
- 1149.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
 Exceptions and modifications - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Swimming pools - see P. & Z. Ch. 1193
 Nonconforming uses - see P. & Z. Ch. 1198

1149.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Agricultural. Agriculture, but not including animal and poultry husbandry and dairying.
- (b) Residential. One-family dwellings.
- (c) Institutional. Churches; schools and libraries. See conditional uses relative to school and church activities.
- (d) Essential Services. As defined in Section 1133.01(a)(36).

(Ord. 94-84. Passed 7-9-84.)

1149.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Tourist Homes. Tourist homes and rooming and boarding houses when located on and having access from a federal or State highway or a principal thoroughfare.
- (b) Day-care Center.
- (c) Recreational. Noncommercial recreation facilities; swimming pools subject to the provisions of Chapter 1193.
- (d) Institutional. Hospitals and/or clinics; colleges for academic instruction.
- (e) Club. Noncommercial clubs and lodges.
- (f) Utility. Public utility building necessary for the furnishing of adequate service to the area but not including general offices, garages,

warehouses or outdoor storage yards.

(g) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses; commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses. (Ord. 94-84. Passed 7-9-84.)

(h) Family Care Facility. As defined in Section 1133.01(37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

(i) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.

(Ord. 98-10. Passed 11-8-10.)

1149.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

(a) Residential. The keeping of not more than two roomers or boarders by a resident family.

(b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.

(c) Parking Facility. Parking garage or parking area subject to the provisions of Chapter 1183.

(d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.

(e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-fourth of the area of one floor of the dwelling is devoted to such use.

(f) Signs. As regulated and defined in Chapter 1187.

(g) Temporary Buildings. For uses incidental to construction.

(Ord. 94-84. Passed 7-9-84.)

1149.04 HEIGHT REGULATIONS.

No accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02.

(Ord. 94-84. Passed 7-9-84.)

1149.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 & 1 1/2 stories	12,000	75	30	Each side 10% of Lot Width Max. 15	30
2 & 2 1/2 stories	12,000	75	30	Each side 10% of Lot Width Max. 15	30
All Other Uses	40,000	200	30		40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-1	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R zones	6' adjoining all A and R zones

(Ord. 94-84. Passed 7-9-84.)

1149.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1149.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1151

R-2 One To Four Family Residence District

- 1151.01 Principal permitted uses.
- 1151.02 Conditional uses.
- 1151.03 Accessory uses.
- 1151.04 Height regulations.
- 1151.05 Lot area, frontage and yard requirements.
- 1151.06 Courts.
- 1151.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Nonconforming uses - see P. & Z. Ch. 1198

1151.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) General. Any use permitted and as regulated in the R-1 District except as modified herein, but not including agriculture.
- (b) Residential. One, two, three and four-family dwellings.

(Ord. 94-84. Passed 7-9-84.)

1151.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

- (a) General. The conditional uses permitted and as regulated in the R-1 District, except as modified herein.
- (b) Funeral Homes. Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.

(Ord. 94-84. Passed 7-9-84.)

1151.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use, shall be permitted in conjunction with such use, including the following:

- (a) General. The accessory uses or structures permitted and as regulated in the R-1 District, except as modified herein.
- (b) Gardening. Gardening and the raising of vegetables or fruits exclusively for the use and personal enjoyment of the occupants of the principal building and not for commercial purposes. (Ord. 94-84. Passed 7-9-84.)

1151.04 HEIGHT REGULATIONS.

Same as specified in the R-1 District. (Ord. 94-84. Passed 7-9-84.)

1151.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

- (a) The following minimum requirements shall apply, except as provided in Chapter 1180, and except that any multi-family structure legally existing on the effective date of Ordinance No. 154-96 (effective November 14, 1996) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of November 13, 1996.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 Family	12,000	75	30	10% of Lot Width Each Side Max. 15	30
2 Family	21,780	80	30	10% of Lot Width Each Side Max. 15	30
3 Family	32,670	100	30	10% of Lot Width Each Side Max. 15	30

4 Family	43,560	100	30	10% of Lot Width Each Side Max. 15	30
All Other Uses	40,000	150	40	10% of Lot Width Each Side Max. 15	40

(Ord. 154-96. Passed 10-15-96.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-2	1 family detached dwelling	N/A	N/A
	2 family detached dwelling	N/A	N/A
	3 family detached dwelling	N/A	N/A
	4 family detached dwelling	N/A	N/A
	Other	20' adjoining all A and R zones	6' adjoining zones A-1, R-0, R-1

(Ord. 94-84. Passed 7-9-84.)

1151.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1151.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1153

R-3 Multi-Family Residence District

- 1153.01 Principal permitted uses.
- 1153.02 Conditional uses.
- 1153.03 Accessory uses.
- 1153.04 Height regulations.
- 1153.05 Lot area, frontage and yard requirements.
- 1153.06 Courts.
- 1153.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. Ch. 1143.02
 Exceptions and modifications - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Swimming pools - see P. & Z. Ch. 1193
 Nonconforming uses - see P. & Z. Ch. 1198

1153.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) General. Any use permitted and as regulated in the R-1 and R-2 District except as modified herein.
- (b) Residential. Multi-family dwellings; apartment hotels.

(c) Recreational. Noncommercial recreational facilities; swimming pools subject to the provisions of Chapter 1193.

(Ord. 94-84. Passed 7-9-84.)

1153.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

(a) General. The conditional uses permitted and as regulated in the R-1 District except as modified herein.

(b) Institutional. Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the feeble-minded or insane, or for contagious diseases; libraries, museums, art galleries and similar cultural facilities; medical and dental office building.

(c) Motels, Motor Hotels and Tourist Homes. On lots located on and having access from a State or federal highway and subject to the provisions of Chapter 1185.

(d) Club. Noncommercial clubs and lodges.

(e) Day-care Center.

(f) Funeral Homes. Funeral parlor and undertaking establishment, not including a crematorium, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises. (Ord. 94-84. Passed 7-9-84.)

(g) Group Care Facility. As defined in Section 1133.01(38.1), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located. (Ord. 156-92. Passed 12-14-92.)

1153.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

(a) General. The accessory uses permitted and as regulated in the R-1 and R-2 District except as modified herein.

(b) Home Occupation. As defined in Section 1133.01(a)(39) provided not more than one-half the area of one floor of the dwelling is devoted to such use.

(c) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1153.04 HEIGHT REGULATIONS.

Accessory structures to one or two-family dwellings shall not exceed two stories or twenty-five feet, whichever is lower, except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission. A conditional use will not be authorized by the Planning Commission for any structure which exceeds seventy-five feet in height. (Ord. 94-84. Passed 7-9-84.)

1153.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall be observed, except as provided in Chapter 1180, and except that any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.

<u>One and Two Family Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Area/Family (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
Same as required in the R-2 District						
<u>Multi-Family Dwellings</u>						
1 & 1-1/2 stories	12,000	5,445 (8 units/acre)	80	30	10% Lot Width Max. 15	30
2 & 2-1/2 stories	15,000	5,445 (8 units/acre)	100	30	10% Lot Width Max. 15	35
3 & 3-1/2 stories	18,000	5,445 (8 units/acre)	120	30	10% Lot Width Max. 15	35
4 or more stories	24,000	5,445 (8 units/acre)	160	30	20*	40
Other permitted uses	20,000	-----	150	30	20*	40

* Four feet more, for each story in excess of four stories.

(Ord. 159-92. Passed 12-14-92.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-3	1 family dwelling	Same as R-2	
	2 family dwelling	Same as R-2	
	<u>Multi-family dwelling</u>		
	1 and 1-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	2 and 2-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	3 and 3-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	4 or more stories	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	Other	20' adjoining all A and R zones	6' adjoining A-1, R-0, R-1, R-2

(Ord. 94-84. Passed 7-9-84.)

1153.06 COURTS.

Same as required in the A-1 District.

(Ord. 94-84. Passed 7-9-84.)

1153.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1155

R-4 Low Density Multi-Family Residence District

- 1155.01 Principal permitted uses.
- 1155.02 Conditional uses.
- 1155.03 Accessory uses.
- 1155.04 Height regulations.
- 1155.05 Lot area, frontage and yard requirements.
- 1155.06 Courts.
- 1155.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Nonconforming uses - see P. & Z. Ch. 1198

1155.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

General. Any use permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

General. The conditional uses permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal or conditional use shall be permitted in conjunction with such use, including the following:

General. The accessory uses permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.04 HEIGHT REGULATIONS.

Accessory structures to one or two-family dwellings shall not exceed two stories or twenty-five feet, whichever is lower except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission; but a conditional use will not be authorized by the Planning Commission for any structure which exceeds seventy-five feet in height. (Ord. 94-84. Passed 7-9-84.)

1155.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall be observed, except as provided in Chapter 1180, however, the providing of deed parcels under individual living units is permitted, and except that any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.

<u>One and Two Family Dwellings</u>	<u>Lot Area (Sq.Ft.)</u>	<u>Lot Area/Family (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
Same as required in the R-2 District						
<u>Multi-Family Dwellings</u>						
1 & 1-1/2 stories	12,000	7,260 (6 units/acre)	80	30	10% Lot Width Max. 15	30
2 & 2-1/2 stories	15,000	7,260 (6 units/acre)	100	30	10% Lot Width Max. 15	30
3 & 3-1/2 stories	18,000	7,260 (6 units/acre)	120	30	10% Lot Width Max. 15	35
4 or more stories	24,000	7,260 (6 units/acre)	160	30	20*	40
Other permitted uses	20,000	7,260 (6 units/acre)	150	30	20*	40

* Four feet more for each story in excess of four stories.

(Ord. 159-92. Passed 12-14-92.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-4	1 family dwelling	Same as R-2	
	2 family dwelling	Same as R-2	
	<u>Multi-dwelling</u>		
	1 and 1-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	2 and 2-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	3 and 3-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	4 or more stories	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	Other	20' adjoining all A and R zones	6' adjoining all A and R zones

(Ord. 94-84. Passed 7-9-84.)

1155.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1155.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

CHAPTER 1157

C-1 Neighborhood Business District

- 1157.01 Principal permitted uses.
- 1157.02 Conditional uses.
- 1157.03 Accessory uses.
- 1157.04 Required conditions.
- 1157.05 Height regulations.
- 1157.06 Lot area, frontage and yard regulations.
- 1157.07 Courts.

CROSS REFERENCES

Exceptions and modifications - see P.&Z. Ch. 1180
Off-street loading and parking - see P.&Z. Ch. 1183
Signs - see P.&Z. Ch. 1187
Service stations; garages - see P.&Z. Ch. 1189
Nonconforming uses - see P.&Z. Ch. 1198

1157.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided herein and in Chapter 1198.

- (a) General. Any uses permitted as regulated in the R-1 District as modified herein except that no residential uses are permitted except resident managers in which the residential component is clearly accessory to the business use.
- (b) Retail and Service. Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day-to-day basis, including groceries, garden supply stores, drugstores, barber shops, beauty parlors and clothes cleaning and laundry pick-up stores; but not including motor vehicle service stations.
- (c) Parking Facilities. Public Parking areas subject to the provisions of Chapters 1183 and 1189.
- (d) Funeral Homes. Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (e) Commercial and Noncommercial Recreational Facilities. Indoor commercial and noncommercial recreational facilities for handball and tennis, racquetball and other racquet sports, and indoor swimming pools, including indoor facilities for individual exercise which are incidental to such primary recreational facilities. (Ord. 98-10. Passed 11-8-10.)

1157.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. All conditional uses permitted and as regulated in the R-1 District except as modified herein.
- (b) Restaurant. Restaurants as defined in Section 1133.01(70.1).
- (c) Clinic.
- (d) Retail and Service. Any retail business or service establishment not a principal permitted use and which is determined by the Commission to be of the same general character as one of the principal permitted uses; but not including those uses which are first permitted, or are not permitted, in the C-3 District, unless demonstrated as necessary for normal day-to-day needs.
- (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
- (f) Motor Vehicle Fuel Dispensing Facility.
- (g) Fruit and Vegetable Stores.
- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
(Ord. 94-16. Passed 10-24-16.)

1157.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses permitted and as regulated in the R-1 District except residential uses. Resident managers who oversee business facilities are permitted.
- (b) Nonresidential. Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted C-1 nonresidential uses and including off-street parking facilities subject to the provisions of Chapters 1183 and 1189.
- (c) Signs. As regulated and defined in Chapter 1187.
(Ord. 98-10. Passed 11-8-10.)

1157.04 REQUIRED CONDITIONS.

(a) Business in Enclosed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for off-street parking and such incidental outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare. Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental,

nursery sales and lumber sales in side and year yards only are excluded from the requirements of this subsection. The Planning Commission may authorize other incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.

(Ord. 154-96. Passed 10-15-96.)

(b) Production for Sale at Retail. All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

(c) Nonobjectionable Uses. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

(d) New Merchandise. Goods for sale shall consist primarily of new merchandise.

(Ord. 94-84. Passed 7-9-84.)

(e) Maximum Use Size. Retail and service uses, except commercial and noncommercial recreational facilities are limited to a maximum of 5,000 square feet of gross floor area.

(f) Design Requirements. New structures and existing structures that undergo any change, reconstruction, structural alteration, remodeling or major repair respecting at least thirty-three percent (33%) of the visible exterior.

(1) Facade design.

A. Shall incorporate at least fifty percent (50%) brick or stone on any facade facing a public roadway; and

B. Shall not use metal siding or concrete block as the exterior finish material on any facade that is visible from a public roadway; and

C. Shall display natural colors, except that bright primary colors may only be used for accent or trim purposes.

(2) Parking area.

A. Shall be effectively screened from any street or public roadway by a minimum five (5) foot wide landscaped area adjoining all streets and rights-of-way, which shall contain a continuous row of shrubs at least twenty-four (24) inches tall at the time of planting and be opaque in winter and summer; and

B. Shall incorporate in the interior portion of the parking area, landscaped areas equal to or exceeding five percent (5%) of the paved area, which shall consist of a combination of shrubs, flowers, trees or grass.

(3) The provisions of these design requirements are not intended to prevent the installation of materials not specifically prohibited or to prohibit any design or method of construction, provided that such alternate has been approved by the Planning Commission. Any alternate material, design or method of construction may be approved where the Planning Commission finds that the proposed materials and design are consistent with the principles of preserving the architectural character, landscape character and property values of the surrounding area.

(Ord. 56-20. Passed 7-27-20.)

1157.05 HEIGHT REGULATIONS.

Same as required in the R-3 District. (Ord. 94-84. Passed 7-9-84.)

1157.06 LOT AREA, FRONTAGE AND YARD REGULATIONS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
(a) <u>Nonresidential Uses</u>	10,000	None	40	None; except when adjoining an A or R District, then not less than ten feet.	None; except when adjoining an A or R District, then not less than ten feet.
(b) <u>Residential</u>	Same as required in the R-1 District.				

(Ord. 94-84. Passed 7-9-84.)

(c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-1	Business	20' adjoining A and R districts	6' adjoining A and R districts

(Ord. 94-84. Passed 7-9-84.)

1157.07 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

C-2 Central Business District

- 1159.01 Principal permitted uses.
- 1159.02 Conditional uses.
- 1159.03 Accessory uses.
- 1159.04 Required conditions.
- 1159.05 Lot area, frontage and yard requirements.
- 1159.06 Courts.
- 1159.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Service stations; garages - see P. & Z. Ch. 1189

Nonconforming uses - see P. & Z. Ch. 1198

1159.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Bank. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants and Fast Food Restaurants. Restaurants and fast food restaurants provided the principal building is distant not less than 100 feet from a principal structure in any A or R District. This subsection does not include drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibrations; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.
(Ord. 114-19. Passed 12-2-19.)

1159.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. All conditional uses permitted and as regulated in the C-1 District, except as modified herein.
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29.1) except bank drive-thru facilities which are a principal permitted use.
- (e) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises but not within 100 feet of a principal structure located in any A or R District.
- (f) Motor Vehicle Service Facility.
- (g) Clinic. (Ord. 114-19. Passed 12-2-19.)

1159.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) Signs. As regulated and defined in Chapter 1187.

(Ord. 114-19. Passed 12-2-19.)

1159.04 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 114-19. Passed 12-2-19.)

1159.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

- (a)

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (feet)</u>	<u>Front Yard Depth (feet)</u>	<u>Side Yard Width (feet)</u>	<u>Rear Yard Depth (Feet)</u>
Non-Residential Uses	10,000	None	25	None; except when adjoining an A or R District, then no less than 10 feet.	None; except when adjoining an A or R District, then no less than 10 feet.

- (b) Residential. Prohibited.
(c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-2	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1159.06 COURTS.

Same as required in the A-1 District.
(Ord. 114-19. Passed 12-2-19.)

1159.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed a height of three stories or forty feet, which ever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.
(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1161

C-2A Central Business District Modified (Repealed)

(EDITOR'S NOTE: Former Chapter 1161 was repealed in it's entirety by Ordinance 154-96, passed October 15, 1996.)

CHAPTER 1163

C-2B Central Business District Modified (Repealed)

(EDITOR'S NOTE: Former Chapter 1163 was repealed in it's entirety by Ordinance 154-96, passed October 15, 1996.)

CHAPTER 1165

C-3 General Business District

- 1165.01 Principal permitted uses.
- 1165.02 Conditional uses.
- 1165.03 Accessory uses.
- 1165.04 Required conditions.
- 1165.05 Lot area, frontage and yard requirements.
- 1165.06 Courts.
- 1165.07 Height Regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Trailer parks - see P. & Z. Ch. 1185
Signs - see P. & Z. Ch. 1187
Service stations; garages - see P. & Z. Ch. 1189
Nonconforming uses - see P. & Z. Ch. 1198

1165.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-2 District except as modified herein.
 - (b) Retail and Service. Laundries, clothes cleaning or dyeing establishments, used merchandise stores.
 - (c) Wholesale. Any wholesale business and mail order houses, including incidental warehousing; commercial greenhouses.
 - (d) Motor Vehicle Fuel Dispensing Facility.
 - (e) Animal Hospital, Veterinary Clinic. Animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosure or building in which the animals are kept shall be at least one hundred feet from any A or R District and at least fifty feet from any other C District. Exercise runs shall be enclosed on four sides by an unpierced well-maintained fence or wall at least six feet in height.
 - (f) Commercial Recreation Facility.
 - (g) Building and Related Trade. Carpenter shops, electrical, plumbing, paint shops, heating and tin shops, paper-hanging shops, furniture upholstery and similar enterprises, but not within fifty feet of any A or R District.
 - (h) Bottling Works. Bottling of soft drinks or milk and distribution stations therefor, providing a building used for such processing and/or distribution, shall be at least 100 feet from any A or R District.
 - (i) Signs. As regulated and defined in Chapter 1187.
 - (j) Drive-Thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29).
 - (k) Car Washes.
- (Ord. 114-19. Passed 12-2-19.)

1165.02 CONDITIONAL USES.

- (a) General. All conditional uses as permitted and as regulated in the C-2 District, except as modified herein.
- (b) Trailer Park. Subject to the provisions of Chapter 1185.
- (c) Warehousing Storage and Trucking Terminal. Warehouses for the storage of merchandise and materials, trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
- (d) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (e) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
 - (3) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
 - (4) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (f) Public Utility. Public utility buildings and structures including storage yards.
- (g) Self-Service Car Washes.
- (h) Residential. One residential use only where such use is incidental to a principal permitted use.
- (i) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above permitted uses, but not including junk yards or any use other than those above, which is first permitted in the M-1 District or which is prohibited in the M-1 District. (Ord. 94-84. Passed 7-9-84.)
- (j) Sexually Oriented Businesses. Sexually oriented businesses may be permitted as conditional uses, subject to the following specific conditions:
 - (1) No sexually oriented business shall be located within a radius of 1,000 feet of any residentially zoned or used property.
 - (2) No sexually oriented business shall be located within a radius of 1,000 feet of any church, synagogue, permanently established place of worship, school, library, park or public playground.
 - (3) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business and no building, premises, structure or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.
 - (4) Distances for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies" and includes both property in the City of Fairfield and in any other political subdivision.
- (k) Flea Markets. Subject to the following required conditions:
 - (1) No outdoor sales, display or storage.
 - (2) Compliance with all Building Code requirements including submission and approval of a proposed plan showing aisles and emergency ingress and egress.
 - (3) Only one special event sign as defined and regulated in subsection 1187.03(i) shall be permitted.
- (l) Motor Vehicle Sales Areas. May be located only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road, and subject to additional conditions as determined by the Planning Commission including, but not limited to:
 - (1) Ingress, egress and internal circulation.
 - (2) Sight distance and visibility.
 - (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
 - (4) Perimeter curbing, buffering, landscaping, parking lot striping and other similar aesthetic and/or safety requirements.
 - (5) Minimum lot size of one (1) acre and minimum principal street frontage on State Route 4 of 100 feet.
 - (6) Inoperable or junk motor vehicles, boats, recreational vehicles and trailers are not permitted on site. All repair and detailing beyond washing shall be completed in an enclosed building.

(m) Storage Shed or Barn, Carport or Play Structure Sales Areas. Subject to additional conditions as determined by the Planning Commission including, but not limited to:

- (1) Ingress, egress and internal circulation.
- (2) Sight distance and visibility.
- (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
- (4) Perimeter curbing, buffering, landscaping, lot coverage and other similar aesthetic and/or safety requirements.
- (5) Coverage of all outdoor display areas with an asphalt or Portland cement binder pavement so as to provide a durable, dustless surface.

- (n) Banquet Hall.
 - (o) Self-Service Storage Facility.
 - (p) Motor Vehicle Service Facility.
 - (q) Motor Vehicle Repair Garage.
- (Ord. 114-19. Passed 12-2-19.)

1165.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including: Accessory uses and structures as permitted and as regulated in the C-2 District and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3 uses. (Ord. 114-19. Passed 12-2-19.)

1165.04 REQUIRED CONDITIONS.

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste. (Ord. 94-84. Passed 7-9-84.)

- (a) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for incidental display of merchandise, sale of motor vehicle fuel, lubricants and other fluids at service stations, loading and unloading operations, parking and such outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare. Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental, nursery sales and lumber sales in side and rear yards only are excluded from the requirements of this subsection. The Planning Commission may authorize incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.
- (b) Night Operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any A or R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District.
- (c) Facade Design. After March 31, 2011, all new structures on parcels which abut a regional thoroughfare as defined in the comprehensive plan may not use metal siding or "smooth face" concrete block as the exterior finish material on any facade facing the regional thoroughfare. (Ord. 114-19. Passed 12-2-19.)

1165.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (feet)</u>	<u>Rear Yard Depth (Feet)</u>
(a) Nonresidential Uses	10,000	None	20	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-3	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1165.06 COURTS.

Same as required in the A-1 District. (Ord. 114-19. Passed 12-2-19.)

1165.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1167

C-3A General Business District Modified

- 1167.01 Principal permitted uses.
- 1167.02 Conditional uses.
- 1167.03 Accessory uses.
- 1167.04 Required conditions.
- 1167.05 Lot area, frontage and yard requirements.
- 1167.06 Courts.
- 1167.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1167.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the C-3 District, except as modified herein.

(b) Retail and Service. Hotels, motels, day care centers.

(Ord. 94-84. Passed 7-9-84.)

1167.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission: All conditional uses permitted and as regulated in the C-3 District, except as modified herein and except that trailer parks are not permitted.

(Ord. 94-84. Passed 7-9-84.)

1167.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

(a) General. Accessory uses and structures as permitted and as regulated in the C-2 District, as well as accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3A uses.

(b) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1167.04 REQUIRED CONDITIONS.

All conditions as specified for the C-3 District.

(Ord. 94-84. Passed 7-9-84.)

1167.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard</u> <u>Width (Feet)</u>	<u>Rear Yard</u> <u>Depth (Feet)</u>
(a) Nonresidential Uses	10,000	60	60*	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

* Along primary and regional thoroughfares; otherwise twenty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-3A	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 94-84. Passed 7-9-84.)

1167.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1167.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1168

D-1 Downtown District

- 1168.01 Purpose.
- 1168.02 Principal permitted uses.
- 1168.03 Conditional uses.
- 1168.04 Accessory uses.
- 1168.05 Prohibited uses.
- 1168.06 Required conditions.
- 1168.07 Lot area, frontage, height regulations and yard requirements.
- 1168.08 Courts.
- 1168.09 Application of D-1 requirements.
- 1168.10 Design review guidelines.
- 1168.11 Design requirements.
- 1168.12 Procedure.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Signs - see P. & Z. Ch. 1187
Service stations; garages - see P. & Z. Ch. 1189
Nonconforming uses - see P. & Z. Ch. 1198
Off-street parking and loading - see P. & Z. Ch. 1183
Underground electric and lighting - see P. & Z. Ch. 1125
Sidewalks - see P. & Z. Ch. 1184

1168.01 PURPOSE.

The purpose of the Downtown District is to provide for a high quality, secure, visually interesting, architecturally integrated, comfortable and convenient environment that can attract a high volume of pedestrian activity in a strong cultural, institution, office and commercial presence. The D-1 District regulations and Design Guidelines for the D-1 District shall ensure the desired quality development.

(Ord. 114-19. Passed 12-2-19.)

1168.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants. Restaurants without drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(Ord. 114-19. Passed 12-2-19.)

1168.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Restaurants. Restaurants as defined in Section 1133.01(70.1).
 - (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
 - (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
 - (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.
 - (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
 - (f) Fruit and Vegetable Stores.
 - (g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.
 - (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
 - (i) Motor Vehicle Fuel Dispensing Facility.
 - (j) Motor Vehicle Service Facility.
 - (k) Day Care Center.
 - (l) Clinic.
- (Ord. 114-19. Passed 12-2-19.)

1168.04 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted but shall be complimentary to the main building and surrounding properties. Additionally, accessory uses shall be permitted in conjunction with the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) More than one building may be located upon the lot, but only when such buildings conform to all open space requirements around the lot.
- (c) Grading, filling, excavating or any change in the grade or property that involves the moving, depletion or replacement of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires approval of the Design Review Committee. At no time shall any grading be detrimental to surrounding property in appearance or in the diversion of storm water drainage.

(Ord. 130-94. Passed 9-26-94.)

- (d) Signage shall adhere to the Design Guidelines and is subject to review and written recommendation by the Design Review Committee and approval by the Planning Commission.

(Ord. 154-96. Passed 10-15-96.)

1168.05 PROHIBITED USES.

Residential except as provided for in Chapter 1198.

(Ord. 130-94. Passed 9-26-94.)

1168.06 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops. There is no maximum use size.

(Ord. 130-94. Passed 9-26-94.)

1168.07 LOT AREA, FRONTAGE, HEIGHT REGULATIONS AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

- (a) Lots legally existing at the time of application of this chapter to such lots shall be considered legal conforming lots and shall not be classified as nonconforming use. Lots created subsequent to the application of this chapter to the property must conform to the provisions of this chapter.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard Width</u> (Feet)	<u>Rear Yard Depth</u> (Feet)
Nonresidential uses	10,000	75	25	None; except when adjoining an A or R District; then no less than ten feet.	None; except when adjoining an A or R District; then no less than ten feet.
<u>Residential</u>	Prohibited				

Screening and Buffering

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
D-1	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(b) Height Regulations. No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.
(Ord. 94-16. Passed 10-24-16.)

1168.08 COURTS.

Same as required in the A-1 District. (Ord. 130-94. Passed 9-26-94.)

1168.09 APPLICATION OF D-1 REQUIREMENTS.

(a) The design requirements set forth for the D-1 District shall apply to both existing structures and new construction as provided herein.

(b) New Structures. New development and/or construction must adhere to the D-1 zoning and design requirements from the project's inception and at all times thereafter.

(c) Existing Structures.

- (1) Any change in land use or enlargement, reconstruction, structural alteration, remodeling or major repair respecting at least thirty-three percent (33%) of visible exterior portions of any existing building or lot in the D-1 District shall comply with the Zoning Ordinance provisions for D-1 and the accompanying guidelines for D-1 as to the portions of the building or lot which are changed.
- (2) Existing lots and structures which at the time of adoption of the D-1 District are nonconforming by reason of noncompliance with the provisions of this chapter shall be classified as legally conforming and shall appeal to the Design Review Committee in the event of building or structure damage more than sixty percent (60%) of its fair market value. The damage, exclusive of foundations, may include fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God. The building or structure may be restored and/or reconstructed with the review and written recommendation of the Design Review Committee and approval of the Planning Commission which may waive specific guidelines in order to permit a nonconforming lot.

(Ord. 123-18. Passed 12-3-18.)

1168.10 DESIGN REVIEW GUIDELINES.

(a) Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, accessways, building placement, building setback and height limitations may be imposed by the Design Review Committee for the protection of adjoining property and to maintain a consistent Town Center image. (Ord. 130-94. Passed 9-26-94.)

(b) Particular attention shall be made to assure architectural style and quality, roof structures, exterior colors, building materials, and other features are compatible with the Design Guidelines which are in the Town Center Development Plan. Unless approved otherwise by the Planning Commission, earth tone exterior colors shall prevail in Town Center buildings and other exterior components. As provided for within the Design Review Guidelines, the Committee will review plans to assure that the objectives of the Design Guidelines are achieved.

(Ord. 154-96. Passed 10-15-96.)

(c) The Design Review Committee will evaluate projects on the following criteria:

- (1) Site design.
- (2) Architectural character.
- (3) Materials and color.
- (4) Ingress, egress and parking.
- (5) Landscaping.
- (6) Screening and buffering.
- (7) Signage.
- (8) Exterior lighting.

(d) All building elevation drawings, site plans, exterior material and color palates, signs and landscape plans must be reviewed by the Design Review Committee. The Design Review Committee, when reviewing plans, shall have at their disposal an architect registered in the State of Ohio to be of assistance where necessary.

(Ord. 130-94. Passed 9-26-94.)

1168.11 DESIGN REQUIREMENTS.

This chapter which creates the D-1 District empowers the Planning Commission with the authority to adopt the Design Guidelines that are consistent with these site requirements. Guidelines shall be created, altered and/or discontinued as determined by the Commission. Furthermore, the Design Review Committee may use flexibility in interpreting the requirements of the Design Guidelines provided, however, that the guidelines shall be met unless compliance therewith creates an undue hardship. The following requirements shall be accompanied by the specific Design Guidelines for the D-1 District which are found in the Town Center Development Plan:

(a) Architectural Character.

- (1) Facade organization. All sides, including the rear elevation, of a building shall be treated as a front elevation by continuing the same colors, materials and detailing to all sides.

- (2) Storefronts. Storefronts play an integral part in the establishment of a building's character. The storefront of a structure must have a consistent sign frieze and window display.

(Ord. 130-94. Passed 4-26-94.)

- (3) Roofs. Although the preferred roof types are gable and hip, the other roof types may be permitted on a case by case basis.
- (4) Materials. The building materials must consist of quality material such as brick, wood, stone, masonry, vinyl siding and similar materials.

(Ord. 154-96. Passed 10-15-96.)

- (5) Colors. Colors must be natural. Bright primary type colors will be permitted only for accent or trim purposes.

(Ord. 130-94. Passed 9-26-94.)

(b) Site Design.

- (1) Ingress and egress. Curb cuts are limited to one per lot with a width not to exceed 35 feet. Only under special circumstances shall such requirements be altered.
- (2) Parking. All parking lots shall contain a landscaped area equal to five percent (5%) of the entire parking lot. The area shall contain shrubs, flowers, trees and grass. Parking lots shall be screened from the street. A required front yard of five feet shall be placed between the sidewalk and the parking or the proposed location of a sidewalk and the parking lot. In the case where landscaping requirements shall interfere with the parking requirements of Chapter 1183, flexibility in the landscaping requirement may be permitted. (Ord. 154-96. Passed 10-15-96.)
- (3) Loading requirements. All loading docks must be screened.
- (4) Landscaping. Any part of a lot not used for buildings or other structures or for roads, walks, parking, service areas or other accessways shall be landscaped with grass, trees, shrubs or other ground cover.
- (5) Pedestrian circulation. Access for pedestrian circulation is required. Parking spaces must be connected to the building and the building must be connected to the public sidewalk.
- (6) Buffering/screening. Screening and buffering shall be provided along the common property line separating all agriculture and residential districts from the D-1 District.
- Provisions for construction of the buffer shall be the responsibility of the property owner or developer introducing the construction within the D-1 zone. (Ord. 130-94. Passed 9-26-94.)
- (7) Signage. Signs generally as permitted in Section 1187.07(d) but as approved by the Planning Commission. Roof signs shall not be permitted. Signs in the Town Center should add to a rich character, not detract from the individual properties or the area as a whole.

(Ord. 154-96. Passed 10-15-96.)

- (8) Lighting. Project lighting must not interfere with the site layout. Lighting must be compatible with project design.

(Ord. 130-94. Passed 9-26-94.)

1168.12 PROCEDURE.

(a) The provisions of any other part of these Codified Ordinances notwithstanding, before the issuance of any building permit or zoning certificate, the Design Review Committee shall review the plans to ensure that the proposed project complies with the Design Guidelines set forth in this chapter. The Design Review Committee shall have the power and authority to approve signage and minor modifications to existing structures/developments. A modification shall be considered a minor modification when less than thirty-three percent (33%) of the visible exterior is altered, changed or enlarged. The Design Review Committee, at its discretion, may defer its decision on signage and/or a minor modification and recommend their findings of a project review for signage and minor modifications to the Planning Commission for its decision.

The Design Review Committee shall recommend to the Planning Commission their findings of a project review for new construction and major modifications to existing structures/developments. Modifications shall be considered major when thirty-three percent (33%) or greater of the visible exterior is altered, changed or enlarged. They may recommend alternatives or modifications to a plan. The Planning Commission shall review THESE plans detailing the matters described in this chapter to determine compliance with the provisions of this chapter and to fulfill the purposes stated in Section 1168.01.

(b) The Design Review Committee shall have thirty days in order to accomplish the review required. The Committee shall have thirty days after the plans are submitted to the Development Services Department to review the plans for guideline compliance.

(Ord. 123-18. Passed 12-3-18.)

- (c) There shall be created a Design Review Committee consisting of nine members to be determined as follows:

- (1) One member shall be appointed by a majority vote of Council from among its membership. Such member may be removed from the Committee, without cause, by a majority vote of the Council members;
- (2) One member shall be appointed by a majority vote of the Planning Commission from among its members. Such member may be removed from the Committee, without cause, by a majority vote of the Planning Commission;
- (3) One member shall be the Director of the Development Services Department, or a staff representative appointed by the Development Services Director;
- (4) One member shall be the City's Building Division Superintendent;
- (5) One member shall be an elector at large. This member shall be appointed by City Council. Such member shall have no financial interests to D-1, Downtown District businesses or residences. The elector at large member shall serve for a two year term.
- (6) Two members shall be business owners or operators from the D-1, Downtown District. These members shall be appointed by City Council. The D-1, Downtown District business members shall serve for overlapping terms of two years each.
- (7) Two members shall be business owners or operators from the D-1, Downtown District or shall be electors at large. These members shall be appointed by City Council. The D-1, Downtown District business members shall serve overlapping terms of two years each.

(Ord. 94-16. Passed 10-24-16.)

(d) Appeals.

- (1) Appeals to Planning Commission. An appeal of any decision of the Design Review Committee to the Planning Commission may be taken by any owner, developer or occupant who is aggrieved or affected by any decision of the Design Review Committee under this section. Such appeal shall be perfected by filing a written notice of such appeal with the Development Services Department within fourteen days after the date upon which the Design Review Committee made the decision at a meeting. The Planning Commission may reverse, affirm or modify the decision of the Design Review Committee within sixty days after the filing of the notice of appeal with the development services department.
- (2) Appeals to City Council. An appeal of any decision of the Planning Commission under this section to City Council may be taken by any owner, developer or occupant who is aggrieved or affected by any decision of the Planning Commission. Such appeal shall be perfected by filing a written notice of such appeal with the Clerk of Council within fourteen days after the date upon which the Planning Commission made the decision at a meeting. The City Council may reverse, affirm or modify the decision of the Planning Commission within sixty days after the filing of the notice of appeal with the Clerk of Council. The decision of City Council shall be final and as a legislative decision shall not be subject to further appeal.

(Ord. 123-18. Passed 12-3-18.)

CHAPTER 1169

M-1 Industrial Park District

- 1169.01 Principal permitted uses.
- 1169.02 Conditional uses.
- 1169.03 Accessory uses.
- 1169.04 Required conditions.
- 1169.05 Prohibited uses.
- 1169.06 Lot area, frontage and yard requirements.
- 1169.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1169.01 PRINCIPAL PERMITTED USES.

No building, structure, or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) Warehousing for Storage, Wholesale or Distribution and Trucking Terminal. Warehouses for the storage, wholesale or distribution of merchandise and materials, manufactured products, supplies, equipment and trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.

(Ord. 123-18. Passed 12-3-18.)

- (b) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (c) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products, except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yarns.
 - (3) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
 - (4) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
 - (5) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (d) Public Utility. Public utility buildings and structures, including storage yards.

(Ord. 114-19. Passed 12-2-19.)

1169.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Foundry. Casting of lightweight nonferrous metals for electric foundry not causing noxious or offensive conditions.
- (b) Heliport. As restricted by the Federal Aviation Authority.
- (c) Retail and Service. Any retail business or service establishment determined by the Commission to have been clearly demonstrated as necessary to serve the needs of the industrial park area, including restaurants, cocktail lounges, motels,

banks and business or professional offices.

(d) Motor Vehicle Repair Garage.

(e) Motor Vehicle Storage Yard.

(Ord. 114-19. Passed 12-2-19.)

1169.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and defined in Chapter 1187.

(Ord. 114-19. Passed 12-2-19.)

1169.04 REQUIRED CONDITIONS.

Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking.

(Ord. 114-19. Passed 12-2-19.)

1169.05 PROHIBITED USES.

(a) Dwelling. Dwellings and residences of any kind; trailer parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District at the time of the adoption of the Zoning Ordinance or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1133.01(a)(64) and shall not be subject to the provisions of Chapter 1198.

(b) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.

(Ord. 114-19. Passed 12-2-19.)

1169.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Nonresidential Use.

(1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.

(2) Side yards.

A. The minimum required side yard shall be six feet; however, a designated fire lane fifteen feet wide shall be provided on one side of the building for interior lots. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which fifteen feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

B. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code.

C. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

(b) Residential Use. Dwellings or other residential buildings are not permitted in M-1 District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

(c) Lot Area. The minimum lot area shall be 10,000 square feet.

(d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-1	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1169.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1171

SE Suburban Entertainment District

- 1171.01 Purpose.
- 1171.02 Principal permitted uses.
- 1171.03 Conditional uses.
- 1171.04 Accessory uses.
- 1171.05 Required conditions.
- 1171.06 Lot area, frontage and yard requirements.
- 1171.07 Height regulations.

CROSS REFERENCES

Exceptions and modification - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Nonconforming uses - see P. & Z. Ch. 1198

1171.01 PURPOSE.

This zoning district is intended as a suburban entertainment district allowing destination type leisure uses and associated retail/service uses. This zoning district is intended for family entertainment for recreational/sporting and cultural venues. This zoning district allows for the development of destination uses which provide a mixture of visitor-oriented and resident destinations with an aim to encourage imaginative design and layout of commercial/entertainment facilities. Uses and facilities within this zoning district must be cohesively designed and developed around a consistent and comprehensive theme. This zoning district not permit sexually oriented businesses which are permitted and regulated by Chapter 1165.
 (Ord. 31-03. Passed 3-10-03.)

1171.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) Restaurants. As defined in Section 1133.01(37.1) and (70.1).
 - (b) Retail and Service. Art and antique shops, artisan galleries/sales. Artist supply stores, interior decorating shops, department stores, supermarkets, wine shops and other similar enterprises.
 - (c) Meeting Halls. Banquet halls, convention centers.
 - (d) Commercial Recreation Facility.
 - (e) Bowling Alleys.
 - (f) Sports Arenas.
 - (g) Theater/Cinemas. Including museums and centers for the arts.
 - (h) Motels. Hotels and lodges.
 - (i) Essential Services. Including transportation related facilities.
 - (j) Exterior Uses. Outdoor amusement rides and entertainment displays.
- (Ord. 31-03. Passed 3-10-03.)

1171.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

- (a) Night clubs, bars, taverns.
- (b) Game rooms including computerized entertainment including laser and virtual simulated entertainment.
- (c) Billiard parlors, pool halls.
- (d) Teen clubs, teen dance facilities, teen social clubs.
- (e) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above stated uses or have been demonstrated as necessary to serve the needs of the above specified permitted or conditional uses, and which comply with the intent of this Chapter as stated in Section 1171.01.

(Ord. 31-03. Passed 3-10-03.)

- (f) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1171.04 ACCESSORY USES.

(a) Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off- street parking facilities subject to the provisions of Chapter 1183.

- (b) Signs as permitted in Chapter 1187.

(Ord. 31-03. Passed 3-10-03.)

1171.05 REQUIRED CONDITIONS.

(a) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.

(b) Off-Street Loading. No on-street loading shall be permitted. At least one off- street loading space shall be provided contiguous to every building. Required walls or fences shall screen the loading area.

(Ord. 31-03. Passed 3-10-03.)

1171.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

- (a) Permitted and Conditional Uses.
 - (1) Front yard. The minimum required front yard shall be fifty feet for buildings. Off-street parking, essential services, sign structures and transportation facilities area excluded from the subsection.
 - (2) Side and rear yards.
 - A. The minimum required side yard shall be twenty feet. When adjoining an A or R district, the minimum required side yard shall be not less than fifty feet. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated, vehicular and utility accessways.
 - B. A minimum rear yard of twenty feet is required. When adjoining an A or R district, the minimum required rear yard shall be not less than fifty feet.

- C. Designated fire lanes twenty feet in width shall be provided as required by the fire official.
- (b) Residential Use. Dwellings or other residential buildings are not permitted in the SE District.
- (c) Lot Area. The minimum lot area shall be 10,000 square feet.
- (d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
Suburban Entertainment	Retail/Entertainment	Determined by Planning Commission when adjoining an A or R District. Otherwise, 40'.	Determined by Planning Commission when adjoining an A or R District. Otherwise, 6'.

- (e) Lot Frontage. The minimum lot frontage shall be 100 feet.
(Ord. 31-03. Passed 3-10-03.)

1171.07 HEIGHT REGULATIONS.

No structure shall exceed three stories or fifty feet in height whichever is less, except as provided in Section 1180.02, and except when expressly authorized as a conditional use by the Planning Commission. This section does not apply to signs as regulated in Chapter 1187.
(Ord. 29-00. Passed 3-13-00.)

CHAPTER 1172

(ST) Service Transition Commercial/Industrial

- 1172.01 Purpose.
- 1172.02 Principal permitted uses.
- 1172.03 Conditional uses.
- 1172.04 Accessory uses.
- 1172.05 Required conditions.
- 1172.06 Lot area, frontage and yard requirements.
- 1172.07 Height regulations.

CROSS REFERENCES

Exceptions and modification - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1172.01 PURPOSE.

This zone is intended to be used as a buffer for light and heavy industrial areas between residential areas, or in locations which are served by major thoroughfares, but are not feasible for light or heavy industrial developments because of proximity to residential and other uses, which require a controlled type of industrial or commercial use. For this reason development is limited to a low concentration of use, and permitted uses are confined to those administrative, wholesaling, commercial and manufacturing activities that can be carried on in an unobstrusive manner and to certain facilities that are necessary to serve employees in the district.

(Ord. 77-93. Passed 6-14-93.)

1172.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) Dispensary or clinic if on the premises of and clearly incidental to any business, trade or industry.
- (b) Manufacturing, assembling, packaging and production of products which have a high value in relation to bulk, from materials, or parts previously produced or processed elsewhere, including the following:
- (1) Pharmaceutical products,
 - (2) Musical instruments,
 - (3) Photographic, audio and/or video equipment,
 - (4) Jewelry, silverware, watches, clocks and similar timing devices,
 - (5) Scientific and precision instruments, including but not limited to medical, dental, optical and drafting instruments, and
 - (6) Electronic or electrical component products, including, but not limited to, business machines, computers, telephone, radio and similar devices.
- (c) Manufacturing, compounding, packaging, assembling or treatment of articles or merchandise from the following previously prepared materials: canvas, cloth, feathers, felt, leather, paper, textiles.
- (d) Manufacturing, compounding, packaging, assembling or treatment of: glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay and kilns fired only by electricity or gas), toys, novelties, light metal products.
- (e) Laundry, cleaning or dyeing works, carpet and rug cleaning.
- (f) Distribution plant of ice and cold storage plant, beverage bottling plant.
- (g) Wholesale business, storage building or warehouse.
- (h) Retail sales in conjunction with wholesaling, storage warehousing and permitted manufacturing, provided that the retail sales area shall occupy no more than twenty-five percent (25%) of the total floor area.
- (i) Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods and such

processing and fabrication as may be necessary thereto.

(j) The following businesses are permitted, providing that such use serves primarily the transition uses:

- (1) Banks and financial institutions.
- (2) Blueprinting and photo copying.
- (3) Business, research and professional offices.
- (4) Motels, hotels.
- (5) Printing, lithographing, publishing.
- (6) Restaurants (not including drive-in restaurants).
- (7) Automobile rental (no sales).

(k) The following if conducted wholly within a completely enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet nor more than eight feet in height: water utility, telephone or telegraph distribution installation, electrical and gas receiving or distribution station.

(Ord. 77-93. Passed 6-14-93.)

1172.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

(a) Retail and Service. Any retail business or service establishment determined by the Planning Commission to be of similar character or compatible to the above principal permitted uses.

(Ord. 77-93. Passed 6-14-93.)

(b) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1172.04 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and permitted in Chapter 1187.07(a).

(Ord. 77-93. Passed 6-14-93.)

1172.05 REQUIRED CONDITIONS.

(a) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste. Furthermore, an offensive use is considered such both on and off site.

(b) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking, which shall be screened when adjacent to an A or R district.

(c) Off-Street Loading. No on-street loading shall be permitted. At least one off-street loading space shall be provided contiguous to every building. Required walls or fences shall screen the loading area.

(d) Night Operation. No building customarily used for night operation shall have any opening, other than stationary windows and required exits, within 200 feet of an A or R district. Additionally, no space used for loading or unloading vehicles in connection with such an operation shall be located within 200 feet of an A or R district.

(Ord. 77-93. Passed 6-14-93.)

1172.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Permitted and Conditional Uses.

(1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped, the minimum requirement of which is grass and shrubbery, and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.

(2) Side and rear yards.

A. The minimum required side yard shall be fifteen feet; however, a designated fire lane twenty feet wide shall be provided around the building for interior lots. When adjoining an A or R district, the minimum required side yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

B. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

C. A minimum rear yard of fifteen feet is required. A fire lane of twenty feet wide is required around the building. When adjoining an A or R district, the minimum required rear yard shall be not less than fifty feet.

(b) Residential Use. Dwellings or other residential buildings are not permitted in the ST District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

(c) Lot Area. The minimum lot area shall be 10,000 square feet.

(d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
Service Transition	Industrial	40' adjoining A-1, R-0, R-1, R-2, R-3, R-4	6' adjoining A and R District

(e) Lot Frontage. The minimum lot frontage shall be 100 feet.
(Ord. 77-93. Passed 6-14-93.)

1172.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02, and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 77-93. Passed 6-14-93.)

CHAPTER 1173

M-2 General Industrial District

- 1173.01 Principal permitted uses.
- 1173.02 Conditional uses.
- 1173.03 Accessory uses.
- 1173.04 Required conditions.
- 1173.05 Prohibited uses.
- 1173.06 Height regulations.
- 1173.07 Lot area, frontage and yard requirements.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1173.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. All uses permitted and as regulated in the M-1 District, except as modified herein.
- (b) Uses 100 Feet From A or R District. The following uses are permitted provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any A or R District.
 - (1) Blacksmith, welding or other metal working shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools; machine shops.
 - (2) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
 - (3) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (4) Ice manufacturing and cold storage plant; creamery or bottling plant.
- (c) Uses 200 Feet From A or R District. The following uses are permitted when located not less than 200 feet from any A or R District:
 - (1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.
 - (2) Building material sales yards, including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractors' equipment storage.
- (d) Public Utility. Public utility buildings and structures.
- (e) Signs. As regulated and defined in Chapter 1187.
- (f) Uses 300 Feet From A or R District. The following uses are permitted when located not less than 300 feet from any A or R District and not less than 100 feet from any other district:

- Acetylene manufacturing in excess of fifteen pounds pressure per square inch.
- Acid manufacturing, except as specified as a conditional use in Section 1165.02.
- Asbestos manufacturing.
- Automobile assembly.
- Bleaching, cleaning and dyeing plant of large scale production.
- Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty tons rated capacity.
- Candle or sperm oil manufacturing.
- Coal yards.
- Cooperage works.
- Dextrine, starch or glucose manufacturing.
- Disinfectant, insecticide or poison manufacturing.
- Dye and dyestuffs manufacture.

Emery cloth or sandpaper manufacturing.
 Enameling, lacquering or japanning.
 Felt manufacturing.
 Flour or grain mill.
 Forge or foundry works.
 Gas, generation or storage for illumination or heating.
 Grain drying or poultry feed manufacturing from refuse, mash or grain.
 Hair or hair products manufacturing.
 Lime or lime products manufacturing.
 Linoleum, oilcloth or oiled goods manufacturing.
 Match manufacturing.
 Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Section 1165.02.
 Oil, paint, shellac, turpentine, varnish or enamel.
 Paper and pulp manufacturing.
 Perfume manufacturing.
 Pickle, sauerkraut or sausage manufacturing.
 Plaster manufacturing.
 Poultry slaughterhouse, including packing and storage for wholesale.
 Printing ink manufacturing.
 Radium extraction.
 Sandblasting or cutting.
 Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
 Sewage disposal plant.
 Shoddy manufacturing.
 Shoe blacking or polish or stove polish manufacturing.
 Soap manufacturing.
 Steam power plant, except where accessory to a permitted principal use.
 Stone and monument works employing power-drive tools.
 Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clipping, including sorting, refining, baling, woodpulling and scouring.
 Sugar refining.
 Tar or asphalt roofing or waterproofing manufacturing.
 Tar distillation or manufacturing.
 Vinegar manufacturing.
 Wire or rod drawing; nut, screw or bolt manufacturing.
 Yeast manufacturing.

(Ord. 114-19. Passed 12-2-19.)

1173.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Generally. Any other use that is determined by the Commission to be of the same general character as the above permitted uses and is so regulated.
- (b) Uses 500 Feet From A or R District. The following uses are permitted when located not less than 500 feet from any A or R District and not less than 200 feet from any other district and subject to such conditions and requirements as may, in the opinion of the Commission, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Ammonia, chlorine or bleaching powder manufacture.
 Animal black, lampblack, boneblack or graphite manufacture.
 Celluloid or pyroxyline manufacturing or explosive or inflammable cellulose or pyroxyline products manufacture or storage.
 Cement, lime, gypsum or plaster of Paris manufacture.
 Crematory.
 Creosote manufacture or treatment.
 Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.
 Explosives manufacture or storage, except for small arms ammunition.
 Fertilizer, compost; manufacture or storage.
 Fish curing, smoking or packing, fish oil manufacture or refining.
 Garbage, offal, dead animals, refuse, rancid fats; incineration, reduction or storage.
 Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal.
 Hogfarm.
 Junkyards.
 Livestock feeding yard.
 Motor vehicle storage yard.
 Petroleum or inflammable liquids production, refining and storage above ground.
 Rubber, caoutchouc or gutta-percha manufacture and treatment from crude or scrap material or the manufacture of balata.
 Slaughtering of animals or stockyards.
 Smelting of ferrous or nonferrous ores.
 Storage, curing or tanning of raw, green or salted hides or skins.

Sulphurous, sulphuric, nitric, picric, carboic or hydrochloric or other corrosive acid manufacture.

Any other use, which in the opinion of the Commission, is of a similar character as those specified above.

(c) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.

(d) Self-service Storage Facility.

(e) Motor Vehicle Repair Garage.

(Ord. 114-19. Passed 12-2-19.)

1173.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily accessory and incidental to any principal permitted or conditional use shall be permitted in conjunction with such use. (Ord. 114-19. Passed 12-2-19.)

1173.04 REQUIRED CONDITIONS.

(a) Enclosure Not Required. Any use may be conducted in the M-2 District within or without a building or enclosure, subject only to distance requirements where applicable.

(b) Junkyards. All junkyards shall be enclosed by a well maintained solid board fence or wall not less than eight feet high. (Ord. 114-19. Passed 12-2-19.)

1173.05 PROHIBITED USES.

Same as specified in the M-1 District. (Ord. 114-19. Passed 12-2-19.)

1173.06 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height and no structure in any case shall exceed in height the distance measured to the centerline of any adjoining street; except as provided in Section 1180.02. (Ord. 114-19. Passed 12-2-19.)

1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided in Sections 1180.03 and 1180.04.

(a) Nonresidential.

(1) Lot area. 10,000

(2) Lot frontage. None.

(3) Front yard depth. Thirty feet.

(4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane twenty feet wide shall be provided at the discretion of the Fire Chief or his designee after review of the applicable fire code. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

(5) Rear yard depth. A minimum rear yard of six feet is required. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code. When adjoining an A or R District, the minimum required rear yard shall be not less than fifty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-2	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1174

D-1A Downtown District Modified

1174.01 Principal permitted uses.

1174.02 Conditional uses.

1174.03 Accessory uses.

1174.04 Required conditions.

1174.05 Lot area, frontage, height regulations and yard requirements.

1174.06 Courts.

1174.07 Existing structures in D-1A.

1174.08 Design review guidelines.

1174.09 Design requirements.

1174.10 Procedure.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1174.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the D-1 District, except as modified herein and except that no residential uses are permitted.

(Ord. 46-95. Passed 4-24-95.)

1174.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission: All conditional uses permitted and as regulated in the D-1 District, except as modified herein.

(Ord. 46-95. Passed 4-24-95.)

1174.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

(a) General. Accessory uses and structures as permitted and as regulated in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.04 REQUIRED CONDITIONS.

All conditions as specified for the D-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 46-95. Passed 4-24-95.)

1174.05 LOT AREA, FRONTAGE, HEIGHT REGULATIONS AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Lots legally existing at the time of application of this chapter to such lots shall be considered legal conforming lots and shall not be classified as a nonconforming use. Lots created subsequent to the application of this chapter to the property must conform to the provisions of this chapter.

	<u>Lot Area</u> <u>(Sq.Ft.)</u>	<u>Lot Frontage</u> <u>(Feet)</u>	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard</u> <u>Width (Feet)</u>	<u>Rear Yard</u> <u>Depth (Feet)</u>
Non-residential uses	10,000	None	90	None; except when adjoining an A or R District; then no less than ten feet.	None; except when adjoining an A or R District; then no less than ten feet.

Screening and Buffering

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
D-1A	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(b) Residential. Prohibited.

(c) Height Regulations. No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-16. Passed 10-24-16.)

1174.06 COURTS.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.07 EXISTING STRUCTURES IN D-1A.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.08 DESIGN REVIEW GUIDELINES.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.09 DESIGN REQUIREMENTS.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.10 PROCEDURE.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

CHAPTER 1175

M-2A General Industrial District Modified (Repealed)

EDITOR'S NOTE: Former Chapter 1175 was repealed in its entirety by Ordinance 154-96, passed October 15, 1996.

CHAPTER 1177

B-1 Institutions and Office District

- 1177.01 Principal permitted uses.
- 1177.02 Conditional uses.
- 1177.03 Accessory uses.
- 1177.04 Required conditions.
- 1177.05 Prohibited uses.
- 1177.06 Height regulations.
- 1177.07 Lot area, frontage and yard requirements.
- 1177.08 Courts.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1177.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. It is the intention of this district to provide for uses which are medical, educational, civic, social, charitable, philanthropic or religious in nature and to permit such business uses which are compatible and in accord with the nature of such uses.
- (b) Essential Services. As defined in Section 1133.01(a)(36).
- (c) Institutional. Hospital, daycare center, health center, clinic and retirement center, but not including penal or criminal corrective institutions. Schools and colleges for academic instruction, libraries, seminaries, churches, including church schools, museums, art galleries or similar cultural facilities.
- (d) Offices. Medical and dental offices; offices in which the affairs of a business, professional, fraternal or social organization or branch of government are conducted. Banks, savings and loans and other similar financial organizations, including drive-thru facilities; offices of religious and public institutions.

(Ord. 94-84. Passed 7-9-84.)

1177.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Laboratories and Scientific Research Facilities. Facilities which are supporting uses for the above listed permitted uses.
- (b) Social Activities. Private or semiprivate clubs including lodges and fraternities.
- (c) Pharmacies. Dispensing and sale of medical drugs and related merchandise.
- (d) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above stated uses or have been demonstrated as necessary to serve the needs of the above specified permitted or conditional uses, and which comply with the intent of this Chapter as stated in Section 1177.01(a).
- (e) Commercial and Noncommercial Recreational Facilities. Indoor commercial and noncommercial recreational facilities for handball and tennis, racquetball and other racquet sports, and indoor swimming pools, including indoor facilities for individual exercise which are incidental to such primary recreational facilities. (Ord. 94-84. Passed 7-9-84.)
- (f) Community Social Service Facilities. As defined in Section 1133.01(20.1), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

1177.03 ACCESSORY USES.

- (a) General. Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use

shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

(b) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1177.04 REQUIRED CONDITIONS.

(a) Access. Institutions shall have access to a primary thoroughfare as designated on the Thoroughfare Plan or a State or Federal highway.

(b) Enclosed Buildings. All services or operations shall be conducted wholly within a completely enclosed building except for necessary off-street parking and loading facilities.

(c) Exterior Display. Exterior display of goods and merchandise of any kind shall be prohibited.

(d) Objectionable Uses. Processes and equipment employed shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, vibration, refuse matter or water carried waste.

(Ord. 94-84. Passed 7-9-84.)

1177.05 PROHIBITED USES.

(a) Dwellings. Dwellings and residences of any kind, including trailer parks, but not to exclude retirement centers and institutional health facilities.

(b) Industrial. Industrial uses are prohibited.

(Ord. 94-84. Passed 7-9-84.)

1177.06 HEIGHT REGULATIONS.

The height of any permitted building shall not exceed three stories or thirty-five feet in height, whichever is lower; however, this maximum height may be exceeded providing front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified height and as hereinafter limited. No building containing overnight sleeping accommodations such as retirement centers, hospitals, etc., may exceed a height of seventy-five feet. All other buildings not including overnight sleeping accommodations shall not exceed a height of ten stories or 110 feet whichever is lower, unless a greater height is permitted by conditional use. (Ord. 94-84. Passed 7-9-84.)

1177.07 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180, however, the providing of deed parcels as defined in Section 1133.01 (a)(27) is permitted.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard Depth</u> (Feet)	<u>Rear Yard Depth</u> (Feet)
(a) Nonresidential	20,000	100	60*	None; except when adjoining an A or R District, then not less than twenty-five feet for structures under three stories or thirty-five feet and not less than 200 feet for structures over three stories or thirty-five feet in height with twenty-five feet of this yard to be preserved as a "buffer" as defined in Section 1131.01(12.1).	

*Along primary and regional thoroughfares; otherwise twenty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal</u> <u>Dimension)</u>	<u>Screening (Vertical Screen</u> <u>Dimension)</u>
B-1	Non-residential	20' adjoining A and R Districts	6' adjoining A and R Districts

(c) More Than One Primary Structure on a Lot. When two or more separate structures are erected on the same lot of record, the required front, side and rear yards for that lot shall be computed as the greatest distance defined by applying the yard requirements of this section to each structure individually.

(Ord. 94-84. Passed 7-9-84.)

1177.08 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1179

C-4 Commercial Transition District

- 1179.01 Principal permitted uses.
- 1179.02 Conditional uses.
- 1179.03 Accessory uses.
- 1179.04 Required conditions.
- 1179.05 Lot area, frontage and yard requirements.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1179.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Residential. One family dwellings included rooming and boarding houses and tourist homes.
 - (b) Institutional. Colleges, churches and church schools, libraries, museums, schools, seminaries, art galleries, day care centers and retirement centers.
 - (c) Offices. Dental offices, banks, savings and loans, business and professional offices, government offices, religious and public institution offices, offices of interior decorators, architects and engineers.
 - (d) Retail Businesses. Art and antique shops, art supply stores, dry goods and survival gear sales, furniture and appliance stores, florist, garden supply stores, hardware stores, paint stores, variety and dime stores and mail order stores.
 - (e) Service Type Businesses. Barber shops, beauty parlors, dancing and art studios, drug stores and pharmacies, dry cleaning outlet stores, funeral parlors, paper hanging shops, photographic studios, publishing operations.
- (Ord. 94-16. Passed 10-24-16.)

1179.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Service Type Businesses. Blueprinting, job printing, lithographic services, radio and television telecasting, trade and business schools, restaurants, plumbing shops and electric repair operations.
 - (b) Parking Facilities. Public parking area subject to the provisions of Chapters 1183 and 1189 .
 - (c) Public Utility Facility.
 - (d) Light Manufacturing. Production of goods on a limited basis, done by no more than two people, unless additional people are authorized by the Commission, as a craft or specialty trade and not to be a major production and distribution operation. This may include production of musical and technical instruments, pottery, rugs, clothes, stained and blown glass and any other items which shall constitute a non-objectionable use per Section 1179.04(d).
 - (e) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses.
 - (f) Clinic.
- (Ord. 94-16. Passed 10-24-16.)

1179.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses permitted and as regulated in the C-1 District.
- (b) Non-Residential. Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted C-4 non-residential uses including off-street parking facilities subject to Chapter 1183 , however, the parking of motor vehicles in the required twenty-five foot front yard is prohibited in order to preserve natural green space and to encourage parking in the rear of existing buildings.
- (c) Signs. As regulated and defined in Chapter 1187 and Section 1187.07, especially 1187.07(b) entitled, Neighborhood Business and Commercial Transition District Signs. (Ord. 94-84. Passed 7-9-84.)

1179.04 REQUIRED CONDITIONS.

- (a) Height Limitations. No principal or accessory structure may exceed a height of three stories or thirty-five feet.
- (b) Business in Enclosed Buildings. All businesses, services and processing activities, including the sale, display, advertisement preparation, and storage of any materials, equipment, trailers or motor vehicles shall be conducted wholly within a completely enclosed building, except as permitted in Chapter 1183 .
- (c) Production for Sale at Retail. All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced unless prior approval is obtained from the Planning Commission.
- (d) Uses Must be Non-Objectionable. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise vibration, refuse matter or water carried or hazardous

materials.

(Ord. 94-84. Passed 7-9-84.)

1179.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed except as provided in Chapter 1180.

	<u>Lot Area</u> <u>Square Feet</u>	<u>Lot Frontage</u> <u>Feet</u>	<u>Front Yard</u> <u>Depth Feet</u>	<u>Side Yard</u> <u>Width Feet</u>	<u>Rear Yard</u> <u>Depth Feet</u>
All non-residential permitted uses & conditional uses	10,000	None	25	None; except when adjoining institutional or residential uses - then no less than ten feet.	
Residential	Same as required in the R-1 District				

Buffering and Screening Requirements.

Buffering (horizontal dimension): 10' for non-residential uses and off-street parking areas when they adjoin an existing residential dwelling unit.

Screening (vertical screen dimension): 6' high with 100% opacity for non-residential uses and off-street parking areas when they adjoin an existing residential dwelling unit.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1180

Exceptions and Modifications

- 1180.01 Dwelling on any lot of record.
- 1180.02 Height modifications.
- 1180.03 Yard modifications.
- 1180.04 Yard projections.
- 1180.05 Lot area requirements.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1137

Amendments - see P. & Z. Ch. 1139

1180.01 DWELLING ON ANY LOT OF RECORD.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of the Zoning Ordinance, irrespective of its area or width, provided that yard spaces satisfy requirements stipulated for the district in which such lot is located, or requirements as may be modified under Section 1180.03 or by the Board of Zoning Appeals as set forth in Section 1137.09.

(Ord. 94-84. Passed 7-9-84.)

1180.02 HEIGHT MODIFICATIONS.

(a) Height Limitations Not Applicable. The height limitations stipulated elsewhere in the Zoning Ordinance shall not apply to the following:

- (1) Farm buildings, architectural features. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building.
- (2) Places of public assembly. Places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and provided that, for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- (3) Elevator penthouses, water tanks. Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height.

(b) Minimum Requirements. All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty feet in all parts from every lot line not a street lot line.

- (c) Sloping Lot Adjustments. Where a building is located upon a sloping lot the height of the building shall be calculated by:

$$h = \frac{x + y}{2}$$

Where: h = Official height of building.

x = The greatest distance from the top of the building to the ground.

y = The least distance from the top of the building to the ground.

(Ord. 98-10. Passed 11-8-10.)

1180.03 YARD MODIFICATIONS.

(a) Average Depth of Front Yards. In the A and R Districts, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same blockfront is less or greater than the least front yard depth prescribed elsewhere in the Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average of the depth on the two lots immediately adjoining, or in the case where there are no buildings on both of the lots immediately adjoining, the average depth of the front yards on lots within 100 feet of the lot in question and within the same block front; provided, however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

(1) Steep slopes; front yard garage. In the A and R Districts, where the natural slope of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming with the requirements of the Zoning Ordinance, such garage may be located within such front yard, but not in any case closer than six feet from the front lot line.

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

(b) Rear and Side Yards. In computing the depth of a rear yard of the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be; provided, however, that no side yard shall be less at any point than three feet, and no rear yard less than ten feet. (Ord. 94-84. Passed 7-9-84.)

1180.04 YARD PROJECTIONS.

(a) Architectural Features. Certain architectural features may project into required yards or courts as follows:

(1) Front and side yards. Into any required front yard, or required side yard adjoining a street lot line;

A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding four feet.

B. Fire escapes may project a distance not exceeding four feet, six inches.

C. An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three feet in height.

D. Bay windows, balconies and chimneys may project a distance not exceeding four feet, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(2) Interior side yards. Subject to the limitations in subsection (a)(1) hereof, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-third of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear yards. Subject to the limitations in subsection (a)(1) hereof, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard; provided, however, that landings or porches may be covered and may project a distance not exceeding ten feet but not closer than ten feet from the rear lot line.

(Ord. 81-92. Passed 7-13-92.)

(b) Fences, Walks and Hedges. Fences, walks and hedges may be located in required yards as follows:

- (1) Except as provided in subsection (b)(3) hereof, fences and hedges may be located only in side or rear yards, except that on corner lots, fences and hedges are not permitted in the street side yard or in that portion of the rear yard which is closer to the side street right-of-way line than the required zoning front yard depth for a principal structure. Such fences and hedges shall not exceed six feet in height above the elevation of the ground where located. No fence or hedge shall be located or erected other than as provided above unless it is specifically authorized by a variance granted by the Board of Zoning Appeals. Any fence which has fifty percent (50%) or more opacity shall have the posts and supporting rails located on the inside of the fence or shall be constructed so that the slats of the fence alternate on the inside and outside of the posts and supporting rails. A no-cost zoning certificate as described in subsection 1135.03(a) shall be applied for and obtained prior to erection of any fence four (4) feet or less in height.

(Ord. 180-04. Passed 12-13-04.)

(2) Walks may be located in any required yard.

(Ord. 67-92. Passed 5-26-92.)

(3) Hedges and Decorative Fences. Hedges and decorative fences such as split rail, picket, wrought iron or other decorative varieties, but not including chain link, which hedges or decorative fences do not form an enclosure or boundary are permitted only in the front yard of an interior lot as follows:

A. An aggregate of sixteen lineal feet of hedge or decorative fences shall be permitted within the front yard and in no case shall any hedge or decorative fence greater than eight feet in length be erected along the front lot line or within twenty feet of the front lot line, except as provided in subsection (b)(3)B. below.

B. In the case of driveway or corner demarcation, no section of hedge or decorative fence shall exceed eight feet in length, and a maximum of sixteen feet is permitted but must be joined at an angle no greater than 90°. No more than two angled sections of sixteen feet each as described in this subsection (b)(3)B. shall be permitted in a front yard. If angled hedge or decorative fence is used for driveway or corner demarcation under this subsection (b)(3)B., it shall also be included for purposes of the aggregate amount of hedge or decorative fencing permitted under subsection (b)(3)A. above.

C. The height of any hedge or decorative fence under this subsection (b)(3) shall not exceed four feet and hedges or decorative fences under this subsection (b)(3) must have no greater than fifty percent (50%) opacity.

- D. Hedges and decorative fences under this subsection (b)(3) shall be located at least one foot from the nearest public right of way.
- E. For purposes of this subsection (b), a hedge is a row of closely planted shrubs, bushes or low growing trees.

(Ord. 81-92. Passed 7-13-92.)

(c) Retaining Walls. Retaining walls may be located in any required yard provided such walls are necessary to properly maintain/retain an elevation of the yard and provided such walls do not exceed at any point, forty-eight inches in height above the elevation of the surface of the ground at such point, except that retaining walls in rear or side yards may be no more than seventy-two inches in height. Retaining walls must be shown on any plot plan submitted and shall not be deemed approved if not accurately shown on the plot plan. The Building Superintendent may require that a retaining wall be designed by a registered design professional if determined to be necessary for the safety of the wall in the discretion of the Superintendent. (Ord. 180-04. Passed 12-13-04.)

(d) Batting Cages and Animal Enclosures. Batting cages and animal enclosures must be located in the rear yard of an interior lot and must be included in the calculation of the accessory use limitation contained in Section 1143.06(a). These structures, whether permanent or temporary, must be no greater than six foot from grade to the top of structure unless specifically authorized by the Board of Zoning Appeals.

(Ord. 154-96. Passed 10-15-96.)

1180.05 LOT AREA REQUIREMENTS.

PUBLIC SANITARY AND WATER FACILITIES NOT AVAILABLE:

In any district, where either a public water supply and/or a public sanitary sewer is not accessible, the otherwise specified lot area and frontage requirements for dwellings, if less than the following, shall be:

- (a) Lot Area. Twenty thousand square feet;
- (b) Lot Frontage. 120 feet.

(Ord. 94-84. Passed 7-9-84.)

TITLE SEVEN - Special Provisions

- Chap. 1181. Performance Standards.
- Chap. 1182. Stormwater Management Requirements.
- Chap. 1183. Off-Street Loading and Parking.
- Chap. 1184. Sidewalks.
- Chap. 1185. Trailer and Trailer Parks; Motels; Motor Hotels.
- Chap. 1186. Yard Sales.
- Chap. 1187. Signs.
- Chap. 1189. Motor Vehicle Service Stations; Garages; Parking Areas.
- Chap. 1191. Planned Unit Developments.
- Chap. 1192. Source Water Protection Program .
- Chap. 1193. Swimming Pools.
- Chap. 1194. Airport Zoning.
- Chap. 1195. Extraction of Minerals.
- Chap. 1196. Excavating and Filling of Land.
- Chap. 1197. Conversion of Dwellings.
- Chap. 1198. Nonconforming Uses.
- Chap. 1199. Flood Damage Reduction.

CHAPTER 1181

Performance Standards

- 1181.01 General requirements.
- 1181.02 Existing uses.
- 1181.03 Certain new uses.

CROSS REFERENCES

- Enforcement and penalty - see P. & Z. Ch. 1135
- Compliance required - see P. & Z. 1148.01
- Nonconforming uses - see P. & Z. Ch. 1198

1181.01 GENERAL REQUIREMENTS.

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, including potential hazards; noise or vibration; smoke dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element, referred to herein as dangerous or objectionable elements; in such a manner or in such amount as to adversely affect the adjoining premises or surrounding area; provided that any use permitted or not expressly prohibited by the Zoning Ordinance may be undertaken and maintained if it conforms to the provisions of this chapter limiting dangerous and objectionable elements at the point of the determination of their existence.

(Ord. 94-84. Passed 7-9-84.)

1181.02 EXISTING USES.

(a) Review. Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Planning Commission shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence, to Council. In the event that the Commission concurs in the allegation that there exist or are likely to be created such dangerous or objectionable elements, it shall request Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and of practicable means of remedying such condition.

(b) Enforcement. Upon receipt of the findings and recommendations of such specialist or laboratory, the Commission may approve, partially approve, or disapprove the measures recommended therein and instruct the Building Inspector to proceed with the enforcement of such measures in accordance with the provisions of Chapter 1135.

(c) Cost of Investigation. The City shall bear the costs of the various tests, consultant fees or other investigations which are required herein; provided, however, that the owner of the property under investigation shall reimburse the City for all such expenses in the event that operation or use of such property is found to be in violation of the provisions of this chapter by the Commission, or if contested by a court of competent jurisdiction. Such reimbursement shall be made within thirty days from the date of the final Commission ruling or court judgment.

(Ord. 94-84. Passed 7-9-84.)

1181.03 CERTAIN NEW USES.

(a) Application for Building Permit or Certificate of Occupancy. Applications for building permits or zoning certificates, together with plans and specifications for the manufacture or processing of materials listed in subsection (b) hereof, and of such other uses which may be of similar character, in the opinion of the Building Inspector, shall be referred by him to the Planning Commission. The Commission, in cases where indicated, shall cause such plans and specifications to be examined by competent specialist or laboratory in the manner prescribed in Section 1181.02.

(b) Uses Subject to Review. The following uses shall be subject to such performance standard review:

(1) Manufacturing. Involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulphuric acids; coal, coke, and tar products; explosives, fertilizers, gelatin, animal glue and size; gas manufacturing, unless incidental to a principal use; turpentine, matches, rubber, soaps, fat rendering.

(2) Processing. Involving the following: nitration of cotton or other materials; magnesium foundry, reduction, refining, smelting of metal or metal ores; refining of petroleum products, such as gasoline, kerosene, naptha, curing or tanning of raw, green or salted hides or skins; melting and alloying of metals; stockyards, slaughter houses, except for poultry; slag piles, storage of fireworks or explosives, except where incidental to a permitted principal use.

(c) Continual Compliance. Any use authorized under the provisions of this chapter shall comply continually therewith and shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.

(d) Costs of Review. The applicant shall bear the actual costs of all tests and investigations required under this section, which shall be in addition to the usual fees prescribed by the Zoning Ordinance. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1182

Stormwater Management Requirements

1182.01 General.

1182.02 Exemptions to stormwater management quantitative control requirements.

1182.03 Design.

1182.04 Submission requirements.

1182.05 Fee.

CROSS REFERENCES

Storm drain conductors and leaders - see OAC 4101:2-51-69

Special storm sewer rules - see S.U. & P.S.925.07

Storm drainage and sediment control - see P. & Z. Ch. 1117

1182.01 GENERAL.

(a) Definitions.

(1) "Stormwater management" refers to the collection, safe conveyance and storage of excess storm runoff on a development or redevelopment site that involves use of a single or multiple stormwater management facility(ies) to capture, temporarily store and treat runoff with gradual release of the stored runoff at an acceptable flow rate into the downstream conveyance system. Stormwater management facilities include, but are not limited to, detention basins and retention basins.

(2) "Detention basins" are normally dry surface areas created by constructing an excavated or embankment basin which detains stormwater during rain events.

(3) "Retention basins" are permanent ponds where additional storage capacity during rain events is provided above the normal water level.

(b) Stormwater Management General Requirements.

- (1) Quantitative control. Detention/retention of storm water will be required for each subdivision or land development and redevelopment unless specifically exempted.
- (2) Qualitative control. Stormwater quality control shall be implemented into sites within developing and redeveloping areas in accordance with general and specific requirements outlined in the latest edition of the Ohio EPA General (NPDES) Permit for Stormwater Discharges associated with construction activity (See Part IIIG2E of the Ohio EPA's NPDES Permit (Permit No. OHC000004, or latest edition).

(Ord. 25-14. Passed 4-14-14.)

1182.02 EXEMPTIONS TO STORMWATER MANAGEMENT QUANTITATIVE CONTROL REQUIREMENTS.

- (a) The developer may apply to the City Engineer for exemption from requirement for construction of stormwater management quantitative control facilities.
- (b) Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.
- (c) If an exemption for stormwater management quantitative control is granted by the City Engineer, the developer shall be required to pay a fee in lieu of the construction of the stormwater management facilities. The fee shall be seventy-five cents (75¢) per cubic foot of detention/retention volume that would have been required if an exemption had not been granted. This fee must be paid to the City prior to recording of the plat of a subdivision or issuance of the building permit if no subdivision plat is involved.
- (d) The developer may appeal the denial of an exemption to the Board of Zoning Appeals. (Ord. 25-14. Passed 4-14-14.)

1182.03 DESIGN.

- (a) Runoff and Volume Calculation Methods. The methods outlined in the City Subdivision Rules and Regulations and City of Fairfield Construction and Materials Specification Handbook (latest edition) shall be used to determine the runoff and storage volumes.
 - (b) Quantity of Runoff.
 - (1) The peak rate of runoff during the 100 year post-development storm cannot exceed the peak rate of runoff during the two year pre-development storm.
 - (2) For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.
 - (c) Quality of Runoff.
 - (1) The design of stormwater quality controls, also known as post-construction Best Management Practices, shall comply with standards and requirements as contained in the latest edition of the Ohio EPA General (NPDES) Permit for Stormwater Discharges associated with construction activity (See Part IIIG2E of the Ohio EPA's NPDES Permit).
 - (d) Basin Construction.
 - (1) The side slopes of a detention/retention basin shall not exceed four to one and shall be seeded or sodded.
 - (2) The bottom of the basin shall be seeded or sodded and sloped to the outlet flow control device. A method of carrying low flow through the basin shall be provided and include appropriate erosion control.
 - (3) The maximum water depth for detention basins shall be six feet.
 - (4) The top of the embankment shall have a minimum width of eight feet.
 - (5) Outlet flow control devices may be either single-stage or multi-stage.
 - (6) Other requirements may be imposed for specific cases.
- (Ord. 25-14. Passed 4-14-14.)

1182.04 SUBMISSION REQUIREMENTS.

Plans and supporting data to verify storage volumes, release rates, etc., shall be submitted. The submission shall include, but is not limited to, the following:

- (a) A plan, which may be the Improvement Plan, Drainage and Grading Plan, or similar plan at a scale of 1" = 100' or larger, shall be submitted and contain at least the following information:
 - (1) The outline and designation of the drainage area(s).
 - (2) All existing and proposed drainage facilities.
 - (3) Existing and proposed contours.
 - (4) Existing structures.
 - (5) The detention/retention basin with outlet structures.
 - (6) Pertinent elevations (e.g. water surface, flowline of flow control devices, etc.)
 - (7) A recommendation from a soils engineer for the foundation and design of the embankment to be used for the retention/detention basin.
 - (8) Any other information required by the City to clarify intent or design features.
 - (b) All calculations and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.
- (Ord. 25-14. Passed 4-14-14.)

1182.05 FEE.

Work performed by professional consultants and other costs incurred by the City will be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the City Engineer.

(Ord. 25-14. Passed 4-14-14.)

CHAPTER 1183

Off-Street Loading and Parking

- 1183.01 Off-street loading space.
- 1183.02 Accessory off-street parking space.
- 1183.03 Number of parking spaces required.
- 1183.04 Accessory off-street parking standards.
- 1183.05 Development and maintenance of off-street parking areas.
- 1183.06 Modifications.

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

Parking generally - see TRAF. Ch. 351

Garages; parking areas - see P. & Z. Ch. 1189

1183.01 OFF-STREET LOADING SPACE.

(a) Required.

(1) In any district in connection with any building or part thereof hereafter erected or altered, which is to be occupied by industrial, warehousing, wholesale commercial, retail commercial, service or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained off-street loading spaces.

(2) The number of off-street loading spaces shall be as deemed necessary by the Building Inspector.

(b) Minimum Size. Each loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height.

(c) Location. Loading spaces shall be on the same premises with the building they are intended to serve and may occupy all or any part of any required yard, provided no such space shall be closer than fifty feet from any other lot located in any R District unless wholly within a completely enclosed building or enclosed on all sides by a well maintained wall or uniformly painted solid fence not less than eight feet in height.

(d) Access. There shall be adequate provisions for ingress and egress. Where a lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the loading spaces required hereunder; such access drive shall not be less than eighteen feet in width and shall not be located in any A or R District except where provided in connection with a use permitted in an A or R District. (Ord. 94-84. Passed 7-9-84.)

1183.02 ACCESSORY OFF-STREET PARKING SPACE.

(a) Required. In all districts, in connection with every residential, office, retail commercial, service, wholesale commercial, industrial, institutional, recreational or other use, there shall be provided, at the time any use and/or building or structure is erected or enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein. Such spaces may be provided either in garages or parking areas conforming with the provisions of the Zoning Ordinance.

(b) Location. Accessory off-street parking spaces shall be located in the same or a less restricted district as those in which the principal use is permitted; provided, however, that the Planning Commission may authorize, as a conditional use subject to the provisions of Chapter 1137, the establishment and operation of accessory off-street parking facilities in such sections of any A or R District which abut, either directly or across an alley, any B-1, C or M District, subject to the following requirements:

(1) Such parking area shall be accessory to one or more business or industrial establishments located in such adjoining B-1, C or M District.

(2) No motor vehicle repair work or other services shall be conducted on such parking area.

(3) Such parking area shall be subject to all applicable requirements of this chapter and to any additional requirements or conditions which may be determined necessary by the Commission for the protection of adjacent property.

(4) Accessory off-street parking lots for facilities other than residential in any A or R District shall be located not less than ten percent (10%) of the average lot width, with a maximum requirement of fifteen feet, from any other adjoining property line.

(5) Off-street parking for facilities in all B-1, C and M zoning districts shall be set back a minimum of five feet from any adjoining street right-of-way line(s). (Ord. 94-84. Passed 7-9-84.)

1183.03 NUMBER OF PARKING SPACES REQUIRED.

The number of off-street parking spaces required shall be set forth in the following:

(a) <u>Use</u>	<u>Parking Spaces Required</u>
Bowling alleys	5 for each alley
Churches, auditoriums, theaters, arenas, dance/assembly halls	1 for each 5 seats or 100 square feet of floor space; whichever is greater
Dwellings - 1 and 2 family	2 for each family or dwelling unit
multi-family	2 for each family or dwelling unit
Funeral homes	10 for each parlor, or 1 for each 20 square feet of floor area; whichever is greater
Hospitals	1 for each 4 beds
Hotels and resorts	1 for each bedroom
Libraries, museums, art galleries and similar cultural facilities	1 for each 500 square feet of floor area
Medical or dental clinics	1 for each 75 square feet of floor area
Motels	1 for each living or sleeping unit
Restaurants, beer parlors, nightclubs over 500 square feet in area	1 for each 50 square feet of floor area

Retail businesses, service establishments, offices under 2,000 square feet in floor area	1 for each 400 square feet of floor area
Retail businesses, service establishments, and offices 2,000 square feet or over in floor area	1 for each 200 square feet of such area
Schools	1 for each 2 faculty and staff members, plus 1 for each 10 students at the high school or college level
Summer homes	1 for each such home
Trailer parks	2 for each trailer space plus 1 additional for each four such spaces
Wholesale commercial warehousing, manufacturing and industrial uses	1 for each 3 employees on the maximum shift or for each 3,000 square feet of floor area; whichever is greater

(b) Uses Not Listed. In the case of any building, structure, or premise, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which such use is similar shall apply.

(c) Units of Measurement. For the purposes of this section, the following units of measurement shall apply:

(1) In the case of offices, merchandising or service types of uses, floor area means the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment, used for the display or sale of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packing of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(2) In hospitals, bassinets shall not be counted as beds.

(3) In places of public assembly in which patrons or spectators occupy benches, pews or other such seating facilities, each twenty inches of such seating facilities shall be counted as one seat.

(d) Addition and Enlargements. Whenever on any lot or in any building there is a change in use or an increase in floor area or in the number of employees or other unit of measurement hereinbefore specified for the determination of required off-street parking spaces, additional off-street parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement; provided, however, that in case such change in use creates a need for increase in off-street parking spaces of less than ten percent (10%) of the parking facilities previously required, no additional parking facilities shall be required.

(e) Collective Provision. Nothing in this chapter shall be construed to prevent collective provision of accessory off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; and further provided that the requirements set forth in Section 1183.04 as to the maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provisions of parking.

(Ord. 94-84. Passed 7-9-84.)

1183.04 ACCESSORY OFF-STREET PARKING STANDARDS.

(a) Minimum Size. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition.

(b) Access. There shall be adequate provision for ingress and egress. Where a lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking areas or spaces required hereunder; such access drive shall be not less than eight feet in width in all other cases; provided, however, that one way aisles for either ingress or egress for uses other than dwellings may be reduced to not less than ten feet in width. Such access drives shall not be located in any A or R District except where provided in connection with a use permitted in an A or R District.

(c) Distance. Accessory off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve:

(1) One and two-family dwellings. On the same lot with the building they are required to serve.

(2) Office, retail commercial, service, institutional and other residential uses. Not more than 300 feet from the building they are required to serve.

(3) All other uses. No more than 1000 feet from the building they are intended to serve.

(Ord. 94-84. Passed 7-9-84.)

(d) Residential Off-Street Parking Facilities. Accessory off-street parking facilities in A-1, R-0, R-1 and R-2 zones shall not occupy more than thirty-five percent (35%) of the front yard of any residential building or property.

(Ord. 77-92. Passed 6-22-92.)

1183.05 DEVELOPMENT AND MAINTENANCE OF OFF-STREET PARKING OR STORAGE AREAS.

Every lot used as a public or private parking or storage area including, but not limited to, lots used for motor vehicle, boat, trailer, construction machinery or equipment sales storage or parking, shall be developed and maintained in accordance with the following requirements:

(a) Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces institutional premises or premises situated in any A or R District by a masonry wall or solid fence. Such wall or fence shall not be less than four feet in height and shall be maintained in good condition.

(b) Minimum Distances and Setbacks. Off street parking facilities shall be set back a minimum of five feet from any adjoining street

right-of-way line. No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot unless screened by an unpierced masonry wall; provided, however, that parking areas for twenty-five or more automobiles or for trucks and buses shall not have an entrance or exit for vehicles within 200 feet along the same side of the street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street, which the lot in question does not abut.

(c) Surfacing. All off-street parking areas including driveways, entrances, exits, lanes and aisles shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable, dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

(d) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises.

(Ord. 77-92. Passed 6-22-92.)

1183.06 MODIFICATIONS.

The Board of Zoning Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements if it should find that, in the particular case appealed, the peculiar nature of the residential, office, retail commercial, service, wholesale commercial, industrial, institutional, recreational or other use, or the exceptional shape or size of the property, or other exceptional situation and condition would justify such an action. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1184

Sidewalks

1184.01 Sidewalks required.

CROSS REFERENCES

Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.

Duty to keep sidewalks clean and in repair - see GEN. OFF. 521.06

Sidewalk areas - see S.U. & P.S. Ch. 909

1184.01 SIDEWALKS REQUIRED.

Unless sidewalks are already constructed, sidewalks for public use shall be installed along all public streets by the owner of any abutting lot or parcel upon which a new building is constructed, except in subdivisions where sidewalks have been waived by the Planning Commission and except along the following public streets:

(a) State Route 4: From Nilles Road southward to the south corporation line.

(b) Symmes Road: From Bach Lane eastward to the east corporation line.

(c) Holden Boulevard: The section within the City of Fairfield between State Route 4 and the common corporation line with the City of Hamilton.

(d) North Gilmore Road: From State Route 4 northward to Bobmeyer Road.

(e) Port Union Road: From State Route 4 eastward to the east corporation line.

(f) By-Pass Route 4: From State Route 4 northward to the corporation line.

(g) Seward Road: From State Route 4 northward to Tylersville Road.

(h) Bobmeyer Road.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1185

Trailers and Trailer Parks; Motels; Motor Hotels

1185.01 General requirements.

1185.02 Enlargement.

1185.03 Trailers prohibited; exceptions.

1185.04 Submission of plans.

1185.05 Design and maintenance.

1185.06 Additional requirements.

CROSS REFERENCES

Hotel/motel guests to register - see Ohio R.C. 3503.31

Hotels - see Ohio R.C. Ch. 3731

House trailer defined - see Ohio R.C. 4501.01(J)

Travel trailer defined - see Ohio R.C. 4501.01(K)

House trailer parks - see OAC 3701-27

1185.01 GENERAL REQUIREMENTS.

The regulations prescribed by the State Board of Health or other authority having jurisdiction, the regulations of the City Building Code and as may be otherwise required by law, shall be complied with, in addition to the following regulations:

(a) Area and Yard Requirements. Trailer parks shall comply with all area and yard requirements prescribed herein; motels shall also comply with all area and yard requirements prescribed for such uses in the district in which located.

(b) Parking. All areas used for automobile access and parking shall comply with the applicable provisions of the Zoning Ordinance.

(c) Entrance. No vehicular entrance to or exit from any trailer park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or children, except where such property is in another block or another street which the premises in question do not abut.

(d) Landscaping. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than fifty feet in width shall be established and maintained within the trailer park along its exterior boundaries.

(Ord. 94-84. Passed 7-9-84.)

1185.02 ENLARGEMENT.

No enlargements or extensions to any motel, trailer park or a tourist camp shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment. Trailer parks must provide public water and sewers. (Ord. 94-84. Passed 7-9-84.)

1185.03 TRAILERS PROHIBITED; EXCEPTIONS.

Except as provided in this section, no person shall park or occupy any trailer on the premises in any district outside an approved trailer park. The parking of an unoccupied trailer twenty feet or less in length in an accessory private garage, or in a rear yard, in any district, shall be permitted, provided no living quarters are maintained or any business conducted in such trailer while so parked or stored.

(a) Emergency Parking. Emergency or temporary stopping or parking of a trailer shall be permitted on any street, alley or highway for not longer than six hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or laws for such street, alley or highway.

(b) Removal of Wheels. In any trailer park, the wheels of any trailer shall not be removed except for repairs, nor shall any trailer be otherwise permanently fixed to the ground in a manner that would prevent its removal.

(Ord. 94-84. Passed 7-9-84.)

1185.04 SUBMISSION OF PLANS.

An application for the establishment of a trailer park in a district where a trailer park is permitted shall be filed with the Building Inspector and shall be accompanied by a scale drawing certified by a registered engineer or surveyor. Such drawing shall contain the following information:

(a) Accurate dimensions of the proposed trailer park;

(b) All roads and approaches and the method of ingress and egress;

(c) The complete electric service installation, wire service outlets and lighting facilities;

(d) The complete location of any natural gas facilities to serve the trailer park;

(e) A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof; and

(f) The location of electric power or gas distribution systems, water mains for water supply outlets for domestic water users; location of sanitary facilities, washrooms, garbage disposal units, sanitary sewers, sewer drain lines and other buildings or structures contemplated to be used by such applicant in connection with such trailer park. (Ord. 94-84. Passed 7-9-84.)

1185.05 DESIGN AND MAINTENANCE.

(a) Park Area. The minimum trailer park area shall be fifteen acres.

(b) Trailer Unit Space Area. The minimum area of a trailer unit space within the trailer park shall be 7,500 square feet.

(c) Trailer Unit Space Width. The minimum width of a trailer unit space within the trailer park shall be seventy-five feet.

(d) Access. Each trailer park shall abut upon a public street and each trailer unit space shall have direct access to a private, hard surface drive.

(e) Distance from Property Line. The minimum distance for each trailer from the exterior property lines shall not be less than 100 feet.

(f) Distance Between Trailers. The minimum distance between neighboring trailers shall be not less than twenty feet.

(g) Concrete Slab. Each trailer unit space shall be equipped with concrete slab(s) of sufficient size to support the wheels and the front parking jack. Such slabs shall have a minimum thickness of four inches.

(h) Utilities. Each trailer space shall be equipped with one electric outlet. A central sanitary sewer and central water system shall be installed in accordance with the City's specifications and each trailer unit space shall be served by such sewer and water systems. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.

(i) Interior Streets. The minimum roadway width of interior one-way streets with parking permitted on one side shall be twenty feet. The minimum roadway width of two-way streets with parking permitted on one side shall be twenty-six feet. The minimum width of two-way streets without parking permitted shall be twenty feet. Such streets shall be paved according to the City's specifications for residential streets, maintained in good condition and lighted at night.

(j) Recreation Areas. There shall be provided within each trailer park an adequate site or sites for recreation, for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of 400 square feet for each trailer unit space. The recreation sites shall be of appropriate design and provided with appropriate equipment.

(k) Occupancy Length. No trailer shall remain in a trailer park for a period exceeding one day without connection to the central sanitary sewer system and central water system of the park. (Ord. 94-84. Passed 7-9-84.)

1185.06 ADDITIONAL REQUIREMENTS.

In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of such trailer parks as it may deem necessary for the protection of adjacent properties and the public interest. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1186

Yard Sales

- 1186.01 Definitions.
- 1186.02 Sales limited.
- 1186.99 Penalty.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65
Secondhand dealers - see BUS. REG. Ch. 733

1186.01 DEFINITIONS.

For the purpose of this section, yard sale, garage sale, lawn sale and basement sale means the sale of personal property owned and sold by the occupants of the household at which such personal property is sold.

(Ord. 158-92. Passed 12-14-92.)

1186.02 SALES LIMITED.

Yard sales, garage sales, lawn sales and basement sales shall be permitted no more than a total of three times a year at any residential property for a maximum of three consecutive days each time. Such sales shall be held only between the hours of 7:00 a.m. and 7:00 p.m. on each day of the sale.

(Ord. 158-92. Passed 12-14-92.)

1186.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 158-92. Passed 12-14-92.)

CHAPTER 1187

Signs

- 1187.01 Purpose.
- 1187.02 Definitions.
- 1187.03 General requirements.
- 1187.04 Safety, maintenance, removal and freestanding sign removal incentive.
- 1187.05 Design standards.
- 1187.06 Signs in agricultural; residential zones.
- 1187.07 Institutional, neighborhood, commercial transition, service transition, downtown and central business district zones.
- 1187.08 Signs in general business and industrial zones.
- 1187.09 Fee schedule.
- 1187.10 Signs in suburban entertainment districts.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65
Advertising on State and interstate highways - see Ohio R.C. Ch. 5516
Unauthorized signs - see TRAF. 313.07

1187.01 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement, size, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. Specific safety and structural requirements and administrative provisions related to sign erection and sign permits are contained in the City Building Code and the Ohio Basic Building Code. (Ord. 66-92. Passed 5-26-92.)

1187.02 DEFINITIONS.

(a) "Sign" means any name, identification, description, illustration, symbol, statue or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location. For the purpose of removal, signs shall also include all sign structures. The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street

shall be included as a sign, whether or not it has lettering or other symbols or illustrations thereon.

The word "sign" does not include: a flag or pennant of any nation, state, city or other political unit, or of any educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement or event; commemorative plaques approved by Council; any name plate sign in residential areas or any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public streets; any signs for control of traffic and other regulatory purposes, governmental identification and directional signs, including signs for identification and location of entryways and public facilities and events and geographic areas of the City, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs: (Ord. 94-16. Passed 10-24-16.)

- (1) "Advertising signs" means billboard as defined herein.
 - (1.1) "Air dancer" an inflatable device consisting of a long tube-like sleeve made of fabric attached to a powered fan blower, which causes the tube to move in a dancing or flailing motion.
- (2) "Banner" means a piece of cloth, canvas, plastic sheet or other pliable material.
- (3) "Billboard" means any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs but does include poster panels.
- (4) "Business sign" means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.
- (5) "Bulletin board" means a structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein or at some other place.
- (6) "Cabinet sign" means a temporary/movable sign constructed with sign faces designed to install movable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated or non- illuminated signs.
- (7) "Canopy, awning or marquee" means a sign that is mounted on or painted on or attached to a canopy, awning or marquee.
- (8) "Captive balloons" means an envelope of spherical or similar shaped gas proof fabric distended by the pressure of gas or air held internally.
- (9) "Company logo flag" means a piece of cloth or canvas attached to a flagpole and used to designate a company logo.
- (10) "Construction" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in the design and construction of a structure or project.
- (11) "Directional" means a sign without advertising, directing vehicular or pedestrian movement onto a premises.
- (12) "Electronic message display sign" means a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting diode (LED) screens. These signs must be capable of utilizing at least three colors per pixel with color capability in excess of 32,000 colors.
- (12.1) "Feather/flutter flag" means a sign which is generally displayed vertically, primarily supported by a rod or supporting frame along one edge and constructed of a piece of cloth, canvas, plastic sheet or other pliable material. The feather/flutter flag may or may not display words or images.
- (13) "Flashing" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.
- (14) "Freestanding" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.
- (15) "Gateway" means a sign placed by the City on a thoroughfare within 1000 feet of the City limits noting the City boundary.
- (16) "Good condition" means a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed, with no chipping, fading or other maladies and having an overall appearance similar to the original state.
- (17) "Ground" means a sign placed upon a foundation, or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.
- (18) "Illuminated" means a sign that is lighted by an artificial light source.
- (19) "Moving" means any sign which in part or total, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes, indexing, multiprism units, whose speed exceeds one complete revolution in less than twenty seconds.
- (20) "Nonconforming" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexations, rezoning or ordinance amendment.
- (21) "On-site or accessory" means business sign as defined herein.
- (22) "Pennant" means a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material.
- (23) "Portable" means any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the Building Code of the City or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, captive balloons and company logo flags.
- (24) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.
- (25) "Projecting" means a sign suspended from or supported by a building, structure or building column and extending horizontally therefrom, more than fifteen inches.
- (26) "Property improvement sign" means a sign as defined in Section 1187.05(i).
- (27) "Real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.
- (28) "Roof" means any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

(Ord. 47-08. Passed 4-28-08.)

- (28.1) "Rope lights" means fiber optic cable lighting, LED lights or other continuous or connected series of lights that may be encased in flexible plastic tubing, tape or other material typically used to outline or decorate a structure, including window and door frames whether located inside or outside the structure. This does not include seasonal lighting.

(Ord. 94-16. Passed 10-24-16.)

- (29) "Special event sign" means a portable sign which is not internally lit or capable of being internally lit and does not exceed twenty-four square feet.
- (30) "Streamer" means a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.
- (31) "Temporary" means a feather/flutter banner, pennant, paper or cardboard sign, streamer, portable sign, or captive balloon which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business.
- (32) "'Variable message reader board" means a permanent sign which is displayed in a series of monochromatic lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds. The entire message shall be text only and shall not be traveling, scrolling, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner for the minimum seven (7) second interval.
- (33) "Wall" means a sign which is affixed, painted on or attached to the wall of the building or other wall or structure and which extends not more than fifteen inches from the face of the fence or wall.
- (34) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

(Ord. 47-08. Passed 4-28-08.)

means any sign printed, painted on, attached, glued or otherwise affixed to the interior or exterior side of a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use. Electronic message display signs, flashing signs and variable message reader boards are not included in this definition and are subject to regulation and/or restriction as provided in this chapter irrespective of whether they are placed on the inside or outside of a window. Window signs placed on the exterior of windows may not project further than one-half inch beyond the window exterior surface. Signs placed on the exterior of a window and projecting further than one-half inch from the window surface are excluded from this definition and shall be included as building or wall signage and regulated and/or restricted as provided in this chapter.

(Ord. 108-17. Passed 10-23-17.)

- (b) "Building frontage" means that building side or sides which face upon a public street or parking area between such building and the street where access to the building is provided from such frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building measured parallel to the public street or parking area upon which the building fronts.
- (c) "Parcel of property or parcel" means any separate parcel of property as shown on the latest available County Tax Map, provided that when structures on separate parcels are abutting and/or have common walls, such parcels shall be considered as one parcel of property and provided further that where one tenant, business or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of property.
- (d) "Principal street" means that single public street which provides the most access and/or predominant business exposure for a particular business.
- (e) "Shopping center" means a group of at least three businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilizes common off-street parking and access.
- (f) "Sign area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, internally illuminated signs as defined in Section 1187.02(a) or any other figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a double faced sign, where both faces are on opposite sides of a single flat surface, the area formula shall apply to the dimensions of one side only. The area of a sign having more than two display surfaces shall be computed as the total of the exposed exterior display surface areas. In the event a sign is of irregular shape, calculations of sign area shall be made by superimposing a single imaginary regular geometric figure: square, rectangle, triangle, trapezoid, circle or ellipse, large enough to enclose the entire sign, over the sign and measuring the appropriate dimensions and making the necessary calculations. The necessary supports or uprights on which such sign is placed, not being advertising matter shall not be included in computation of surface area.
- (g) "Sign face" means the surface of the sign upon, against or through which the message of the sign is exhibited.
- (h) "Sign height" shall be measured from the lowest horizontal surface grade immediately within ten feet of the base of the sign to the top of its highest element, including any structure element.
- (i) "Sign structure" shall be the supports, uprights, bracing, poles or framework for signs.
- (j) "Street frontage" means the linear frontage of a parcel of property abutting the principal street.

(Ord. 47-08. Passed 4-28-08.)

1187.03 GENERAL REQUIREMENTS.

- (a) Permitted Signs. All signs shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected and maintained as provided in this chapter.
- (b) Building Permit. No permanent sign shall be erected, constructed, painted or printed without obtaining a permit issued by the Division of Building Inspection and Zoning. The application for the permit shall set forth the location at which the sign is proposed to be erected, the advertising structure or surface, the dimensions, shape, materials of construction for the sign, type of sign, and where applicable, the method of any sign illumination. For off-premises signs, the application shall be accompanied by the written consent of the property owner or his authorized agent.

(c) Right-of-Way. No sign shall be placed within or over any public right-of-way, nor shall any sign structure, in whole or in part, be placed within or over any public right of way, except publicly owned signs and banners specifically exempted by the City Manager for special occasions, festivals or celebrations.

(d) Directional Public Service Signs. Church, school service club, museum, library and public signs not on the premises of the institution are included under directional signs.

(e) Directional Signs. The City shall permit one double-faced permanent directional sign per vehicular entrance not exceeding three square feet in area each in addition to signs permitted elsewhere in this chapter, upon condition that such signs are needed for traffic safety.

(f) Flashing Signs. Flashing signs are not permitted except electronic message display signs as defined in Section 1187.02 (a)(12) of this section and public service time and temperature signs which are only permitted in institutional (B), commercial (C) and industrial (M) zones.

(g) Grand Openings. Banners, pennants, portable signs, streamers, captive balloons, air dancers and other temporary signs for grand openings are only permitted, subject to the issuance of a permit and payment of a fee, described in Section 1187.09, to the City of Fairfield under this section, all of the above may be authorized by the Building Superintendent or his/her designate for a period not to exceed sixty days for the purpose of a grand opening of a new business and to allow installation of permanent signs (change of ownership or management does not constitute a new business unless the business has been closed for at least sixty days). No flashing signs are permitted under this subsection. The size of portable signs shall be limited to a maximum of thirty-two square feet. After the grand opening, a 30 day waiting period is required before promotional signs as defined in Section 1187.03 (i) will be permitted. Air dancers shall be placed a minimum of 25 feet from the roadway edge of pavement and at no time may be placed in the right-of-way.

(h) Portable Signs. No portable signs or air dancers shall be permitted except as provided in subsection (g) hereof.

(i) Promotional Advertising. In addition to any other permitted signage and only in specifically authorized zoning districts, banners and special event signs may be permitted for a maximum of twelve periods in a calendar year not to exceed ten days each upon issuance of a temporary permit and payment of a fee, described in Section 1187.09 for each period, to the City of Fairfield, subject to the following limitations:

(1) A minimum of ten days between each ten day permit is required.

(2) Any permit issued in the same calendar year as provided in subsection (g) hereof shall count as one of the twelve ten day periods permitted herein.

(3) Only one banner or one special event sign can be used at a time.

(4) No banner shall exceed thirty square feet.

(5) No special event shall exceed twenty-four square feet (only one side counted to compute sign area) and is not to be reflective or illuminated. The sign must be designed with one color of lettering and one color background, however, a multi-colored corporate logo and color picture with inlaid text of any color(s) is permitted. The sign must be constructed as an "a-frame" or mounted via post to the ground. No cabinet signs are permitted to be used as special event signs. The maximum height of a special event sign is 6 feet.

(6) Lettering on banners must be silkscreened, stenciled, created with vinyl letters or sewn into the fabric or material. Banners are permitted only upon existing buildings, canopies, canopy supports and existing sign supports.

(7) Special event signs are to be manufactured, lettering is to be digitally printed, machine cut or vinyl press on letters. The lettering is not to be hand painted.

(8) Businesses which open during a calendar year shall be entitled to a proportionate amount of time for promotional signage based upon the portion of the calendar year remaining after the grand opening signage period and 30 day waiting period, if grand opening signage is used.

(9) Feather/flutter flags are permitted but must be limited to two such flags per business, placed at least two (2) feet out of the right-of-way and adequately secured and anchored. These devices are to be located no closer than 20 feet from the roadway edge, cannot be wider than three feet at their widest dimension and cannot extend any higher than 15 feet from immediate grade/pavement at the base.

(Ord. 36-13. Passed 4-22-13.)

(j) Temporary Signs. Portable signs, banners, special event signs, pennants, streamers, captive balloons, paper signs, cardboard signs and all other temporary signs are prohibited, except as provided in subsections (g) and (i) above.

(k) Lighting. Lighting used for illumination of any signs is permitted only when such lighting is installed on private property and is hooded or shielded so that the light source is not visible within 200 feet of the sign from public streets, alleys or highways or any residentially zoned property, including hotel or motel guest rooms. Lighting intensity shall conform to the following table:

Illuminated Sign Type	Illumination Levels (foot candles)	
	<u>B, C2 (downtown only), C3, M Zones</u>	<u>C1, C2 (other areas) Zones</u>
Flood lighted, indirectly illuminated signs	50	25
All Other Signs	25	10

(l) Construction Signs. Up to two construction signs not exceeding thirty-two square feet in area each shall be permitted on a parcel of property during construction of a building(s) on the parcel, except as otherwise provided in this chapter.

(m) Gateway Signs. A permit may be granted by the City Manager or his/her designate allowing identification of the City boundary showing the name of the community and the names of various nonprofit, civic organizations, such as the Chamber of Commerce, provided the overall size of the sign, including riders, is not larger than 100 square feet.

(n) Political Signs. Editor's Note: Former subsection (n) was repealed by Ordinance 159-01, passed October 9, 2001.

(o) Thickness of Signs. No attached sign, building sign or wall sign shall project more than fifteen inches from the building face, canopy face or wall upon which it is displayed. If the projection is greater and if advertising is carried on this face, the edge of the sign shall be included in the permitted sign area.

(p) Signs Facing Residentially Zoned Property. No directly illuminated signs shall be permitted within 100 feet and facing residentially zoned property. Further, illuminated signs in institutional, commercial or industrial zones shall be adequately screened with fencing, shrubbery or vegetation so as not to be visible from adjoining residentially zoned property.
(Ord. 134-06. Passed 11-13-06.)

(q) Billboards. All billboards shall be erected, maintained, replaced, relocated, repaired or restored in industrial (M) and C-3A zoning districts only, and no closer than 100 feet to the right of way of any interstate highways, or major City thoroughfares, types C, D and E as described in the City Thoroughfare Plan. In addition, billboards shall meet the requirements of Section 1187.08. (Ord. 98-10. Passed 11-8-10.)

(r) Moving Signs. Moving signs are prohibited, except arms on clock faces and indexing multiprism units not covered in Section 1187.02.

(s) Miscellaneous Signs. No signs shall be permitted which emit audible sound, odor or visible matter.

(t) Company Logo Flags. Company logo flags are permitted subject to the following limitations:

(1) Permits are not required for company logo flags but are required for the installation of flagpoles.

(2) A company logo flag cannot exceed forty square feet.

(3) Only one company logo flag shall be displayed per parcel and shall be displayed at least twenty feet and not to exceed thirty feet above grade on a freestanding flagpole, except that a company logo flag may be displayed on a flagpole mounted on a building of at least three stories and which does not exceed the height of the building by more than fifty feet.

(u) Sign Erection. All signs shall be erected by a licensed sign erector as stated in Section 1333.03(a) of the Building Code, except the following signs:

(1) Real estate signs;

(2) Construction signs;

(3) Window signs;

(4) Signs for grand openings and promotional events;

(5) Wall signs that are either:

A. Not internally illuminated, are one inch or less in thickness and do not exceed nine square feet, or

B. Are painted on the wall structure itself;

(6) Property improvement signs;

(7) Awning or canopy signs but only if a permit for the awning or canopy itself is issued at the time of the erection of the sign.

(Ord. 134-06. Passed 11-13-06.)

(v) All lettering for signs is to be manufactured or professionally painted or produced. No chalk boards or other surfaces for changeable hand-written text, lettering or designs are permitted.

(Ord. 98-10. Passed 11-8-10.)

(w) Rope Lights. Rope lights are prohibited.

(Ord. 94-16. Passed 10-24-16.)

1187.04 SAFETY, MAINTENANCE, REMOVAL AND FREESTANDING SIGN REMOVAL INCENTIVE.

(a) Applicable Building Codes. Every sign and all parts, portions, units and materials comprising the same, together with the electrical supply, the frame, the background, supports or anchorage thereof, shall be manufactured, fabricated, assembled, constructed and erected in compliance with all applicable rules, regulations or other limitations imposed by the City, State or Federal agencies. In cases where there is a conflict between agency rules, the more restrictive shall apply.

(b) Materials of Construction. Only those materials of construction, approved by the Building and Zoning Inspection Department as complying with standard engineering practices shall be used in the manufacturing and erection of signs.

(c) Sign Maintenance. Every sign including but not limited to those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe and good condition at all times, including the repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. The Building and Zoning Inspector shall require compliance with all standards of this Code. If the sign is not made to comply with adequate safety and maintenance standards, the Building and Zoning Inspector shall require its removal in accordance with this section. All banners shall be stretched to full length to ensure full readability.

(d) Obsolete Signs. Signs pertaining to enterprises or occupants that are no longer using the premises to which the sign relates shall be completely removed or the obsolete sign must be replaced with a blank replacement face panel and any internal lighting of the sign turned off by the holder of the permit or owner of premises within two months after the premises have been vacated. Painted wall signs shall be removed within sixty days. Permitted temporary signs such as construction signs shall be removed within fourteen days following the occurrence or completion of the event or other purpose served by the sign. In the case of construction signs, issuance of a certificate of occupancy shall be deemed completion of event in the case of new buildings. Painting over of existing sign faces left in place is not in compliance with this section.

(e) Removal and Disposal of Signs. The Building and Zoning Inspector shall cause to be removed any sign that is not properly maintained in accordance with subsection (c) hereof or which is hazardous as defined in subsection (f) hereof or which is obsolete under subsection (d) hereof.

(1) The Building and Zoning Inspector shall prepare a notice to the owner of any such signs and/or the occupant of the premises on which any such sign is located, which notice shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten days the sign shall be removed in accordance with the provisions of this section.

(2) All notices by the Building and Zoning Inspector under this section shall be sent by certified mail or hand delivered. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail or the last date of notice of

delivery of the certified mail by the postal authorities or the date of hand delivery.

(3) Notwithstanding the above, in cases of emergency, presenting an imminent danger to the public safety, the Building and Zoning Inspector may cause the immediate removal of a dangerous or defective sign or correction of the danger or defect without notice to the owner of the sign and/or occupant of the premises upon which the sign is located.

(4) Any sign removed by the Building and Zoning Inspector pursuant to the provisions of this section shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and/or the owner of the property and may be recovered in an appropriate court action by the City. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the removal of the sign.

(f) Hazardous Use of Signs. No sign shall be erected at or near any intersection of any streets or thoroughfares, streets, or alleys, or street and railway, in such manner as to obstruct free and clear vision, or at any location where by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. Use of the words, stop, look, danger or other word, phrase or symbol in such manner as to interfere with, mislead or confuse traffic is similarly prohibited. No sign shall be erected in such a way as to obstruct sight distance. At a minimum the sign must be set back ten feet from the right-of-way and two feet from any curb cut access or a minimum of two feet from the right-of-way and twenty-five feet from any curb cut access.

(g) Freestanding Sign Removal Incentive. Existing conforming and non-conforming freestanding signs that are in existence are eligible for an incentive for their removal which allows additional signage up to one hundred fifty percent (150%) of the size of the removed freestanding sign to be applied to any signage on the premise. Once this incentive is given, no future freestanding signage will be permitted on the subject property. If applying the signage to a new ground sign, the height of the ground sign may be increased to ten feet.

(Ord. 134-06. Passed 11-13-06.)

1187.05 DESIGN STANDARDS.

The following general design standards shall apply in all districts as applicable unless specifically modified elsewhere in this chapter.

(a) Awning and Canopy Signs. Awning and canopy signs shall:

- (1) Be attached flat to the surface and made a part of the awning or canopy;
- (2) Not be illuminated; except that awnings or canopies which have a UL fire-resistant rating approval may be internally illuminated or backlit provided that the entire translucent area of an internally illuminated or backlit awning or canopy must be included as a sign in calculating the permitted sign area of the building or occupant;

(3) Indicate only the name, address and phone number of the building or occupant, the principal uses of the premises and official design trademarks and may identify products or services sold on the premises where the sign is located.

(b) Marquee Signs. Marquee signs shall:

- (1) Be attached to the top or face thereof;
- (2) Not extend more than four feet above the marquee;
- (3) Not extend below the marquee except in shopping centers and in compliance with Section 1187.08(b)(4) hereof;
- (4) Not extend beyond the limits of the marquee horizontally;

(5) Only identify the name, address and phone number of the building or occupant, the principal uses of the premises and official design trademarks and may identify products or services sold on the premises where the sign is located.

(c) Wall Signs. Wall signs shall only identify the name, address and phone number of the building or occupant, the principal uses of the premises and official design trademarks and may identify products or services sold on the premises where the sign is located.

(d) Freestanding and Ground Signs. Freestanding and ground signs shall:

- (1) Only identify the name, address and phone number of the building or occupant, or the principal uses of the premises and design trademarks and may identify products or services sold on the premises where the sign is located;
- (2) Be located in a separate area which may be landscaped and which shall protect the sign foundation from vehicle encroachment;
- (3) Only be located in zones where expressly permitted;
- (4) Only be located in the center eighty percent (80%) of the property frontage, and no closer than five feet from a side property line. On a corner lot, the eighty percent (80%) may be measured from the corner to one side line or from the respective side lines and around the corner, at the option of the owner;
- (5) Set back distance shall be adequate so as to allow a clear view of oncoming pedestrian or vehicular traffic for vehicles entering or leaving the owner's or adjacent property owner's property. In no case shall the sign be less than two feet inside the front property line.

(6) Ground sign height. Total sign height including support structures shall not exceed eight feet.

(e) Attached and Projecting Signs. Attached and projecting signs shall:

- (1) Not be less than ten feet nor more than fifteen feet above a sidewalk;
- (2) Not be less than sixteen feet nor more than twenty feet above a driveway;

(3) Only identify the name, address and phone number of the building or occupant or the principal uses of the premises and any design trademarks. Such signs may identify products or services sold on the premises where the sign is located.

(f) Roof Signs.

(1) For roofs with parapet walls, signs shall not extend higher than six inches above the top of the parapet wall.

(2) For flat roofs, signs shall not be permitted on the roof surface.

(3) For gabled roofs, signs shall not extend higher than the highest roof line of the building.

(4) Roof signs shall be adequately supported by the building structure and secured to withstand designed windloads. The Building and Zoning Superintendent may require the approval of the construction plans for any roof sign by a structural engineer prior to the issuance of a sign permit.

(5) Roof signs shall not extend beyond or overhang any exterior wall of the building upon which they are secured.

(g) Shopping Center Signs.

(1) For buildings in a shopping center, the sign area allocated to each building or business within a building shall be based on building

frontage.

(2) Sign area calculated from one building or business frontage, even if unused, shall not be allocated to another building or business unless a master signing plan is submitted for all signs in the shopping center and approved by the Planning Commission.

(3) Where property or buildings are divided by sale or lease, signs which are no longer conforming shall be eliminated.

(4) The Zoning Board of Appeals may approved by special permit the installation of a nonconforming sign to provide uniform signing among contiguous commercial development in a shopping center or a multiple use commercial building where the majority of the existing businesses have nonconforming signs, provided, however, that such sign shall be substantially similar in size, type and location to the existing nonconforming signs in the development.

(5) A business or group of businesses which do not front on a public street shall be permitted.

A. A single composite sign, equal in area to one-half square foot per lineal foot of the building face, to be erected adjacent to the nearest public street. The area allocation for the sign shall be as in subsection (g)(1) hereof. The sign shall further conform to the requirements of the appropriate zone classification.

B. Individual wall, canopy or attached signs as allowed in the various zoning districts for purposes of business identification.

(h) Subdivision Signs. In the case of the simultaneous offering for sale or lease of a group of five or more new buildings or improved lots which are under a single ownership and within the final plat of a single subdivision, the following signs shall be permitted subject to issuance of a permit. Only subdivision directional signs as defined herein shall be permitted in locations other than within the subdivision site boundaries. All subdivision signs shall only advertise the sale of buildings or lots within the City.

(1) One on-site business sign and two off-site subdivision direction signs subject to the following provisions:

A. The signs may be single or double-faced. For V-shaped signs, all display surfaces shall be included in aggregate permitted sign areas.

B. Neither the horizontal nor the vertical dimensions of an on-site business sign shall exceed twenty-five feet including supporting structures. The total area of the sign face shall not exceed 200 square feet per side.

C. The maximum area of any face of a subdivision directional sign shall not exceed thirty-two square feet. For the purposes of this section, a subdivision directional sign is one which informs the viewer as to the route or change of travel in order to arrive at the subdivision site. This type of sign shall display only necessary travel directions, the name of the land development, the name and/or any characteristic trademark or insignia of the developer.

D. There shall be no additions, tags, streamers, devices, display boards or appurtenances added to the sign unless otherwise authorized by the Building and Zoning Inspector.

E. Such signs may be established along any highway, street, or thoroughfare, except those streets declared as scenic by Council.

F. Such signs may be maintained until building permits have been issued for eighty percent (80%) of the lots in the subdivision. All signs pursuant to this section shall be removed within fourteen days thereafter.

G. Plantings, structures and combinations thereof designed to permanently identify and characterize a development or subdivision shall not be subject to subsection (h)(1)F. hereof, provided that no other commercial information is attached or included.

(2) Prior to erecting any subdivision or subdivision directional sign authorized by this section, a permit must be issued by the Building and Zoning Division. The applicant shall file a written statement from the property owner, authorizing erection of the sign and access to the property by the applicant or the City to remove the sign.

(3) During the sale of a house in a subdivision, one feature sign and one model home sign identifying the particular model, not exceeding two feet by three feet in size, plus three flags on each lot on which a model home is located and which fronts on an interior road in the subdivision shall be permitted. Such signs shall not exceed four feet in overall height and shall not be located closer than ten feet from any property line.

(4) Signs permitted by this section may be lighted per Section 1187.03(k) provided they do not violate other provisions in this chapter.

(i) Property Improvement Signs.

(1) Signs identifying improvement services such as siding, re-roofing, painting, replacement windows, landscaping, and other such improvements are permitted only during the period that work is being performed.

(2) Only one sign for each improvement is permitted.

(3) The maximum square footage permitted is six square feet per sign and no permit is required.

(Ord. 134-06. Passed 11-13-06.)

1187.06 SIGNS IN AGRICULTURAL; RESIDENTIAL ZONES.

(a) Agricultural and Single-Family Residential Districts. The following signs only shall be allowed in the A-1, R-O, and R-1 zones and any other single family residential zones now existing or hereafter adopted:

(1) Real estate signs. One temporary unlighted single or double-faced, freestanding sign not more than six square feet in area pertaining only to the sale or lease of the property or premises upon which displayed. The sign shall not be located closer than ten feet to any property line. No building permit is required.

(2) Trespassing; solicitation signs. Signs not more than one square foot in area prohibiting trespassing or solicitation. No building permit is required.

(3) Civic signs. Churches, libraries, cemeteries, funeral homes, clubs or lodges, shall be allowed freestanding, building or wall signs provided such signs shall not exceed twenty-four square feet in area. Such signs shall not project above the top of a building face or wall and may be illuminated.

(4) Bulletin board signs. In addition to the signs allowed in subsection (a)(3) hereof, churches, schools, athletic fields, libraries and cultural uses are permitted one bulletin board sign which shall not exceed twenty-four square feet in area and may be illuminated.

(5) Business signs. In the case of a produce stand, mineral extraction or kennel, one business sign, which may be lighted when in use per Section 1187.03(k) and shall not exceed fifty square feet.

(6) Political signs. As permitted in Section 1187.03(n).

(7) Rooming house signs. One single-faced window sign, no greater than three square feet describing a permitted rooming house or home occupation. No building permit is required.

(8) Construction signs. One per lot not to exceed twenty square feet in aggregate area.

(9) Subdivision signs. As permitted in Section 1187.05(h) et seq.

(10) Property improvement signs. As permitted in Section 1187.05(i).

(b) Multi-Family Residential Districts. The following signs only shall be allowed in the R-2, R-3 and R-4 zones and any other multi-

family residential zones now existing or hereinafter adopted.

- (1) All signs permitted in subsection (a) hereof, except subsection (a)(5).
- (2) One nameplate sign attached to the building, not exceeding one square foot per dwelling unit and in no case exceeding fifty square feet, identifying only the name and address of an apartment or condominium project and the name of the developer or builder. No building permit is required.
- (3) One unlighted retail or sale information sign per street frontage, attached to the building face on the basis of one square foot per unit, but not to exceed fifteen square feet of total sign area. No building permit is required.

(Ord. 134-06. Passed 11-13-06.)

1187.07 INSTITUTIONAL, NEIGHBORHOOD, COMMERCIAL TRANSITION, SERVICE TRANSITION, DOWNTOWN AND CENTRAL BUSINESS DISTRICT ZONES.

(a) Institutions and Offices and Service Transition District. Only the following signs shall be permitted in the B-1 and Service Transition (ST) Zoning Districts:

- (1) Construction signs. One per project meeting the limitations for construction signs as stated in Section 1187.03 (l).
- (2) Attached business signs. One sign not to exceed one square foot per each lineal foot of building frontage on the principal street but in no case exceeding a maximum of fifty square feet of total sign area. Such signs shall not project above the top of the building face. Window signs are permitted herein and shall not be included for purposes of calculating the total permitted sign area.
- (3) Wall signs. Where walls or solid fences are permitted for commercial office projects, one unlighted or backlighted wall sign is permitted thereon, provided the sign does not project above the top of the wall and that the area of the sign does not exceed the area permitted in Section 1187.08 (b)(5).
- (4) Multi-story buildings. Where buildings in excess of one story are permitted, a sign greater than fifty square feet in area may be permitted provided such sign is specifically approved by the Building and Zoning Inspector in the permit and that its area does not exceed ten percent (10%) of the area of the building face upon which it is located.
- (5) Directional signs. Hospitals, colleges or universities shall be entitled to those on site directional and/or informational signs as are necessary to the movement of pedestrian or vehicular traffic.
- (6) Freestanding or ground signs. Large institutional uses such as hospitals, universities and museums, which are set back from the nearest public right of way by more than fifty feet, shall be allowed one lighted ground sign or freestanding sign not to exceed eight feet in overall height and not to exceed fifty square feet in area for either a ground or freestanding sign. Lighting shall conform to Section 1187.03(k).
- (7) Real estate signs. One sign not exceeding fifteen square feet of sign area advertising the sale, rental or lease of only the building or premises on which it is located. No building permit is required.
- (8) Business freestanding or ground signs. In the case where a complex of offices, clinics or laboratories which may include a bank or pharmacy is constructed, a separate freestanding or ground sign identifying the tenants or services in the complex, shall be allowed under the following conditions:
 - A. One additional sign not to exceed 100 square feet shall be added to the total permitted sign area calculated in subsection (a)(2) hereof.
 - B. The total sign area for the complex shall be calculated as the sum of the sign area from each office plus the area of the separately allowed freestanding or ground sign.
 - C. The sign may be lighted in accordance with Section 1187.03(k).
- (9) Subdivision signs. As permitted in Section 1187.05 (h) et seq.
- (10) Political signs. As permitted in Section 1187.03 (n).
- (11) Banners and special events signs. As permitted in Section 1187.03 (i).
- (12) Company logo flags. As permitted in Section 1187.03 (t).
- (13) Property improvement signs. As permitted in Section 1187.05 (i).
- (14) Variable message reader board. One board not to exceed 25 square feet, which must be constructed in conjunction with a ground sign or pole sign shall be permitted for any parcel having 150 linear feet or greater of lot frontage. This sign must be subordinate to the principal sign face in size and location. The Board must be located at least 200 feet from an agricultural or residential zoning district.

(Ord. 47-08. Passed 4-28-08.)

- (15) Gasoline Price Panels. Gasoline price panels, either manual or electronic/digital, shall be allowed on freestanding signs if integral within the design of the freestanding sign and if within the area requirements of subsection (a) hereof. Gasoline price panels shall also be permitted as individual signs attached to gasoline pumps provided such signs do not exceed eight by twelve inches in size, and such individual signs shall be permitted without regard to the area requirements as specified in subsection (a)(2) hereof.

(Ord. 98-10. Passed 11-8-10.)

(b) Neighborhood Business District. Only the following signs shall be allowed in the C-1 zone.

- (1) Construction signs. As permitted in Section 1187.03 (l).
- (2) Real estate signs. As permitted in subsection (a)(7) hereof.
- (3) Political signs. As permitted in Section 1187.03 (n).
- (4) Business signs. Except as otherwise provided in subsection (b)(5) hereof, each individual business shall be permitted a total aggregate sign area of one square foot for each lineal foot of the building frontage on its principal street or one-half square foot of area for each lineal foot of lot frontage on its principal street whichever is greater, which aggregate area may be apportioned in any fashion between wall, canopy, awning, marquee, or projecting signs, subject to the general design standards and limitations elsewhere in this chapter. In no case shall the total aggregate sign area per parcel exceed 200 square feet. Any parcel in this C-1 zone shall be entitled to a minimum sign area of twenty-five square feet. Window signs are permitted herein and shall not be included for purposes of calculating the total permitted sign area.

- (5) Shopping centers. Any group of businesses meeting the definition of shopping center may add one additional ground sign of total aggregate area not to exceed 100 square feet. Such sign may include the logo or other identification of the shopping center.
- (6) Lighting. Signs shall be lighted at the discretion of the owner, provided that the lighting is not a detriment to surrounding properties.
- (7) Banners and special event signs. As permitted in Section 1187.03 (i).
- (8) Company logo flags. As permitted in Section 1187.03 (t).
- (9) Property improvement signs. As permitted in Section 1187.05 (i).
(Ord. 47-08. Passed 4-28-08.)
- (10) Gasoline Price Panels. Gasoline price panels, either manual or electronic/digital, shall be allowed on freestanding signs if integral within the design of the freestanding sign and if within the area requirements of subsection (a) hereof. Gasoline price panels shall also be permitted as individual signs attached to gasoline pumps provided such signs do not exceed eight by twelve inches in size, and such individual signs shall be permitted without regard to the area requirements as specified in subsection (a)(4) hereof.
- (c) Central Business Districts. The following signs only shall be allowed in the C-2 zone.
 - (1) All signs as permitted in subsection (b)(1) through (10) hereof, both inclusive, except that the total permitted sign square footage shall be computed on the basis of three-fourths square foot of sign area for each lineal foot of lot frontage on its principal street or one and one-half square feet of sign area for each lineal foot of building frontage on its principal street, whichever is greater, with a maximum of 300 square feet sign area and a minimum of forty square feet. Window signs are permitted herein and shall not be included for purposes of calculating the total permitted sign area. (Ord. 98-10. Passed 11-8-10.)
 - (2) Ground signs not exceeding fifty square feet of sign area provided that such sign serves an individual business on a single parcel with greater than 100 feet of frontage on its principal street.
(Ord. 47-08. Passed 4-28-08.)
- (d) Downtown Districts. The following signs only shall be allowed in the D-1 and D-1A zones.
 - (1) All signs as permitted in subsection (b)(1) through (10) hereof, both inclusive, except that the total permitted sign square footage shall be computed on the basis of three-fourths square foot of sign area for each lineal foot of lot frontage on its principal street or one and one-half square feet of sign area for each lineal foot of building frontage on its principal street, whichever is greater, with a maximum of 300 square feet sign area and a minimum of four square feet. Window signs are permitted herein and shall not be included for purposes of calculating the total permitted sign area. (Ord. 98-10. Passed 11-8-10.)
 - (2) Ground signs not exceeding fifty square feet of sign area provided that such sign serves an individual business on a single parcel with greater than seventy-five feet of frontage on its principal street.
 - (3) Roof signs are not permitted.
 - (4) Variable message reader board as permitted in Section 1187.07(a)(14).
(Ord. 47-08. Passed 4-28-08.)
- (e) Commercial Transition District. The following signs only shall be allowed in the C-4 zone.
 - (1) All signs as permitted in subsections (b)(1) through (10) hereof, inclusive. (Ord. 98-10. Passed 11-8-10.)
 - (2) Ground signs not exceeding twenty square feet of sign area provided that such sign serves an individual business on a single parcel with greater than seventy-five feet of frontage on its principal street. The height, including sign base, shall in no case exceed four feet. The width shall in no case exceed six feet. The sign base must be on a base of brick or stone masonry. (Ord. 47-08. Passed 4-28-08.)

1187.08 SIGNS IN GENERAL BUSINESS AND INDUSTRIAL ZONES.

The following signs only are permitted in the C-3, C-3A, M-1, M-1A, M-2 and M-2A zones with or without planned unit development additive zones and subject to the provisions of Section 1187.03.

- (a) Total Permitted Sign Area.
 - (1) Except as provided below, the total aggregate sign area shall not exceed two square feet of sign area for each lineal foot of building frontage on its principal street or one square foot of sign area for each lineal foot of lot frontage on its principal street, whichever is greater. Except as otherwise provided in this section, the maximum sign area for any individual business shall be 450 square feet and the minimum sign area for any individual business shall be eighty square feet. Window signs are permitted herein and shall not be included for purposes of calculating the total permitted sign area.
 - (2) When a business has a second or third building frontage and entrance facing an arcade or mall, an additional one-half square foot of sign area per lineal foot of building frontage facing the arcade or mall, and to be used only on such frontage is permitted subject to all other conditions contained in this subsection (a) if no other sign resulting from the other provisions of this chapter appears on such frontage.
 - (3) In a shopping center, where one or more of the businesses have no frontage on a public road, street or highway, such businesses shall be permitted signs as allowed in Section 1187.05(g)(5).
- (4) A building having four or more stories shall be allowed an additional one square foot of sign area per lineal foot of building frontage on its principal street.
- (b) Attached Signs.
 - (1) Area. No individual sign or group of signs on one building face shall exceed 300 square feet except as provided below.
 - (2) Bonus area. Attached signs may be permitted to exceed 300 square feet in accordance with the equation below where the major buildings have in excess of 40,000 square feet of floor area and where such building is set back more than 150 feet from the street, and where the bottom of the attached sign is at least sixteen feet above the average finished grade.
 - A. $ASA = 300 + \frac{2}{3} (SB - 150)$, where ASA is the attached sign area in square feet and SB is the building setback from the principal street in lineal feet. The attached sign area shall in no case exceed 450 square feet.

B. Provided further that under no condition shall the signs on any one elevation of the building exceed ten percent (10%) of the total wall surface of that elevation.

- (3) Multi-story buildings. All signs shall be located on the ground floor or in any area above the first story specifically designed to display signs, provided the bottom of any such sign must be located within fifteen feet of the ground level, except that building or primary tenant identification signs may also be located on the uppermost story, or as provided below.
- (4) Canopy signs. An under canopy sign may be permitted for each business, provided it shall not exceed five feet in length or one foot in height. Such under canopy signs may be located either perpendicular to the face of the building or parallel to the face of the building under the canopy. Under canopy signs shall observe an eight foot clearance between the bottom of the sign and the sidewalk or other pedestrian way.
- (5) Wall signs. Wall signs may be permitted subject to the following conditions:

A. Where a single parcel or group of abutting parcels are enclosed by a solid wall or fence along a public street, one unlighted sign may be permitted thereon.

B. Sign area shall be as determined in subsection (a) hereof, but not to exceed fifty square feet per sign.

(c) On-Site, Freestanding Signs. In accordance with the overall design and area limitations of Section 1187.05 and subsection (a) hereof, and pursuant to the following requirements:

- (1) Freestanding signs. Freestanding signs shall be limited to fifty percent (50%) of the total sign area allowed to the business.
- (2) For those businesses not located in a shopping center, one on-site freestanding sign shall be permitted for any one parcel or group of abutting parcels having 200 lineal feet of continuous street frontage. One additional freestanding sign shall be permitted for properties with greater than 500 lineal feet of continuous street frontage. The second freestanding sign shall be no closer than 200 feet to the first sign measured along the street frontage.
- (3) In a shopping center, one freestanding sign shall be allowed for each street upon which the shopping center has street frontage exceeding 200 lineal feet.
- (4) The height of a freestanding sign shall not exceed twenty-four feet except that a height of up to thirty-two feet may be permitted for freeway oriented business, according to the following equation: $FSH = 24 + SB/20$, where FSH is the freestanding sign height in lineal feet, SB is the sign setback from the principal street right of way in lineal feet. The freestanding sign height shall in no case exceed thirty-two feet above the normal finished grade.

(5) The area of a freestanding sign shall not exceed 300 square feet except as provided by the following equation: $FSA = 300 + SB/2$, where FSA is the freestanding sign area in square feet. SB is the sign setback from the principal street right of way in lineal feet. The freestanding sign area shall in no case exceed 450 square feet.

(d) Sale or Lease Signs. Not exceeding an aggregate of sixty square feet in area and not more than two such signs per parcel.

(e) Subdivision and Subdivision Directional Signs. As permitted in Section 1187.05(h) et seq.

(f) Political Signs. As permitted in Section 1187.03(n).

(g) Auxiliary Signs. Auxiliary signs identifying trading stamps, charge plans, promotional events or State authorized service emblems, but excluding advertising for products or other services sold on the premises, shall be permitted in locations as specified in this section without regard to the area requirements as specified in subsection (a)(1) hereof. Such auxiliary signs shall be limited to one sign for each auxiliary event not to exceed five square feet in area. The total area of all such auxiliary event signs shall not exceed twelve square feet in area. Such signs shall be made of rigid materials such as metal, plastic or wood; paper, cardboard or cloth signs shall not be permitted. Such signs shall not be located on light standards.

(h) Gasoline Price Panels. Gasoline price panels, either manual or electronic/digital shall be allowed on freestanding signs if integral within the design of the freestanding sign and if within the area requirements of subsection (a) hereof. Gasoline price panels shall also be permitted as individual signs attached to gasoline pumps provided such signs do not exceed eight by twelve inches in size, and such individual signs shall be permitted without regard to the area requirements as specified in subsection (a)(1) hereof.

(i) Ground Signs.

(1) Area. The total area of ground signs shall not exceed fifty percent (50%) of the total sign area allowed to the business.

(2) Business. For those businesses not located in a shopping center, one ground sign shall be permitted for any parcel having 100 feet of contiguous street frontage or greater.

(3) Shopping center. For those businesses located in a shopping center, one ground sign shall be permitted for each street frontage on different streets if each frontage is 100 lineal feet or greater.

(4) Freestanding. For any one parcel or group of abutting parcels permitted a freestanding sign, a ground sign may be permitted in lieu of that freestanding sign but not in addition to it unless located on a street frontage of 500 feet or greater and separated by 150 feet or more.

(j) Banners and Special Event Signs. As permitted in Section 1187.03(i).

(k) Company Logo Flags. As permitted in Section 1187.03(t).

(l) Property Improvement Signs. As permitted in Section 1187.05(i).

(m) Electronic Message Display Signs. The sign and message transfer must meet the following conditions:

- (1) Each message or copy must be displayed for at last seven seconds.
- (2) When a message or copy changes by remote control or electronic process, it shall be accomplished in three seconds or less using a fade or dissolve feature.
- (3) Permitted only in a shopping center as defined in Section 1187.02(e) with 500 feet or greater of continuous street frontage along the principal street.
- (4) This sign shall be the only freestanding sign permitted upon the property.

(n) Variable Message Reader Board. One board not to exceed 50 square feet, which must be constructed in conjunction with a pole or ground sign shall be permitted for any parcel having 200 linear feet or greater of lot frontage. This sign must be subordinate to the principle sign face in size and location.

(Ord. 47-08. Passed 4-28-08.)

1187.09 FEE SCHEDULE.

(a) Building Permits. The fee for a building permit for the erection of any permanent sign shall be as provided in the Building Code.

(b) Grand Opening and Promotional Event Signs. The fee for a grand opening or promotional event signs shall be ten dollars (\$10.00) for each ten days, or part thereof, for which the signs are permitted. An applicant can apply and schedule the maximum twelve time

periods (120 days) per year, at once, and pay a fee of one hundred dollars (\$100.00)

(c) Subdivision Signs. The fee for a permit for the erection of subdivision or subdivision directional signs shall be fifty dollars (\$50.00).

(Ord. 134-06. Passed 11-13-06.)

1187.10 SIGNS IN SUBURBAN ENTERTAINMENT DISTRICTS.

Signs in suburban entertainment zones shall be generally as permitted and regulated in Section 1187.08, except as modified herein.

- (a) As used in this Section 1187.10 only, “sign” does not include those areas of statues, entertainment displays, building ornamentation and other structures or devices which may direct the public’s attention to a product or location, but which do not use letters or numbers as a means of conveying information or directing the public’s attention to a product or location. Those separate areas of any statue, entertainment display, building ornamentation, structure or device which use letters or numbers to convey information or direct the public’s attention to a product or location which do not exceed twenty square feet in area shall be included as signs. Any areas using letters or numbers to convey information or direct the public’s attention to a product or location which are painted or permanently affixed on outdoor amusement rides or transportation vehicles shall also be excluded from the definition of “sign”.
- (b) The total permitted sign area shall be determined on the basis of the entire contiguous Suburban Entertainment district zoned area and shall not exceed four square feet of sign area for each lineal foot of building frontage on its principal street or two square foot of sign area for each lineal foot of lot frontage on its principal street, whichever is greater. Only fifty percent of the signage allowance can be placed on freestanding or ground signs within the zoning district. Freestanding and/or ground signs shall be erected no closer than 200 feet from any other freestanding or ground signs measured along the street frontage. All ground signs and freestanding signs shall be placed no closer than fifty feet from any adjacent property line and no closer than two feet from the right of way. Freestanding signs are not to exceed a height of twenty-four feet and ground signs are not to exceed a height of eight feet measured from grade to top of sign.
- (c) Signs which contain or are illuminated by lights which are intermittently on and off, scintillate, oscillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as rotating a light source are only permitted with the specific written approval of the Planning Commission.
- (d) Signs located over the roof or parapet above the roof line of any building are only permitted with the specific written approval by the Planning Commission.

(Ord. 47-08. Passed 4-28-08.)

CHAPTER 1189

Motor Vehicle Service Stations; Garages; Parking Areas

1189.01 Entrance; distance requirements.

1189.02 Oil draining prohibited.

CROSS REFERENCES

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Off-street loading and parking - see P. & Z. Ch. 1183

Motor vehicle service station defined - see P. & Z. 1133.01(a)(63)

1189.01 ENTRANCE; DISTANCE REQUIREMENTS.

No motor vehicle service facility, parking lot for twenty-five or more motor vehicles or parking garage or motor vehicle repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

(Ord. 36-13. Passed 4-22-13.)

1189.02 OIL DRAINING PROHIBITED.

No motor vehicle filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within ten feet of any street lot line or within twenty-five feet of any A or R District, except where such appliance or pit is within an enclosed building.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1191

Planned Unit Developments

1191.01 Purpose.

1191.02 Permitted uses.

1191.03 General requirements.

1191.04 Procedure for submission and review of plan.

1191.05 Contents of plan.

1191.06 Approval of plan.

- 1191.07 Evaluation standards.
- 1191.08 Final development plan procedure.
- 1191.09 Final development plan requirements.
- 1191.10 Subdivision processing.
- 1191.11 Phasing; failure to begin or continue development.
- 1191.12 Revision of concept plan and final development plan.
- 1191.13 Existing Planned Unit Developments.
- 1191.14 Violations.

CROSS REFERENCES

Zoning legislation - see CHTR. §4.06 (b)(3), 4.10

Filing plans - see P. & Z. 1135.02

Amendments - see P. & Z. Ch. 1139

1191.01 PURPOSE.

It is the intent of this chapter to recognize the need to vary the specific regulations of the City Zoning Ordinance to provide creative approaches to meet the unique land and building demands of the City for residential, commercial and industrial areas by the use of planned unit developments (P.U.D.). In order to accomplish this intent, it is the purpose of these conditions:

- (a) To permit the flexible spacing of lots and buildings in order to encourage:
 - (1) Separation of pedestrian and vehicular circulation;
 - (2) The conservation of natural amenities of the landscape;
 - (3) The provision of readily accessible open space;
 - (4) The creation of functional and interesting residential, commercial and industrial areas; and
 - (5) The provision of a necessary complement of community facilities.
 - (b) To permit mixed use (residential/commercial, commercial/industrial, etc.) planned unit developments.
- (Ord. 94-84. Passed 7-9-84.)

1191.02 PERMITTED USES.

A building or land may be used and a building erected or altered for any residential, commercial or industrial use which is part of a planned unit development plan that is approved in accordance with this chapter, without regard to the zoning classification which was in existence prior to approval of the planned unit development. (Ord. 94-84. Passed 7-9-84.)

1191.03 GENERAL REQUIREMENTS.

A P.U.D. concept plan together with an application for approval of such a plan shall be filed with the Clerk of Council to be introduced for the first reading by Council as provided in Chapter 1139. The P.U.D. concept plan shall be signed by all of the owners of the property within the project. (Ord. 94-84. Passed 7-9-84.)

1191.04 PROCEDURE FOR SUBMISSION AND REVIEW OF PLAN.

The procedure for the review and approval or rejection of a P.U.D. concept plan shall be the same as the procedure for changing zoning districts which is set forth in Chapter 1139. (Ord. 94-84. Passed 7-9-84.)

1191.05 CONTENTS OF PLAN.

The P.U.D. concept plan shall contain the information required for a preliminary development plan submission as outlined in Section 1135.02(b) and in addition will contain the following information:

- (a) The approximate acreage devoted to specific uses and the general boundaries of those uses which are contained within the P.U.D. boundaries;
 - (b) Any plats being superseded by the P.U.D. submission which are to be shown by dashed lines;
 - (c) The conceptual configuration of any open space and recreational facilities; and
 - (d) The approximate number of units per each use.
- (Ord. 94-84. Passed 7-9-84.)

1191.06 APPROVAL OF THE PLAN.

Approval of the concept plan is approval of the concept of the project only. No excavation, construction or site work is permitted under concept plan approval only. (Ord. 94-84. Passed 7-9-84.)

1191.07 EVALUATION STANDARDS.

A planned unit development under this chapter is a zoning district change established by legislative action of Council. Therefore, Council may approve or disapprove the planned unit development based upon considerations of the general health, safety and welfare of the City and its inhabitants. Yard and setback requirements, the type of dwelling unit, frontage, height, density and use restrictions contained in other chapters of the Zoning Ordinance are hereby waived for planned unit developments, provided that the intent and objectives of Section 1191.01 are implemented in the total planned unit development as determined by Council. Similarly, because of the flexibility allowed with regard to the location and orientation of structures in a planned unit development, additional provisions for screening, open space, lighting, underground utilities and other safeguards not otherwise required by the Zoning Ordinance or other ordinances of the City may be required as determined to be necessary by Council. (Ord. 94-84. Passed 7-9-84.)

1191.08 FINAL DEVELOPMENT PLAN PROCEDURE.

The procedure for submission and review of the final development plan of a planned unit development shall be as set forth in Chapter 1139. The final development plan shall be signed by all the owners of the property within the final development plan and shall be submitted to the Clerk of Council with an application for approval of the final development plan. (Ord. 94-84. Passed 7-9-84.)

1191.09 FINAL DEVELOPMENT PLAN REQUIREMENTS.

The final development plan for a planned unit development shall include all information required under Section 1135.02(b). In addition, the applicant shall also submit the location and floor plans of all buildings, descriptive data as to the type of buildings, the number of units for separate occupancy, and with respect to dwelling units, the number of bedrooms. The applicant must also submit his proposal for the conveyance and maintenance of any common open space in the planned unit development, which proposal must be approved by the Law Director.

(Ord. 94-84. Passed 7-9-84.)

1191.10 SUBDIVISION PROCESSING.

It is the intent of this chapter that subdivision rules and regulations be examined as an integral part of the review of the Planned Unit Development under this chapter. Subdivision plats shall be submitted in accordance with the subdivision rules and regulations only after approval of the final development plan by Council. The subdivision rules and regulations shall apply to planned unit developments under this chapter, except to the extent that such subdivision rules and regulations conflict with any provisions of this chapter. (Ord. 94-84. Passed 7-9-84.)

1191.11 PHASING; FAILURE TO BEGIN OR CONTINUE DEVELOPMENT.

(a) An applicant may submit a final development plan for any part or all of the total P.U.D. concept plan. Dedication of street rights-of-way and easements included in the total P.U.D. concept development plan may be accepted by the City with the submission of a final development plan for part of the planned unit development. The applicant must also provide for adequate amounts and types of common or open space and common facilities in any partial final development plan submitted for approval.

(b) If, within one year after the date of approval of the P.U.D. concept plan by Council, no final development plan for part or all of the planned unit development has been submitted to the Clerk of Council, or, if at least one year elapses between the approval of a phase of the final development plan by Council and the submission of the next phase of the final development plan, then the P.U.D. concept plan itself shall be subject to review and revision in conjunction with the review of any final development plan submitted thereafter.

(c) If no construction has begun within one year after the approval of a final development plan for part or all of a planned unit development plan, then approval of such part or all of the final development plan shall lapse and be of no further effect. This provision shall not prevent the resubmission of part or all of the final development plan in accordance with Section 1191.08. (Ord. 94-84. Passed 7-9-84.)

1191.12 REVISION OF CONCEPT PLAN AND FINAL DEVELOPMENT PLAN.

No alterations, additions or deletions to the approved concept plan or any approved final development plan shall be made except through the procedure provided in this chapter for new submissions. The foregoing notwithstanding, the Planning Commission may upon application approve minor changes in an approved concept plan or approved final development plan provided that such changes do not alter the uses permitted or the total density of the project. (Ord. 94-84. Passed 7-9-84.)

1191.13 EXISTING PLANNED UNIT DEVELOPMENTS.

This chapter shall have no effect on those portions of existing planned unit developments which had final approval of uses prior to the effective date of this chapter. Planned unit developments which had only general plan approval for part or all of the development upon the effective date of this chapter, must comply with the provisions of this chapter for final development plan approval. The provisions of Section 1191.11(b) shall not apply to a general plan approved prior to the effective date of this chapter. Section 1191.11(c) of this chapter shall have application to all final development plans submitted after the effective date of this chapter. This chapter shall apply to all planned unit development general plans which were submitted but not approved by Council upon the effective date of this chapter. (Ord. 94-84. Passed 7-9-84.)

1191.14 VIOLATIONS.

A violation of a concept plan or final development plan for a planned unit development, as approved, shall constitute a violation of the Zoning Ordinance under Chapter 1135. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1192

Source Water Protection Program

- 1192.01 Definitions.
- 1192.02 Designation of protection areas.
- 1192.03 Regulated substances.
- 1192.04 General provisions.
- 1192.05 Regulated substance storage provisions: above ground storage.
- 1192.06 Underground storage tanks.
- 1192.07 Management of other potential pollution sources.
- 1192.08 Violation, penalty and administrative remedies.
- 1192.09 Variance and appeals under the Source Water Protection Program.
- 1192.10 Regulated substances list.

1192.01 DEFINITIONS.

The following terms shall have the following meanings within the context of this Chapter:

(a) **ABOVEGROUND STORAGE TANK (AST).**

This term, as it applies to Source Water Protection, refers to any non-portable container and supporting structure, excluding all pipes connected thereto, which is used to store an accumulation of Regulated Substances and in which more than 90 percent of the final volume of the storage container is at or above the final ground elevation.

(b) **BEST MANAGEMENT PRACTICES (BMP).**

This term, as it applies to Source Water Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMPs also include treatment

requirements, operating procedures, and practices to control runoff, spills, and leaks.

(c) BOREHOLE.

This term, as it applies to Source Water Protection, refers to a hole drilled/cored into the ground to obtain geological information, release water, etc.

(d) BUSTR.

This term, as it applies to Source Water Protection, refers to the Ohio Bureau of Underground Storage Tank Regulations.

(e) CERCLA.

This term, as it applies to Source Water Protection, refers to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended by SARA.

(f) CITY.

This term, as it applies to Source Water Protection, refers to the City of Fairfield and any of its designated agents.

(g) DRY WELL.

This term, as it applies to Source Water Protection, refers to a type of drainage well used for the underground disposal of storm water runoff from paved areas, which include parking lots, streets, highways, residential subdivisions, and building rooftops; agricultural areas; and industrial areas.

(h) EPCRA.

This term, as it applies to Source Water Protection, refers to the Emergency Planning and Community Right-To-Know Act of 1986, also known as the Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, 42 U.S.C. 960).

(i) EXISTING FACILITY or EXISTING STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit in operation or for which construction commenced on or before the effective date of this Chapter. Construction of a Facility or Regulated Substance storage unit has commenced if:

- (1) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either
- (2) A continuous on-site, physical construction program has begun; or the owner or operator has entered into contractual obligations for physical construction of the Facility or Regulated Substance storage unit which cannot be canceled or modified without substantial loss.

(j) EXTREMELY HAZARDOUS SUBSTANCE.

This term, as it applies to Source Water Protection, refers to any substance listed by the United States Environmental Protection Agency under 40 CFR Part 355 appendixes A and B; and any substance listed by the commission pursuant to divisions (B)(4) and (C)(5) of Section 3750.02 of the Ohio Revised Code.

(k) FACILITY.

This term, as it applies to Source Water Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same Facility Operator. A Facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term Facility includes all principal and accessory uses, including residential uses.

(l) FACILITY OPERATOR.

This term, as it applies to Source Water Protection, refers to the person or designee in possession or control of a Facility or Regulated Substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of Regulated Substances located on site.

(m) GREAT MIAMI BURIED VALLEY AQUIFER.

This term, as it applies to Source Water Protection, refers to a regionally extensive groundwater aquifer system providing drinking water to communities throughout central and southwest Ohio. The Great Miami Buried Valley Aquifer is a designated Sole Source Aquifer under the federal Safe Drinking Water Act, signifying a protected status as a valued natural resource.

(n) GEOTHERMAL WELL.

This term, as it applies to Source Water Protection, refers to well(s) that have been drilled to access and utilize heat sources from within the earth.

(o) GROUNDWATER.

This term, as it applies to Source Water Protection, refers to all the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm water distribution/collection systems.

(p) HAMILTON TO NEW BALTIMORE GROUNDWATER CONSORTIUM.

This term, as it applies to Source Water Protection, refers to a consortium of seven public and industrial groundwater suppliers and users in the Hamilton to New Baltimore area of Butler and Hamilton Counties, Ohio. Members are: Greater Cincinnati Water Works, The City of Fairfield, The City of Hamilton, Southwest Regional Water District, Millercoors LLC, Butler County Water and Sewer Southwestern Ohio Water Company, and their successors.

(q) IMPERVIOUS SURFACE.

This term, as it applies to Source Water Protection, refers to any surface which prevents the absorption of Regulated Substances into surrounding soils or other pervious surface areas, and which will not react with the Regulated Substance being stored in such a way that the surface will deteriorate and no longer be impervious.

(r) NEW FACILITY OR NEW STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit beginning operation after the effective date of this chapter.

(s) NON-CONFORMING FACILITY or NON-CONFORMING STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any existing Facility or Regulated Substance storage unit which, as of the

effective date of this ordinance, would otherwise be prohibited within a designated TOT.

(t) OAC.

The Ohio Administrative Code.

(u) OHIO EPA.

The Ohio Environmental Protection Agency.

(v) PERMANENT.

This term, as it applies to Source Water Protection, refers to more than ninety (90) consecutive days.

(w) PESTICIDE.

This term, as it applies to Source Water Protection, refers to (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2(t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term shall include all fungicides, insecticides, nematicides, or other substances used for the control of pests.

(x) PRIMARY CONTAINMENT.

This term, as it applies to Source Water Protection, refers to the first level of containment, i.e., the inside portion of a container or storage device which comes into immediate contact on its inner surface with a Regulated Substance.

(y) PRINCIPAL.

This term, as it applies to Source Water Protection, refers to the primary, predominant, or foremost use or activity at a Facility.

(z) PROCESS.

This term, as it applies to Source Water Protection, refers to the incorporation of a Regulated Substance into a product. Includes making mixtures, repackaging, or using a Regulated Substance as a feedstock, raw material, or starting material for making another chemical.

(aa) RAIL SWITCH YARD.

This term, as it applies to Source Water Protection, refers to any area or railroad center where trains/railroad cars are made up, serviced, switched from track to track, or stored.

(bb) RCRA.

This term, as it applies to Source Water Protection, refers to the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

(cc) REGULATED SUBSTANCES.

This term, as it applies to Source Water Protection, refers to those substances identified in Subsection 1192.10(a) of this Chapter which are regulated under the Source Water Protection Program.

(dd) REGULATED SUBSTANCE STORAGE AREA.

This term, as it applies to Source Water Protection, refers to that area where Regulated Substances are stored. A Regulated Substance storage area can include single or multiple Regulated Substance storage units.

(ee) REGULATED SUBSTANCE STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container used for the storage of one or more Regulated Substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of Regulated Substances.

(ff) RELEASE.

This term, as it applies to Source Water Protection, refers to the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of Regulated Substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied in this Chapter does not include the following:

- (1) Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
- (2) Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, State, or Federal permit if such permits are required by applicable environmental laws;
- (3) Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
- (4) Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;
- (5) Any discharge of a petroleum substance in a quantity less than twenty-five (25) gallons unless such petroleum discharge enters a dry well, storm sewer, test well, monitoring well, abandoned well or surface water body; or
- (6) Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than twenty-five (25) pounds within a twenty-four (24) hour period in the one (1) and five (5) year time-of-travel zone, or less than one hundred (100) pounds within a twenty-four (24) hour period in the ten (10) year time-of-travel zone; or
- (7) The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.

(gg) REPLACEMENT.

This term, as it applies to Source Water Protection, refers to the physical removal of a Regulated Substance storage unit for installation of a new Regulated Substance storage unit.

(hh) RESTRICTED USE PESTICIDE.

This term, as it applies to Source Water Protection, refers to any pesticide or pesticide use classified by the administrator of the

United States Environmental Protection Agency for use only by a certified applicator or by an individual working under the direct supervision of a certified applicator.

(ii) SALVAGE YARD.

This term, as it applies to Source Water Protection, refers to a location where wrecked or decommissioned vehicles and machinery are brought; their usable parts are sold, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

(jj) SECONDARY CONTAINMENT.

This term, as it applies to Source Water Protection, refers to containment external to and separate from primary containment designed to contain a release from a primary containment unit. Secondary containment may include, but is not limited to, double walls, dikes, vaults, or impervious liners (both natural and synthetic).

(kk) SENSORY RECEPTORS.

As a part of the body's nervous system, sensory receptors are responsible for processing obtained information from the surrounding environment.

(ll) SOURCE WATER PROTECTION PROGRAM (SWPP).

In 1996, the Safe Drinking Water Act was amended again. Section 1453 was added, providing states with federal funding to complete source water assessments for their public water systems. At that time, the program was extended to include surface water systems and was renamed "Source Water Protection". Also an additional piece of information was required in an assessment- A susceptibility analysis. It is the intent of Congress that public water systems use the information in their source water assessment to develop a drinking water Source Protection Plan.

(mm) STORM WATER MANAGEMENT PLAN.

This term, as it applies to Source Water Protection, refers to the Ohio Environmental Protection Agency requirements to control pollutants in storm water discharge from municipal separate storm sewer systems, industrial storage facilities and construction activities. OEPA requirements include such activities as training, planning, maintenance, construction and facilities management with a common focus on water quality issues.

(nn) STORM WATER MANAGEMENT ZONE.

This term, as it applies to Source Water Protection, refers to any area applicable to the Storm Water Management Plan.

(oo) TEMPORARY.

This term, as it applies to Source Water Protection, refers to a period of ninety (90) consecutive days or less. Regulated Substances and the individual storage units containing such substances that are used on site as part of regular business operations are not to be considered temporary storage.

(pp) TIME OF TRAVEL ZONE (TOT).

This term, as it applies to Source Water Protection, refers to the advective travel time for water to flow through an aquifer and reach a well or wellfield.

(qq) UNDERGROUND STORAGE RELEASE COMPENSATION BOARD (USRCB).

The Ohio Petroleum Underground Storage Tank Release Compensation Board (The Board) consists of government and industry representatives and has the primary responsibility of administering the Petroleum Financial Assistance Fund. The Fund is a source of income derived from mandatory per-tank fees and is available to eligible underground storage tank owners to reimburse petroleum release clean up costs.

(rr) UNDERGROUND STORAGE TANK (UST).

This term, as it applies to Source Water Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of Regulated Substances the volume of which, including the volume of the underground pipes connected thereto, is 10% or more beneath the surface of the ground. For the purposes of this Chapter, the term does not include:

- (1) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82, Stat, 720, 49 U.S.C.A. 2001, as amended;
- (2) Surface impoundments, pits, ponds, or lagoons;
- (3) Storm or waste water collection systems;
- (4) Flow-through process tanks;
- (5) Septic tanks;
- (6) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or
- (7) Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.

(ss) USE or OTHERWISE USE.

This term, as it applies to Source Water Protection, refers to handling, transferring, processing, packaging, treating, emitting, discharging, or disposal of Regulated Substances at a Facility.

(tt) WELLFIELD.

A tract of land that contains one or a number of wells (wellheads) for use in public water supplies.

(uu) WELLHEAD.

An individual well for supplying water.

(vv) SOURCE WATER PROTECTION AREA (SWPA).

The surface and subsurface areas supplying water to wells or wellfields through which contaminants are likely to move and reach such wells or wellfields. The Source Water Protection Area includes the one (1), five (5), and ten (10) year time- of-travel zones.

(ww) SOURCE WATER PROTECTION PROGRAM (WHPP).

A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.

(Ord. 120-11. Passed 11-28-11.)

1192.02 DESIGNATION OF PROTECTION AREAS.

(a) Source Water Protection Areas Established.

- (1) Certain areas of the City of Fairfield are hereby delineated into the following districts for the protection of groundwater resources and shall be collectively referred to as the "Source Water Protection Area" (SWPA). A map of the SWPA (SWPA map) is on file in the City Planning Department and the office of the Clerk of Council, which map is hereby incorporated herein by reference.
- (2) One (1) Year Time-of-Travel (TOT) Zone. The one (1) year TOT zone is that area around the well or wellfield from which groundwater will be drawn for use in a public water supply in a one (1) year or less time period. The one (1) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.
- (3) Five (5) Year Time-of-Travel (TOT) Zone. The five (5) year TOT zone is that area located outside the one (1) year TOT zone but within the boundaries of the five (5) year TOT zone from which groundwater will be drawn for use in a public water supply in a five (5) year or less time period. The five (5) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.
- (4) Ten (10) Year Time-of-Travel (TOT) Zone. The ten (10) year TOT zone is that area located outside the one (1) and five (5) year TOT zones but within the boundaries of the ten (10) year TOT zone from which groundwater will be drawn for use in a public water supply in a ten (10) year or less time period. The ten (10) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.

(b) Redelineation of the SWPA.

- (1) Procedure for Proposals Respecting Changes/Redelineation of SWPA Designation. Any change in the boundary of a SWPA resulting from redelineation of a SWPA shall be effective after approval of the redelineation by Fairfield City Council. Public notice of the change shall be provided in accordance with requirements for the City of Fairfield but shall include no less than the following:
 - A. Notification through publication of the change for one (1) day in at least one (1) newspaper with general circulation in the community; and
 - B. Notification via first class mail to those registered Facility Operators in the pre-existing SWPA whose location in a TOT zone has changed as a result of the redelineation, and any non-residential property owners in the newly delineated portions of the updated SWPA. Said notification shall be mailed, via first class mail, no less than thirty (30) days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the redelineation and any subsequent change in the facility's regulatory status.

(c) Impact on SWPA Facilities.

- (1) Where an existing facility required to comply with the provisions set forth herein is no longer located in a SWPA as a result of the redelineation, the facility is no longer subject to compliance with the requirements of this Chapter.
- (2) Any facility previously located outside the boundary of the SWPA that is located inside the boundary of the SWPA as a result of the redelineation must be registered in accordance with Subsection 1192.04(d) of this Chapter and must comply with those provisions required of existing facilities for the TOT zone in which the facility is located as applicable and in accordance with the time frames specified for those applicable provisions.
- (3) Any registered facility whose classification within a TOT zone is changed to a different TOT zone as a result of the redelineation must submit an amended facility registration to the Development Services Director or Designee in accordance with Subsection 1192.04(d)(7) of this Chapter and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.

(d) Prohibitions in the Source Water Protection Area.

- (1) One (1) Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the one (1) year TOT as of the effective date of this Chapter:
 - A. Commercial junk and salvage yards;
 - B. Commercial sanitary/solid waste/construction and demolition debris landfills;
 - C. The disposal of shingles, asphalt, asbestos and/or lead-based or lead containing materials in an unlicensed landfill;
 - D. The manufacturing, processing, or recycling of Regulated Substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
 - E. Commercial establishments for gasoline and or diesel fuel dispensing service stations, motor vehicle repair/service shops and/or body repair where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four- hundred forty (440) pounds aggregate for dry weights;
 - F. Trucking or bus terminals where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
 - G. Animal feedlots exceeding one thousand (1,000) animal units;
 - H. Primary metal product industries where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
 - I. Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage or use of a regulated substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
 - J. Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry- related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceed fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
 - K. Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in Subsection

1192.05(b)(3) of this Chapter where storage of the Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;

- L. Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
 - M. Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
 - N. Dry cleaning facilities with on-site dry cleaning service where storage or use of a Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
 - O. Installation of underground storage tanks except as permitted in Subsection 1192.06(d) of this Chapter; and
 - P. Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or process heating in new underground storage tanks (USTs), except as permitted in Subsection 1192.06(d) of this Chapter.
 - Q. Rail switch yards and container ports.
 - R. The application of sewage sludge solids.
 - S. All oil and gas drilling and exploration.
- (2) Five Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this chapter:
- A. Points A. - D., K., L., O., P., Q., R., and S. in Subsection 1192.02(d)(1).
- (3) Ten Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:
- A. Points B., C., K., L., O., P., Q., R., and S. in Subsection 1192.02(d)(1).
- (4) Conditional Uses Applicable to all Source Water Protection Time- of- Travel (TOT) Zones. The following land uses/activities will only be permitted within specified TOTs based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with Section 1137.05 of these Codified Ordinances:
- A. Use of fly ash as fill material as described in Subsection 1192.02(d)(1)M. at any facility or property located in the ten-year TOT zone. This prohibition does not apply where fly ash is used as a component in cement, concrete or cinder block.
 - B. Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed five hundred (500) gallons aggregate for liquid materials or four thousand (4,000) pounds aggregate for dry weights.
- (e) General Applicability.
- (1) Unless specified otherwise, all provisions of this Chapter apply to any Facility Operator of any real property or business in the City of Fairfield when storing or otherwise using Regulated Substances as defined in Subsection 1192.10(a) of this Chapter, or conducting any activity regulated under Section 1192.07 herein, and located within a Source Water Protection Area as established in Subsection 1192.02(a) of this Chapter. It is the responsibility of the Facility Operator to determine the applicability of this Chapter to his or her property and/or business, and to comply with all requirements established in this rule as applicable to the Facility. Failure to do so shall not excuse any violations of this Chapter.
- (2) Limited Exemptions. The following are exempt from the provisions set forth herein except for compliance with Subsections 1192.04 (d) through 1192.04 (i) of this Chapter:
- A. Indoor storage/use of Regulated Substance(s) in an area capable of fully containing a total release of the Regulated Substance(s) within the facility or draining the release to a wastewater treatment system capable of and permitted to/agreeable to treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;
 - B. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site meets or exceeds those thresholds established in Subsection 1192.10(a)(3) of this Chapter;
 - C. Current hazardous waste storage areas at RCRA permitted facilities;
 - D. Radioactive materials regulated by the U.S. Nuclear Regulatory Commission;
 - E. Aboveground storage tanks in the five (5) year TOT used exclusively for the storage of residential quantities of Grade 1 or Grade 2 heating fuels and diesel fuel; and
 - F. Oil/water separator underground storage tanks.
- (3) Full Exemptions. The following uses of Regulated Substances are exempt from the provisions set forth herein.
- A. Laboratory activities;
 - B. Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
 - C. Household use of Regulated Substances packaged for consumer use in original pre-packaged containers;
 - D. Excavation or removal of earth materials;
 - E. Office and maintenance/janitorial use of Regulated Substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
 - F. Oils and fluids within electrical utility transformers/switches except when stored in quantities meeting or exceeding thresholds established in subsection 1192.10(a)(3) of this chapter;
 - G. Materials present as a solid inside of a manufactured item;
 - H. Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities through the Source Water Protection Area, provided the Regulated Substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty- four (24) hours;

- I. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site is less than those thresholds established in Subsection 1192.10(a)(3) of this Chapter.

(Ord. 120-11. Passed 11-28-11.)

1192.03 REGULATED SUBSTANCES.

(a) Regulated Substances.

- (1) Defined. Regulated Substances shall be those substances listed in Subsection 1192.10(a)(1) herein when storage or use at a facility at any time of the year meets or exceeds those thresholds specified in Subsection 1192.10 (a)(2). A Facility Operator may, at their choice, calculate the quantity of Regulated Substances stored or used on site as follows:
- A. Maximum amount at any one time. The Facility Operator may report the quantity of Regulated Substances stored or otherwise used on site as the maximum amount found on site at any one time during the course of a year. Where there are seasonal fluctuations in Regulated Substance use, the amount should be based on storage or use of Regulated Substances during peak times of the year; or
- B. Monthly daily average. The Facility Operator may calculate the daily average of Regulated Substance storage or use on site over the course of a month. The Facility Operator must calculate this average using the anticipated quantity of Regulated Substances storage or use during peak months at the facility.

(b) Exemptions from the Regulated Substance Listing.

- (1) A substance listed in Subsection 1192.10(a)(1) may be partially or fully exempt from regulation under this Chapter if use or storage of the Regulated Substance is exempted under Subsections 1192.02(e)(2) or (3) of this Chapter, or if the Facility Operator can provide proper documentation to the Development Services Director or Designee that a Regulated Substance does not present a threat to groundwater due to the nature of the substance. Information from the substance manufacturer or other qualified, verifiable source indicating that the substance does not present a threat to groundwater shall be considered proper documentation.

(c) Additions/Deletions to the Regulated Substance List.

- (1) The Development Services Director or Designee reserves the right to designate additional substances or remove substances from the list of Regulated Substances in Subsection 1192.10(a)(1) as necessary for the protection of the groundwater resource. Public notice of changes to the Regulated Substance list shall be provided by the Development Services Director or Designee in accordance with public notice requirements for the City of Fairfield but shall include no less than:
- A. Notification of the intent to remove or add a Regulated Substance to the list via mail to all registered Facility Operators no later than thirty (30) days prior to action by the Development Services Director or Designee;
- B. Notification through publication of the change for one (1) day in at least one (1) paper with general circulation in the community; and
- C. Notification via first-class mail to all registered Facility Operators no later than thirty (30) days after removal or addition of Regulated Substances to the list by the Development Services Director or Designee.

(Ord. 120-11. Passed 11-28-11.)

1192.04 GENERAL PROVISIONS.

(a) Purpose.

- (1) The purpose of this Chapter is to safeguard the public health, safety, and welfare of persons and property in the City of Fairfield by protecting designated groundwater supplies from degradation resulting from the improper storage, use, or discharge of Regulated Substances in and around existing and future wellfields and their recharge areas, and to promote the economic viability of the City of Fairfield by balancing the protection of groundwater with the promotion of the economy of the City.

(b) Compliance with Existing Federal, State and Local Regulations.

- (1) Facility Operators subject to regulation under this Chapter must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this Chapter.

(c) Continuation of Existing Non-conforming Facilities and Non-conforming Uses of Land.

- (1) Where, at the effective date of the adoption of, or amendment to, the provisions set forth herein, lawful use of land exists that is no longer permissible under the provisions of Subsection 1192.02(d) of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to provisions of this Chapter.
- (2) Any non-conforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Source Water Protection Area Time-of-Travel Zone is permitted to continue operation as a non-conforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful and complies with the provisions of this Chapter which apply to existing facilities.
- (3) An existing use made non-conforming solely by application of the Source Water Protection provisions set forth herein shall be treated as non- conforming only as to those uses prohibited by these Source Water Protection provisions. As to existing uses not prohibited or otherwise regulated by these Source Water Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this Chapter.

(d) Facility Registration.

- (1) Registration. Facility registration is required once every two (2) years for any facility where on site storage or use of Regulated Substances meets or exceeds those quantities established in Subsection 1192.10 (a)(2) of this Chapter, or for any

activity identified as a regulated activity under Section 1192.07 of this Chapter or for any active ground water monitoring or remediation system regulated by the USEPA, Ohio EPA or BUSTR. A Facility Operator may register the facility or, at the request of the Facility Operator, the Development Services Director or Designee may register the facility. The Development Services Director or Designee shall conduct any facility registration in the following manner:

- A. The Development Services Director or Designee shall provide written notice of the intent to register the facility no less than fourteen (14) days prior to the registration date;
- B. The registration shall be conducted at reasonable times during normal business hours. To help ensure accuracy of the registration and safety of the persons involved, the Facility Operator or designee must accompany the Development Services Director or Designee during the registration;
- C. The registration will not unreasonably interfere with facility operations; and
- D. The scope of the registration will be limited to gathering information necessary to complete the registration required by this Section.

All facility registrations must be completed and, where applicable, submitted to the Development Services Director or Designee within one hundred eighty (180) days of the date a property becomes subject to regulation under this Chapter, and by July 1 of every second year thereafter. A Facility Operator choosing to have their facility registered by the Development Services Director or Designee must contact the Development Services Director or Designee no less than ninety (90) days before a registration is due to ensure completion of the registration by the required due date.

(2) Registration Requirements. Facility registration will include, but is not necessarily limited to, information on the following:

- A. Name, address, and phone number of the registered Facility;
- B. Facility Operator name and number;
- C. Emergency contact, address, and phone;
- D. Primary and, where applicable, secondary business activities at the Facility, including Standard Industrial Classification codes or Chemical Abstract Service (CAS) number and a brief description of how Regulated Substances are used at the Facility;
- E. The types, quantity, and location of Regulated Substances stored or otherwise used on-site. Where the Regulated Substance is identified by a common trade name or a mixture, the primary chemical component(s) must be identified;
- F. The manner of Regulated Substance storage (i.e., ASTs, fifty-five (55) gallon drums, totes, etc.). AST registration will include information on current tank status, contents, volume, construction, and age;
- G. A general description of any secondary containment or other spill containment and/or spill prevention measures used at the Facility for Regulated Substance storage units or storage areas;
- H. A general description of Regulated Substance waste disposal methods. Where applicable, the Facility's hazardous waste generator identification number must be provided;
- I. Where applicable, location of any groundwater monitoring equipment on the Facility's property;
- J. Where applicable, the location of any dry wells on the Facility property; and
- K. Where applicable, the type of septic system used on site and type of waste treated.
- L. Where applicable, the location of any production wells used for potable and non-potable use on the facility (property) or any unused well of any type.
- M. For facilities located in approved storm water management zones and the approved storm water management plans; compliance with such a plan must be in addition to compliance with the requirements of this Source Water Protection Program.

Any person identified as the emergency contact for a Facility under Subsection 1192.04(d)(2)C. must have authority to provide additional information about the Facility and materials stored or otherwise used on site when requested and to authorize the use of response personnel, including hazardous materials contractors, in the event of a release at the Facility. The Facility Operator must notify the Development Services Director or Designee of any change in name, phone number, and/or address of the emergency contact person no later than two (2) weeks after any change.

(3) Operator Signature. The Facility Operator must sign the completed facility registration. The Facility Operator's signature shall serve as acknowledgment of the accuracy of the registration and compliance with the following, where applicable:

- A. Storage Unit Inspections - compliant with Subsection 1192.05(b)(1)E.
- B. Development and implementation of a Spill Control Plan - compliant with Subsection 1192.05(g).

Any Facility Operator whose Facility is registered by the Development Services Director or Designee must submit a copy of the signed registration to the Development Services Director or Designee no later than two (2) weeks after the registration date.

(4) Use of Existing Registration Information. Any Facility Operator required to register a Facility or Regulated Substance storage unit under another federal, state, or local program may submit a copy of that registration to the Development Services Director or Designee to expedite the registration process. Any existing registration information should be presented to the Development Services Director or Designee prior to or at the time of facility registration.

(5) New Facility Registration. Any Facility subject to regulation under this Chapter that begins operation or commences conduct governed by this Chapter after the effective date of this Chapter must be registered in accordance with Subsection 1192.04 (d)(1) no later than one hundred eighty (180) days after beginning operation.

(6) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to the requirements of this Chapter due to changes at the Facility must be registered in accordance with Subsection 1192.04 (d)(1) no later than one hundred eighty (180) days after becoming subject to regulation under the Chapter. A previously exempt Facility becomes subject to regulation under this Chapter when:

- A. A new AST or UST system subject to regulation under this Chapter is installed at the Facility;
- B. There is a permanent change in the type and/or volume of Regulated Substances stored or otherwise used at the Facility that results in the storage or use of Regulated Substances in quantities meeting or exceeding the thresholds

established in Subsection 1192.10(a)(2) and/or

C. There is a change in the delineated TOTs as specified in Subsection 1192.02(b) of this Chapter.

(7) Amending Existing Facility Registrations. A Facility Operator must amend an existing Facility registration, or may request that the Development Services Director or Designee amend the registration, no later than sixty (60) days after any:

A. Change in ownership or management of the Facility;

B. Installation, return to service, or removal of an AST or UST system subject to regulation under this Chapter;

C. Permanent on-site storage or use of a previously unregistered Regulated Substance in quantities meeting or exceeding the thresholds established in Subsection 1192.10(a)(2) and/or

D. Change in the delineated TOTs as specified in Subsection 1192.02(b) of this Chapter.

And no later than ninety (90) days after:

E. Permanent cessation of regulated operations or storage of Regulated Substances as specified in Subsection 1192.04(f).

A Facility Operator choosing to have their facility registration amended by the Development Services Director or Designee must contact the Development Services Director or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame when meeting Subsections A. through D. above. The Facility Operator is responsible for amending a registration under the Subsection E. above.

(8) Registration of Multiple Facilities. Any person owning and/or operating more than one facility subject to regulation under this Chapter must register each regulated facility separately in accordance with the provisions of this Chapter.

(e) Temporary Storage of Regulated Substances.

(1) Applicability. This Section applies to the temporary storage of Regulated Substances at new and existing non-residential facilities in the Source Water Protection Area when the Regulated Substances:

A. Are stored or otherwise used in quantities meeting or exceeding the quantity thresholds established in Subsection 1192.10(a)(2); and

B. Do not meet any of the exemption criteria specified in Subsection 1192.05(e)(1).

(2) Conditions. Temporary storage subject to regulation under this Chapter must meet the following conditions when aboveground:

A. The Regulated Substance storage unit(s) must meet the general container requirements specified in Subsections 1192.05(b)(1) through (3) of this Chapter; and

B. When possible, the temporary storage unit(s) should be located in a non-hazardous area (i.e., where the unit(s) are not generally exposed to routine vehicular traffic, flammables, or other hazards).

Any Regulated Substance release meeting or exceeding the release notification criteria in Subsection 1192.04(g)(1) must be reported and remediated in accordance with Subsection 1192.04(g) of this Chapter.

(3) Temporary Storage Extensions. Temporary storage of Regulated Substances beyond ninety (90) days is permitted provided compliance with the following requirements.

A. The Facility Operator must notify the Development Services Director or Designee of the need to continue temporary storage of the Regulated Substance(s) prior to expiration of the temporary storage period. The Facility Operator shall submit notification to the Development Services Director or Designee on a prescribed form supplied by the Development Services Director or Designee at the request of the Facility Operator. The notification shall specify:

1. Facility name, address, and telephone;

2. Facility Operator name and twenty-four (24) hour emergency contact. Designation of an emergency contact must be done in accordance with Subsection 1192.04(d)(2);

3. Regulated Substance(s) temporarily being stored at the Facility;

4. The manner in which the Regulated Substances are stored; and

5. The anticipated date when temporary storage will cease.

B. The Regulated Substance continues to be stored in compliance with Subsections 1192.05(b)(1) through (3) when aboveground.

(f) Facility Closure.

(1) Applicability. This Section applies to any non-residential Facility subject to regulation under this Chapter that becomes unoccupied or where operations are permanently discontinued for a period greater than ninety (90) consecutive days any time after the effective date of this Chapter. Facility Operators subject to compliance with any federal, state, or local facility closure program addressing the storage or handling of Regulated Substances at a closing facility are exempt from the requirements in this Section except for compliance with Subsection 1192.04 (f)(3).

(2) Removal of All Regulated Substances. Except in the case of seasonal discontinuation of operation, the Facility Operator must remove all Regulated Substances other than those used exclusively for heating, cooling, and providing electrical lighting for the premises from the property no later than ninety (90) days after the date the property initially became unoccupied or operation was permanently discontinued.

(3) Closure Notice. Any Facility Operator permanently discontinuing operation of a Facility subject to regulation under this Chapter must submit an amended Facility registration to the Development Services Director or Designee in accordance with Subsection 1192.04 (d)(7). The amended Facility registration shall include the date on which operations will or have ceased; the current operator's new phone number and address; and the fate of Regulated Substances stored or otherwise used on site. Any Facility Operator required to submit a closure notification under any federal, state, or local closure program may copy the Development Services Director or Designee on that notification in lieu of submitting an amended Facility registration.

(4) Facility Security. Upon permanent closure of a facility, the Facility Operator must take reasonable steps to secure all Regulated Substance storage units or Regulated Substance storage areas against vandalism. Compliance with Subsections 1192.05 (b)(1) through (3) and maintenance of all security measures implemented in accordance with this Section are required until all Regulated Substances are removed from the site.

(g) Regulated Substance Releases.

- (1) Release Notification Required. Any release of a Regulated Substance within a Source Water Protection Area, if such release:
 - A. originates from an underground storage tank; or
 - B. contacts a pervious ground surface; and
 - C. is not immediately and completely remediated within twenty-four (24) hours; or
 - D. enters a surface water body; or
 - E. enters a dry well, monitoring well, abandoned well or storm sewer must be reported to the Development Services Director or Designee or on-duty drinking water treatment plan operator or ground water consortium manager within twenty-four (24) hours of discovery by the Facility Operator or any other party responsible for the storage unit from which the release occurred. Such notification in no way alleviates other federal, state, or local reporting obligations imposed by law.
- (2) Notification Contents. Initial notice shall include, at a minimum, information related to the following:
 - A. Location of the release (Facility name, address, and phone);
 - B. Facility/responsible party's name, address, and phone;
 - C. Emergency contact and phone;
 - D. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released.
 - E. Description of preliminary release control and mitigation efforts.
- (3) Regulated Substance Release Report. Within seven (7) days of a reported release, the responsible party must submit to the Development Services Director or Designee a Regulated Substance Release Report providing any additional detail on the nature and management of the release, including control and corrective actions taken, fate of the released material, and, where applicable, the name of the contractor responsible for removal of released substances. Information submitted in the Regulated Substance Release Report shall be used by the Development Services Director or Designee to determine if and where any additional follow-up work needs to be completed to assess the potential pollution impact of the release.
- (4) Remediation of Release. Upon discovery of a release, the Facility Operator or other responsible party must take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with Subsections 1192.05 (b) (1) through (3) when the quantity of regulated wastes generated meet or exceed the quantity thresholds established in Subsection 1192.10(a)(2) in addition to all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to the Development Services Director or Designee by the Facility Operator in accordance with Subsection 1192.04 (e)(3)A.
- (5) Submission of Additional Information. The responsible party must copy the Development Services Director or Designee on all correspondence submitted to federal, state, or local agencies related to site assessment and site remediation. The Development Services Director or Designee may request, if deemed necessary, that:
 - A. The Fire Department provide a copy of the department's Ohio Fire Incident Reporting System report to the Development Services Director or Designee;
 - B. The Ohio EPA provide a copy of the agency's Emergency Response Section Incident Report to the Development Services Director or Designee; and/or
 - C. The Facility Operator develop and implement procedures to minimize the likelihood of reoccurrence of such a release. The Facility Operator must submit procedures developed under this provision to the Development Services Director or Designee no later than sixty (60) days after being required, and implemented no later than one hundred eighty (180) days after approval by the Development Services Director or Designee.
- (6) Liability. The City is authorized to order the cleanup or abatement, or take such other actions as may be necessary to cause cleanup or abatement, of any hazardous material release to soils, surface water, and/or groundwater in or near a SWPA which may present a threat to groundwater quality or violate Ohio's water quality standards. The entity or person responsible for the release shall be liable for any reasonable expense, loss, or damages attributable to the release incurred by the City in response to such an incident, in addition to any fines imposed under Ohio and Federal law, and these Codified Ordinances.

(h) Records Retention.

- (1) The Facility Operator must retain all records, reports, or other documentation related to the requirements of this Chapter on site for a minimum of five (5) years from the original date of the record, report, or document.

(i) Inspection.

- (1) The Development Services Director or Designee shall inspect all facilities subject to regulation under this Chapter no less than once every two (2) years for compliance with the provisions of this Chapter. Any inspection shall be conducted under the conditions listed in Subsection 1192.04(d)(1)A. through D.

(j) Severability.

- (1) Each provision of this Chapter shall be construed as separate, to the end that if any part of it is held invalid for any reason, the remainder shall continue in full force and effect.

(k) Confidentiality.

- (1) Information contained in any documentation collected by or submitted to the Development Services Director or Designee under the provisions of this Chapter that is designated as confidential by a Facility Operator shall be considered confidential only to the extent allowable under Ohio Public Records Law and other applicable federal and state

laws.
(Ord. 120-11. Passed 11-28-11.)

1192.05 REGULATED SUBSTANCE STORAGE PROVISIONS: ABOVE GROUND STORAGE.

(a) Applicability.

- (1) This Section applies to the above ground storage of Regulated Substances in the Source Water Protection Area in quantities meeting or exceeding those specified in Subsection 1192.10(a)(2).

(b) General Container and Regulated Substance Handling Requirements at Non- residential Facilities.

- (1) All containers subject to regulation under this Chapter used for the storage or use of Regulated Substances at new and existing non-residential facilities must be:
 - A. Product-tight and free of any defects which may result in a release of the contained Regulated Substance;
 - B. Made of or lined with materials which will not react with and are otherwise compatible with the Regulated Substance stored;
 - C. Individually and clearly labeled with the contents of the container. If a Regulated Substance is being stored on site under the temporary storage provisions in Subsection 1192.04(e), the Regulated Substance storage unit must also be labeled with the date on which temporary storage began.
 - D. Stored on or above an impervious surface at all times that is free of any gaps, cracks, or other effects of deterioration that would allow for the penetration of Regulated Substances stored on that surface into surrounding soils, or, if stored on a pervious surface, stored with secondary containment in the form of a dike, containment pallet, or other containment unit capable of containing a release from the Regulated Substance storage unit. Existing ASTs are exempt from this requirement; and
 - E. Visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into the storage unit. Aisle space between containers must be adequate to allow for inspections. Where applicable, any leak detection or early warning system associated with an AST also must be inspected on a weekly basis. The Facility Operator must maintain a record of inspections and the findings of those inspections, and made available on request by the Development Services Director or Designee. Any weekly inspection log maintained by a Facility Operator under another federal, state, or local program shall satisfy the requirements of this subsection provided the inspection includes those Regulated Substance storage units regulated under this Chapter.

Any Facility Operator installing an impervious surface or providing secondary containment under subsection (b)(1)D. hereof must do so no later than one hundred eighty (180) days after becoming subject to regulation under subsection (b)(1)D. hereof. Continued storage of Regulated Substances on a pervious surface beyond this one hundred eighty (180) day period is permitted only if granted a temporary variance.

- (2) Defective Storage Units. A Facility Operator must remove defective storage units from service immediately and repair or replace the defective units if needed. Defective storage units permanently taken out of service must be decontaminated and disposed of in accordance with applicable federal, state, and local waste management standards.

- (3) Storage in Trucks, Trailers, Tankers, or Rail Cars. Any truck, trailer, tanker, or rail car used for the storage of Regulated Substances within the Source Water Protection Area must:

- A. Be structurally stable and free of any defects that may result in a release of the Regulated Substances stored in the truck, trailer, tanker, or rail car;
- B. Be clearly labeled with the contents;
- C. Be visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into or out of the storage unit; and
- D. Have all doors, valves, or other openings through which a release could occur locked or otherwise secured when not in use so as to prevent a release of the Regulated Substance through the opening(s)

- (4) Spill Control Plan. Permanent storage or use of Regulated Substances subject to regulation under this Chapter at new and existing facilities in a storage unit where a release from the storage unit would reach a pervious soil surface, dry well, storm sewer, or surface water body requires the development of a Spill Control Plan in accordance with Subsection 1192.05 (g). A Facility Operator is exempt from this requirement if the storage unit or storage/usage area is secondarily contained.

(c) Residential Regulated Substance Storage Units.

- (1) All containers subject to regulation under this Chapter used for the storage or use of Regulated Substances at new and existing residential facilities must be:
 - A. In compliance with Subsections 1192.05(b)(1)A. through D.;
 - B. Visually inspected by the Facility Operator on a monthly basis. Where applicable, any leak detection or early warning system associated with an AST also must be inspected at that time; and,
 - C. Provided with a Spill Control Plan in accordance with Subsection 1192.05(g)(5), where applicable.

(d) Aboveground Storage Tank (AST) Installation.

- (1) Installation of New ASTs. This Section applies to the installation of ASTs at new or existing facilities after the effective date of this Chapter when the capacity of the AST meets or exceeds the quantity thresholds established in Subsection 1192.10 (a)(2). All new ASTs must be registered in accordance with Subsection 1192.04 (d)(1) and meet the general handling requirements specified in Subsection 1192.05 (b) in addition to the following:
 - A. Bottom Clearance. All ASTs must have ground clearance of no less than two (2) inches from the outermost wall of the AST to allow for visual inspection of the underside of the AST. This requirement may be waived if the size of the AST prevents raising the tank as required or the AST is a concrete vaulted tank.
 - B. Secondary Containment. Unless required under Subsection 1511.01 (c)(18) of these Codified Ordinances, all ASTs meeting or

exceeding the thresholds established for secondary containment in Subsection 1192.05(e)(2) herein must be installed with secondary containment meeting or exceeding those requirements specified in Subsections 1192.05(e)(3) through (5).

- C. Barriers. Any AST meeting or exceeding the thresholds established for secondary containment in Subsection 1192.05 (e)(2) and which is installed in an area where the AST is open to vehicle damage must be protected against impact with physical barriers meeting the approval of the Development Services Director or Designee. Any impervious dike utilized as secondary containment meets the requirements for a physical barrier.
- (2) Replacement of Existing ASTs. Replacement of an existing AST after the effective date of this Chapter with any new or used AST is considered installation of a new system and therefore subject to any federal, state, and local regulations for the installation of new ASTs in addition to the provisions of this Chapter, unless specified otherwise.
- (e) Secondary Containment Requirements.
 - (1) Exemptions. Unless required under Subsection 1511.01(c)(18) of these Codified Ordinances, the following are exempt from the secondary containment requirements in this Chapter:
 - A. Storage of Regulated Substance(s) indoors in an area capable of fully containing within the Facility a total release of the Regulated Substance(s) for which the exemption is being claimed, or draining the release to a wastewater treatment system capable of treating the released substance(s). NOTE: Septic tank systems do not qualify as a wastewater treatment system under this exemption;
 - B. Storage of Regulated Substances as consumer products packaged in original containers;
 - C. Storage of Regulated Substances in storage units/areas with secondary containment comparable to or exceeding that required in Subsections 1192.05(e)(3) through (5) herein; and
 - D. ASTs located in the 10 year TOT.
 - (2) Secondary Containment Requirements for ASTs. Unless exempted under Subsection 1192.05 (e)(1), secondary containment is required as follows for ASTs installed after the effective date of this Chapter:
 - A. All ASTs installed in the one (1) year TOT with a capacity exceeding fifty-five (55) gallons; and
 - B. All ASTs installed in the five (5) year TOT with a capacity of five hundred (500) gallons or more when storing petroleum or petroleum-based products, or two hundred and fifty (250) gallons or more when storing all other Regulated Substances.
 - (3) Construction. Secondary containment systems must be constructed of or lined with materials compatible with the Regulated Substance stored. Secondary containment must be of sufficient thickness, density, and composition so as not to be structurally weakened from contact with the Regulated Substance or precipitation, and must be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment.
 - (4) Double Walls and Diking. An AST must have at least one of the following at the choice of the Facility Operator:
 - A. Double Walls: designed as a containment area and providing the Facility Operator with manual or electronic interstitial space monitoring capabilities. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirement for double walling; or
 - B. Diking: capable of containing one hundred and ten percent (110%) of the total volume of the tank. If the storage area contains multiple ASTs, the secondary containment must be large enough to contain one hundred and fifty percent (150%) of the volume of the largest AST placed in it, or ten percent (10%) of the aggregate internal volume of all ASTs in the storage area, whichever is greater.
 - (5) Precipitation.
 - A. If an AST using a dike as a secondary containment system is exposed to and subject to accumulation of precipitation within the dike, the dike must be designed and operated as follows:
 - 1. The base of the dike must be sloped to a collection point or sump to allow for controlled removal of accumulated storm water or spilled regulated materials; and
 - 2. If the dike is penetrated by a drainage pipe, the pipe must have a lockable valve. This valve shall be kept closed and locked under normal conditions until a determination is made by the Facility Operator that the discharge of storm water is acceptable pursuant to subsection (e)(5)B. hereof.
 - B. Storm water accumulated within secondary containment that is known or suspected to contain a release from the primary containment unit must be handled in accordance with applicable federal, state, or local laws. No potentially contaminated stormwater may be discharged to a sanitary sewer without approval of the Development Services Director or Designee. The Development Services Director or Designee may require analysis of the stormwater before allowing discharge to the sanitary sewer if the released substance could present a treatment problem at the wastewater treatment plant. The Facility Operator must take all reasonable steps to neutralize the stormwater before discharging the stormwater to any septic system, dry well, sewer, soil, or surface water body.
- (f) Temporary Placement Out of Service of ASTS.
 - (1) Removal from Service. Any Facility Operator intending to place an AST system out of service for less than one (1) year must remove the system from service in accordance with Chapter 1301:7-7-28, Section FM- 2807.2.1 of the State Fire Code in addition to any other applicable federal, state, or local regulations. Any AST meeting any of the secondary containment exemption criteria in Subsection 1192.05 (e)(1) or any heating fuel AST taken out of use for seasonal conditions, is exempt from this requirement.
 - (2) Returning the Tank to Service. Unless required otherwise under another applicable federal, state, or local regulation, any AST placed out of service for more than ninety (90) consecutive days but less than one (1) year which is to be brought back into service must be brought back into service by the Facility Operator in accordance with Chapter 1301:7-7-28, Section FM- 2807.2.1 of the State Fire Code. Any AST meeting any of the secondary containment exemption criteria in Subsection 1192.05 (e)(1) is exempt from this requirement.

(g) Spill Control Plans.

- (1) Non-Residential Facilities. Facility Operators required to develop a Spill Control Plan (SCP) must complete the plan no later than one hundred eighty (180) days after becoming subject to this requirement. The Development Services Director or Designee may provide, at the request of the Facility Operator, a template of the SCP to facilitate development of the SCP. The SCP does not require the signature of a professional engineer. The SCP must be stored on site and made available on request to the fire department or other inspection authority. Any SCP developed in compliance with other federal, state, or local regulatory programs may satisfy the requirements of this provision provided that SCP contains all information specified in Subsection 1192.05 (g)(2) Any deficient information must be amended into the existing SCP to be considered compliant with this Section. If a pre-existing SCP is being used to satisfy this requirement, only compliance with Subsections 1192.05 (g)(3) and (4) is required. Where applicable, one (1) copy of the SCP must be kept in the Facility's repository box (lock box).
- (2) Content of the Spill Control Plan. The SCP must specify all of the following:
 - A. Facility name, address, and phone;
 - B. Facility Operator name and phone;
 - C. Emergency contact and phone. Designation of an emergency contact must be done in accordance with Subsection 1192.04(d)(2);
 - D. A brief description of the type of business conducted at the Facility;
 - E. The location of the Regulated Substance storage area(s) for which the SCP is being developed;
 - F. The type(s) and normally anticipated quantity of Regulated Substance(s) stored in the Regulated Substance storage area(s) for which the plan is being developed;
 - G. Potential hazards (including activities) to the Regulated Substance(s) stored in the area;
 - H. All openings/routes through which a release from the storage area(s) would potentially flow into the Facility's property and within five hundred (500) feet beyond the property line, including floor drains, doorways, storm sewers, dry wells, streams, and other openings/routes;
 - I. Emergency response procedures to be followed in the event of a release, including specific points of contact for releases, evacuation procedures, and emergency notification procedures for appropriate federal, state, and local agencies; and
 - J. Emergency equipment available to the Facility Operator and location of equipment.
- (3) Employee Training. A Facility Operator must train all employees annually on the release procedures outlined in the SCP. The Facility Operator must maintain a log of employee training and make the log available to the Development Services Director or Designee upon request. Copies of the SCP must be readily available for employee use in work areas in or near Regulated Substance storage areas.
- (4) Updating the SCP. A Facility Operator must review and amend the SCP as necessary every two (2) years and when any of the following occur:
 - A. There is a change in ownership or management at the Facility;
 - B. An out-of-service AST system lacking secondary containment comparable to that required in Subsection 1192.05(e) is returned to service; and/or
 - C. Changes, structural or otherwise, are made at the Facility that will affect the anticipated flow direction of any release from the storage area or unit (ex: regrading of property, paving, building additions).
- (5) Residential Spill Control. Any residence with a Regulated Substance storage unit required to have a Spill Control Plan shall receive information from the Development Services Director or Designee on how to respond to a release from the storage unit as those units are registered. This information shall be provided in an easy to follow format. The owner of the Regulated Substance storage unit must keep any information related to spill control readily available in the event of a release.

(Ord. 120-11. Passed 11-28-11.)

1192.06 UNDERGROUND STORAGE TANKS.

(a) Applicability.

- (1) This Section applies to any person currently owning and/or operating or intending to own and/or operate any underground storage tank (UST) with a capacity exceeding fifty-five (55) gallons when located within the one (1) or five (5) year time-of-travel zone (TOT), or with a capacity meeting or exceeding five hundred (500) gallons or more when located within the ten (10) year TOT.

(b) Exemptions.

- (1) The following USTs are exempt from regulation under this Section:
 - A. USTs containing de minimis quantities of a Regulated Substance.
A de minimis quantity is one (1) inch or less. Any claim that a UST contains de minimis quantities when storing more than one (1) inch of Regulated Substance shall be determined by the Development Services Director or Designee on a case-by-case basis. A Facility Operator must submit verification to the Development Services Director or Designee that the UST contains a de minimis quantity of a Regulated Substance when making any de minimis claim.

(c) Registration of UST Systems.

- (1) Registration. All UST systems subject to regulation under this Section must be registered in accordance with Subsection 1192.04 (d)(1) of this Chapter. Any Facility Operator required to annually register a UST system with the State Fire Marshal under OAC 1301:7-9-04 may provide a copy of that registration to the Development Services Director or Designee to satisfy this registration requirement.
- (2) Information. UST registration shall include, but is not limited to, information on the following:

- A. Facility name, address, and phone;
 - B. Facility Operator, address, and phone;
 - C. Number, size, construction, date of installation, and location of USTs;
 - D. Regulated Substances stored in the UST; and
 - E. Brief description of the type of monitoring equipment used for tanks.
- (3) New UST Registration. Any new UST system subject to regulation under this Section that is installed at a facility beginning operation after the effective date of this Chapter must be registered in accordance with Subsection 1192.04 (d)(1) no later than one hundred eighty (180) days after beginning operation.
- (4) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Section due to:
- A. Installation of an UST subject to regulation under this Section;
 - B. Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances; and/or
 - C. Changes in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) of this Chapter must be registered in accordance with Subsection 1192.04(d)(1) no later than one hundred eighty (180) days after becoming subject to regulation under this Section.
- (5) Amending Registrations. A Facility Operator must amend, or at the request of the Facility Operator, the Development Services Director or Designee must amend an existing UST registration no later than sixty (60) days after any:
- A. Replacement of an existing UST system;
 - B. Change in ownership or management of the Facility;
 - C. Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances;
 - D. Permanent abandonment and/or removal of a UST; and/or
 - E. Change in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) of this Chapter.
- A Facility Operator choosing to have their facility registration amended by the Development Services Director or Designee must contact the Development Services Director or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame.
- (6) Registration of Multiple Facilities. Any person owning and/or operating more than one Facility subject to regulation under this Section must register each regulated Facility separately in accordance with the provisions of this Section.
- (d) UST Installation Requirements.
- (1) BUSTR Sensitive Area USTs. All USTs subject to regulation under the BUSTR Sensitive Area regulations (OAC §1301:7-9-10) must be installed in accordance with those requirements when installed in the Source Water Protection Area.
- (2) Underground Storage Release Compensation Board. All petroleum UST systems subject to SWPA provisions must hold a current and valid certificate of coverage from the State of Ohio Petroleum Underground Storage Tank Release Compensation Board.
- (3) Heating Fuel USTs; Diesel Fuel USTs. Heating fuel and diesel fuel USTs subject to regulation under this Section must be must be vaulted in accordance with Subsection 1192.06 (d)(4) herein.
- (4) Other USTs. UST systems installed for permanent storage, use, or handling of Regulated Substances other than vehicles fuels, vehicle lubricants, and fuel for building and/or process heating must be vaulted in accordance with Subsection 1192.06 (d)(4) herein.
- (5) Vaulted USTs. Vaults must meet the criteria specified in OAC 1301:7-9- 10(C)(2)(a) and (c). The Facility Operator must inspect the vaulted UST at least once every thirty (30) days for visible signs of leaks, cracks, or other structural defects that may result in the release of the substance into the vault or surrounding soils.
- (6) Any UST system which, on the effective date of this Chapter,
- A. is being installed;
 - B. has received approval from the State Fire Marshal or Ohio EPA to be installed; or
 - C. is being reviewed by the State Fire Marshal or Ohio EPA for a permit to install is considered an existing UST system for the purposes of this Section.
- (e) Upgrading/Replacement of UST Systems.
- (1) For the purpose of this Section, replacement of an existing UST shall be considered installation of a new system and required to comply with any applicable federal, state, and local regulations for the installation of new USTs in addition to the provisions of this Section, unless specified otherwise.
- (f) Temporary Placement Out-of-Service, Temporary Closure, Abandonment, Removal, and Change in Service of UST Systems.
- (1) Compliance. Facility Operators must comply with all applicable federal, state, and local regulations for the temporary placement out of service, closure, abandonment, removal, or change in service of any UST system in addition to any requirements set forth in this Section.
- (2) Abandonment of UST Systems. No UST system located in the Source Water Protection Area may be abandoned in place unless approved by a certified fire safety inspector or the State Fire Marshal. The Facility Operator must copy the Development Services Director or Designee on any closure assessment and other information related to the closure and abandonment in place of the UST system as the information is submitted to the Bureau of Underground Storage Tank Regulations, the State Fire Marshal, or Ohio EPA.
- (g) Tank Tightness Testing.
- (1) Exemptions. The following USTs are exempt from the tank tightness testing provisions required by this Section:
- A. USTs regulated under and operated in compliance with the BUSTR Sensitive Area Requirements (OAC Chapter §1301:7-9-10);
 - B. USTs vaulted in accordance with Subsection 1192.06(d)(4); and

C. USTs with a capacity of less than five hundred (500) gallons used exclusively for holding diesel fuel and heating fuel oil grades no. 1 and 2 .

(2) Tightness Testing. Any UST not exempt under Subsection 1192.06 (g)(1) must be tested for tightness as follows:

A. Prior to the conveyance of real property by sale or otherwise on which an UST is located, the grantor shall have each UST located thereon tested for tightness in accordance with OAC Chapter 1301:7-9-07(E)(3) and (F)(2), provided no such UST shall be subject to testing more than three (3) times in the same ten (10) year period.

B. Where a conveyance of real property on which an UST is located has not occurred within any consecutive ten (10) year period, commencing from the effective date of this Chapter, the owner shall cause each UST located thereon to be tested for tightness in accordance with OAC Chapter 1301:7-9-07(E)(3) and (F)(2) within such period.

Testing results shall be submitted to the Development Services Director or Designee no later than thirty (30) days after completion of the test. A tightness test is not required if the UST will be removed in conjunction with sale of the property or where a test has been completed for a UST within one (1) year prior to sale or transfer of ownership of a property.

(3) Failure of a Tank Tightness Test. If a UST fails a tank tightness test, the Facility Operator must determine if a release has occurred. If a release is confirmed, the release must be reported and remediated in accordance with Subsection 1192.04 (g).

(Ord. 120-11. Passed 11-28-11.)

1192.07 MANAGEMENT OF OTHER POTENTIAL POLLUTION SOURCES.

(a) Land Application of Pesticides and Fertilizers.

(1) Applicability. This Section applies to the application of restricted use pesticides as identified by the United States Environmental Protection Agency at existing and new commercial, recreational, and agricultural facilities in the one (1) and five (5) year TOT.

(2) Registration of Restricted Use Pesticides. Facility Operators applying restricted use pesticides within the one (1) and five (5) year TOT in any quantity must register the application of those restricted use pesticides with the Development Services Director or Designee within one hundred eighty (180) days of the effective date of this Chapter and by March 1 of every second year thereafter. Any Facility Operator required to maintain records of restricted use pesticide application under any other federal, state, or local program may submit a copy of those records to the Development Services Director or Designee to satisfy this registration requirement. A Facility Operator may request that the registration be completed by the Development Services Director or Designee. A Facility Operator choosing to have their facility registered by the Development Services Director or Designee must contact the Development Services Director or Designee no less than ninety (90) days before a registration is due to ensure completion of the registration by the required due date.

(3) Registration Information. Registration will include, but is not necessarily limited to, general information on the facility and the application of restricted use pesticides at the facility.

(4) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Section due to:

A. Changes in the types of pesticides applied at a Facility from non- restricted to restricted use pesticides; and/or

B. Changes in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) must be registered in accordance with Subsection 1192.07(a)(2).

(b) Road Salt Storage.

(1) New Facilities. All road salt stored at new facilities in the one (1) year and (5) year TOT must be stored under a covered shelter on an impervious surface and capable of catching, diverting, and controlling storm water run- off. This requirement does not apply to salt prepackaged for consumer use.

(2) Registration. Any Facility in the one (1) year TOT storing road salt outdoors in quantities meeting or exceeding one thousand (1,000) pounds must be registered in accordance with Subsection 1192.04 (d)(1).

(c) On-Lot Sewage Systems.

(1) Registration. Any on-lot sewage system in the Source Water Protection Area used for the disposal of process waters other than sanitary wastes must be registered in accordance with Subsection 1192.04(d)(1). Any Facility Operator required to register such disposal to any other federal, state, or local authority may submit a copy of that registration to the Development Services Director or Designee to satisfy the registration requirements of this Subsection. The Development Services Director or Designee reserves the right to ask for additional information when deemed necessary.

(2) Cessation of On-Site Disposal. Any Facility Operator permanently ceasing disposal of process wastes on site through an on-lot sewage system must submit an amended facility registration no later than sixty (60) days of ending disposal in accordance with Subsection 1192.04 (d)(7).

(d) Commercial Junk and Salvage Yards.

(1) All commercial junk and salvage yards in the Source Water Protection Area must be registered in accordance with Subsection 1192.04(d)(1) and must comply with the following as applicable: Subsection 1192.04(f) (Facility Closure); Subsection 1192.04(g) (Release Notification); and Subsection 1192.05(b) (General Container and Regulated Substance Handling Requirements).

(2) Fluid Management. Scrap vehicles or other units brought into a commercial junk yard located within the Source Water Protection Area must have all fluids removed in accordance with current federal, state, and local regulations before on-site crushing and/or storage of the vehicle or unit. All Regulated Substances removed from a vehicle or other unit must be handled and stored in accordance with current federal, state, and local regulations in addition to the provisions of this Chapter as required.

(e) Dry Wells.

- (1) Registration of New Dry Wells. The Development Services Director or Designee must be notified of the installation of any new dry well within the Source Water Protection Area no later than sixty (60) days after installation of the new dry well. Notification shall be provided on a standard form supplied by the Development Services Director or Designee at the request of the registrant. The registration shall include information including, but not limited to, the location and design of the new dry well(s). One registration form may be submitted for the installation of multiple dry wells with the same design at a site.
- (2) Use of Existing Registration Information. Any municipality or Facility Operator required to register or report a dry well or dry well system to any other federal, state, or local authority may submit a copy of that registration or report to the Development Services Director or Designee to satisfy the registration requirements of this Section. The Development Services Director or Designee reserves the right to request additional information when deemed necessary.
- (3) Inspection and Maintenance Schedule. Any municipality, developer, or facility using dry wells for storm water management in the one (1) and five (5) year TOT must develop and implement a schedule for the regular inspection and maintenance of those dry wells. All new dry wells shall have limited, controlled access, and be posted with signage indicating: "No dumping, drains to drinking water aquifer" as defined in this chapter.

(f) Landfills.

- (1) Registration. All commercial landfills in the Source Water Protection Area must be registered in accordance with Subsection 1192.04(d)(1). Any releases meeting criteria specified in Subsection 1192.04(g)(1), or any release to groundwater detected through a groundwater monitoring network associated with the site, must be reported to Development Services Director or Designee in accordance with Subsection 1192.04(g). The Development Services Director or Designee shall make all reasonable effort to register former unlicensed landfills in addition to commercial landfills or open dumpsites.

(g) Wells or Boreholes.

- (1) Applicability. This Section applies to any existing or new well or borehole in a SWPA used for the production of groundwater that does not require plan approval by the Ohio EPA. This includes any well or borehole used for producing water not intended for human consumption.
- (2) Installation and Maintenance. Any well or borehole subject to regulation under this Section installed after the effective date of this chapter must be installed in accordance with Chapter 3745-9-05 of the Ohio Administrative Code. All new wells and boreholes must be registered by the well or borehole owner with the Development Services Director or Designee no later than fifteen (15) days prior to installation of the well or borehole. All new wells or boreholes must be installed by a State-recognized well driller. All new wells or boreholes must be installed in accordance with the State of Ohio Technical Guidance for Well Construction and Ground Water Protection.
- (3) Abandonment of Wells or Boreholes. All wells or boreholes which are not maintained for production, standby, or observation purposes are to be permanently sealed according to the State of Ohio Technical Guidance Manual for Sealing Abandoned and Unsealed Wells or Boreholes developed by the State Coordinating Committee on Ground Water. The Facility Operator must notify the Development Services Director or Designee no later than fifteen (15) days prior to abandonment of the well or borehole and all paperwork associated with the well or borehole abandonment process must be filed with the Ohio Department of Natural Resources and the City of Fairfield Building and Zoning Division.
- (4) Geothermal Wells or Boreholes. Any geothermal well or borehole installed in any SWPA must do so in accordance with the State of Ohio Technical Guidance for Installation of Geothermal Wells.

(h) Fill Operations. All fill operations shall use clean, hard fill materials and shall be approved by the administering authority prior to the commencement of fill activities.

- (1) Fill dirt shall not contain fly ash, sewage, sludge, asphalt, shingles, construction debris or any other material prohibited by any local, state or federal regulation.
- (2) All fill operations must comply with local, state, and federal law including, but not limited to, ORC Chapter 3714, and OAC Chapter 3745. In accordance with OAC Chapter 3745-400-05, a written notice of "intent to fill" shall be filed with the City of Fairfield as required by this rule and shall also be filed with the administering authority. Such notice is required to be filed seven days prior to the commencement of fill operations.
- (3) All fill sites shall have limited, controlled access, and be posted with signage indicating: "Source Water Protection Area. Fines will be imposed for illegal dumping of fill materials. No asphalt, shingles, construction debris, or any other prohibited material." The site must be secured during unauthorized times with emergency contact information posted.
- (4) Any violation of this section shall be subject to the penalty provisions of Section 1192.08.

(Ord. 120-11. Passed 11-28-11.)

1192.08 VIOLATION, PENALTY, AND ADMINISTRATIVE REMEDIES.

(a) Violations and Penalties.

- (1) No person shall knowingly submit false or inaccurate information to the Development Services Director or Designee or City of Fairfield, or violate, disobey, omit, neglect, or refuse to comply with any provision of this Chapter or order issued pursuant to this Chapter. Any person doing so shall be subject to penalty under Section 1135.99 of these Codified Ordinances.

(Ord. 120-11. Passed 11-28-11.)

1192.09 VARIANCE AND APPEALS UNDER THE WELLHEAD PROTECTION PROGRAM.

(a) Appeal.

- (1) Any person aggrieved by any order issued by the Development Services Director or Designee under the provisions of this Chapter may appeal such decision to the City of Fairfield Board of Zoning Appeals in accordance with established filing procedures.
- (2) Source Water Protection Appeals Advisory Board Established. The member communities of the Hamilton to New Baltimore Groundwater Consortium and their surrounding jurisdictions have established a Source Water Protection Appeals Advisory Board (SWPAAB) for the technical review of any variance or appeals request submitted under the Source Water Protection Program. The SWPAAB shall consist of representatives from communities in the Hamilton to New Baltimore area as selected by City Council or other designated authority for that community. The SWPAAB shall operate in accordance with the bylaws developed by and for the group.
- (3) SWPAAB Review. Before action on any variance or appeal under this Chapter by the City of Fairfield Board of Zoning Appeals, the SWPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The SWPAAB shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, they may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The SWPAAB shall have thirty (30) days from receiving a variance or appeals request to make a recommendation to the Board of Zoning Appeals. This thirty (30) days period shall be inclusive within, not in addition to, the allowed time frame for review by the Board of Zoning Appeals. (Ord. 120-11. Passed 11-28-11.)

1192.10 REGULATED SUBSTANCES LIST

(a) Regulated Substance List.

- (1) The substances to be regulated ("Regulated Substances") are those chemicals, mixtures, and other substances, or components thereof, that are known or suspected (as classified by EPA standards) carcinogens, toxic or highly toxic agents, corrosives, or which otherwise have been determined to be a health hazard or require monitoring as a primary or secondary contaminant under the Safe Drinking Water Act of 1986 (Public Law 93- 523), as amended. These substances shall be regulated when the concentration of Regulated Substances stored or otherwise used on site meets or exceeds those quantities specified in Subsection 1192.10(a)(2). Regulated Substances include:
 - A. Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products;
 - B. Antifreeze, transmission fluids, brake fluids, and coolants;
 - C. Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents;
 - D. Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning;
 - E. Organic pigments;
 - F. Liquid storage batteries;
 - G. Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters;
 - H. Corrosion and rust prevention solutions;
 - I. Industrial and commercial cleaning supplies, including drain cleaners;
 - J. Sanitizers, disinfectants, bactericides, and algacides;
 - K. Pesticides, herbicides, and fertilizers;
 - L. Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5;
 - M. Aqueous metals;
 - N. Road salt (only when stored in the 1 and 5 year TOT);
 - O. Or any other material containing one percent (1%) or more by weight of a hazardous raw or waste product that is regulated: as an Extremely Hazardous Substance under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (OAC Chapter 3750-20); as a Hazardous Substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (OAC Chapter 3750-30); or as a Toxic Chemical regulated under Section 313 of EPCRA (OAC 3745-100).
- (2) A substance listed above may be exempted from regulation under this Chapter if the Regulated Substance does not present a threat to groundwater due to the nature of the substance, and the Facility Operator claiming this exemption for a specific Regulated Substance shows the Development Services Director or Designee proper documentation from the chemical manufacturer or other qualified, verifiable source that the Regulated Substance does not present a threat to groundwater.
- (3) Chemicals which are regulated by SWDA, TSCA, RCRA, OSHA, CERCLA, SARA, FIFRA or other State and/or Federal Environmental Laws and Regulations, or for which there is scientific evidence such as the contaminant candidate list (CCL) under the USEPA that indicate acute or chronic health effects can result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, teratogens, endocrine disruptors, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes;
- (4) Baseline Quantity Thresholds. Substances listed in Subsection 1192.10(a)(1) shall be considered regulated when, at any time of the year, the concentration of Regulated Substances Stored or used at a facility meets or exceeds the lesser of the following quantities:
 - A. When located within the one (1) and five (5) year TOT, in amounts exceeding fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
 - B. When located within the ten (10) year TOT, in amounts meeting or exceeding one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights when stored aboveground, or

five hundred (500) gallons aggregate for liquid materials when stored in an underground storage tank.

- (5) Regulated Substances for Consumer Purchase. Storage of Regulated Substances packaged as consumer products in original containers for consumer purchase shall be regulated under this Chapter only when storage meets or exceeds five (500) hundred gallons aggregate for liquid materials or four thousand (4,000) pounds aggregate for dry weights, whichever is less, in the one (1) and five (5) year TOT, or one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights, whichever is less, in the ten (10) year TOT. (Ord. 120- 11. Passed 11-28-11.)

CHAPTER 1193

Swimming Pools

- 1193.01 Defined.
- 1193.02 Exclusive private use in an A or R District.
- 1193.03 Distance requirements.
- 1193.04 Fencing.
- 1193.05 Drainage.
- 1193.06 Lighting.
- 1193.07 Permit required.
- 1193.08 Farm pond or stock tank.

CROSS REFERENCES

Swimming pools - see OAC Ch. 3701-31

1193.01 DEFINED.

(a) A swimming pool, as regulated herein, shall be any pool, lake or open tank, excluding farm ponds, stock tanks and retention basins for the control of storm water runoff, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool shall be constructed or operated in any district whether as an accessory use or as principal use, unless it complies with the following conditions and requirements.

(b) Any swimming pool in any district may not be located within less than 200 feet of any other lot in an A or R District, and shall meet the requirements of Sections 1193.04 to 1193.07. (Ord. 94-84. Passed 7-9-84.)

1193.02 EXCLUSIVE PRIVATE USE IN AN A OR R DISTRICT.

If located in any A or R District, the pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests, or for the enjoyment of bona fide members of a club and their guests. (Ord. 94-84. Passed 7-9-84.)

1193.03 DISTANCE REQUIREMENTS.

The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten feet to any property line of the property on which located; and provided that pump and filter installations shall not be located closer than twenty feet to any such property line.

(Ord. 94-84. Passed 7-9-84.)

1193.04 FENCING.

The swimming pool, or the entire property on which it is located, shall be so walled or fenced a minimum of forty-eight inches high, so as to prevent uncontrolled access by children from the street or from adjacent properties.

(Ord. 94-84. Passed 7-9-84.)

1193.05 DRAINAGE.

Adequate provision for drainage shall be made subject to approval by the City Engineer or Director of Public Utilities. (Ord. 94-84. Passed 7-9-84.)

1193.06 LIGHTING.

Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties. (Ord. 94-84. Passed 7-9-84.)

1193.07 PERMIT REQUIRED.

No person, firm or corporation shall construct or install a swimming pool or make any alteration thereon or in the appurtenances thereof without having first obtained a Zoning Certificate for such construction, installation, or alteration.

(Ord. 94-84. Passed 7-9-84.)

1193.08 FARM POND OR STOCK TANK.

For the purpose of this chapter, a pond or stock tank shall not be considered to be a swimming pool. However, if such an installation is used for commercial recreational purposes, then it shall be classified as a swimming pool and the above regulations shall apply. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1194

Airport Zoning

- 1194.01 Purpose.
- 1194.02 Definitions.
- 1194.03 Interpretation.
- 1194.04 Separability.
- 1194.05 Adoption.
- 1194.06 Airport Zoning Districts.
- 1194.07 Zoning Map.
- 1194.08 Non-conforming uses.
- 1194.09 Amendments.
- 1194.10 Appeals.
- 1194.11 Administration.

CROSS REFERENCES

Construction in City; approval - see P. & Z. [1143.04](#)

1194.01 PURPOSE.

(a) It is the purpose of this Chapter to regulate land uses within the airport safety area of the Butler County Regional Airport in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of policies and recommendations of the Hamilton, Fairfield and Butler County comprehensive plan, the airport master plan, the OKI Managing Mobility: Year 2010 Regional Transportation Plan and the State of Ohio's multi-modal transportation plan. Accordingly, it is declared that:

- (1) The creation or establishment of non-compatible land uses which have the potential to reduce the area available for taking off, maneuvering, and landing of aircraft, thus, tending to impair or destroy the utility of the airport, and the public investment therein, is a public nuisance and an injury to the region served by the Butler County Regional Airport.
- (2) Certain other land uses in the vicinity of the airport also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident; therefore, it is necessary in the interest of the public health, public safety, and general welfare that the incompatible use of land within certain airport zones be prevented, and
- (3) The prevention of these incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power.

(Ord. 169-00. Passed 11-13-00.)

1194.02 DEFINITIONS.

(a) The following definitions shall apply in the interpretation of this Chapter:

- (1) "Airport" means any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes.
- (2) "Airport Hazard" means any use of land within an airport safety area which obstructs the air space required for flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such air navigation.
- (3) "Airport Safety Area" means any area of land adjacent to an airport which includes any of the following zones:
 - A. Primary Surface- for Runway 11 -29 is a 1000 feet wide surface, longitudinally centered on the runway, extending 200 feet beyond each usable end of the runway. The elevation of the primary surface is the same as the nearest point on the runway centerline.
 - B. Approach Surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The surface dimensions are based on the type of approach available, and include the following three sections:

APPROACH SURFACE PROTECTION FOR RUNWAY APPROACH END 29

1. Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 50:1 having a horizontal distance of 2500 feet, an inner width of 1000 feet and an outer width of 1750 feet.
2. Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 50:1 having a horizontal distance of 5650 feet having an outer width of 3445 feet.
3. Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 50:1 having a horizontal distance of 1850 feet and an outer width of 400 feet with an additional horizontal distance of 40,000 feet at a slope of 40: 1 and an outer width of 16,000 feet.

FOR RUNWAY APPROACH END 11

1. Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 34:1 having a horizontal distance of 1700 feet, an inner width of 1000 feet and an outer width of 1425 feet.

2. Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 34:1 having a horizontal distance of 3400 feet and an outer width of 2275 feet.
 3. Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 34:1 having a horizontal distance of 4900 feet and an outer width of 3500 feet.
 - C. "Transitional Surface" means - Surfaces extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1, from the sides of the primary surface and from the sides of the approach surfaces. This surface is divided into the following three sections:
 1. Inner-transitional - that part of the transitional surface beginning at the edge of the primary surface and extending outward and upward to a horizontal distance of 350 feet.
 2. Middle-transitional - that part of the transitional surface beginning at the outer edge of the inner-transitional area and extending outward and upward to the horizontal surface.
 3. Outer transitional - that part of the transitional surface for runway 29 which projects through and beyond the limits of the conical surface and extends a distance of 5000 feet measured horizontally from the edge of the approach surface.
 - D. Horizontal Surface - a horizontal plane located at an elevation of 783 feet Mean Sea Level, the perimeter of which is constructed by swinging an arc having a horizontal radius of 10,000 feet from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
 - E. Conical Surface - a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4000 feet.
- (4) "Building Restriction Line" means a line defining the limits at which suitable buildings may be constructed at or surrounding the airport. The building restriction line encompasses the runway protection zone, the primary surface and the inner transitional surfaces. On or surrounding airport land a building restriction line has been defined beginning at the primary surface and extending outward to a horizontal distance of 250 feet except where this line intersects with a radius extending 500 feet from the center of the Automated Surface Observation System Combined Sensor Group, in which case the building restriction line shall include that radius for all buildings. Additionally, all vegetation located within the building restriction line shall be limited to ten (10) feet unless the vegetation falls within the limits of other defined criteria located within this zoning ordinance in which case the lesser of the height limits shall prevail.
 - (5) "Airport Zoning Board" means the legislative authority of the political subdivisions, inside which territorial limits the airport safety area is located, which adopts, administers, and enforces the airport zoning regulation. The Board of County Commissioners of Butler County is the Airport Zoning Board, as the airport safety area is located within the political subdivisions of Butler County, City of Hamilton, City of Fairfield, West Chester Township, Fairfield Township, St. Clair Township, and Liberty Township.
 - (6) "Airport Zoning Board of Appeals" means that the body appointed by the airport zoning board for the purpose of hearing and deciding appeals from any order, requirement, decision, or determination made by the Governing Jurisdiction in the enforcement of the airport zoning regulations, hearing and allowing, refusing, or allowing with modification or condition, any variance from the term of the airport zoning regulation, and affirming, reversing, or modifying any order, requirement, decision, or determination of the airport zoning board. That five (5) member body shall be appointed by the Airport Zoning Board and shall include one (1) member from each of the following: City of Hamilton, City of Fairfield, Fairfield Township, and West Chester Township, the fifth member shall be appointed alternatively from St. Clair Township and Liberty Township. The members of the Zoning Board of Appeals shall serve for terms of three (3) years, subject to removal as set for in Section 4563.313 of the Ohio Revised Code. The first members of the board shall be so designated that two shall serve one year, two shall serve two years, and one shall serve three years.
 - (7) "Airport Zoning Commission" means that body appointed by the airport zoning board to recommend the boundaries of the various zones and the uses permitted herein. That body shall include the Butler County Planning Commission members, a representative from the City of Hamilton, and a representative from the City of Fairfield.
 - (8) "Blanket Approval" means approval by the FAA, given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined area(s). The waiver of FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued.
 - (9) "FAA" means the Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
 - (10) "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
 - (11) "Feed Lot" means an area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities - the number of animals per unit of land at a particular time exceed six cattle per acre.
 - (12) "Fish Processing" means a factory or other place where fish are prepared for canning, or other commercial uses.
 - (13) "Landfill" means a place where waste material is disposed by the process of reclaiming areas of the ground.
 - (14) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
 - (15) "Political Subdivision" means any municipal corporation, township, or county.
 - (16) "Pond" means a small, natural, or man made body of standing fresh water filling a surface depression, usually smaller than a lake, where the detention of water takes place.
 - (17) "Sewage Pond" means a shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater.
 - (18) "Slaughter House" means a building or place where animals are butchered for food.

- (19) "Sludge Disposal" means the collection and removal of the concentration of solids removed from sewage during wastewater treatment in conjunction with the use of a spread area.
 - (20) "Transfer Station" means any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted.
 - (21) "Water Fowl Production" means any activity or plan which promotes and/or aides the reproduction or breeding of water fowl species.
 - (22) "Water Reservoir" means a multipurpose project which may generate hydro-electric power, controls floods, provides recreational benefits and supplies water.
 - (23) "Wildlife Sanctuary" means an area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes.
- (Ord. 169-00. Passed 11-13-00.)

1194.03 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. In the event of conflict between the requirements of this Chapter and any other requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions applicable to the same area, the most restrictive limitations or requirements best calculated to insure safety, or that imposing higher standards, shall govern.

(Ord. 169-00. Passed 11-13-00.)

1194.04 SEPARABILITY.

Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 169-00. Passed 11-13-00.)

1194.05 ADOPTION.

The Board of County Commissioners of Butler County, State of Ohio, acting as the Airport Zoning Board of the Butler County Regional Airport, the City of Hamilton, and the City of Fairfield, has adopted the provisions set forth in this Chapter, specifying permitted land uses within each zone of the Airport Safety Area.

(Ord. 169-00. Passed 11-13-00.)

1194.06 AIRPORT ZONING DISTRICTS.

(a) The following Airport Zoning Districts are hereby established for the Butler County Regional Airport Overlay Zoning, and shall be governed by the accompanying regulations.

(1) Airport Zoning District One (AZD-1).

- A. AZD -1 encompasses land lying within the runway primary surface.
- B. Permitted uses within AZD-1 include open space and permitted airport uses.

(2) Airport Zoning District Two (AZD-2).

- A. AZD-2 encompasses land underlying the inner approach, the middle approach and the inner transitional surface.
- B. Permitted uses within AZD-2 include open space, agriculture and airport related uses, and those uses permitted by the local zoning of jurisdiction, unless prohibited herein.
- C. Those uses specifically prohibited include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, waterfowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction.
- D. Those uses specifically prohibited from the "Approach Surface" area in AZD-2 include those uses in subsection (a)(2)C., residential uses, nursing care facilities, hospitals, and schools.

(3) Airport Zoning District Three (AZD-3).

- A. AZD-3 encompasses land underlying the outer approach surface and the middle transitional surface.
- B. Permitted uses within AZD-3 include open space, agriculture, airport related uses, and those uses permitted by the local zoning of jurisdiction, unless prohibited herein.
- C. Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, waterfowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and or upgrading of the facility.
- D. Residential development occurring within the "Approach Surface" or "Transitional Surface" in AZD-3 shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Butler County Regional Airport." Platted subdivisions shall include this note on the final plat.

(4) Airport Zoning District Four (AZD-4).

- A. AZD-4 encompasses land underlying the horizontal surface, conical surface, and the outer transitional surface.
- B. Permitted uses within AZD-4 include open space, agricultural, airport related uses, and those uses permitted by the local zoning of jurisdiction unless prohibited herein.
- C. Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter

houses, waterfowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and or upgrading of the facility

- D. Residential development occurring within the "Approach Surface" area of AZD-4 extending from the AZD-3 "Approach Surface" to the outer limits of the approach surface, or to the "Outer Marker", whichever is greater, shall include deed covenants and restrictions notifying the occupants they will reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Butler County Regional Airport." Platted subdivisions shall include this note on the final plat.

(b) Notwithstanding any other provision of this Chapter, no use may be made of land within any zone established by this section in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or to otherwise endanger the landing, taking off, or maneuvering of aircraft.

(c) Notwithstanding any other provision of this Chapter, no use may be made of and no installation may be placed on land within any airport zone that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the airport. Notwithstanding any other provisions of this section, no use may be made of and no installation may be placed on land within any airport zone for rifle ranges, public or private, or private aircraft landing fields, which would interfere with the safe use by aircraft of the airport. (Ord. 169-00. Passed 11-13-00.)

1194.07 ZONING MAP.

(a) The districts established in Section 1194.06 are shown on an official map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Chapter and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing. This map shall remain on file in the Planning/Zoning Office of the City of Fairfield, City of Hamilton, Fairfield Township, Liberty Township, St. Clair Township, West Chester Township and Butler County.

(b) The Zoning Map indicates the maximum elevations for buildings and structures within each district. The height of any building, structure or aperture shall not exceed the elevations indicated on the map except as provided by a "Blanket Approval" from the FAA and described in Section 1194.11.

(Ord. 169-00. Passed 11-13-00.)

1194.08 NON-CONFORMING USES.

Where, at that time of adoption of this Chapter, lawful uses of land exist which would not be permitted by the regulations imposed herein, the uses may be continued so long as they remain otherwise lawful, provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this Chapter;
- (b) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such used at the lot or parcel other than that occupied by such used at the effective date of adoption of this Chapter;
- (c) If any such non conforming uses of land are discontinued or abandoned for more than to (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located, and the nonconforming use may not thereafter be resumed.
- (d) No additional use not conforming to the requirements of this Chapter shall be commenced in connection with such nonconforming use of land.

(Ord. 169-00. Passed 11-13-00.)

1194.09 AMENDMENTS.

The Board of County Commissioners of Butler County, State of Ohio, at the recommendation of the Airport Zoning Commission, Airport Zoning Board of Appeals, or the Office of Aviation, may amend or change the provisions of this Chapter after a public hearing in relation thereto, at which all parties in interest and citizens shall have the opportunity to be heard. At least thirty (30) days notice of the hearing shall be published in a newspaper of general circulation in the political subdivision in which the Airport Safety Area to be zoned is located.

(Ord. 169-00. Passed 11-13-00.)

1194.10 APPEALS.

(a) Any person desiring to use property in any manner in conflict with the provisions set forth in this Chapter may apply to the Airport Zoning Board of Appeals for a variance from the zoning regulations in question. The Board of Appeals may subject any variance to any reasonable conditions that they deem necessary.

(b) Any person aggrieved by any decision of the Governing Jurisdiction made in its administration of the provisions set forth in this Chapter may appeal to the Airport Zoning Board of Appeals authorized to hear and decide appeals from the decisions of such administrative agency, as follows:

- (1) All appeals shall be filed with the Butler County Department of Development within twenty (20) days after receiving written refusal of Zoning Certificate from the Airport Zoning Inspector, and shall specify the grounds of such appeal. Subsequently, after an appeal is filed with the Butler County Development Director and with the Airport Zoning Board of Appeals, the Development Department shall transmit to the Airport Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (2) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Butler County Development Department certifies to the Airport Zoning Board of Appeals that a stay would cause imminent peril to life or property.

(3) The Airport Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time.

(4) The Airport Zoning Board of Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from.

(c) Any person aggrieved, or any taxpayer, or any legislative authority, or any Airport Zoning Board affected by any order of the Airport Zoning Board of Appeals may appeal within thirty (30) days to the court of common pleas of Butler County, and upon appeal thereof a trial de novo shall be had.

(Ord. 169-00. Passed 11-13-00.)

1194.11 ADMINISTRATION.

(a) Steps to Modify Land. Any parcel of land located within any of the aforementioned "Airport Zoning Districts" is subject to the administration and policies set herein with. Any persons or person seeking to modify in any way the land within the aforementioned zones shall comply with the following steps:

(1) Any person or persons who seeks to modify in any way, any parcel of land or the use of any parcel of land, except for owner transfers and or lot line reorganization, must first apply for a zoning certificate from the local zoning jurisdiction. (City of Hamilton, City of Fairfield, Fairfield Township, Liberty Township, West Chester Township, St. Clair Township, Butler County).

(2) Concurrent to local zoning certificate application, FAA Form 7460-1 (5- 94) must be submitted to the Ohio Department of Transportation, Office of Aviation, thirty (30) days prior to construction. The application must include two (2) copies of FAA Form 7460- 1 and two (2) copies of a 7.5 minute quadrangle topographic map with "X" marking the proposed modification site. The originals must be sent to the FAA Great Lakes Region. This shall apply to all construction on property within the airport zoning districts except for property within "Blanket Approval" area determined by the FAA. Towers or facilities which would transmit signals via a device regulated by the FCC or FAA still require specific ODOT and FAA approval regardless of "Blanket Approval" status.

(3) Once approval of FAA Form 7460-1 (5-94) is granted, the applicants must apply to the appropriate building departments through the procedures outlined herein.

(4) After approval by the local zoning jurisdictions, building permits shall be issued by the Governing Jurisdiction only after approval of FAA Form 7460-1 (5-94).

(b) Enforcement by Zoning Inspector. The City of Hamilton, City of Fairfield, and Butler County are hereby designated as the Airport Zoning Inspectors and are authorized to enforce this Chapter in accordance with its terms.

(c) Filing Plans. Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale, in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; and, when no buildings or structures are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighborhood lots as may be necessary to determine applicable standards and provide for the enforcement of this Chapter. One copy of such plans shall be returned to the owner when such plans have been approved by the Airport Zoning Inspector, together with such Zoning Certificate as may be granted.

(d) Zoning Certificate.

(1) It shall be unlawful for any owner, lessee, or tenant to begin any excavation, or the construction, reconstruction, extension, conversion, or structural alteration of any building or structure, or any part thereof, without first obtaining a Zoning Certificate from the Airport Zoning Inspectors.

(2) The Zoning Inspectors shall act upon an application for a Zoning Certificate within five (5) business days after the application is filed in compliance with this Chapter. The Inspector shall either issue a Zoning Certificate within those five (5) days or shall notify the applicant in writing of his refusal to issue a certificate and the reasons therefor.

(e) Power of Zoning Board to Enforce. The Butler County Regional Airport Zoning Board may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Chapter. The courts shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of the regulations adopted through this Chapter and orders and rulings made pursuant thereto.

(Ord. 169-00. Passed 11-13-00.)

CHAPTER 1195

Extraction of Minerals

1195.01 Procedure.

1195.02 General requirements.

1195.03 Rehabilitation.

CROSS REFERENCES

Excavation liability - see Ohio R.C. 723.49 et seq.

1195.01 PROCEDURE.

Any other provision of this Zoning Ordinance notwithstanding, the extraction of minerals by deep mining methods, strip mining or other mining methods is prohibited, except by specific approval of Council by ordinance in accordance with the provisions of this chapter. Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any A or M District may file with

the Clerk of Council an application in conjunction with presentation of a valid petition in accordance with Section 1139.02 of the Zoning Ordinance for authorization to mine minerals therefrom.

(a) Application. An application for such operation shall be submitted with presentation of a valid petition in accordance with Section 1139.02 setting forth the following information:

- (1) The name of the owner or owners of land from which removal is to be made;
- (2) The name of the applicant making request for such a permit;
- (3) The name of the person or corporation conducting the actual removal operation;
- (4) The location, description and size of the area from which the removal is to be made;
- (5) The location of the processing plant used;
- (6) The type of resources or materials to be removed;
- (7) The proposed method of removal and whether or not blasting or other use of explosives shall be required;
- (8) A description of equipment to be used; and
- (9) The method of rehabilitation and reclamation of the mined area.

(b) Public Hearing. Upon receipt of such petition, the Clerk of Council shall bring such application to the attention of Council, which shall refer the application to the Planning Commission for recommendation under and in accordance with Chapter 1139. (Ord. 18-85. Passed 2-25-85.)

1195.02 GENERAL REQUIREMENTS.

Structures and equipment, their use and operation shall comply with all requirements of the district in which such property is located and with the following additional requirements:

- (a) Distance from Property Line. No quarrying operation shall be carried on or any stock pile placed closer than fifty feet to any property line, unless a greater distance is specified by Council where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five feet by written consent of the owner or owners of all the abutting property.
- (b) Distance from Public Right of Way. In the event that the site of the mining or quarrying operation is adjacent to the right of way of any public street or road, no part of such operation shall take place closer than fifty feet to the nearest line of such right of way.
- (c) Fencing. Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of Council, such fencing is necessary for the protection of the public safety. The fencing shall be of a type specified by Council.
- (d) Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Engineer.
- (e) Processing. The crushing, washing and refining or other similar processing may be authorized by Council as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located and shall not be located within 200 feet of any boundary of the site.

(Ord. 94-84. Passed 7-9-84.)

1195.03 REHABILITATION.

To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided shall furnish a reclamation plan and performance bond running to the City, in an amount to be fixed by Council after recommendation by the City Engineer.

- (a) Surface Rehabilitation. All excavation shall be made either to a water producing depth, such depth to be not less than five feet below water mark, or shall be graded or backfilled with nonnoxious, noninflammable and noncombustible solids, to secure that the excavated area shall not collect and permit to remain therein, stagnant water; or that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that shall minimize erosion due to rainfall and which shall be in substantial conformity to the adjoining land area.
- (b) Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged under water as hereinabove provided.
- (c) Banks of Excavation not Backfilled. The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three feet horizontal to one foot vertical and such bank shall be seeded.
- (d) Additional Requirements. In addition to the foregoing, Council may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as Council may deem necessary for the protection of adjacent properties and the public interest. Such conditions and the amount of the performance bond shall be determined by the City Engineer prior to approval of the permit by Council. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1196

Excavating and Filling of Land

- 1196.01 Purpose.
- 1196.02 Definitions.
- 1196.03 Issuance of permits and exemptions.
- 1196.04 Correction of hazardous conditions.
- 1196.05 Evaluation criteria.
- 1196.06 Plans and specifications.
- 1196.07 Supervision by registered professional engineer, architect or surveyor.
- 1196.08 Waiver or modification of submission of plans and specifications.
- 1196.09 Subdivisions.

- 1196.10 Prohibitions of certain excavations, fills or grades.
- 1196.11 Setbacks of tops and toes.
- 1196.12 Protection against erosion.
- 1196.13 Relocation and protection of utilities.
- 1196.14 Requirement of bond.
- 1196.15 Schedule of fees.
- 1196.16 Expiration of permit.
- 1196.17 Notification by permit holder.
- 1196.18 Suspension of operations by City Engineer.
- 1196.19 Liability of City.
- 1196.20 Issuance of building permit.
- 1196.21 Appeals.
- 1196.22 Sanitary landfills.
- 1196.99 Penalty.

CROSS REFERENCES

Openings by City - see Ohio R.C. 723.02
 Liability for damages - see Ohio R.C. 723.49 et seq.
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
 Barricades and warning lights - see GEN. OFF. 521.03
 Extraction of minerals - see P. & Z. Ch. 1195

1196.01 PURPOSE.

The purpose of this chapter is to safeguard life, limb, property and the public welfare, and the preservation of the natural environment and the stability of hillsides by regulating excavating and filling of land. (Ord. 94-84. Passed 7-9-84.)

1196.02 DEFINITIONS.

For the purpose of this chapter, the words and phrases defined herein shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

- (a) "Architect" means an architect registered in the State to practice in the field of architecture.
- (b) "Borrow" means earth material acquired from an off-site location for use in grading on a site.
- (c) "City Engineer" means the City Engineer of Fairfield, Ohio.
- (d) "Earth material" means any rock, fill, material or natural soil and/or combination thereof.
- (e) "Engineering geologist" means a full member in good standing of the Association of Engineering Geologists or the American Institute of Professional Geologists.
- (f) "Erosion" means the wearing away of the land surface by the action of wind, water, gravity or other natural process.
- (g) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and includes the conditions resulting therefrom.
- (h) "Fill."
- (1) "Fill" means any act by which earth, sand, gravel, rock or any other non-hazardous material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and includes the conditions resulting therefrom.
- (2) "Fill" means the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
- (i) "Fill material" means earth material and/or non-metallic, non-decomposable material placed in a manner as approved in Section 1196.05.
- (j) "Hazardous material" means any substance or mixture of substances which is toxic, corrosive, or irritant, strong sensitizer, flammable, or which generates pressure through decomposition, heat or other means, if such substance may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use.
- (k) "Natural terrain" means existing ground prior to any excavation or filling.
- (l) "Registered professional engineer" means an engineer registered in the State to practice in the field of engineering.
- (m) "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- (n) "Sediment" means solid material both mineral and organic, that is in suspension, is being transported or has been moved from its original site of origin by air, water, or gravity as a product of erosion.
- (o) "Soil engineer" means a registered professional engineer experienced and knowledgeable in the practice of soil engineering.
- (p) "Soil engineering" means the application of the principles of soil mechanics in the investigation, testing, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
- (q) "Soil scientist" means a full member in good standing of the Soil Science Society of America and who has special knowledge and training in the physical, chemical and biological sciences applicable to soils.
- (r) "Site" means any lot or parcel of land or contiguous combination thereof, upon which excavation and/or filling is or will be performed.
- (s) "Surveyor" means any individual licensed to practice surveying in the State.
- (t) "Utilities" means any sanitary sewer, storm sewer, or water services as provided and maintained by the City.
- (u) "Waste area" means an area approved by the engineer for the disposal of waste material and restricted from the building of any structure and delineated by the requirements of Section 1196.06.
- (v) "Waste material" means any material that is not approved "fill material" but approved for disposal in an approved waste area site by the City Engineer.

(Ord. 94-84. Passed 7-9-84.)

1196.03 ISSUANCE OF PERMITS AND EXEMPTIONS.

(a) No person, the owner of any property or in possession or control of any property shall cause, permit or allow any excavating or filling to be done on such property unless a permit has been issued by the City Engineer for such excavating or filling except that no permit shall be required for:

- (1) Normal agricultural operations and normal residential landscaping and fence installation which does not interfere with planned drainage swales or which does not create conditions defined in Section 1196.04.
- (2) Normal cemetery operations of opening or closing graves.
- (3) Public work performed by or under control of the City Engineer, except for excavating or filling performed outside the project work limits.
- (4) Exploratory excavations under the direction of a registered professional engineer, soil engineer, engineering geologist, soil scientist, surveyor when operating within the practice of surveying, or architect where incidental to the practice of architecture. Exploratory excavations by a contractor or builder are permitted provided they are not made in a slope steeper than five horizontal to one vertical and are promptly and properly filled.
- (5) Temporary excavations for wells, tanks, vaults, tunnels, sign foundations and trenches for utilities.
- (6) Subject to the provisions of Section 1196.11, any excavation for a basement and footings of a building authorized by a valid building permit, provided the excavation does not exceed ten feet in vertical depth at its deepest point or 500 cubic yards per each 5,000 square feet of site area, whichever is the more restrictive and is made in existing terrain with a slope flatter than five horizontal to one vertical, and subsequent filling with this excavated material on the same site, provided the fill does not exceed five feet in vertical depth at its deepest point or 500 cubic yards per each 5,000 square feet of site area, whichever is more restrictive, and is placed on existing terrain with a slope flatter than five horizontal to one vertical and does not result in a finished slope steeper than three horizontal to one vertical.

(b) No excavating or filling pursuant to subsection (a) hereof should cause any slope to become unstable, impose loads which may affect the safety of structures or slopes, interfere with adequate drainage for the site area and the drainage area of land tributary to the site, obstruct, damage, or adversely affect lawfully existing utilities or drainage, public or private, cause a stagnant pond of water to form or cause sedimentation or erosion.

(c) The exemptions contained in subsection (a) hereof do not apply to any operations pursuant to Section 1196.04. (Ord. 94-84. Passed 7-9-84.)

1196.04 CORRECTION OF HAZARDOUS CONDITIONS.

(a) Whenever the City Engineer determines that any existing excavation, fill, slope or other condition has become a hazard or endangers the public health, safety or any public or private property or adversely affects the safety, usability or stability of any public way or drainage channel or has caused detrimental erosion or sedimentation, he shall order the owner or person in control of the property on which such condition exists to correct the condition. The owner or person in control of the property, upon receipt of the order of the City Engineer shall, within ten days, apply for and obtain a permit and promptly proceed to correct the condition creating such hazard in accordance with the provisions of this chapter. The proposed correction of hazardous conditions shall be started and completed within a reasonable length of time to be specified by the City Engineer.

(b) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control shall fail, neglect, or refuse to comply with notice to correct the condition, the City Engineer after having ascertained the cost, shall cause such excavation, fill, slope or other condition to be corrected.

(c) The decision of the City Engineer shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such excavation, fill, slope or other condition, to be made safe. For this purpose, he may at once enter the land on which it stands, or abutting land or structure, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(d) Costs incurred under subsections (b) and (c) hereof shall be paid out of the City Treasury on certificate of the City Engineer. Such costs shall be charged to the owner of the premises involved and shall be collected via a civil proceeding.

(Ord. 94-84. Passed 7-9-84.)

1196.05 EVALUATION CRITERIA.

The criteria by which the plans and specifications are evaluated shall be the applicable requirements of the City Subdivision Rules and Regulations and any other applicable ordinances of the City as may be amended from time to time. (Ord. 94-84. Passed 7-9-84.)

1196.06 PLANS AND SPECIFICATIONS.

(a) The City Engineer shall issue a permit for excavating or filling only on the basis of plans and specifications submitted to and approved by him. A separate permit shall be required for each site. Unless waived or modified pursuant to the provisions of Section 1196.07 hereof, the plans and specifications submitted with the permit application shall:

- (1) Include the owner's name and address;
- (2) Include a plot plan, drawn to scale, showing the location of the proposed work;
- (3) Include a contour map of the affected area showing the existing and proposed contours at two-foot intervals;
- (4) Show the proposed amount of excavation or fill in cubic yards;
- (5) Show the location of any existing and proposed streets;
- (6) Show the location of any existing and proposed buildings or structures on the subject property and within forty-five feet of subject property;
- (7) Show the location of any existing watercourses, drainage, and utilities serving the property;
- (8) Show existing and proposed drainage structures, walls, cribbing and surface protection, and any necessary temporary earth restraining installations;
- (9) Show a plan for temporary and permanent drainage of the property, including any new or altered utilities;
- (10) Describe the proposed method for the protection of the soils from erosion and sedimentation;
- (11) Show additional information as may reasonably be required by the City Engineer;

(12) Show flood zone.

(b) Unless waived pursuant to the provisions of Section 1196.08 hereof, the plans and specifications shall be prepared by a registered professional engineer, surveyor, or when operating within the practice of surveying, or an architect where the work contemplated by the plans and specifications is incidental to the practice of architecture and shall, in addition to the requirements of subsection (a) hereof:

- (1) Include a report showing the results of surface and subsurface exploration, conditions of the land, and procedures for performing the operation;
- (2) Show plans of all drainage provisions which shall be of such design to adequately handle the surface run-off, together with a map showing the drainage area of all land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain computed in accordance with current acceptable standards;
- (3) Include a description of the borrow material, and the method to be used for and the degree of its proposed compaction;
- (4) Show proposed preparation of existing ground surface to receive fill;
- (5) Show proposed terraces and ditches where necessary to control surface drainage and debris;
- (6) Show proposed subsurface drainage if necessary for stability;
- (7) Show plans for all retaining walls, cribbing, vegetative provisions, erosion and sediment control measures, together with location of temporary and/or permanent fencing and other protective devices to be constructed in connection with, or as a part of the proposed work;
- (8) Showing a time schedule and sequence indicating the anticipated starting and completion dates of the development sequence--stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

(c) Any plans submitted for or work performed under permits issued under Section 1196.03 must also conform with the requirements of Sections 925.07, 1117.06 and Chapter 1182 of these Codified Ordinances.

(d) If the City Engineer shall be satisfied that the proposed excavation and/or fill will not cause any of the hazards described in Section 1196.08 (a)(1) through (5) hereof then in such event he shall issue a permit authorizing the excavation and/or fill.

(Ord. 25-14. Passed 4-14-14.)

1196.07 SUPERVISION BY REGISTERED PROFESSIONAL ENGINEER, ARCHITECT OR SURVEYOR.

Where unusual or exceptional factors or conditions exist, the City Engineer, or in the case of a subdivision, the Planning Commission, may require that excavation and fill in the field be supervised by a registered professional engineer; a surveyor when operating within the practice of surveying; or an architect where the excavation and fill is incidental to the practice of architecture, or their representatives. The registered professional engineer, surveyor or architect shall submit a summary report to the City Engineer upon completion of the excavation and/or fill operations.

(Ord. 94-84. Passed 7-9-84.)

1196.08 WAIVER OR MODIFICATION OF SUBMISSION OF PLANS AND SPECIFICATIONS.

(a) The City Engineer may waive or modify the requirements of this chapter for plans and specifications, and field supervision and summary report if the application for a permit or a certification in writing of a registered professional engineer, surveyor when operating within the practice of surveying or an architect where incidental to the practice of architecture states, to the satisfaction of the City Engineer, that the proposed excavation or fill will not:

- (1) Interfere with adequate drainage for the site area and the drainage area of land tributary to the site;
- (2) Obstruct, damage or adversely affect existing utilities or drainage, public or private;
- (3) Cause a stagnant pond of water to form;
- (4) Create slope stability problems on subject and adjacent property;
- (5) Cause detrimental erosion or sedimentation.

(b) The City Engineer may waive or modify any or all of the requirements of this chapter if, in his opinion, the proposed excavation or fill is in an isolated, self contained area and that there is no apparent danger to adjacent public or private property. The waivers or modifications contained in this section do not apply to the operations pursuant to Section 1196.04. Any waivers or modifications granted by the City Engineer under this chapter do not constitute a waiver or modification for submission requirements contained in any other ordinance, statute or regulation of the City. (Ord. 94-84. Passed 7-9-84.)

1196.09 SUBDIVISIONS.

The provisions of this chapter shall be part of the subdivision submission and review process. Acceptance of a subdivision by the City shall constitute compliance with the submission and review provisions of Section 1196.06, 1196.07 and 1196.08.

(Ord. 94-84. Passed 7-9-84.)

1196.10 PROHIBITIONS OF CERTAIN EXCAVATIONS, FILLS OR GRADES.

No permit shall be issued for an excavation or fill to be made with a face steeper in slope than two horizontal to one vertical, except that the City Engineer may permit an excavation or fill to be made with steeper face if an applicant demonstrates satisfactorily by means of appropriate soil exploration and analysis and the written opinion of a registered professional engineer, a surveyor when operating within the practice of surveying, or an architect where incidental to the practice of architecture, that the materials are capable of standing on a steeper slope without creating any of the hazards described in Sections 1196.03 and 1196.04. (Ord. 94-84. Passed 7-9-84.)

1196.11 SETBACKS OF TOPS AND TOES.

Except as provided in Article 1807, Excavations, of the Ohio Basic Building Code, the tops and toes of excavation and fill slopes shall be set back from property boundaries and structures as far as necessary and for the safety of adjacent properties and adequacy of foundation support and to prevent damage as a result of water run-off.

(Ord. 94-84. Passed 7-9-84.)

1196.12 PROTECTION AGAINST EROSION.

All excavations and fills shall be performed so as to minimize soil erosion and sedimentation. (Ord. 94-84. Passed 7-9-84.)

1196.13 RELOCATION AND PROTECTION OF UTILITIES.

(a) If in the opinion of the City Engineer it is necessary to adjust, relocate, add to or otherwise modify the existing public utility system servicing the area affected by an excavation or fill operation or for the purposes of providing drainage of the affected area or protecting the existing utility system from drainage, he shall issue a permit in accordance with this chapter only if the applicant for the permit agrees to provide, relocate or modify the public utility system for the affected area pursuant to City ordinances at the expense of the applicant and grant such easements as may be necessary.

(b) In places where the existing utility system is adequate, but in the opinion of the City Engineer is of doubtful structural strength to carry additional loading, the City Engineer shall issue a permit in accordance with this chapter only if the applicant for the permit provides an approved bond covering replacement cost of the utility system, and guaranteeing that the proposed fill will not damage the public utility for a period of one year after the fill is completed. (Ord. 94-84. Passed 7-9-84.)

1196.14 REQUIREMENT OF BOND.

When, in the opinion of the City Engineer, the termination before completion of a proposed excavation or fill operation would create an actual or potential hazard to the public, the City Engineer, prior to issuing the permit, shall require an approved bond in an amount sufficient to cover the estimated cost of restoration of any affected land or to cover the cost of performance of the operations under permit, whichever is greater.

(Ord. 94-84. Passed 7-9-84.)

1196.15 SCHEDULE OF FEES.

The fee for a permit for the excavating and filling of land shall be as provided in Ordinance 54-80 as amended from time to time. (Ord. 94-84. Passed 7-9-84.)

1196.16 EXPIRATION OF PERMIT.

Excavation and fill permits shall be valid for one year; provided, however, that any permit may be renewed without cost for two additional one year periods at the discretion of the City Engineer. (Ord. 94-84. Passed 7-9-84.)

1196.17 NOTIFICATION BY PERMIT HOLDER.

The person to whom a permit is issued shall notify the City Engineer:

- (a) Of commencement of operations under such permit twenty-four hours in advance;
- (b) When the operation is completed;
- (c) Of locations of any borrow sites or any disposal sites for excess materials, prior to commencement of operation.

(Ord. 94-84. Passed 7-9-84.)

1196.18 SUSPENSION OF OPERATIONS BY CITY ENGINEER.

The City Engineer shall order operations under a permit for excavation or fill suspended whenever he determines that such operations are endangering the public health or safety. Such suspension shall remain in effect until the condition or conditions causing same are successfully remedied to the satisfaction of the City Engineer. The City Engineer shall also have the authority to order stopped any operations contrary to the terms and conditions of a permit issued under this chapter. Such stoppage shall remain in effect until the operations are remedied to be in conformance with this chapter.

(Ord. 94-84. Passed 7-9-84.)

1196.19 LIABILITY OF CITY.

Issuance of a permit or any action by the City Engineer under this chapter shall not create in the City, its officers, agents or employees any liability or responsibility for injury to persons or property caused by operations or conditions created pursuant to such permits. Nothing in this chapter shall be construed to relieve the owner or person in control of property from liability for injury to persons or property.

(Ord. 94-84. Passed 7-9-84.)

1196.20 ISSUANCE OF BUILDING PERMIT.

The Superintendent of Building and Inspection shall withhold the issuance of any permit under his authority for operations on property subject to any excavation or fill operation until the owner or persons in control has complied with the provisions of this chapter.

(Ord. 94-84. Passed 7-9-84.)

1196.21 APPEALS.

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved by any decision of the City Engineer under this chapter or by any person administering the provisions of this chapter in accordance with Chapter 1137.

(Ord. 94-84. Passed 7-9-84.)

1196.22 SANITARY LANDFILLS.

(a) Sanitary landfills or any other type of garbage disposal operation shall not be permitted in any district except by specific approval by Council by ordinance.

(b) Such approval may be granted by Council only under the following terms and conditions:

- (1) The location of the sanitary landfill or other garbage or refuse disposal site meets all the requirements of the State, County and City

health and zoning regulations.

(2) The condition of the soil of the sanitary landfill site or other garbage or refuse disposal site shall not cause or tend to cause pollution of the underground water supply or any stream, either within or outside the City.

(3) There is in existence an adequate system of highways and streets to permit the orderly flow of traffic to and from the site without interfering with other motor vehicles and pedestrians otherwise in use of the highways and streets.

(4) Approval of the site shall not prevent owners and occupiers of surrounding lands from enjoying the peaceful and healthful use of their properties free from noise, noxious odors, insects and excessive motor vehicular traffic.

(5) The Director of Public Works or his designate within the Department of Public Works has certified that from the comparison of the intended sanitary landfill use with the comprehensive zoning regulations in effect as to all other City real property that the use is proper and conforms to, and is compatible with the City Master Plan as adopted or as in the process of being adopted.

(6) The Fire Chief has certified that adequate fire protection, water supply and access is available to the Fire Department to properly service and protect the site and that the site does not create a fire hazard to adjacent or surrounding property.

(c) The City Manager shall, upon finding by the Commissioner of the County Health Department that a condition hazardous to the public health is being maintained on any landfill or other garbage or refuse disposal site, or upon finding by the Director of Public Works that a nuisance is being maintained on any landfill or other garbage or refuse disposal site, take immediate steps to terminate such health hazard or nuisance, and may take any measures necessary to accomplish this including temporary operation by the City of the sanitary landfill or other garbage or refuse disposal site.

(d) Any person, partnership, corporation or other business entity shall prior to a permit being issued by Council file in the office of the City Manager a bond in the sum of two hundred fifty dollars (\$250.00) per acre of territory comprising any such landfill or other garbage or refuse disposal site. The bond shall be either in cash or be secured by a surety company acceptable to the City Manager and shall be conditioned as follows:

(1) The sanitary landfill or other garbage or refuse disposal plan shall be operated in full compliance with all State and local laws and regulations.

(2) In the event of emergency causing the sanitary landfill site or other garbage or refuse disposal plan to become a nuisance to or hazardous to the health of residents of the City, thus causing the City under authority of law or contract to assume the temporary operation of the facility, so much of the bond as is necessary to pay the expense of operation of the facility shall be forfeited and paid to the City.

(3) In the event of the final conviction of the person, partner, agent, employee or officer of any business entity operating a sanitary landfill or other garbage or refuse disposal operation on a criminal charge relating to such operation, so much of the bond as is necessary to satisfy any fine or court costs arising from the conviction shall be forfeited.

(e) Council may attach such conditions and restrictions upon the granting of any permit for the operation of a sanitary landfill or other garbage and refuse disposal site as may be necessary so as to protect the health and welfare of the residents of the City and so as to prevent the operation thereof from being or becoming a nuisance.

(f) Council may revoke any permit for the operation of a sanitary landfill or other garbage or refuse disposal site for the violation of any of the terms and conditions of this chapter. (Ord. 94-84. Passed 7-9-84.)

1196.99 PENALTY.

Violation of this chapter, violation of any of the terms of a permit issued pursuant to this chapter and/or violation of any order of the City Engineer issued pursuant to this chapter shall constitute a violation of the Zoning Ordinance under Section 1135.99.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1197

Conversion of Dwellings

1197.01 General requirements.

1197.02 Exceptions.

1197.03 Board authorization.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1137

Amendments - see P. & Z. Ch. 1135

Planned unit developments - see P. & Z. Ch. 1191

1197.01 GENERAL REQUIREMENTS.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Ordinance, and only when the resulting occupancy shall comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling, dimensions of yards and other open spaces and off-street parking. No existing structure may be converted for use by more than four families. (Ord. 94-84. Passed 7-9-84.)

1197.02 EXCEPTIONS.

The district requirements with respect to yards and other open spaces shall not apply in cases where the conversion is a part of a planned development project meeting the requirements specified in Chapter 1191. Such yard and other open space requirements shall also not apply in cases where the conversion shall not involve any major exterior structural changes; and there is a shortage in the required dimensional area of each of not more than two such requirements as to yards and other open spaces, or in case the conversion shall result in a lot area per dwelling unit or family at least twenty percent (20%) greater than required for new buildings in the district.

(Ord. 94-84. Passed 7-9-84.)

1197.03 BOARD AUTHORIZATION.

Any conversion which would result in one or more dwelling units containing less than 600 square feet of gross floor area shall be permitted only upon authorization by the Board of Zoning Appeals in accordance with the provisions of Chapter 1137. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1198

Nonconforming Uses

- 1198.01 Continuation of existing.
- 1198.02 Enlargement; repairs; substitution.
- 1198.03 Discontinuance.
- 1198.04 Performance standards.
- 1198.05 Replacement of damaged buildings.
- 1198.06 Repairs and alterations.

CROSS REFERENCES

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

Amendments - see P. & Z. Ch. 1139

Exceptions and modifications - see P. & Z. Ch. 1180

1198.01 CONTINUATION OF EXISTING.

Except as hereinafter specified, any use, building or structure existing at the time of the enactment of the Zoning Ordinance may be continued, even though such use, building or structure may not conform with the provisions of the Zoning Ordinance for the district in which it is located.

(Ord. 94-84. Passed 7-9-84.)

1198.02 ENLARGEMENT; REPAIRS; SUBSTITUTION.

No existing building or lot devoted to a use not permitted by the Zoning Ordinance in the district in which such building or lot is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

- (a) Substitution or Extension. When authorized by the Board of Zoning Appeals in accordance with the provisions of Chapter 1137, the substitution for a nonconforming use of another not more objectionable nonconforming use or an extension of a nonconforming use may be made, but not both a substitution and an extension.
- (b) Extension Upon Adjoining Lot. When authorized by the Board in accordance with the provisions of Chapter 1137, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming and where such extension is necessary and identical to the existing use of such building.
- (c) Extension Inside Building. When authorized by the Board in accordance with the provisions of Chapter 1137, a nonconforming use may be extended throughout those parts of a building which were manifestly designed and arranged for such use prior to the date when such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.
- (d) Nonconforming Use Made to Conform. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. (Ord. 98-10. Passed 11-8-10.)

1198.03 DISCONTINUANCE.

(a) No building, structure or lot where a nonconforming use has ceased for one year or more shall again be put to a nonconforming use.

(b) All nonconforming uses of land not involving any building or structure which cease to be regularly used in such manner for a period of one year shall be considered to have been abandoned for that use and may not again be used for the same purpose unless authorized under the provisions of the Zoning Ordinance. (Ord. 98-10. Passed 11-8-10.)

1198.04 PERFORMANCE STANDARDS.

All uses nonconforming at the time of adoption of the Zoning Ordinance, by reason of noncompliance with the provisions of Chapter 1181, if not otherwise stipulated by the Board of Zoning Appeals, shall adopt necessary measures to conform within three years of the adoption of the Zoning Ordinance. (Ord. 94-84. Passed 7-9-84.)

1198.05 REPLACEMENT OF DAMAGED BUILDINGS.

Any nonconforming building or structure damaged more than sixty percent (60%) of its then fair market value, exclusive of foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as before such occurrence unless authorized by the Board of Zoning Appeals. If the damage is less than sixty percent (60%) above the foundation, the nonconforming structure or building may be restored, reconstructed or used as before, provided that it is done within two years of such occurrence.

(Ord. 94-84. Passed 7-9-84.)

1198.06 REPAIRS AND ALTERATIONS.

Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Zoning Appeals. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1199

Flood Damage Reduction

GENERAL PROVISIONS

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CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const. Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Basis of zoning districts - see Ohio R.C. 713.10
Levees - see Ohio R.C. 717.01
Marking of flood areas - see Ohio R.C. 1521.14
Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
Conservancy districts, purpose - see Ohio R.C. 6101.04

GENERAL PROVISIONS

1199.01 CONSTITUTIONAL 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 Council of the City of Fairfield, Ohio, does adopt this chapter regarding flood damage reduction. (Ord. 98-10. Passed 11-8-10.)

1199.02 FINDINGS OF FACT.

The City of Fairfield has special flood hazard areas that 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.

Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. (Ord. 98-10. Passed 11-8-10.)

1199.03 STATEMENT OF PURPOSE.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) 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;
- (f) 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;
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (j) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (l) Meet community participation requirements of the National Flood Insurance Program. (Ord. 98-10. Passed 11-8-10.)

1199.04 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purpose, these regulations include methods and provisions for:

- (a) 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;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 98- 10. Passed 11-8-10.)

1199.05 LANDS TO WHICH THESE REGULATIONS APPLY.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Fairfield, as identified in Section 1199.06, including any additional areas of special flood hazard annexed by the City of Fairfield. (Ord. 98-10. Passed 11-8-10.)

1199.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

For the purposes of these regulations, the following studies and/or maps are adopted:

- (a) Flood Insurance Rate Map, Butler County, Ohio and incorporated areas and Flood Insurance Study Butler County, Ohio, and incorporated areas, both as they pertain to properties within the corporate limits of Fairfield, Ohio, effective October 19, 2018.

(Ord. 123-18. Passed 12-3-18.)
- (b) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (c) Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the State of Ohio which has been approved by the City of Fairfield as required by Section 1199.26 Subdivisions and Large Developments. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, Ohio 45014.

(Ord. 36-13. Passed 4-22-13.)

1199.07 ABROGATION AND GREATER RESTRICTIONS.

These regulations are not intended to repeal any existing ordinances (resolutions) including Subdivision Regulations, Zoning or Building Codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant or easement but the land subject to such interests shall also be governed by the regulations.

(Ord. 98-10. Passed 11-8-10.)

1199.08 INTERPRETATION.

In the interpretation and application of these regulations, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of these regulations may be in conflict with a State or Federal law, such State or Federal law shall take precedence over these regulations. (Ord. 98-10. Passed 11-8-10.)

1199.09 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations 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. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Fairfield, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder. (Ord. 98-10. Passed 11-8-10.)

1199.10 SEVERABILITY.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 98-10. Passed 11-8-10.)

1199.11 DEFINITIONS.

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

- (a) "Accessory structure." A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal." A request for a review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) "Base flood." 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 1% chance annual flood or one hundred (100) year flood.
- (d) "Base (100-year) Flood Elevation (BFE)." The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) "Basement." Any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development." Any manmade 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.
- (g) "Enclosure below the lowest floor." See "lowest floor".
- (h) "Exclusive Order 11988 (Floodplain Management)." Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) "Federal Emergency Management Agency (FEMA)." The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) "Fill." A deposit of earth material placed by artificial means.
- (k) "Flood" or "Flooding." A general and temporary conditions of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) "Flood Hazard Boundary Map (FHBM)." Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) "Flood Insurance Rate Map (FIRM)." 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.
- (n) "Flood Insurance Risk Zones." Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - Zone A: Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are not determined.
 - Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.
 - Zone B and Zone X (Shaded): Areas of 500-year flood; areas subject to the 100- year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - Zone C and Zone X (Unshaded): Areas determined to be outside the 500-year floodplain.
- (o) "Flood Insurance Study (FIS)." The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood

boundary and floodway maps), and the water surface elevations of the base flood.

- (p) "Flood protection elevation." The flood protection elevation, or FPE, is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.
- (q) "Floodway." A Floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.
The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (r) "Freeboard." A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (s) "Historic structure." Any structure that is:
 - (1) 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;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's Inventory of Historic Places maintained by the Ohio Historic Preservation Office.
- (t) "Hydrologic and hydraulic engineering analysis." An analysis performed by a Professional Engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) "Letter of map change (LOMC)." A letter of map change is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are broken down into the following categories:
 - (1) Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.
 - (2) Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) Conditional Letter of Map Revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.
- (v) "Lowest floor." The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (w) "Manufactured home." 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". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) "Manufactured home park." As specified in the Ohio Administrative Code 3701- 27-01, a manufactured home parking means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (y) "National Flood Insurance Program (NFIP)" The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.
- (z) "New construction." Structures for which the "start of construction" commenced on or after the initial effective date of the City of Fairfield Flood Insurance Rate Map - March 15, 1979, and includes any subsequent improvements to such structures.
- (aa) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any Board, Department, Division, Commission, Bureau, Society, Council, Institution, State College or University Community College District. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.
- (bb) "Recreational vehicle." A vehicle which is:

- (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.
- (cc) "Registered Professional Architect." A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.
 - (dd) "Registered Professional Engineer." A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.
 - (ee) "Registered Professional Surveyor." A Person Registered as a Professional Surveyor under Chapter 4733 of the Ohio Revised Code.
 - (ff) "Special Flood Hazard Area" also known as "Areas of Special Flood Hazard." It is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies, flood boundary and floodway maps and flood hazard boundary maps as zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are floodprone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and floodprone soils associated with a watercourse.
 - (gg) "Start of construction." 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.
 - (hh) "Structure." A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
 - (ii) "Substantial damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
 - (jj) "Substantial improvement." Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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:
 - (1) Any improvement to a structure that is considered "new construction,"
 - (2) 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; or
 - (3) "Variance." A grant of relief from the standards of these regulations consistent with the variance conditions herein.
 - (ll) "Violation" The failure of a structure or other development to be fully compliant with these regulations. (Ord. 98-10. Passed 11-8-10.)

ADMINISTRATION

1199.12 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Development Manager is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(Ord. 98-10. Passed 11-8-10.)

1199.13 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator include but are not limited to:

- (a) Evaluate applications for permits to develop in special flood hazard areas.
- (b) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (c) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (d) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (e) Make and permanently keep all records for public inspection necessary for the administration of these regulations including flood insurance rate maps, letters of map amendment and revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violation of these regulations.
- (f) Enforce the provisions of these regulations.
- (g) Provide information, testimony, or other evidence as needed during variance hearings.
- (h) Coordinate map maintenance activities and FEMA follow-up.
- (i) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(Ord. 98-10. Passed 11-8-10.)

1199.14 FLOODPLAIN DEVELOPMENT PERMITS.

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1199.06, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(Ord. 98-10. Passed 11-8-10.)

1199.15 APPLICATION REQUIRED.

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (a) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (b) Elevation of the existing, natural ground where structures are proposed.
- (c) Elevation of the lowest floor, including basement, of all proposed structures.
- (d) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (e) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - (1) Floodproofing certification for non-residential floodproofed structure as required in Section 1199.28.
 - (2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1199.27(e) are designed to automatically equalize hydrostatic flood forces.
 - (3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1199.32(c).
 - (4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1199.32(b).
 - (5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1199.32(a).
 - (6) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1199.26.
- (f) Floodplain development permit application fee set by the schedule of fees adopted by the City of Fairfield.

(Ord. 98-10. Passed 11-8-10.)

1199.16 REVIEW AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT APPLICATION.

(a) Review.

- (1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1199.15 has been received by the Floodplain Administrator.
- (2) The floodplain administrator shall review all floodplain development permit applications to assure that all necessary permits 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 U.S. Army Corps of Engineers under section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(b) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(Ord. 98-10. Passed 11-8-10.)

1199.17 INSPECTIONS.

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(Ord. 98-10. Passed 11-8-10.)

1199.18 POST-CONSTRUCTION CERTIFICATIONS REQUIRED.

The following as-built certifications are required after a floodplain development permit has been issued:

- (a) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency elevation certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in zone A and zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (b) For all development activities subject to the standards of Section 1199.21(a), a letter of map revision. (Ord. 98-10. Passed 11-8-10.)

1199.19 REVOKING A FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the

terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for counties) in accordance with Sections 1199.33 through 1199.38 of these regulations. (Ord. 98-10. Passed 11-8-10.)

1199.20 EXEMPTION FROM FILING A DEVELOPMENT PERMIT.

An application for a floodplain development permit shall not be required for:

- (a) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (b) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (c) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.
- (d) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.
- (e) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations. (Ord. 98-10. Passed 11-8-10.)

1199.21 MAP MAINTENANCE ACTIVITIES.

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Fairfield's flood maps, studies and other data identified in Section 1199.06 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (a) Requirement to Submit New Technical Data.
 - (1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - A. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - B. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - C. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - D. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1199.26.
 - (2) It is the responsibility of the applicant to have technical data, required in accordance with Section 1199.21(a), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - (3) The Floodplain Administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
 - A. Proposed floodway encroachments that increase the base flood elevation; and
 - B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - (4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to Section 1199.21(a)(1).
- (b) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Development Services Director of the City of Fairfield and may be submitted at any time.
- (c) Annexation/detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Fairfield 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 of Fairfield's flood insurance rate map accurately represent the City of Fairfield boundaries, include within such notification a copy of a map of the City of Fairfield suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Fairfield has assumed or relinquished floodplain management regulatory authority. (Ord. 98-10. Passed 11-8-10.)

1199.22 DATA USE AND FLOOD MAP INTERPRETATION.

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (a) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (b) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (c) When preliminary flood insurance rate maps and/or flood insurance study have been provided by FEMA:
 - (1) Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or

floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

- (d) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 1199.33 through 1199.38, Appeals and Variances.
- (e) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail. (Ord. 98-10. Passed 11-8-10.)

1199.23 SUBSTANTIAL DAMAGE DETERMINATIONS.

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (a) Determine whether damaged structures are located in special flood hazard areas;
- (b) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (c) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners of substantially damaged structures with increased cost of compliance insurance claims.

USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1199.06 or 1199.22(a). (Ord. 98-10. Passed 11-8-10.)

1199.24 USE REGULATIONS.

(a) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Fairfield are allowed provided they meet the provisions of these regulations.

(b) Prohibited Uses.

- (1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.
 - (2) Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.
- (Ord. 98-10. Passed 11-8-10.)

1199.25 WATER AND WASTEWATER SYSTEMS.

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 floodwaters 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 or contamination from them during flooding.
- (Ord. 98-10. Passed 11-8-10.)

1199.26 SUBDIVISIONS AND LARGE DEVELOPMENTS.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(b) All subdivision proposals 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 shall have adequate drainage provided to reduce exposure to flood damage; and

(d) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(e) The applicant shall meet the requirement to submit technical data to FEMA in Section 1199.21(a)(1)D. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1199.26(d).

(Ord. 98-10. Passed 11-8-10.)

1199.27 RESIDENTIAL STRUCTURES.

(a) 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. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1199.27(a)) and construction materials resistant to flood damage (1199.27(b)) are satisfied.

(b) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(c) 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.

(d) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In zone AO areas with no elevations specified, the

structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.

(e) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

- (1) Be used only for the parking of vehicles, building access, or storage; and
- (2) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
- (3) Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) Manufactured homes shall be affixed to a permanent foundation and 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.

(g) 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 is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1199.27.

(h) In AO zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure. (Ord. 98-10. Passed 11-8-10.)

1199.28 NONRESIDENTIAL STRUCTURES.

(a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1199.27 (a) - (c) and (e) -(g).

(b) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- (1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency floodproofing certificate, that the design and methods of construction are in accordance with Section 1199.28(b) (1) and (2).

(c) In zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.

(Ord. 98-10. Passed 11-8-10.)

1199.29 ACCESSORY STRUCTURES.

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- (a) They shall not be used for human habitation;
- (b) They shall be constructed of flood resistant materials;
- (c) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (d) They shall be firmly anchored to prevent flotation;
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (f) They shall meet the opening requirements of Section 1199.27(e)(3).

(Ord. 98-10. Passed 11-8-10.)

1199.30 RECREATIONAL VEHICLES.

Recreational vehicles must meet at least one of the following standards:

- (a) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (b) They must be fully licensed and ready for highway use, or
- (c) They must meet all standards of Section 1199.27.

(Ord. 98-10. Passed 11-8-10.)

1199.31 ABOVE GROUND GAS OR LIQUID STORAGE TANKS.

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(Ord. 98-10. Passed 11-8-10.)

1199.32 ASSURANCE OF FLOOD CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(a) Development in Floodways.

- (1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- (2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are

completed by the applicant:

- A. Meet the requirements to submit technical data in Section 1199.21(a);
 - B. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - C. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - D. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - E. Concurrence of the Development Services Director of the City of Fairfield and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (b) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- (1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - (2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - A. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - B. Section 1199.32(a)(2), items A. and C. - E.
- (c) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: an Illustrated Guide to Field Technique or other applicable publication available from a federal, state, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- (1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a 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 bankfull flood carrying capacity of the watercourse will not be diminished.
 - (2) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - (3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Fairfield specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - (4) The applicant shall meet the requirements to submit technical data in Section 1199.21(a)(1)C. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts. (Ord. 98-10. Passed 11-8-10.)

APPEALS AND VARIANCES

1199.33 APPEALS BOARD ESTABLISHED.

- (a) The City of Fairfield Board of Zoning Appeals shall act as the Appeals Board for appeals to provisions of this chapter.
- (b) All meetings of the Board of Zoning Appeals shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Board of Zoning Appeals shall be kept and filed in Fairfield Municipal Building. (Ord. 98-10. Passed 11-8-10.)

1199.34 POWERS AND DUTIES.

- (a) The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
 - (b) Authorize variances in accordance with Section 1199.36 of these regulations.
- (Ord. 98-10. Passed 11-8-10.)

1199.35 APPEALS.

- (a) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 20 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Board of Zoning Appeals.
- (b) Upon receipt of the notice of appeal, the board of zoning appeals shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted. (Ord. 98-10. Passed 11-8-10.)

1199.36 VARIANCES.

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the

standards of these regulations, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(a) Application for a Variance.

- (1) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Board of Zoning Appeals.
- (2) Such application at a minimum shall contain the following information: name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

(b) Public Meeting Notice. All property owners within 200 feet of the subject property will receive written notice regarding the proposed variance.

(c) Public Meeting. At such public meeting the applicant shall present such statements and evidence as the Board of Zoning Appeals requires. In considering such variance 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 these regulations and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) 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.

Variances shall only be issued upon:

- (1) A showing of good and sufficient cause.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- (3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- (4) A determination that the structure or other development is protected by methods to minimize flood damages.
- (5) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(d) Other Conditions for Variances.

- (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) 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 in Section 1199.36(c)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (3) 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. (Ord. 98-10. Passed 11-8-10.)

1199.37 PROCEDURE AT HEARINGS.

- (a) All testimony shall be given under oath.
- (b) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (c) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (d) The Administrator may present evidence or testimony in opposition to the appeal or variance.
- (e) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (f) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (g) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (h) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing. (Ord. 98-10. Passed 11-8-10.)

1199.38 APPEAL TO THE COURT.

Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Butler Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 98-10. Passed 11-8-10.)

ENFORCEMENT

1199.39 COMPLIANCE REQUIRED.

(a) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1199.20.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1199.41.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1199.41. (Ord. 98-10. Passed 11-8-10.)

1199.40 NOTICE OF VIOLATION.

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (a) Be put in writing on an appropriate form;
- (b) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator, or occupant of the right to appeal;
- (e) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(Ord. 98-10. Passed 11-8-10.)

1199.41 VIOLATIONS AND PENALTIES.

No person shall violate the provisions of these regulations or fail to comply with any of its requirements. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a third degree misdemeanor. Any person who violates any provision of these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Fairfield. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Fairfield from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Fairfield shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 98-10. Passed 11-8-10.)

CODIFIED ORDINANCES OF FAIRFIELD