

City of Milford, Ohio

Zoning Ordinance

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APPENDIX A

TITLE THREE - ZONING ADMINISTRATION

CHAPTER 1121—GENERAL PROVISIONS

1121.01 PREAMBLE

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

1121.02 SHORT TITLE

This Zoning Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Milford", except as referred to herein, where it shall be known as "this Zoning Ordinance."

1121.03 JURISDICTION

The provisions of this Zoning Ordinance shall apply to the entire incorporated land areas of the City of Milford of Clermont and Hamilton Counties, State of Ohio.

1121.04 INTERPRETATION

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

1121.05 SEVERABILITY

Should any Section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Zoning Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1121.06 REPEAL OF CONFLICTING ORDINANCES

All ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Zoning Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

1121.07 EFFECTIVE DATE

This Zoning Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

CHAPTER 1123—DEFINITIONS

1123.01 DEFINITIONS

For the purpose of this Zoning Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1123.02 ZONING TEXT INTERPRETATION

For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similarly defined interest.
- B. The present tense includes the future;
- C. The singular includes the plural, and the plural number includes the singular.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed" or "arranged" to be "used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".
- G. The word "building" includes the word "structure."

1123.03 Accessory Building or Use shall mean a use or structure situated on the same lot as the principal use or structure to which it is related, and which to its nature is customarily incidental and subordinate to the principal use or structure.

1123.04 Agricultural Uses shall mean any land used for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and accessory uses such as composting, packing, treating, storing or selling the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

1123.05 Alley shall mean any public or private right-of-way twenty (20) feet or less in width, and other public or private right of ways, not more than thirty (30) feet in width, whose primary function is to furnish access to the side or rear of properties having their main frontage on a street.

1123.06 Animal/Veterinary Hospital shall mean a building used for the medical treatment, housing or boarding of domestic, farm or exotic animals such as dogs, cats, rabbits, birds, horses, spiders, snakes, etc. by a veterinarian.

- 1123.07 Apartment Unit** shall mean a room or suite of rooms in a multi-family residence or mixed use building with sanitation and cooking facilities intended for use as a residence by a single family.
- 1123.08 Automotive Repair** shall mean any lot, building or structure used for the general repair, maintenance, and service of motor vehicles.
- 1123.081 Automotive Body Shop** shall mean any lot, building or structure used for the rebuilding or reconstruction of motor vehicles including collision service, painting, washing and steam cleaning.
- 1123.09 Automotive Sales** shall mean any building or land used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 1123.10 Automotive Service Station** shall mean any lot, building or structure used for the retailing, dispensing or sales of vehicular fuels and including, as an accessory use, the sale and installation of lubricant, tires, batteries and similar accessories.
- 1123.11 Automotive Washing Establishment** shall mean any building or land use for the commercial washing of motor vehicles.
- 1123.12 Basement** shall mean a story all or partially underground but having at least one-half of its height below the average level of the adjoining ground.
- 1123.13 Bed and Breakfast Lodging Establishment** shall mean an owner occupied, single-family detached structure, wherein lodging and breakfast are provided to transient guests for compensation. The bed and breakfast lodging is subordinate to the principal use of a single family dwelling.
- 1123.14 Board** shall mean the Board of Zoning Appeals of the City of Milford, Ohio.
- 1123.15 Bufferyard** shall mean any natural scenery including trees, plants, flowers and other decorative materials that provide a shield between properties and zoning districts of differing or incompatible uses or to shield a property from a public street.
- 1123.16 Building** shall mean any structure designed or intended for the support, enclosure or protection of persons, animals or property.
- 1123.17 Building, Height of** shall mean the vertical distance from the average grade adjoining the walls of the building to the average of the highest points of a roof surface of a flat roof; and to the deck line of a mansard roof; and the mean height level between eaves and ridge for a gable, hip or gambrel roof.
- 1123.18 Building, Main** shall mean the building in which is conducted on the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
- 1123.19 Cellular or Wireless Communication Systems** shall mean any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular or digital phones, pagers and ground wired communication systems

including both directional antennas such as panels, microwave dishes, satellite dishes and omni-directional antennas such as whips and other equipment utilized to serve personal communication systems.

- 1123.20 Cemetery** shall mean land used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.
- 1123.21 Child Day Care Center** shall mean any place in which child day-care or publicly funded child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.
- 1123.22 Clinic** shall mean a facility used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who are in need of medical and surgical attention, but who are not provided with board or room nor kept overnight on the premises. This use may include, but is not limited to, offices for doctors, dentists, chiropractors, psychologists, and psychiatrists.
- 1123.23 Club** shall mean a facility owned or operated by a corporation, association, person or persons for social or recreational purposes on a non-profit basis.
- 1123.24 Cluster Housing** shall mean a planned development where housing is grouped together to create a common open space or to preserve environmentally sensitive areas. Cluster housing may mean single family dwellings located on smaller lots or two (2) to three (3) dwellings connected through common walls.
- 1123.25 Common Open Space** shall mean land within or related to a development, not individually owned by occupants of the development, which is designed and intended for the common use and enjoyment of the occupants of the development.
- 1123.26 Continuing Care Retirement Facility** shall mean a housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments) and medical care.
- 1123.27 Convenience Store** shall mean a small scale retail store used for the sale of goods used on an everyday basis by consumers including, but not limited to pre-packaged food products, household items, newspapers and magazines.
- 1123.28 Convenience Store with Gas Pumps and/or Food Service** shall mean a small scale retail store used for the sale of goods used on an everyday basis by consumers including, but not limited to pre-packaged food products, household items, newspapers and magazines. Such store may also include gasoline pumps and/or an area used for food service provided by a restaurant.

- 1123.29 Council** shall mean the City Council of the City of Milford.
- 1123.30 Drive-Through Facility** shall mean any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
- 1123.31 Dwelling** shall mean any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, boarding or rooming houses, or a room in a hotel or motel.
- 1123.32 Dwelling, Single-Family** shall mean a detached dwelling designed for or occupied by one family only.
- 1123.33 Dwelling, Two-Family** shall mean a dwelling designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- 1123.34 Dwelling, Multi-Family** shall mean a dwelling designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
- 1123.35 Dwelling Unit** shall mean one room, or a suite of two or more rooms, designed for or used by one family for living or sleeping purposes and having only one kitchen or kitchenette.
- 1123.36 Educational Facilities** shall mean a public or private facility that provides a curriculum of elementary, secondary, or collegiate level academic instruction, including kindergartens, elementary schools, junior high schools, high schools, technical and collegiate level schools.
- 1123.37 Essential Services** shall mean the erection, construction, alteration or maintenance of public utilities by private companies, the City of Milford or other governmental agencies. Such public utilities may include, but are not limited to, underground gas, electrical, communications, steam or water transmission or distribution systems, and wastewater collection systems or sites. Such services may include poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories which are reasonably necessary for the furnishing of essential services.
- 1123.38 Family** shall mean a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit.
- 1123.39 Family Day Care Home, Type A** shall mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator where child day-care is provided for four (4) to twelve (12) children at one time if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

- 1123.40 Family Day Care Home, Type B** shall mean a permanent residence of the authorized provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type B home shall be counted. Child Care “Type B family day-care home” does not include a residence in which the needs of children are administered to, if all the children whose needs are being administered to are siblings of the same immediate family and the residence is their home.
- 1123.41 Fence** shall mean an artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, to protect privacy, or to enclose an area.
- 1123.42 Financial Institution** shall mean any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to, banks, credit unions, savings and loan institutions, and mortgage companies.
- 1123.43 Floodplain** shall mean that land, including the flood fringe and the floodway, subject to inundation by the regional flood of a 100 year frequency as determined by the Federal Emergency Management Agency (FEMA).
- 1123.44 Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Floodways shall be determined by the Federal Emergency Management Agency (FEMA).
- 1123.45 Floor Area** shall mean the sum of the gross horizontal areas of each floor of the structure measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. The "floor area" of a building shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses shall also be included in the calculation of the floor area. Garages shall not be included in the floor area of a structure.
- 1123.45.1 Food Truck** shall mean a licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately owned lot where food items are sold to the general public.
- 1123.46 Funeral Home** shall mean a fixed place for the care, preparation for burial, or disposition of dead human bodies or the conduction of funerals.
- 1123.47 Garage, Commercial** shall mean any accessory building, other than a residential garage, used for the parking of motor vehicles for profit or not for profit.
- 1123.48 Garage, Residential** shall mean a detached or semi-detached accessory building or portion of the principal building used for the storage of vehicles by the occupants of the premises. Such uses shall be accessory to residential uses only.

- 1123.49 Government Building** shall mean a structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for its day to day function.
- 1123.50 Group Home** shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services as indicated under Ohio R.C. 3722.
- 1123.51 Home Occupation** shall mean any occupation, profession, activity or use which is customarily incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.
- 1123.52 Hospital** shall mean an institution providing health services primarily for human in-patient medical and surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility.
- 1123.53 Hotel or Motel** shall mean a building or buildings providing short-term accommodations for transient guests in which, access to each rental unit is provided directly through an exterior door or by an entrance connected to a common interior hall leading to the exterior. Hotels and motels may also provide accessory services such as restaurants, meeting rooms and recreational facilities including pools.
- 1123.54 Housekeeping Unit** shall mean one or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast lodging establishment, hotel or motel.
- 1123.55 Light Manufacturing Establishment** shall mean the assembling, altering, fabricating, finishing, processing or the treatment or storage of a product within a fully enclosed building and which does not utilize hazardous or dangerous chemicals or processes.
- 1123.56 Loading Space** shall mean 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.
- 1123.57 Lot** shall mean a parcel of land, including the open spaces required by this Zoning Ordinance, occupied or intended for occupancy by a use permitted in this Zoning Ordinance.
- 1123.58 Lot, Corner** shall mean a lot which abuts two or more streets at their intersection or at two or more parts of the same street which, in either case, form an interior angle of less than 135 degrees.
- 1123.59 Lot, Depth** shall mean the average horizontal distance between the front and rear lot lines.
- 1123.60 Lot, Double Frontage** shall mean a lot having frontage on two streets not at an intersection, as distinguished from a corner lot.

- 1123.61 Lot, Panhandle** shall mean a lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle and the balance of the lot is referred to as the body. These lots are also referred to as “flag lots.”
- 1123.62 Lot Area** shall mean the horizontal area contained within the lot lines.
- 1123.63 Lot Lines** shall mean the property lines bounding the lot.
- 1123.64 Lot Line, Front** shall mean the line separating the lot from the legally dedicated public street, or, if in an unplatted area, from the street easement or right-of-way.
- 1123.65 Lot Line, Rear** shall mean the line opposite and most distant from the front lot line. On corner lots, the rear lot line is the narrowest lot line opposite the public right-of-way.
- 1123.66 Lot Line, Side** shall mean any lot line other than a front or rear lot line.
- 1123.67 Lot of Record** means a lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of land the deed to which was on record on or prior to the effective date of this Zoning Ordinance. For the purpose of these regulations, any plan of a subdivision which has been approved by official action of the Planning Commission on or before the effective date of this Zoning Ordinance shall have the same status as if the subdivision plan was officially recorded in the office of the recorder of Clermont and/or Hamilton County, Ohio.
- 1123.68 Lot Width** shall mean the horizontal distance of the lot at the building setback line.
- 1123.69 Maintenance** shall mean the cleaning, painting, repair or replacement of defective parts of a building in a manner that does not alter the basic appearance or structure of the building.
- 1123.70 Manufactured Housing** shall mean a factory built single family structure that meets the Department of Housing and Urban Development (HUD) National Manufactured Housing Construction and Safety Standards and is located on a permanent foundation. This definition shall also include any pre-fabricated units or units designed for use as a dwelling that may not conform in all respects to the City of Milford Building Code for dwellings, or that may be exempt from the Building Department inspections during construction.
- 1123.71 Microbrewery** shall mean an establishment operated for the sole purpose of producing and distributing beer at a rate of less than 4,000 barrels annually.
- 1123.72 Mixed Use** shall mean a combination of at least one residential apartment and another permitted or conditionally permitted use within a district, as approved by the Planning Commission, in the same building, on the same premises.
- 1123.73 Mobile Home** shall mean a manufactured housing structure of vehicular, portable design built on a chassis, and designed to be moved from one site to another, including multiple units that may be joined into one unit. Mobile homes are to be

used with or without a permanent foundation as a permanent or semi-permanent dwelling. Such units do not meet the Department of Housing and Urban Development (HUD) National Manufactured Housing Construction and Safety Standards and as such are not considered a dwelling under this Zoning Ordinance.

- 1123.74 Motor Vehicle** shall mean a motorized vehicle including, but not limited to, automobiles, motorcycles, trucks, tractors, trailers, semi-trailer, buses, and farm implements, whether self-propelled or designed to be pulled, pushed or carried by another motor vehicle.
- 1123.75 Nursing Home/Convalescent Home** shall mean a building or group of buildings, public or private, licensed by the State of Ohio, which provides maintenance, personal care or nursing to the ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of a nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.
- 1123.76 Office** shall mean a building or portion thereof wherein services are performed involving predominately administrative, professional or clerical operations including, but not limited to, attorney, accountant and architectural offices.
- 1123.77 Open Space** shall mean land used for resource protection, passive recreation, amenity and/or buffering. See 1123.25, Common Open Space.
- 1123.78 Outdoor Eating Establishment** shall mean a restaurant which provides tables outside where patrons may sit and eat.
- 1123.79 Parking Lot** shall mean a parcel of land devoted to unenclosed parking spaces.
- 1123.80 Parking Space** shall mean a permanently surfaced area, enclosed in the main building or in an accessory building or unenclosed, sufficient in size to store one standard motor vehicle, and if the space is unenclosed, the parking space shall be a minimum of 9' x 18', in addition to a permanently surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of a motor vehicle.
- 1123.81 Personal Service Establishment** shall mean activities conducted in an office, store or other place of business catering to the personal needs of a customer including, but not limited to, those services normally conducted by a barber, beautician, tailor or dressmaker.
- 1123.82 Planned Development** shall mean an area of land in which a variety of housing types, commercial uses and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.
- 1123.83 Plat** shall mean a map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

- 1123.84 Public Street or Road** shall mean a thoroughfare that has been dedicated, whether or not it has been constructed to City standards, as approved by the City Engineer and accepted by Council.
- 1123.85 Recreational Area, Private** shall mean land or facilities operated as a business open to the general public for a general fee including, but not limited to: rollerblade rental, pay-to-play athletic fields, golf courses, courts, ice skating rinks and swimming pools.
- 1123.86 Recreational Area, Public** shall mean any land or facility operated by a government or non-profit organization open to the public including, but not limited to: picnic areas, bike/hike trails, public golf courses, playgrounds, and athletic fields.
- 1123.87 Recreational Vehicle** shall mean any privately owned boat, boat trailer, folding tent trailer, personal water craft, motorized home, pick-up camper, snow mobile, travel trailer, or other similar vehicle.
- 1123.88 Religious Places of Worship** shall mean an institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.
- 1123.89 Research and Development Laboratories** shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.
- 1123.90 Restaurant** shall mean an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted.
- 1123.91 Restaurant, Fast Food** shall mean an establishment whose principal business is the sale of prepared food or rapidly prepared food, in disposable containers and without table service, directly to the consumer in a ready to consume state.
- 1123.92 Rental Hall** shall mean a building that is leased to groups for parties, meetings and other functions. Such definition shall not include residential or commercial garages.
- 1123.93 Retail Business** shall mean any business primarily selling goods, wares or merchandise directly to the ultimate customer for direct consumption and not for resale.
- 1123.94 Right-of-Way** shall mean land dedicated to or owned by the public for use as a roadway, walk or other way.
- 1123.95 Roadside Produce Stand** shall mean any small structure or land used for the sale of produce by farmers on the land where the produce is grown.
- 1123.96 Sensitive Areas** shall mean areas of land or water that are sensitive to changes in the environment. Such uses include, but are not limited to floodways, floodplain areas, rivers and other water courses, and mature forests.

- 1123.97 Setback** shall mean a line drawn parallel to a lot line at a distance equal to the depth of a required yard setback.
- 1123.98 Sign** shall mean an outdoor advertising structure, device or visual communication designed or intended to convey information to the public in written or pictorial form.
- 1123.99 Story** shall mean that portion of a building, other than a basement as defined in Section 1123.12, included between the surface of any floor and the surface of the floor above it.
- 1123.100 Story, Half** shall mean a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use, or a basement.
- 1123.101 Street** shall mean all property dedicated for public street, highway, freeway or roadway purposes or subject to public easements.
- 1123.102 Structure** shall mean anything constructed or erected, having permanent location on or in the ground or attached to something having a permanent location on or in the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for athletic fields or courts.
- 1123.103 Structural Alteration** shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical content of the building.
- 1123.104 Swimming Pool** shall mean an outdoor pool, pond, lake or open tank intended for bathing or recreational purposes, but not including farm ponds or fish pools. For the purposes of these zoning regulations, such use shall not be located within a completely enclosed building, and shall contain, or normally be capable of containing water to a depth at any point greater than one and one-half (1½) feet.
- 1123.105 Tavern** shall mean an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
- 1123.106 Theater** shall mean any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances.
- 1123.107 Traditional Neighborhood Residential** shall mean a planned development reflecting neo-traditional neighborhood styles with smaller lot areas, shorter front yard setbacks, sidewalks, front porches on houses, a grid style street network, and garages in the rear of the house with access by an alley. Emphasis is placed on the pedestrian and resident with less of an emphasis on the automobile.
- 1123.108 Use** shall mean 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.

- 1123.109 Use, Conditional** shall mean a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission in accordance with the conditional use provisions in this Ordinance.
- 1123.110 Use, Non-Conforming** shall mean any building or land being lawfully used in a manner contrary to the Zoning Ordinance, such use having begun and having been a lawful use prior to the effective date of said Ordinance.
- 1123.111 Variance** shall mean a relaxation of the terms of the Zoning Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary and undue hardship.
- 1123.112 Warehouse** shall mean an establishment primarily engaged in the storage of merchandise, goods and materials.
- 1123.113 Wholesale Business** shall mean any business primarily involved in the storage and selling of goods, wares, merchandise or materials to retail establishments rather than to customers.
- 1123.114 Yard** shall mean an open space on the same lot or acreage with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot or acreage line and the main building shall be used.
- 1123.115 Yard, Front** shall mean a yard extending across the front of a lot or acreage between the side property lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.
- 1123.116 Yard, Rear** shall mean a yard extending across the full width of the lot between the rear lot line and the principal structure or any projection thereof, other than steps, unenclosed balconies, or unenclosed porches. On both corner and interior lots and acreage, the rear yard shall in all cases be the opposite end of the property from the front yard.
- 1123.117 Yard, Side** shall mean a yard between the main building and the side line of the lot or acreage and extending from the front yard or front property line to the rear yard or rear property line.
- 1123.118 Zoning Inspector** shall mean the enforcer of the Milford Zoning Ordinance, Hamilton and Clermont Counties, Ohio, as appointed by the Milford City Manager.
- 1123.119 Zoning Map** shall mean the zoning map of the City of Milford, together with all amendments subsequently adopted.

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CHAPTER 1125—ADMINISTRATION, ENFORCEMENT AND PENALTY

1125.01 COMPLIANCE REQUIRED

After the date of the enactment of this Zoning Ordinance, no lot, building or structure shall be used, and no building or structure or part thereof shall be constructed, extended, enlarged or altered except in conformity with this Zoning Ordinance.

1125.02 EXISTING BUILDING OR USES

Any lot, building or structure being used in a manner or for a purpose which does not conform to this Zoning Ordinance, may continue to be used in such manner or for such purpose. Renewal or change of title of possession, or right of possession, or lease of any such lot, building or structure shall not prevent the continuation of the non-conforming use in accordance with Chapter 1197, Non-Conforming Uses.

1125.03 RESTORATION

Buildings or structures that may be declared unsafe for human habitation by the proper authorities may be strengthened or restored to a safe condition.

1125.04 PENDING APPLICATIONS

Building permits, for which applications have been filed in the office of the Building Inspector prior to the date of enactment of this Zoning Ordinance, shall be issued. Changes in the plans, construction, size or designated use of any building, structure or part thereof, shall be considered void if, within thirty days after the enactment of this Zoning Ordinance, construction has not started. Such construction shall be diligently continued to completion and a zoning compliance permit shall be issued for the use for which the building or structure was originally designated.

1125.05 PERMITTED USES; DETERMINATION OF SIMILAR USES

No use other than those specifically listed in this Zoning Ordinance shall be permitted in the City excepting those uses which, in the judgment of the Planning Commission, are of the same character as those listed for a district. Any use so permitted shall thereafter be regarded as a permitted use.

1125.06 ENFORCEMENT BY ZONING INSPECTOR

There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Zoning Ordinance in accordance with the administrative provisions of this Zoning Ordinance.

In addition to the above authority and duties, the Zoning Inspector shall also be responsible for the following:

- A. Maintain records of all zoning permits;
- B. Conduct inspections of buildings, structures and uses of land;
- C. Determine compliance with the terms of this Zoning Ordinance; and
- D. Provide such technical assistance as may be required by the Planning Commission, and the Board of Zoning Appeals.

All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Zoning Ordinance. Any permit or license, issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

1125.07 FILING PLANS FOR ZONING CERTIFICATES

Every application for a zoning certificate shall be accompanied by plans, in duplicate, drawn to a scale no smaller than four hundred (400) feet to one inch, in black line or blue print, illustrating the following:

- A. The actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part;
- B. The exact location, size and height of any building or structure to be erected or altered;
- C. The existing and intended use of each building or structure or part thereof;
- D. The number of families or dwellings units the building is designed to accommodate;
- E. When no buildings are involved, the location of the present use and proposed use to be made of the lot; and
- F. Any other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

One copy of such plans shall be returned to the owner after the plans have been approved by the Zoning Inspector, together with a zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the

lot to be built upon shall be based on actual Survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

1125.08 USE PROHIBITED WITHOUT ZONING CERTIFICATE

No owner shall use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Ordinance. It shall be the duty of the Zoning Inspector to issue a zoning certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Zoning Ordinance.

1125.09 EXCAVATION OR CONSTRUCTION PERMIT

No permit for excavation or construction shall be issued by the City Engineer, unless the plans, specifications and the intended use conform to the provisions of this Zoning Ordinance and the City of Milford Water Management and Sediment Control Regulations.

1125.10 ZONING INSPECTOR TO ACT WITHIN THIRTY DAYS

The Zoning Inspector shall act upon all applications on which he is authorized to act by the provisions of this Zoning Ordinance within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within such thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of such refusal within such thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

1125.11 ZONING COMPLIANCE CERTIFICATE

No building shall be occupied or any structure used until the Zoning Inspector issues a zoning compliance certificate. The certificate shall certify that such building or structure and the proposed use thereof are in conformity with the provisions of this Zoning Ordinance.

1125.12 FEES

For all zoning certificates, there shall be a fee and the charge therefor shall be as determined by Council in an adopted schedule of fees.

1125.99 VIOLATIONS AND PENALTY

- A. 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 this Zoning Ordinance, the Law Director, Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceedings or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- B. Any owner, lessee or occupant having control over, being in possession of, or entitled to be in possession of such property who fails to comply with the requirements of this Zoning Ordinance within fifteen days after being notified by the Zoning Inspector of a violation of this Zoning Ordinance, which notice shall be served by registered or certified mail or personally by a police officer of the City upon the person or persons having control and being in possession or entitled to possession of such property, shall be fined not more than two hundred dollars (\$200.00) for each offense. Each day of noncompliance with this Zoning Ordinance, from the date of the notice aforesaid, shall constitute a separate and distinct offense, without the necessity of having to serve any further notices of noncompliance.
- C. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Zoning Ordinance, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any provision of this Zoning Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars (\$200.00). Each day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

CHAPTER 1127—SITE PLAN REVIEW

1127.01 APPLICABILITY

Prerequisite to the issuance of a zoning permit, a site plan shall be submitted to the Zoning Inspector for approval by the Planning Commission for all new construction except for single family dwellings and two family dwellings.

1127.02 SUBMISSION PROCEDURE

- A. Site plans shall be prepared by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor.
- B. A preliminary consultation may be held with the Planning Commission to discuss the general concept, use and design of the proposal. If consultation is desired, a generalized sketch or plat of the proposed site plan shall be submitted with five copies at least one week prior to the scheduled consultation and shall consist of location map, boundary, topography and general proposed land uses drawn to scale.
- C. The site plan administrative review procedures shall be the same as those required for preliminary plat review and approval pursuant to the Subdivision Regulations.
- D. Minimum of ten copies of the site plan shall be submitted to the Zoning Inspector for review. Additional copies shall be submitted as determined by the Zoning Inspector. The Planning Commission shall notify the Zoning Inspector of its approval or disapproval of the site plan within sixty days from the date of formal submission to the Commission. The applicant may waive the sixty day limitation and consent to an extension of such period.
- E. Compliance with this Chapter is not required for single-family or two-family dwelling units.

1127.03 SITE PLAN INFORMATION REQUIREMENTS

The site plan format and informational requirements for applications are as follows:

- A. Vicinity map showing relationship to surroundings, including existing, proposed or mapped streets within 1,000 feet and municipal boundaries within 1,000 feet of the tract.
- B. Each sheet, numbered and the relationship shown to total number of sheets.
- C. Dimensions in feet and decimal parts.

- D. North arrow.
- E. Boundary survey or survey of record of the property showing courses, distances and Property boundary lines shown as “- - - - -”
- F. Detailed plans shall be drawn at a scale of one inch equals twenty feet. Site plans greater than three acres shall be drawn at a scale of one inch equals fifty feet or one inch equals 100 feet and may be of one or as many sheets as necessary.
- G. Conditions of concern including water courses, marshes, wooded areas, floodplain, rock outcrops or other environmentally sensitive features shall be shown.
- H. Five foot contour lines showing the existing contour where the slope is less than ten percent (10%) or greater and two foot contour lines showing the existing contour where the slope is greater than ten percent (10%). Elevations based on United States Geological Survey or equivalent adjusted datum. (Source of contour data referenced on site plan; include a benchmark with elevation and location on the plan).
- I. Location, width and names of existing platted streets or other public streets, railroad and utility rights of way, parks, open space areas and municipal corporation lines within or adjoining the tract.
- J. Proposed public improvements, highways or other major improvements planned on or near the site.
- K. Rights of way for all drainage purposes and utilities.
- L. All existing or proposed utilities, including location, grade and size of:
 - 1. Storm drain (including invert elevations and profiles);
 - 2. Sewerage facilities (including invert elevations and profiles);
 - 3. Catch basins;
 - 4. Drainage ways, channels;
 - 5. Pumping stations;
 - 6. Water mains and flow data;
 - 7. Street lights;
 - 8. Electric and telephone poles;
 - 9. Overhead/underground electric, telephone and/or cable television lines;
 - 10. Fire hydrants;
 - 11. Sprinkler requirements; and
 - 12. Direction of, distance to and size of nearest water mains and sewers if not located on or adjacent to the site.

- N. Conditions on adjoining lands; direction and gradient of ground slope, embankments, retaining walls, railroads and towers or other influences when identified by the applicant or City administration to be of concern.
- O. Locations of all existing or proposed buildings, structures, parking facilities and other improvements. Include a scale dimension from the property line to the proposed building.
- P. If an alteration is made to an existing building, structure or other improvement, dotted lines to show features or locations to be abandoned and solid lines to show proposed features.
- Q. Building setback lines.
- R. Signature and seal of registered land surveyor, registered (professional engineer, registered architect or registered landscape architect responsible for the accuracy of the site plan.
- S. Drainage calculations and certification (signed and dated by the engineer) regarding drainage.
- T. Legend which clearly indicates existing and proposed improvements and natural features. The legend or title block shall include the following information:
 - 1. Zoning district;
 - 2. Tax map number;
 - 3. Project name;
 - 4. Developer's name and address;
 - 5. Owner's name and address;
 - 6. Scale; and
 - 7. Date of drawing; date and type of revisions.
- U. Notes which identify;
 - 1. Board of Zoning Appeals' case number/approval date.
 - 2. Projected building schedule including estimated start and finish dates;
 - 3. Number of estimated and proposed parking spaces;
 - 4. Number of residential units.
 - a. Single family;
 - b. Townhouses; and
 - c. Apartments.
 - 5. Density; units per acre.
- V. Locations of refuse collection, exterior lighting, fencing and all pedestrian walkways and sidewalks.
- W. Landscaping plan and legend.

- X. For residential developments, documentation on the homeowner's association shall be provided when common open space and buffer areas are provided.
- Y. Certificates and statements.
- Z. Sedimentation and erosion control plan.
- AA. The developer or engineer shall furnish the City Engineer with "as built" mylar reproducible drawings at the completion of the project.
- AB. A traffic impact study for all retail developments in excess of 10,000 square feet, all office developments in excess of 60,000 square feet, all multi-family developments in excess of 220 units, all single-family developments in excess of 160 units, and any development which will generate more than 100 new inbound or outbound trips during the peak hour. Such traffic impact study should follow the traffic impact study outline in the appendices of the Milford Thoroughfare Plan.

Some of the above informational requirements may be waived at the discretion of the Zoning Inspector.

1127.04 SITE PLAN REVIEW GUIDELINES

The following guidelines shall guide the exercise of site planning review by the Planning Commission.

- A. Buildings and open spaces shall be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- B. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore shall be avoided.
- C. Open spaces shall be linked together by walkways or planting areas.
- D. Natural separation shall be preserved on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal shall be kept to a minimum.
- E. Screening of intensive uses shall be provided by utilizing landscaping, fences or walls to enclose internal areas.
- F. Buildings shall be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.

- G. In connection with the siting of mid-rise and high-rise buildings, the location shall be oriented to maximize the privacy of the occupants of adjacent buildings.
- H. Short loop streets, cul-de-sacs and residential streets shall be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- I. Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Flat as possible grades shall be utilized proximate to intersections.
- J. Curb cuts for driveways shall be located on local streets wherever possible with a minimal number of curb cuts on collector or arterial roads.
- K. Curb cuts shall be located at far as possible from the intersection of two or more streets.
- L. Pedestrian circulation in non-residential areas shall be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking shall be located as near as possible to the structure. Pedestrian and vehicular circulation shall be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.
- M. Path or sidewalk street crossings shall be located where there is good sight distance along the road, away from sharp bends or sudden changes in grade.
- N. Parking lots and garages shall be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there shall be a sharing of curb cuts with other facilities. Parking areas shall be screened and landscaped and traffic islands shall be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- O. Establishments with drive-up windows or designed for drive through service shall be located to allow enough automobile waiting space for peak hour operation without interference with ingress or egress or other parking lot circulations.
- P. Adequate landscaping shall be provided throughout the site to create an attractive development, to reduce the amount of impervious surface created and to prevent large expanses of uninterrupted pavement areas.
- Q. Signage shall be kept to the minimum amount required and so located as to create an attractive development.

- R. All structures shall comply with Chapter 1309, Ionization Detectors, Sprinklers and Stand Pipes in New Construction, of the Milford Codified Ordinances.
- S. Plans shall be consistent with adopted plans, ordinances and guidelines for the City.
- T. Consistency of proposed building materials and design with the prevailing character of the area and consistency with adopted design requirements established by the City for any district.
- U. All points of ingress/egress shall conform to the adopted corridor access control plans of the City, in locations where such plans are applicable.

1127.05 APPEALS

Where it is alleged that the Planning Commission has made an error in their decision on an application, the applicant may appeal the recommendation to the Board of Zoning Appeals within 20 days of the original recommendation from the reviewing body.

CHAPTER 1129—PLANNING COMMISSION

1129.01 ESTABLISHMENT

The Planning Commission established by Charter Section 7.01 shall serve as an advisory, planning and technical group for Council, the Board of Zoning Appeals and the administrative officers of the City.

1129.02 POWERS AND DUTIES

The Planning Commission shall have as its duties, but not be restricted to, the following items:

- A. The continuous review of the effectiveness and appropriateness of the Zoning Ordinance. This shall include recommending such changes or amendments, as it may consider necessary.
- B. Provide written recommendations for Council, or the Board of Zoning Appeals when requested in compliance with the Zoning Ordinance.
- C. Provide technical and policy advice, as it deems appropriate, to the Zoning Inspector, Board of Zoning Appeals, Council and other agencies of the City Government.
- D. The review and decision on Certificates of Appropriateness within the Old Mill Overlay District, conditional uses, planned developments and site plans.
- E. To 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 this Zoning Ordinance for the district in which it is located; provided that such use shall be located in 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 will safeguard the public health, safety, convenience, comfort, prosperity and general welfare.

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CHAPTER 1131-BOARD OF ZONING APPEALS

1131.01 ESTABLISHMENT

The Board of Zoning Appeals established by Charter Section 8.01 shall have those powers and duties as described in Section 1131.07, Powers of the Board.

1131.02 QUORUM AND DECISIONS

The Board of Zoning Appeals shall consist of five members appointed by City Council. Three members of the Board of Zoning Appeals shall constitute a quorum. The board shall act by resolution; and the concurring vote of at least three members of the Board shall be necessary to:

- A. Reverse any order or determination of the Zoning Administrator;
- B. Decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Zoning Ordinance;
- C. Grant any variance from the requirements stipulated in this Zoning Ordinance and/or the City of Milford Water Management and Sediment Control Regulations.

1131.03 PROCEDURE, MEETINGS AND MINUTES

The Board of Zoning Appeals shall organize and adopt rules for its own government in accordance with this 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 Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. 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 Clerk of Council and shall be a public record.

1131.04 APPEALS FILING AND PROCEDURE

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved by an officer of the City or affected by any decision of the Zoning Administrator, Water Management and Sediment Control (WMSC) Administrator or Planning Commission. Such appeal shall be taken within twenty days after the decision, by filing with the Zoning Administrator and with the Board a notice

of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

1131.05 APPLICATION INITIATION AND PROCEDURE

An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this 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 Zoning Administrator who shall transmit the same to the Board.

1131.06 PUBLIC HEARINGS AND FEES

- A. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the application or appeal, give at least ten days' notice, in writing, to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the City at least ten days before the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing any party may appear in person or by an attorney.
- B. Each application or appeal shall be accompanied by a check payable to the City of Milford, or a cash payment in the amount established by ordinance.

1131.07 POWERS OF THE BOARD

The powers of the Board of Zoning Appeals shall be:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Ordinance, as provided in Section 1131.09, administrative Review;
- B. To authorize, upon application, area variances as defined in Sections 1123.111.
- C. To interpret the provisions of this Zoning Ordinance;
- D. To permit the extension and/or substitution of a non-conforming use as provided in Chapter 1197, Non-Conforming Uses;
- E. To hear and decide an appeal by an applicant for a WMSC permit who allege damages resulting directly from a decision of the Milford Building or

Engineering Department or by a requirement or regulation that cannot be met in a specific circumstance.

- F. Such other duties as may be necessary for the administration of the provisions of this Zoning Ordinance.

1131.08 INTERPRETATION OF THE 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 this 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.

1131.09 ADMINISTRATIVE REVIEW

In considering an appeal from an alleged error in the administration of this Zoning Ordinance and/or the Water Management and Sediment Control Regulations, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of this Zoning Ordinance and WMSC Regulations that apply and the effect of the desired interpretation upon neighboring properties in the public interest. In exercising its power to review such an allegation, the Board may, in conformity with the provisions of statute and of this 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.

1131.10 USE VARIANCES PROHIBITED

For the purpose of this Zoning Ordinance, a use variance is not authorized and shall not be granted. A use variance is defined as a variance that is granted to allow the establishment or expansion of a use of land that is not permitted in the zoning district in which the property is located.

1131.11 AREA VARIANCES

- A. Upon receipt of a complete application, the Board of Zoning Appeals may authorize an area variance from the terms of this Code as will not be contrary to the public interest according to the following procedures and the variance standards set forth in this Chapter. Substantial justice requires that the interests

of the community, neighborhood and adjoining property owners be given due consideration in each variance case.

- B. Area variances shall be defined as those variances from a zoning regulation that establishes minimum or maximum areas, heights, distances, separation volume or any other United States customary unit of measurement.
- C. Application Requirements. An application for an area variance shall be filed with the Zoning Administrator upon the forms provided by the City, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
 - 1. Name, address and phone number of applicant(s);
 - 2. Proof of ownership, legal interest or written authority;
 - 3. Description of property or portion thereof;
 - 4. Description or nature of variance requested;
 - 5. Narrative statements establishing and substantiating the justification for the variance;
 - 6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
 - 7. Payment of the application fee;
 - 8. A list of all property owners lying within 200 feet of any part of the property on which the variance is proposed, including their addresses and permanent parcel numbers;
 - 9. Any other documents deemed necessary by the Zoning Administrator.
- D. The Board of Zoning Appeals shall hold a public hearing as set forth in 1131.06. The Board of Zoning Appeals shall review each application for an area variance to determine if it complies with the purpose and intent of this Code and evidence demonstrates that the literal enforcement of this Code will result in a practical difficulty. A practical difficulty exists whenever a zoning standard unreasonably deprives a landowner of a permitted use of their property. All of the factors set forth in this section do not need to be satisfied; rather, they shall be weighed together in the analysis. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:

1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions;
 2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 4. 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;
 5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
 6. Whether the property owner purchased the property with knowledge of the zoning restrictions;
 7. Whether special conditions or circumstances exist as a result of actions of the owner;
 8. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 9. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
 10. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- E. Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- F. Variance Conditions. 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 purposes of this Zoning Ordinance and/or the Water Management and Sediment Control Regulations, and in the public interest. In authorizing a variance with attached conditions, the Board may require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and shall be complied with.

Specifically, the Board may attach one or more of the following conditions to a variance:

1. Paving;
2. Landscaping and/or screening fence or wall;
3. Amount and location of off-street parking, loading and signs;
4. Direction and intensity of outdoor illumination;
5. Cleaning and painting;
6. Control or elimination of smoke, dust, radiation, gas, noise or odor;
7. Hours of operation;
8. Activities, material storage and uses shall be conducted within an enclosed structure;
9. Other conditions as may be appropriate.

G. If the variance is approved with conditions, the Board shall issue the variance listing the specific conditions upon which the variance was granted. Violations of such conditions shall be enforced in the following manner:

1. Upon a finding that one or more variance conditions have not been satisfied, the Zoning Administrator shall notify the applicant of the violation in writing by certified mail.
2. The applicant shall have thirty days from the receipt of the notice of violation to satisfy the variance condition.
3. Failure to satisfy the condition(s) within the thirty day period shall result in the revocation of the variance approval.

H. Time Limit. Approved variances that are not acted upon within 12 months shall be considered void.

1131.12 ADMINISTRATIVE ADJUSTMENTS

A. The administrative adjustment procedures of this section are intended to provide a streamlined approval procedure for minor modifications of selected zoning

standards. Administrative adjustments are intended to:

1. Allow development that is more in keeping with the established character of the neighborhood, as opposed to development that is in strict compliance with zoning standards;
2. Provide flexibility that will help promote rehabilitation and reuse of existing buildings when such flexibility will not adversely affect nearby properties or neighborhood character; and
3. Provide limited flexibility for new construction when necessary to address unusual site and development conditions when such flexibility will not adversely affect nearby properties or neighborhood character.

B. Administrative adjustments may only be requested for the following zoning standards:

1. Reducing the minimum front, side, and rear yard setbacks as required by standards of the zoning district by the greater of ten (10) percent of the requirement or one (1) foot;
2. Increasing the maximum height permitted by the zoning standards of the zoning district for principal and accessory structures by the greater of ten (10) percent of the requirement or one (1) foot;
3. Increasing the maximum height of freestanding signs permitted by the standards of the zoning district by the greater of ten (10) percent of the requirement or one (1) foot;
4. Reducing the minimum setback of freestanding signs permitted by the standards of the zoning district by the greater of ten (10) percent of the requirement or one (1) foot.

C. Administrative Adjustment Procedure:

1. The procedures and requirements set forth in Section 1131.11(C) shall be utilized for administrative adjustment applications.
2. The Zoning Administrator is authorized to review and approve or deny an application for an administrative adjustment in accordance with this section.
3. The Zoning Administrator may remit any application for an administrative adjustment to the Board of Zoning Appeals for review by the Board. In this instance, the Board of Zoning Appeals shall maintain the authority to decide

the remitted application. The public hearing procedure as set forth in Section 1131.06 will be required for administrative adjustment applications before the Board of Zoning Appeals.

4. An aggrieved applicant may appeal the Zoning Administrator's final decision on an administrative adjustment application in accordance with Section 1131.09.

D. Administrative Adjustment Standards of Review. Administrative adjustments shall be approved upon a finding the applicant demonstrates the following standards are met:

1. General. The requested administrative adjustment is not inconsistent with the character of the development in the surrounding area, and will not result in incompatible uses.
2. Mitigates Adverse Impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent practicable.
3. Technical Nature. The administrative adjustment seeks relief from an area (dimensional) standard and is either:
 - a. Required to compensate for some unusual aspect of the site that is not shared by landowners in general;
 - b. Supporting an objective or goal from the purpose and intent statements of the zoning district where located.
4. Not Substantially Interfere with Convenient and Enjoyable Use of Adjacent Land. The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent parcels, and will not pose a danger to the public health or safety.

E. Conditions of Approval. In approving an administrative adjustment, the Zoning Administrator may grant a lesser modification than requested by an applicant, and may impose appropriate conditions on the permit approval in accordance with Section 1131.11(F).

F. Effect. The issuance of an administrative adjustment shall authorize only the particular administrative adjustment that is approved in the permit. An administrative adjustment, shall run with the land and not be affected by a subsequent change in property ownership.

1131.13 DECISIONS OF THE BOARD

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him. He shall incorporate the terms and conditions of the decision in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.
- C. A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. Any party adversely affected by the decision of the Board may appeal to the applicable Court of Common Pleas of Clermont or Hamilton County on the ground that the decision was unreasonable or unlawful. The court may affirm, reverse, vacate or modify the decision complained of in the appeal.

1131.14 ASSISTANCE FROM OTHER DEPARTMENTS

The Board of Zoning Appeals may call upon other 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.

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CHAPTER 1133—CHANGES AND AMENDMENTS

1133.01 ZONING ORDINANCE AMENDMENTS

Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this Chapter, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this Zoning Ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by Council or the Planning Commission on its own motion or by a verified application of one or more of the owners of property within the area proposed to be changed or affected by this Zoning Ordinance.

1133.02 PROCEDURE FOR CHANGE

Applications for any change of the regulations or of district boundaries or classifications of property as shown on the Zoning Map shall be submitted to the Planning Commission, at its public office, upon such forms, and accompanied by such data and information as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application for a change of district boundaries or a reclassification of property shall be verified by at least one of the owners of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by Council or by the Planning Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

1133.03 LIST OF PROPERTY OWNERS

A statement giving the names and addresses of the owners of all properties being considered for such a change and for those properties lying within 200 feet of any part of the exterior boundaries of the property being considered for such a change shall be submitted with the application for a zone change.

1133.04 NOTICE AND HEARING

Before submitting its recommendation on a proposed change of the regulations or reclassification of property to Council, the Planning Commission shall hold at least one public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least thirty days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to this Zoning Ordinance, including text and maps, may be examined.

1133.05 RECOMMENDATION TO COUNCIL

Following such hearing the Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning change requested in the application, or it may recommend that the application not be granted, These recommendations shall then be certified to Council.

1133.06 COUNCIL HEARING

After receiving from the Planning Commission the certification of such recommendations on the proposed changes of the regulations or reclassification of property, and before adoption of an amendment, Council shall hold a public hearing thereon, as required by statute, at least thirty days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.

1133.07 COUNCIL FINAL ACTION

Following such hearing and after reviewing the recommendations of the Planning Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of this Zoning Ordinance or the Zoning Map. Council may overrule the recommendations of the Planning Commission by two-thirds vote of the full membership of Council.

TITLE FIVE - ZONING DISTRICTS

CHAPTER 1141—DISTRICT ESTABLISHMENT AND ZONING MAP

1141.01 PURPOSE

The purpose of this Chapter is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Zoning Ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

1141.02 ESTABLISHMENT OF DISTRICTS

A. The following zoning districts are hereby established for the City of Milford, Ohio:

"R-1"	Large Lot Residential District
"R-2"	Single Family Residential District
"R-3"	Single Family Residential District
"R-4"	Multi-Family Residential District
"R-5"	Multi-Family Apartment Complex District
"B-1"	Neighborhood Business District
"B-2"	Downtown Mixed Use District
"B-3"	General Business District
"B-5"	Special Business District
"L-I "	Light Industrial District
"PD"	Planned Development District
"OMO"	Old Mill Overlay District
"O"	Office District
"I"	Institutional District
"F"	Flood Plain District

B. Nothing in this Chapter shall be construed to require the actual location of any district on the official Zoning Map, as it is the intent of this Zoning Ordinance to provide the flexibility in its administration to allow future expansion and emendation.

1141.03 ZONING DISTRICT MAP

The districts established in Section 1141.02, Establishment of Districts, as shown on the official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Zoning Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

1141.04 IDENTIFICATION OF OFFICIAL ZONING MAP

The official Zoning Map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk. The official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Zoning Ordinance or any other ordinance. The official Zoning Map shall be a reproducible document and copies shall be made available to the public upon request and upon payment of a fee as established by ordinance.

1141.05 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official Zoning Map:

- A. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries;
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
- C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of such railroad line;
- D. Where the boundaries of a district are so indicated as approximately following the center lines of streams, lakes or other bodies of water, such center lines shall be construed to be such boundaries;
- E. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
- F. Whenever any street, alley or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

1141.06 ZONING UPON ANNEXATION

All areas annexed to the City after the effective date of this Zoning Ordinance shall be rezoned as follows:

- A. Within the ordinance that annexes land, a new zoning district shall be specified.
- B. Annexed land shall be rezoned to a zoning district that best represents the land uses proposed for adjacent properties in the Milford Land Use Plan.
- C. The designation of a new zoning district for annexed lands shall be made by the Zoning Inspector.

1141.07 ZONING MAP AMENDMENTS

Within fifteen days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change.

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"R-1" LARGE LOT RESIDENTIAL DISTRICT

1143.01 PURPOSE

The purpose of the R-1 Large Lot Residential District is to accommodate large lot single family residential development within and adjacent to areas of similar development and to allow for low intensity development in environmentally sensitive areas.

1143.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Public Recreational Areas;
- B. Single Family Dwellings;
- C. Type B Family Day Care Homes.

1143.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Bed and Breakfast Lodging Establishments;
- C. Child Day Care Centers;
- D. Educational Facilities;
- E. Government Buildings;
- F. Group Homes;
- G. Religious Places of Worship;
- H. Type A Family Day Care Homes.

1143.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Home Occupations.;
- C. Residential Garages;
- D. Roadside Produce Stands;
- E. Signs.

1143.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1143.06 MINIMUM LOT AREA

For each permitted use within this district, there shall be a minimum lot area of one and one-half acres (1 ½) acres, and shall not include the right-of-way of a street, road or alley.

1143.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of seventy-five feet at the front building line.

1143.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be thirty (30) feet from the right-of-way line.

1143.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty-five (25) feet from the rear lot line.

1143.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be six (6) from each side lot line.

CHAPTER 1145—"R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

1145.01 PURPOSE

The purpose of the R-2 Single Family Residential District is to provide for moderate density single family residential neighborhoods.

1145.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Public Recreational Areas;
- B. Single Family Dwellings;
- C. Type B Family Day Care Homes.

1145.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Bed and Breakfast Lodging Establishments;
- C. Child Day Care Centers;
- D. Educational Facilities;
- E. Government Buildings;
- F. Group Homes;
- G. Religious Places of Worship;
- H. Type A Family Day Care Homes.

1145.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Home Occupations;
- C. Residential Garages;
- D. Signs.

1145.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1145.06 MINIMUM LOT AREA

For each permitted use within this district, there shall be a minimum lot area of 10,000 square feet, and shall not include the right-of-way of a street, road or alley.

1145.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of seventy-five feet at the front building line.

1145.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be thirty (30) feet from the right-of-way line.

1145.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty-five (25) feet from the rear lot line.

1145.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be six (6) feet from each side lot line.

CHAPTER 1147—"R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

1147.01 PURPOSE

The purpose of the R-3 Single Family Residential District is to preserve the character of older neighborhoods within the city which include both single family homes and duplexes.

1147.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Public Recreational Areas;
- B. Single Family Dwellings;
- C. Two-Family Dwellings;
- D. Type B Family Day Care Homes.

1147.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Bed and Breakfast Lodging Establishments;
- C. Child Day Care Centers;
- D. Educational Facilities;
- E. Government Buildings;
- F. Group Homes;
- G. Religious Places of Worship;
- H. Type A Family Day Care Homes.

1147.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Home Occupations;
- C. Residential Garages;
- D. Signs.

1147.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1147.06 MINIMUM LOT AREA

- A. Single Family Dwellings within this district shall have a minimum lot area of 8,000 square feet, and shall not include the right-of-way of a street, road or alley.
- B. Two-Family Dwellings within this district shall have a minimum lot area of 12,000 square feet, and shall not include the right-of-way of a street, road or alley.

1147.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of sixty (60) feet at the front building line.

1147.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be thirty (30) feet from the right-of-way line.

1147.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty-five (25) feet from the rear lot line.

1147.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be six (6) feet from each side lot line.

CHAPTER 1149—"R-4" MULTI-FAMILY RESIDENTIAL DISTRICT

1149.01 PURPOSE

The purpose of the R-4 Multi-Family Residential District is to provide for small scale attached housing that includes townhomes, condominiums, and other multi-family dwellings that are not part of a larger complex of buildings.

1149.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Single Family Dwellings;
- B. Public Recreational Areas;
- C. Multi-Family Dwellings with no more than 4 units;
- D. Two-Family Dwellings;
- E. Type B Family Day Care Home.

1149.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Bed and Breakfast Lodging Establishments;
- C. Child Day Care Centers;
- D. Educational Facilities;
- E. Government Buildings;
- F. Group Homes;
- G. Religious Places of Worship;
- H. Type A Family Day Care Homes.

1149.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Home Occupations;
- C. Residential Garages;
- D. Signs.

1149.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1149.06 MINIMUM LOT AREA

- A. Single Family Dwellings within this district shall have a minimum lot area of 8,000 square feet, and shall not include the right-of-way of a street, road or alley.
- B. Two-Family Dwellings within this district shall have a minimum lot area of 12,000 square feet, and shall not include the right-of-way of a street, road or alley.
- C. Multi-Family Dwellings within this district shall have a minimum lot area of 16,000 square feet, and shall not include the right-of-way of a street, road or alley.

1149.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of fifty (50) feet at the front building line.

1149.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be thirty (30) feet from the right-of-way line.

1149.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty-five (25) feet from the rear lot line.

1149.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be no less than six (6) feet from each side lot line.

CHAPTER 1151—"R-5" MULTI-FAMILY APARTMENT COMPLEX DISTRICT

1151.01 PURPOSE

The purpose of the R-5 Multi-Family Apartment Complex District is to provide for existing high-density multi-family residential developments. These uses may include large apartment buildings and/or a series of apartment buildings that are part of a larger complex.

1149.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Multi-Family Dwellings;
- B. Public Recreational Areas;
- C. Type B Family Day Care Homes.

1151.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Bed and Breakfast Lodging Establishments;
- C. Child Day Care Centers;
- D. Educational Facilities;
- E. Government Buildings;
- F. Group Homes;
- G. Religious Places of Worship;
- H. Type A Family Day Care Homes.

1151.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Home Occupations;
- C. Residential Garages;
- D. Signs.

1151.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1151.06 MINIMUM LOT AREA

- A. Multi-Family Dwellings within this district, shall have a minimum lot area of 2 acres, and shall not include the right-of-way of a street or road.
- B. All other permitted uses within this district shall have a minimum lot area of 16,000 square feet.

1151.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1151.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be forty (40) feet from the right-of-way line.

1151.09 MINIMUM REAR YARD SETBACK

No building shall be constructed closer than forty (40) feet to any property line where the adjacent property is zoned “R-1”, “R-2”, “R-3” or “I” nor closer than thirty (30) feet to any other property lines.

1151.10 MINIMUM SIDE YARD SETBACK

No building shall be constructed closer than forty (40) feet to any property line where the adjacent property is zoned “R-1”, “R-2”, “R-3” or “I” nor closer than thirty (30) feet to any other property lines.

1151.11 OTHER REQUIREMENTS

- A. There shall be no more than eight apartment units in any one building.
- B. There shall be no more than eight units per acre with a minimum distance between all buildings of at least thirty feet.

- C. A community house, or building, may be constructed upon any lot, or group of lots comprising a single complex, where the project contains thirty-six units or more. Such building shall contain a minimum of 1500 square feet and shall be for the purpose of servicing the project for the benefit of all residents with a manager's office, laundry and kitchen facilities and/or a common party room, entertainment room or meeting room.
- D. Sidewalks, with a minimum width of four feet, shall service each unit and provide access to a street or road, either public or private, and a four foot walk to provide access to a dedicated City street or State or Federal highway.
- E. The lot, or group of lots comprising the project, shall have vehicular access to a dedicated City street or State or Federal highway and shall have a minimum of fifty feet frontage upon such street or highway. All such streets or roads shall meet with the City's current specifications.

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CHAPTER 1153—"B-1" NEIGHBORHOOD BUSINESS DISTRICT

1153.01 PURPOSE

The purpose of the B-1 Neighborhood Business District is to provide for small scale convenience retail development. Such uses shall be compatible with the residential character of the surrounding neighborhood.

1153.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Financial Institutions;
- B. Government Buildings;
- C. Personal Service Establishments;
- D. Public Recreation Areas.

1153.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Child Day Care Centers;
- B. Convenience Stores;
- C. Mixed Uses;
- D. Religious Places of Worship;
- E. Type A Family Day Care Homes.

1153.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Signs.

1153.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 35 feet.

1153.06 MINIMUM LOT AREA

The minimum lot size for a principle structure housing one or more permitted uses shall not be less than 15,000 square feet in area.

1153.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1153.08 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in this district shall be thirty (30) feet from the right-of-way line.

1153.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty-five (25) feet from the rear lot line.

1153.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be six (6) feet from each side lot line.

1153.11 OTHER REQUIREMENTS

- A. The principal structure shall cover less than 50% of the lot.
- B. Permitted uses shall have less than 20,000 square feet of floor area.

CHAPTER 1155—"B-2" DOWNTOWN MIXED USE DISTRICT

1155.01 PURPOSE

The purpose of the B-2 Downtown Mixed Use District is to encourage a unique mixture of high activity and residential uses within downtown Milford. Emphasis should be placed on allowing uses such as small scale specialty stores, personal services and restaurants on the first floor of buildings along Main Street, Water Street and the side streets in between. The second floor of these building shall be used for residential, personal services and office uses. The remaining area of downtown Milford should be utilized by planned residential and mixed use development or recreational uses that add to the character of the area while providing a constant draw for people to shop and visit the area.

1155.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Clubs;
- B. Clinics on the second floor;
- C. Financial Institutions;
- D. Government Buildings;
- E. Offices on the second floor;
- F. Personal Service Establishments;
- G. Public Recreation Areas;
- H. Rental Halls;
- I. Restaurants;
- J. Retail Businesses;
- K. Taverns;
- L. Theaters.

1155.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Clinics on the first floor of a structure on Main Street, Water Street or any side street between Main or Water Streets.;
- B. Child Day Care Centers;
- C. Cluster Housing;
- D. Convenience Stores;
- E. Fast Food Restaurants;
- F. Microbreweries
- G. Mixed Uses;

- H. Offices on the first floor of a structure on Main Street, Water Street or any side street between Main or Water Streets.;
- I. Single Family Residential Dwelling;
- J. Two-Family Residential Dwellings;
- K. Type A Family Day Care Homes.

1155.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Commercial Garages;
- C. Signs.

1155.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

1155.06 MINIMUM LOT AREA

No minimum lot area requirement.

1155.07 MINIMUM LOT WIDTH

For each principally permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1155.08 FRONT YARD SETBACK

Building or use setbacks shall conform to the established average set back of the existing buildings within the block in question.

1155.09 REAR YARD SETBACK

Building or use setbacks shall conform to the established average set back of the existing buildings within the block in question.

1155.10 SIDE YARD SETBACK

No minimum side yard setback requirement.

1155.11 OTHER REQUIREMENTS

In addition to the regulations stated in this Chapter, all development within the B-2 Downtown Mixed Use District and the Old Mill Overlay District must comply with regulations imposed by Chapter 1167, “OMO” Old Mill Overlay District.

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CHAPTER 1157—"B-3" GENERAL BUSINESS DISTRICT

1157.01 PURPOSE

The purpose of the B-3 General Business District is to provide for areas for general retail, personal and household services that target local and regional residents. The

B-3 district should be well landscaped and provide plenty of parking to create an attractive yet safe place to shop and do business.

1157.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Clinics;
- B. Clubs;
- C. Convenience Stores;
- D. Fast Food Restaurants;
- E. Financial Institutions;
- F. Funeral Homes;
- G. Government Buildings;
- H. Hotels or Motels;
- I. Offices;
- J. Personal Service Establishments;
- K. Public Recreation Areas;
- L. Rental Halls;
- M. Restaurants;
- N. Retail Businesses;
- O. Taverns;
- P. Theaters.

1157.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Animal/Veterinary Hospitals;
- B. Automotive Repairs;
- C. Automotive Sales;
- D. Automotive Service Stations;
- E. Automotive Washing Establishments;
- F. Cellular or Wireless Communications Systems;
- G. Convenience Stores with Gas Pumps and/or Food Service;
- H. Child Day Care Centers;
- I. Drive-Through Facilities;

- J. Hospitals;
- K. Religious Places of Worship;
- L. Type A Family Day Care Homes;
- M. Private Recreation

1157.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Commercial Garages;
- C. Signs;
- D. Food Trucks.

1157.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

1157.06 MINIMUM LOT AREA

The minimum lot size for a permitted structure housing one or more permitted uses shall not be less than 15,000 square feet in area.

1157.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1157.08 MINIMUM FRONT YARD SETBACK

- A. For properties along State Route 28 east of Service Road, the minimum front yard setback shall be thirty (30) feet from the right-of-way line.
- B. For all other properties located within a B-3 Zoning District, the minimum front yard setback shall be fifteen (15) feet from the right-of-way line.

1157.09 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in this district shall be twenty (20) feet from the rear lot line.

1157.10 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in this district shall be fifteen (15) feet from each side lot line.

1157.11 OTHER REQUIREMENTS

The principal structure shall cover less than 50% of the lot.

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CHAPTER 1158—"B-5" SPECIAL BUSINESS DISTRICT

1158.01 PURPOSE

The purpose of the B-5 Special Business District is to accommodate a limited range of industrial activities and a wide range of commercial uses including wholesaling, storage, mail order, auto related, and office and retail in conjunction with industrial or wholesaling uses. Permitted industrial uses include enterprises engaged in assembling, altering, fabricating, finishing, processing, creating, repairing, renovating, painting, and cleaning. All uses within the B-5 district shall be operated entirely within an enclosed structure, which is clean, quiet and free of hazardous or other objectionable elements such as noise, dust, odor, smoke, glare and vibration.

1158.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Government Buildings;
- B. Wholesale Businesses
- C. Offices;
- D. Retail Businesses;
- E. Light manufacturing establishments.
- F. Clinics;
- G. Financial Institutions;
- H. Funeral Homes;
- I. Personal Service Establishments;
- J. Public Recreation Areas;
- K. Rental Halls;
- L. Restaurants;

1158.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Animal/Veterinary Hospitals;
- B. Automotive Repair;
- C. Automotive Body Shops
- D. Automotive Washing Establishments;
- E. Cellular or Wireless Communications Systems;
- F. Child Day Care Centers.
- G. Religious Places of Worship.

1158.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs, which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Commercial Garages;
- C. Signs;
- D. Outdoor Storage
- E. Warehouses;
- F. Food Trucks.

1158.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

1158.06 MINIMUM LOT AREA

The minimum lot size for a permitted structure housing one or more permitted uses shall not be less than 15,000 square feet in area.

1158.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 20 feet at the public road right-of-way.

1158.08 MINIMUM FRONT YARD SETBACK

- A. The minimum front yard setback shall be fifteen (15) feet from the right-of-way line.
- B. Buildings or uses shall be located no less than (70) seventy feet from any residential district or use.

1158.09 MINIMUM REAR YARD SETBACK

- A. The minimum rear yard setback for properties in this district shall be twenty (20) feet from the rear lot line.
- B. Buildings or uses shall be located no less than (70) seventy feet from any residential district or use.

1158.10 MINIMUM SIDE YARD SETBACK

- A. The minimum side yard setback for properties in this district shall be fifteen (15) feet from each side lot line.
- B. Buildings or uses shall be located no less than (70) seventy feet from any residential district or use.

1158.11 OTHER REQUIREMENTS

The principal structure shall cover less than 50% of the lot.

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CHAPTER 1159—"O" OFFICE DISTRICT

1159.01 PURPOSE

The purpose of the O Office District is to allow for areas within the City to be dedicated for low intensity office, professional, and other related services that provide a suitable transition between residential and more intensive non-residential uses.

1159.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Financial Institutions;
- B. Funeral Homes;
- C. Government Buildings;
- D. Offices;
- E. Personal Service Establishments;
- F. Public Recreation Areas.

1159.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Clinics;
- B. Day Care Centers;
- C. Hospitals;
- D. Hotels or Motels;
- E. Mixed Uses;
- F. Religious Places of Worship;
- G. Research and Development Laboratories.

1159.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Commercial Garages;
- C. Signs;
- D. Warehouses;
- E. Food Trucks.

1159.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

1159.06 MINIMUM LOT AREA

No minimum lot area requirement.

1159.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1159.08 MINIMUM FRONT YARD SETBACK

- A. Buildings or uses shall be located no less than thirty (30) feet from any public road right-of-way.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

1159.09 MINIMUM REAR YARD SETBACK

- A. Buildings or uses shall be located no less than twenty (20) feet from the rear lot line.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

1159.10 MINIMUM SIDE YARD SETBACK

- A. Buildings or uses shall be located no less than ten (10) feet from each side lot line.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

CHAPTER 1161—"L-I" LIGHT INDUSTRY DISTRICT

1161.01 PURPOSE

The purpose of the L-I Light Industrial District is to accommodate and encourage the development of job intensive uses that include light industrial, office, and research and development uses. All uses shall be operated entirely within an enclosed structure which is clean, quiet and free of hazardous or other objectionable elements such as noise, odor, dust, smoke, glare and vibration.

1161.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Light Manufacturing Establishments;
- B. Offices;
- C. Public Recreation Areas;
- D. Wholesale Businesses;
- E. Automotive Body Shops;
- F. Private Indoor Recreation Areas.

1161.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Cellular or Wireless Communications Systems;
- B. Child Day Care Centers;
- C. Hospitals;
- D. Microbreweries;
- E. Research and development Laboratories;
- F. Automotive Sales;
- G. Automotive Repair.

1161.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Commercial Garages;
- C. Signs;
- D. Warehouses;

E. Food Trucks.

1161.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 65 feet.

1161.06 MINIMUM LOT AREA

The minimum lot size for a permitted structure housing one or more permitted uses shall not be less than 15,000 square feet in area.

1161.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1161.08 MINIMUM FRONT YARD SETBACK

- A. Buildings or uses shall be located no less than fifty (50) feet from any public road right-of-way.
- B. When a lot abuts a residential district or use, all buildings or uses shall be located no less than seventy-five (75) feet from the lot residential district or use.

1161.09 MINIMUM REAR YARD SETBACK

- A. Buildings or uses shall be located no less than seventy-five (75) feet from any residential district or use.
- B. Buildings or uses shall be located no less than twenty (20) feet from all other lot lines.

1161.10 MINIMUM SIDE YARD SETBACK

- A. Buildings or uses shall be located no less than seventy-five (75) feet from any residential district or use.
- B. Buildings or uses shall be located no less than twenty (20) feet from all other lot lines.

1161.11 OTHER REQUIREMENTS

All lots shall have at least twenty percent (20%) of the lot dedicated to open space that may include landscaped areas.

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CHAPTER 1163—"I" INSTITUTIONAL DISTRICT

1163.01 PURPOSE

The purpose of the I Institutional District is to protect those lands used primarily by public or private institutional uses from development into other, incompatible or more intensive uses.

1163.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Cemeteries;
- B. Continuing Care Retirement Facilities;
- C. Educational Facilities;
- D. Nursing Homes/Convalescent Homes;
- E. Private Recreation Areas;
- F. Public Recreation Areas;
- G. Religious Places of Worship.

1163.03 CONDITIONAL USES

The following conditional use shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Cellular or Wireless Communications Systems.

1163.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Multi-Family Dwellings in accordance with the regulations set forth in Chapter 1151, "R-5" Multi-Family Apartment Complex District concerning multi-family dwellings;
- C. Signs;
- D. Food Trucks.

1163.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

1163.06 MINIMUM LOT AREA

No minimum lot area requirement.

1163.07 MINIMUM LOT WIDTH

For each permitted use within this district, there shall be a minimum lot width of 50 feet at the public road right-of-way.

1163.08 MINIMUM FRONT YARD SETBACK

- A. Buildings or uses shall be located no less than thirty-five (35) feet from the public road right-of-way.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

1163.09 MINIMUM REAR YARD SETBACK

- A. Buildings or uses shall be located no less than twenty (20) feet from the rear lot line.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

1163.10 MINIMUM SIDE YARD SETBACK

- A. Buildings or uses shall be located no less than ten (10) feet from each side lot line.
- B. Buildings or uses shall be located no less than fifty (50) feet from any residential district or use.

CHAPTER 1165—"F" FLOOD PLAIN DISTRICT

1165.01 GENERAL PROVISIONS

Certain sections of the City are subject to periodic flooding. During periods of high waters the lives and property of residents within affected areas are endangered. The Flood Plain District is established to prevent the destruction or impairment, partial or complete, of private property, the costly evacuation of people and damageable goods, personal injury and death, by regulating the type of development permissible in the District.

1165.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Forestry;
- B. Private Recreational Areas;
- C. Public Recreational Areas;
- D. Wildlife Preserves.

1165.03 CONDITIONAL USES

The following conditional uses shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Agricultural Uses;
- B. Riding Academies.

1165.04 ACCESSORY USES

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Roadside Produce Stands;
- C. Signs.

1165.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

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CHAPTER 1167—" OMO" OLD MILL OVERLAY DISTRICT

1167.01 PURPOSE

It is the purpose of the Old Mill Overlay District to protect the unique small town and historic character of Downtown Milford while promoting the growth and development of new commercial and residential land uses.

1167.02 DESIGNATION

The Old Mill Overlay District shall be designated by the abbreviation "OMO" on the Official Zoning and Flood Plain Map of the City. All property so classified is subject to the provisions of this Chapter.

1167.03 APPLICABILITY

The OMO shall operate as an overlay zone with the existing zoning districts remaining intact. All provisions of the underlying zoning shall apply, except as provided in this Chapter.

1167.04 CERTIFICATE OF APPROPRIATENESS

- A. No Minor Building Improvements or Major Building Improvements, as defined in Section 1167.07, may be made to any property within the OMO until a Certificate of Appropriateness has been issued:
- B. No Building Permit shall be issued for any non-exempt improvements to properties within the OMO unless a Certificate of Appropriateness has been issued.

1167.05 EXEMPTIONS

Unless specifically addressed in the OMO, the following are exempted from the provisions of this Chapter and must only meet the requirements of the Zoning Ordinance or other applicable codes as adopted by the City:

- A. Any permit for interior alterations and repairs;
- B. Any permit for modification to facades not visible from any public right-of-way;
- C. Any permit necessary for compliance with a lawful order of the Building Official, including deficiencies listed in certificates of inspection;
- D. Any permit necessary for the immediate public health and safety as determined by the Building Official;

- E. Landscaping of existing single family residential uses.

1167.06 USE REGULATIONS

In addition to those uses permitted in the underlying zoning districts, a building or premises may be used for the following purposes subject to approval pursuant to this Chapter:

- A. Residential Dwellings not exceeding a gross density of 12 units per acre;
- B. Outdoor Dining Establishments;
- C. Public Recreational Areas;
- D. Public Purpose Uses.

1167.07 IMPROVEMENTS SUBJECT TO REVIEW

Applications for a Certificate of Appropriateness that are subject to review will require the submission of application requirements listed in Section 1167.08. Applications for the following improvements shall be grouped for review according to the following categories:

A. Minor Building Improvements

1. Minor demolition of non-significant parts of structures;
2. Fences, fire escapes, heating, ventilation and air-conditioning units;
3. Roof, cornice, window, step and wall repair or replacement, if the work matches the original;
4. Painting, if there is no change in the colors from the original
5. Work not requiring a building permit (cleaning and landscaping) for all existing and proposed developments unless exempted in Section 1167.05;
6. Curb-cuts and driveways.
7. Wall signs, ground and sandwich board signs that meet the height, type, size and location regulations in the Zoning Ordinance.

B. Major Building Improvements

1. New construction;
2. Excavation and/or fill;
3. Demolition, except where noted in Section 1167.07 under Minor Building Improvements;
4. Modification to facades visible from any public right-of-way that may change the original appearance of the structure, including painting;
5. Awnings and hardware attached to the structure;
6. All other non-exempt improvements not designated under the Minor Building Improvements category.

1167.08 APPLICATION REQUIREMENTS

All applications for review shall be submitted to the City Manager or the City Manager's designee. Submittal requirements will be based on the category of improvement.

A. Minor Building Improvements

Submittal requirements for any non-exempt improvements categorized as Minor Building Improvements in Section 1167.07 shall include:

1. Application Form

A standard form used for all review applications. This application form must be signed by the owner of the property or an authorized agent of the owner. This application will include a written description of the proposed improvements.

2. Color Photographs

Photographs shall be taken of the structure or site from viewing locations along the public right-of-ways.

3. Materials and Color Samples

Material and color samples shall be submitted with the application. The samples will be retained by the Building Department for assurance of compliance with the reviewing body's approval.

4. Elevations (for new signs)

Color rendered elevations of the building shall be included which illustrate the placement, size, color or style of any graphic treatment (sign, mural, logo, etc.) to be affixed or painted on the structure.

B. Major Development Projects

Submittal requirements for any non-exempt improvements categorized as Major Building Improvements in Section 1167.07 shall include:

1. Application Form

A standard form used for all review applications. This application form must be signed by the owner of the property or an authorized agent of the owner. This application will include a written description of the proposed improvements.

2. Color Photographs

Photographs shall be taken of the structure or site from viewing locations along the public right-of-ways.

3. Written Project Description Report

Each application shall be accompanied by a written description of the project. This description should include the proposed changes to the building, structure, or site; the design concept; rationale for the design; project proposal in a written format; the relation to existing conditions on site; the existing and proposed uses; and materials; colors; construction methods;

4. Existing Conditions Site Plan

All applications shall contain a site plan showing the property and street on which it fronts with all existing site features including items such as site topography, buildings, pavements, utility structures, signs, walls, fences and trees having a trunk caliper of 6" or greater (measured at 6" above ground level.) The Existing Conditions Plan shall indicate all existing site features to be demolished as part of the proposed project. All property lines, right-of-way lines and easements affecting property shall also be shown.

5. Proposed Site Plan

All submittals shall include a site plan illustrating the proposed site improvements including buildings, building additions, pavements, utilities, signs, walls, fences, and landscaping. Site grading and drainage must be indicated by means of contours and/or spot elevations.

6. Building Plans

Architectural renderings or drawings shall be submitted indicating elevations, details, catalogue cuts, etc. Plans should provide sufficient detail to illustrate size, material, color, proportion and appearance of all proposed site features such as walls fences, signs, bollards and site furnishings.

7. Color Rendering

Submittals shall include one color-rendered perspective of the proposed projects from a viewpoint along the public right-of-way at which the project will have the most visual impact. (Not required for single-family residential projects.)

8. Elevations (for awnings)

Color rendered elevations of the building shall be included which illustrate the placement, size, color or style of awning to be affixed or painted on the structure.

9. Materials and Color Samples

Material and color samples shall be submitted with the application. The samples will be retained by the Building Department for assurance of compliance with the reviewing body's approval.

1167.09 REVIEW PROCESS

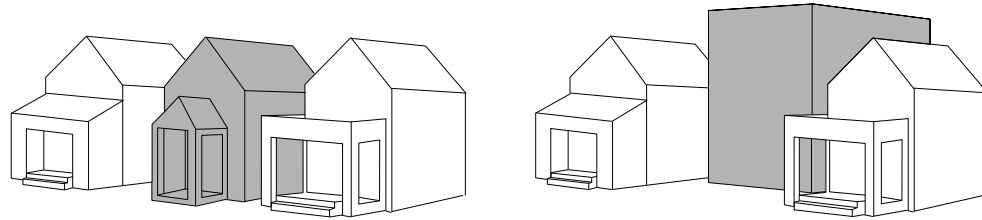
- A. Upon receipt of a completed application and any required fees, the City Manager or their designee will have the prescribed amount of time to do the following:
 - 1. Approve Minor Building Improvement applications within 30 days, or at their discretion, refer Minor Building Improvement applications to the Planning Commission;
 - 2. Conduct a pre-hearing conference within 20 days for Major Building Improvement applications to which all interested parties, including the applicant, abutting property owners and any other appropriate citizen groups, shall be invited.
 - 3. Schedule a public hearing with the Planning Commission and give public notice, through the mail, to abutting property owners within 30 days for all Major Building Improvements and referred Minor Building Improvement applications.
- B. One of the following four actions may be taken for applications heard by the Planning Commission:
 - 1. Approval - Approval of project as submitted. A Certificate of Appropriateness is issued;
 - 2. Approval with Conditions - Approval of project with conditions that must be met prior to a Certificate of Appropriateness being issued;
 - 3. Continuance - Where the Design Review Board sees fit to request additional information, the hearing is continued until the information is provided to the review board;
 - 4. Denial - Proposed project is denied. The applicant can appeal to the Board of Zoning Appeals or modify the development and resubmit another application.
- C. Construction must begin within one year of the Certificate of Appropriateness being issued or the Certificate of Appropriateness becomes invalid.

1167.11 REVIEW STANDARDS

Some of the following standards include a general illustration of the design concept.

A. Setback

1. Buildings along Main Street, Mill Street, Elm Street, and Garfield Street, between Water Street and High Street, shall be set to the property line.



Consider

Avoid

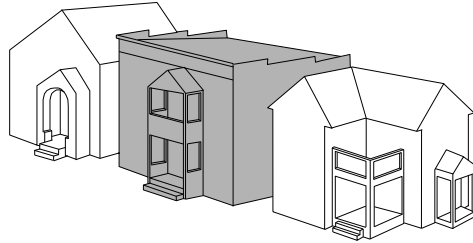
2. Open spaces between buildings that create courtyards or walkways to the rear of the property are encouraged.

B. Site Development

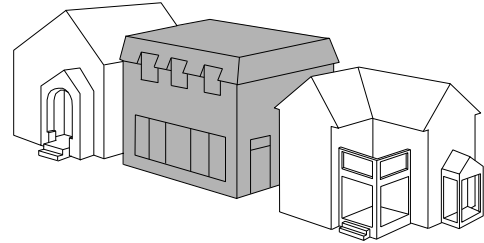
1. Utility services shall be placed underground for all new services.
2. Overhead utilities shall be consolidated on to new or existing poles, where possible, to minimize the number of utility poles in the streetscape.
3. Where a sidewalk exists in the public right-of-way, a pedestrian connection must occur from the building to the existing sidewalk.
4. Site features such as service entrances and loading zones shall be screened from adjacent properties and the public right-of-way and located in the side or rear lot.
5. The construction materials and colors of walls and fences that are visible from any public right-of-way shall be uniform and compatible with the architectural style, color and building material of the buildings and its surroundings.
6. Chain link fences are permitted only where they are not visible from any public right-of-way.

C. Building Design

1. All elevations of a building shall be subject to review. A front facade shall be architecturally emphasized, although all sides of a building shall be architecturally consistent with the front facade.
2. Buildings shall be architecturally oriented to the street and the main entrance shall be located on the street facade.



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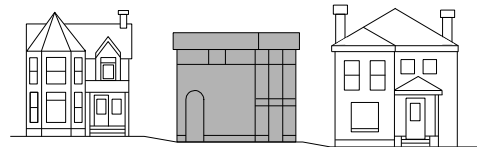


Avoid

3. Mechanical equipment and dumpsters shall be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation is not possible, the facilities shall be screened from public view with materials compatible with those used in the building.
4. No more than sixty percent (60%) of the facade of the building facing the public right-of-way or the front facade may be glass. Windows and doors shall be vertical in orientation. Black, opaque and reflective glass is prohibited.

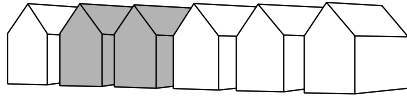


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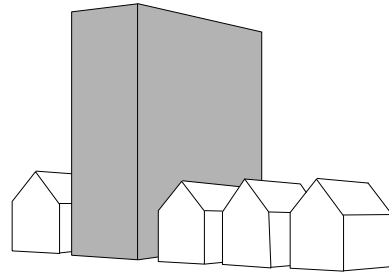


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5. Building projects must provide a design that emphasizes an activity level from the street.
6. Acceptable materials for use shall include brick, wood, stone or stucco. Concrete block or slick pervasive materials such as plastic, neon or metallic are not acceptable. Back lighted or polyvinyl awnings are not permitted.
7. Heights of structures shall be roughly equal to the average height of surrounding buildings.

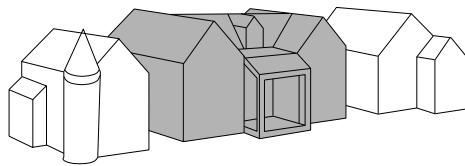


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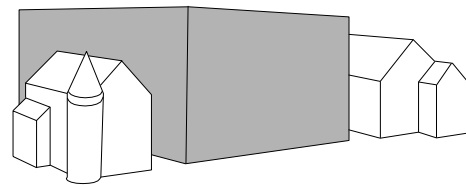


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8. The scale of building proportions such as height and width shall be similar to surrounding buildings.

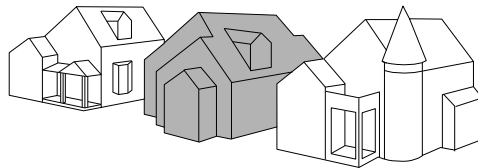


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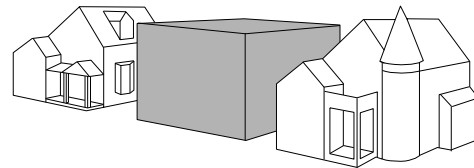


Avoid

9. The massing of the building shall be similar in character to surrounding buildings.



Consider



Avoid

10. Flat rooflines are permitted with the use of cornices, parapets or some form of architectural emphasis along the roofline where adjacent buildings have a similar roofline;

11. Existing natural brick and stone buildings shall not be painted. If stone or brick buildings are currently painted, repainting them rather than removing the paint shall be done to prevent damage to the underlying materials.

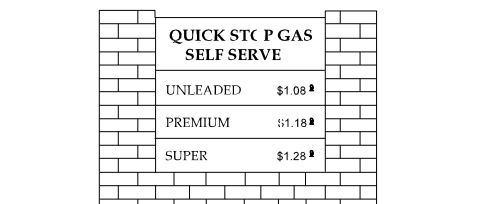
D. Colors

1. A palette of appropriate shades of colors for use on buildings or awnings within the OMO district shall be available for review through the City Manager or their designee.

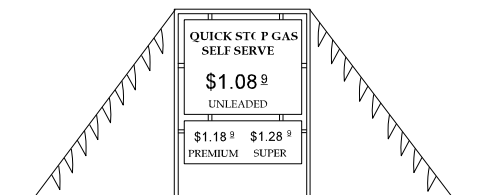
2. In selecting paint colors, consider returning the building to its original color. Colors may be found through old postcards and photographs.
3. Always choose colors that blend well with the natural color of your buildings unpainted brick or stone. If the building is framed, or is already painted, colors should be selected that will blend well with the overall colors that already exist downtown.
4. Limit the use of contrasting colors on the buildings within the OMO. Color schemes should be kept simple, with no more than one or two trim colors on any given building.
5. The chosen color scheme should help tie all of the parts of the building together. Typically the color that is used in the storefront area should be repeated in the upper story windows or cornice area.
6. Bright primary colors, including shades of purple, turquoise, orange, pink, etc. are strongly discouraged in the OMO district.

E. Signs

1. In addition to the height, type, size and location regulations dictated in the Zoning Ordinance, permitted signs in the OMO shall be designed to reflect the materials and style used in the building.



Consider



Avoid

2. Ground signs shall be designed to be permanent in appearance.
3. Bright or fluorescent colors are not permitted.
4. Lighting of signage in the OMO shall be from an external source such as a spotlight. Internally lighted signs are not permitted.
5. Portable signs are prohibited.
6. Each business shall be permitted one sandwich board sign. Such signs shall not exceed 24 inches in width per face and 36 inches in height. Signs shall only be allowed in front of the building when a store is open for business and shall not remain overnight. Six feet of sidewalk must be kept clear for the use

of pedestrians. Signs shall be stable, self-supporting, and not lean against landscaping or any public permanent fixtures such utility poles, benches, and trash receptacles. The design and physical appearance of signs shall enhance the individual appearance of the business and not detract from the character of the Old Mill District. Sign faces that contain permanent copy are preferred, and changeable copy faces are encouraged to be of a tasteful nature and not resemble the types of changeable face signs that are found in the City's other business districts.

F. Landscaping

1. Plant materials shall be chosen which are indigenous, moderately fast growing, and require minimal maintenance. The landscape design shall incorporate the entire site and consist of a palette of plants with year round appeal which may include: annuals, perennials, shrubs and trees.
2. Parking areas and driveways shall be landscaped with shrubs, trees or tree groupings.
3. In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, parking blocks or other devices.
4. Dumpsters, loading docks, utility boxes, and open areas where machinery or vehicles are stored or repaired, and other similar facilities shall be screened from public ways and adjoining residential areas.
5. Where landscaping is used as screening, it shall be opaque year round.
6. Landscape screening shall be of a height and density so that it provides the full desired effect within three years of growing time.
7. Whenever there are five (5) or more parking spaces on the property, the parking lot shall be screened for at least two-thirds of the length of the parking lot. Landscaping, walls, fences, planters or similar means shall be used to screen cars. Whenever structures such as walls or fences are used to create a screen, plants shall be located on the sides of the structures which can be seen from the surrounding streets, walks and other properties which are used by the public.

G. Lighting

1. Outdoor lighting of a building and parking area shall be directed so as not to shine on adjacent properties.

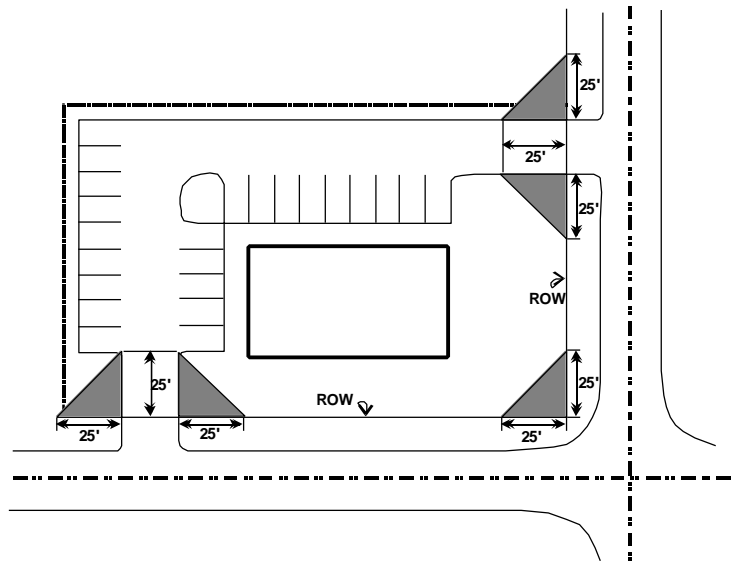
H. Outdoor Storage

1. Outside storage of raw material, finished products and equipment must be visually screened from all sides visible from any public right-of-way;
2. Utilize landscaping and fencing for screening of all storage facilities.
3. Outdoor storage buildings shall be constructed in the same style as surrounding buildings.
4. Locate outdoor storage out of view from the public right-of-ways where possible, preferably behind the main building.

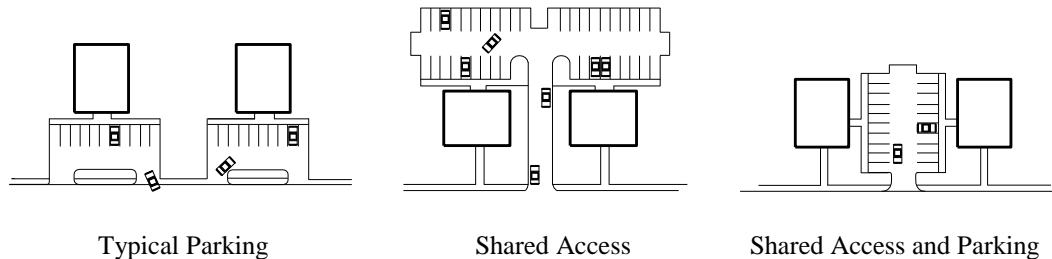
I. Vehicular Circulation and Access

1. Minimize the number of vehicular turning movements and points of vehicular conflict by reducing the number of access points to the minimum required for safe traffic flow. Points of ingress and egress shall be clearly defined and promote the safe movement of traffic.
2. Provide for the safe and functional movement of vehicles and pedestrians both on and off-site.
3. Give consideration to the location of existing access points, adjacent to and directly across the street from the site. Curb cuts shall be shared by adjoining uses whenever cooperation can be gained.
4. Driveways shall not be used as points of ingress and egress for individual parking spaces. Driveway placement shall be such that loading and unloading activities will not hinder vehicular ingress and egress.
5. All sites shall be designed so plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
6. The minimum spacing of access points for commercial developments from centerline to centerline along any street within the OMO is 100 feet.
7. Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems to minimize curb cuts along the street.
8. No plants, foliage, wall, fence, or sign, higher than twenty-four (24) inches above the top of the curb, shall be located within the sight distance triangle on any corner of a property adjoining an intersection or along driveways. At intersections, the sight distance triangle is formed by joining with a straight line, points along intersecting street right-of-ways, twenty-five (25) feet from

the intersection as illustrated on the following page. At driveways, the sight distance triangle is formed by joining with a straight line, points along the driveway curb and the street right-of-way twenty-five (25) feet from the intersection.



9. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus as follows. The total lot size and road frontage required for each parcel may be reduced by fifteen percent (15%) for both landowners.



J. Parking

1. No surface parking lots are permitted along Main Street.

K. Demolition

Demolition of any structure shall not be permitted unless the applicant can demonstrate that one of the following conditions exists:

1. Demolition has been ordered by the Building Official for reasons of public health and safety;

2. The owner can demonstrate that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition;
3. The demolition of the building will not adversely affect the streetscape as determined by the Planning Commission.

1167.12 MAINTENANCE

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within the OMO, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which in the view of the Building Official is required for public safety because of unsafe, insecure or dangerous conditions.

1167.13 RELATIONSHIP TO VARIANCES

Whenever an application is made for variance relating to property wholly or partially located within the OMO, the Board of Zoning Appeals shall exercise its authority granted in Chapter 1131 of the Zoning Ordinance.

1167.14 APPEALS

Where it is alleged that the Planning Commission has made an error in their decision on an application, the applicant may appeal the recommendation to the Board of Zoning Appeals within 20 days of the original recommendation from the reviewing body.

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CHAPTER 1169—"PD" PLANNED DEVELOPMENT DISTRICT

1169.01 PURPOSE

The purpose of the "PD" Planned Development District is:

- A. To allow flexibility in the zoning requirements where the result will be a higher quality development;
- B. To provide for and locate suitable recreation facilities, open space and other common facilities, while preserving the existing landscape to the greatest extent possible;
- C. To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
- D. To obtain creative and coordinated designs in harmony with surrounding uses and allowing procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this Chapter; and
- E. To allow for creative development that conforms with the goals and objectives set forth in the Milford Land Use Plan.

1169.02 ESTABLISHMENT OF THE REVIEW PROCESS

A Planned Development District overlays an existing zoning district or districts. The establishment of a Planned Development, pursuant to this Chapter, is a three step process. First, the Planned Development District is established by City Council as a zoning map amendment pursuant to Chapter 1133, Changes and Amendments. The approval or denial of the establishment of a Planned Development District is a legislative action by the City Council, with a recommendation by the Planning Commission. Second, a Preliminary Development Plan must be reviewed and acted on by City Council with a recommendation by the Planning Commission pursuant to Section 1169.06 of this Chapter. Action on the Preliminary Plan by City Council is an administrative act. Third, a Final Development Plan must be reviewed and acted on by Planning Commission pursuant to Section 1169.07 of this Chapter. The Planning Commission's action on a Final Development Plan is final.

1169.03 RESIDENTIAL PLANNED DEVELOPMENTS

A. Permitted Uses

The permitted uses in a “PD” Planned Development District shall be those uses permitted in the district in which the “PD” District is to be located; in addition, the following uses shall be permitted in a residential “PD” District:

1. Cluster Housing in areas designated as such on the Milford Land Use Plan in compliance with the following standards:
 - a. The overall density shall not exceed that permitted in the underlying zoning.
 - b. When single family dwellings are to be clustered into townhomes or condominiums, there shall be no more than four units per structure.
 - c. When lots area requirements are decreased to allow for the clustering of single family lots, the minimum lot area shall be 8,000 square feet for each dwelling unit. The remaining undeveloped property may be used to satisfy the open space requirements provided in Section 1169.03 (L).
 - d. Lot or dwelling clustering shall be done in such a way as to protect sensitive areas.
 - e. Sensitive areas shall be identified on both the preliminary and final development plan and shall be treated as common open space that may not be developed in the future.
2. Traditional Neighborhood Residential in areas designated as such on the Milford Land Use Plan in compliance with the following standards:
 - a. Only single family homes shall be permitted.
 - b. The minimum lot area shall be 8,000 square feet, and shall not include the right-of way of a street, road or alley.
 - c. The front yard setback shall be twenty (20) feet.
 - d. The street network shall be designed to continue the existing grid system present in the designated traditional residential neighborhood areas.
 - e. All garages shall be located in the rear yard of the property with access from an alley.
 - f. An alley system shall be provided to provide access to garages.
 - g. Sidewalks with a minimum width of four feet (4’) shall be provided on both sides of the street.
 - h. All single family housing shall have a porch that extends along at least 50% of the front elevation.

- i. Street trees shall be planted on both sides of the street. Such trees shall meet the minimum quality standards set forth in Chapter 1189, Landscaping and Bufferyard Requirements.
3. A “B-1” commercial use provided that the residential “PD” District is twenty acres or more in size. One area may be designated as a neighborhood shopping area, not to exceed two (2) acres in size, except that an additional one-half acre of “B-1” commercial uses may be permitted for each additional fifteen acres of “PD” District area, but not to exceed six acres.

Where commercial uses are planned in conjunction with residential uses, the commercial uses cannot be constructed until at least sixty percent (60%) of the total dwellings are complete or under construction, unless authorized by the Planning Commission.

B. Project Area

It is the intent of this chapter that the use of the Planned Development District will yield the same net density of dwelling units as would development under conventional zoning. Therefore, the project area that will be used to determine the permitted number of units shall be limited to all of the area within the Planned Development that is devoted to residential use, including open space and recreational uses designed to serve the residential development, specifically excluding but not limited land located within a floodway and land allocated for public right-of-way.

C. Density Calculation

The Planning Commission shall determine the net number of dwelling units which may constructed within the residential “PD” District by dividing the project area by either of the following:

1. The required lot area per dwelling unit which is required in the district on which the “PD” District is located; or
2. The required lot area per dwelling unit which is required in the district on which the “PD” District is located, as modified by any increases in density permitted under Subsection (H) below.

D. Planned Development in Multiple Zoning Districts

If a residential “PD” District covers more than one (1) zoning district, the number of allowable dwelling units must be separately calculated for each portion of the “PD” District located in a separate zoning district, and then must be combined to determine the number of dwelling units allowable in the entire “PD” District.

However, the distribution of the dwelling units within the “PD” District is not to be affected by existing zoning district boundaries.

E. Submittal Requirements

A development plan shall be submitted consistent with Sections 1169.06 and 1169.07.

F. Subdivision Review

Wherever the provisions of this Chapter and the Subdivision Regulations are in conflict, the more restrictive or detailed requirements shall be met, unless waived or altered by the Planning Commission.

G. General Guidelines

In evaluating a proposed Development Plan, the following guidelines shall be used by the Planning Commission.

1. The residential “PD” district is consistent with the goals and objectives of the Milford Land Use Plan.
2. The residential “PD” district is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision of the preservation of streams and stream banks, wooded cover, rough terrain and similar area.
3. The residential “PD” district is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
4. Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and Loading requirements.
5. There is a beneficial relationship between the proposed residential “PD” district and the neighborhood in which it is to be established.
6. Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented. If the services or infrastructure are not in place, assurances that the improvements will be in place at completion of construction of the project shall be required.
7. The proposal meets the purpose set for the “PD” Planned Development District as set forth in Section 1169.01, Purpose.
8. The proposal meets all the regulations for “PD” Planned Development Districts as set forth in this Chapter.
9. Common open spaces and recreational areas should be linked together by walkways or planting areas.

10. Where commercial uses are proposed within the residential planned development, buffering and landscaping should be used to create a natural separation between the uses.
11. Commercial uses shall be designed to resemble the character of the surrounding residential buildings.
12. Buildings should be sited in an orderly, non-random fashion. Long unbroken building facades should be avoided.
13. Short loop streets, cul-de-sacs and residential streets shall be used for access to residential areas in order to provide a safer living environment and a stronger sense of neighborhood identity.
14. Street location and design shall conform to the existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets.
15. Adequate landscaping shall be provided throughout the site to create an attractive development, to reduce the amount of impervious surface created and to prevent large expanses of uninterrupted pavement areas.
16. Consideration should be given to the provision of bus shelters.

H. Density Increase

The Planning Commission shall authorize an increase in the density of the planned development under the following circumstances provided that the negative impacts listed in paragraph (I) below would not be created by such increase in density:

Criteria	Maximum Increase	Description
1. Location	3 du/acre	(a) 2 acres or more (b) Within ¼ mile of a transit stop, trail, and/or park. (c) Infill (d) Brownfield redevelopment
2.Environmentally Sensitive	5 du/acre	(a) Floodplain avoidance (b) Steep slope protection (c) Wetland and water body conservation (d) Use of innovative stormwater management techniques-rain gardens, swales
3. Common Open Space	3 du/acre	1 du/acre for each 5% over the minimum amount of open space required (up to 3 du/acre)
4. Excellence in Site Design	5 du/acre	(a) Residential Building Facades Building facades should be varied and articulated to provide visual interest to pedestrians. Frequent building entries and window should face the street. Front porches, bays, and balconies are encouraged. In no case shall a façade of a building consist of an unarticulated blank wall or an unbroken series of garage doors. (b) Residential Building Entries Primary ground floor residential entries to multifamily buildings must orient to streets, not to interior blocks or parking lots. Secondary and upper floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street. (c) Buildings containing multi-family units (excluding townhomes) with three or more stories shall contain an elevator. (d) Residential building walls shall be wood clapboard, wood shingle, hardieplank, wood drop siding, primed board, wood board and batten, brick, stone, approved vinyl or similar material. (e) Two wall materials may be combined horizontally on one façade. The heavier material should be below. (f) Bicycle Friendly Design a. Bike storage (g) Walkable Streets (h) Connected and open community-non gated, with public access.

In no case shall the density in the planned development be increased by more than ten dwelling units per acre.

I. Control of Density Increase

If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted in subsection (H), it may then deny or limit any increase in density by an amount that is sufficient to avoid the creation of any of these conditions.

1. Congested or unsafe access to the planned development; or
2. Traffic congestion in the streets which adjoin the planned development; or
3. An excessive burden on parks, recreational areas, schools and other public facilities that serve or are proposed to serve the planned development.

J. Spacing and Building Height

1. The location of all structures shall be as shown on the development plans. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
2. Minimum lot areas, frontage and yard requirements may be waived by the Planning Commission provided that the overall density standards required in this Chapter are maintained and that the Planning Commission determines that the proposed development complies with the intent of this Chapter.

K. Peripheral Setbacks

If the Planning Commission determines that topographical or other barriers do not provide a sufficient buffer between residential “PD” Districts and contiguous land uses to avoid hazardous impact upon the economic value of the contiguous real estate, the Planning Commission shall impose either or both of the following requirements.

1. Structures and parking area located on the perimeter of the residential “PD” District may be required to be set back by a distance sufficient to protect against an adverse impact upon the economic values of contiguous land;
2. Structures located on the perimeter of the residential “PD” District may be required to be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

L. Open Space Requirements

Common open space shall be provided as follows:

1. Common open space must comprise at least twenty percent (20%) of the project area, excluding areas used for vehicle parking and circulation; provided however that this requirement shall not apply to Traditional Neighborhood Residential as permitted in Section 1169.03 (A) (2).
2. No open area may be accepted as common open space under the provisions of this section unless it meets the following standards:
 - a. Common open space must be reserved for amenity or recreational purposes. The uses authorized for the common open space must be appropriate in size and character considering the size, density, expected population, including ages and number, topography, and the number and type of dwellings within a residential “PD” district.
 - b. Common open space must be improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved.
 - c. The development schedule that is part of the development plan must coordinate the phasing of improvements to the common open space, the construction of buildings, structures, landscaping and other improvements in the common open space and the construction of residential dwellings in the residential “PD” District.
 - d. If the final development plan provides for buildings, structures, landscaping and other improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, landscaping and other improvements will be completed. Upon request of the developer, the Planning Commission may delay the requirements of posting bond, such delay to be based upon the development schedule. If the developer does not complete the buildings, structures, landscaping and other improvements within the time set forth in the schedule, then the Planning Commission shall require that a bond be provided for the remainder of the improvements. The Planning Commission shall release the bond or other assurance as the buildings, structures, landscaping or other improvements have been completed according to the development plan.
 - e. The use and improvement of the common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within one thousand five hundred (1,500) feet of the perimeter of the residential “PD” District.

2. All land shown on the development plan as common open space shall be conveyed to a public agency or non-profit organization under one of the following options.
 - a. It may be conveyed to a governmental agency if such agency agrees to maintain the common open space and any buildings, structures, landscaping or other improvements that have been placed on such land.
 - b. It may be conveyed to a non-profit organization provided in a publicly recorded document establishing an association or similar organization for the maintenance of the residential “PD” District. The common open space shall be conveyed to the trustees subject to covenants to be approved by the Planning Commission that restrict the common open space to the uses specified on the development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
3. If the common open space is not conveyed to a public agency or non-profit organization, one of the following methods of enforcement may be provided.
 - a. The legal right to develop the common open space for those uses not specified in the development plan may be conveyed to a governmental agency.
 - b. The restrictions governing the use, improvement and maintenance of the common open space may be stated as conditions to the conveyance of the open space, the fee title to the common open space to vest in governmental agency, at its discretion, in the event of a substantial default in the stated conditions.
 - c. The covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provision.
5. The Zoning Inspector shall not issue a zoning permit for any building or structure shown on the development plan for any stage of the residential “PD” District unless the common open space allocated to that stage by the development schedule has been conveyed under one of the options provided in subparagraph (2) above.

M. Screening

The residential “PD” District shall be effectively screened from adjoining existing uses so as to protect their privacy and amenity.

1169.04 COMMERCIAL, OFFICE, INDUSTRIAL PLANNED DEVELOPMENTS

A. Permitted Uses

The permitted uses in a “PD” Planned Development District shall be those uses permitted in the district in which the “PD” District is to be located.

B. Intensity of Uses

The overall density of the “PD” District shall not exceed the overall density permitted in the district regulations in which the “PD” district is located.

C. Planned Development in Multiple Zoning Districts

If a non-residential “PD” District covers more than one (1) zoning district, the density and uses permitted must be separately calculated for each portion of the “PD” District located in a separate zoning district, and then must be combined to determine the density and uses allowable in the entire “PD” District.

D. Submittal Requirements

A development plan shall be submitted consistent with Sections 1169.06 and 1169.07.

E. General Guidelines

In evaluating a proposed Development Plan, the following guidelines shall be used by the Planning Commission.

1. The non-residential “PD” district is consistent with the goals and objectives of the Milford Land Use Plan.
2. The non-residential “PD” district is a unified treatment of the development possibilities on the project site, and the development plan makes provisions for the preservation of streams and stream banks, wooded cover, rough terrain and similar area.
3. Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and Loading Requirements.
4. Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented. If the services or infrastructure are not in place, assurances that the improvements will be in place at completion of construction of the project shall be required.
5. All buildings and parking areas within the planned development shall not occupy more than sixty percent (60%) of the planned development area. The

remainder of the land shall be preserved as either improved or unimproved open space.

6. Any area that is designated as open space may be conveyed under one of the options listed in Section 1169.03 (L) (2).
7. The proposal meets the purpose set for the “PD” Planned Development District as set forth in Section 1169.01, Purpose.
8. The proposal meets all the regulations for “PD” Planned Development Districts as set forth in this Chapter.
9. Screening of intensive uses shall be provided utilizing landscaping, fences or walls to enclose internal areas.
10. Parking and loading areas should be placed in the rear wherever possible.
11. When parking is located in front of the building, landscaping and fencing shall be used to screen the parking areas from the road.
12. Pedestrian and vehicular circulation should be separated as much as possible, though crosswalks, raised curbs or complete grade separation.
13. Special consideration should be made when joint driveways and shared parking areas are utilized.
14. Signs shall be kept to a minimum size and should be surrounded by landscaping.

F. Spacing and Building Height

1. The location of all structures shall be as shown on the development plans. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. All buildings shall be so located to avoid the casting of unbroken shadows on adjoining parcels for longer than one hour per day.
2. District lot areas, frontage and yard requirements may be waived by the Planning Commission provided that the overall density standards provided for in this Chapter are maintained and that the Planning Commission determined that the proposed development complies with the intent of this Chapter.

G. Peripheral Setbacks

If the Planning Commission determines that the topographical or other barriers do not provide sufficient buffer between the non-residential “PD” District and contiguous land uses to avoid hazardous impact upon the economic values of contiguous real estate, the Planning Commission shall impose either or both of the following requirements.

1. Structures and parking area located on the perimeter of the non-residential “PD” District must be set back by a distance sufficient to protect against an adverse impact upon the economic values of contiguous land;
2. Structures located on the perimeter of the non-residential “PD” District must be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

H. Screening

The non-residential “PD” District shall be effectively screened from adjoining existing uses so as to protect their privacy and amenity. The “PD” District shall meet the landscaping and buffering requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements

I. Parking and Loading Requirements

The non-residential “PD” District shall meet the parking and loading requirements set forth in Chapter 1187, Off-Street Parking and Loading Requirements

1169.05 ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT

- A. A “PD” Planned Development District shall be established through the zone change process established in Chapter 1133, Changes and Amendments.
- B. Once the establishment of the “PD” Planned Development District has been approved by Council, the “PD” District shall be shown on the Official Zoning Map as an overlay zone to the underlying zoning district.
- C. A request for a zone change to the underlying zoning district may be done concurrently with the establishment of the “PD” Planned Development District.

1169.06 APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN

- A. An application shall be filed concurrently with the request for the establishment of a “PD” District with the Planning Commission by the owner(s) or authorized agent of all property included in the development. The application shall accompany a general development plan, including maps, sketches, elevations and supporting documents to fully describe the following elements;

The general nature, location and objectives of the proposed development;

1. The areas of the project to be used for single-family detached dwellings, clustered housing, indicating for each such area the number of housing units

by type and size, the number of bedrooms per unit of each type of housing, and the total residential density for the project;

2. The areas of the project to be used for commercial, office or other activities indicating the total square footage of each use;
 3. The boundaries of the project including a legal description of the metes and bounds of the parcel and the acreage therein;
 4. An area map showing adjacent property owners and existing land uses within 200 feet of the parcel;
 5. Existing contours at ten feet intervals or less;
 6. The proposed street system for the project, designating collector and arterial streets and describing their configuration in conformance with the plans and standards of the City;
 7. A traffic impact study for the “PD” Planned Development area.
 8. Descriptive data concerning the existing and proposed sewer, water and storm drainage, facilities within the project, indicating their location;
 9. Community facilities, including recreational, common open space and other non-building areas designated within the project, indicating areas to be in common ownership; and
 10. A document describing the proposed development schedule for the project for all dwelling units, commercial or office structures, recreational uses, common open space, recreational areas, landscaping and other common facilities.
 11. Any additional information as the City, Planning Commission or Council may reasonably require.
- B. The Planning Commission shall review the development plan and accompanying documents and may request such review and comment by the City Engineer, other City agencies and/or private consultants as may be necessary.
- C. The Planning Commission shall render a written recommendation of approval, approval with conditions or disapproval to Council and the applicant on whether the Preliminary Development Plan meets the standards set forth in this Chapter.
- D. Upon receipt of the Planning Commission’s report and recommendations, Council shall, in conformity with the provisions of this Zoning Ordinance and the Ohio Revised Code, approve, approve with conditions, or disapprove the Preliminary Development Plan. Approving a Preliminary Development Plan shall include such criteria and guidelines as Council deems appropriate for the guidance of the developer and the Planning Commission. The action on the preliminary development plan shall be considered an administrative act of Council and shall not be deemed a district change.

- E. Once the preliminary plan is approved, the property owner or developer has twelve months to submit a final plan or the preliminary plan will become void and will require re-submission to the Planning Commission.

1169.07 FINAL DEVELOPMENT PLAN APPROVAL

After approval of the Planned Development District by Council, approval of the final development plan shall be obtained from the Planning Commission. The following procedures shall regulate this process.

- A. Final Development Plan. For final approval of uses, the owner shall file a final development plan for any specific area within the project or the overall project with the Planning Commission. This final development plan shall show the following:
 - 1. The area to be developed and the area to be devoted to common open spaces for the use of all residents of the area with accurate acreage for each use, courses and distances to determine the boundaries of the development parcel;
 - 2. Final grading plans, indicating cubic footage of cuts and fills;
 - 3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets;
 - 4. Site plans, floor plans, elevations and cross sections for all building;
 - 5. Descriptive data as to the type of building, square footage for each use, number of dwelling units in each building type;
 - 6. The proposed open space system and areas to be in common ownership. Where multiple ownership is proposed, a detailed plan setting forth the manner, means, and proposed time of transfer of the land to a nonprofit entity, the means of development and maintenance, and the obligations and rights of use of such open space by all residents and/or tenants of the development;
 - 7. A detailed landscaping plan for any new residential areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials and special lighting features; and
 - 8. Any modifications of the general plan data presented and approved for the Planned Development District.
- B. Review. The Planning Commission, shall review the final development plan and approve, modify and approve or disapprove the application for final approval of

uses and transmit notice thereof to the applicant. The Planning Commission shall base its final approval only upon finding that the following requirements are met.

1. The design, size and use are consistent with the preliminary development plan approved by Council.
 2. The size of the first stage of development is appropriate and can effectively implement the development within the confines of the approved district.
 3. The location, design, size and uses shall be adequately served by existing or planned facilities and services.
 4. The location, design, size and uses shall result in an attractive, healthful, efficient and stable environment for residential and/or commercial development.
- C. Approval Documented. The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Planning Commission's records.
- D. Permits and Certificates. After approval by the Planning Commission, and such staff or consultants as may be required or deemed appropriate, of the final development plan, submission of appropriate subdivision plats and building construction drawings shall be made. Building and construction permits and zoning compliance permits shall be conditioned upon adherence to the total development plan including landscaping, design considerations, and the construction of necessary public improvements.
- E. Modifications to Approved Plan. Minor changes to an approved final development plan may be approved by the Zoning Inspector if such changes are consistent with the purpose and general character of the development plan. Other modifications, including extension or revision of the staged development schedule, shall require the approval of the Planning Commission.
- F. Revocation. In the event of a failure to comply with the approved plan or any condition of approval, including failure to comply with the staged development schedule, the Planning Commission may, after notice, rescind and revoke such approval. Violation of the final approval of uses for a Planned Development District shall constitute violation of this Zoning Ordinance.
- G. General Performance Criteria and Requirements. The Planning Commission shall review and evaluate the following requirements for any submitted Planned Development District:

1. All electric, telephone and other utilities shall be placed underground by the developer, unless otherwise specified by the Planning Commission.
 2. The Planning Commission may require that suitable areas for parks or playgrounds be set aside that is improved or permanently reserved for the owners and residents of the development.
 3. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
- H. Recording of Final Development Plan. After the Planning Commission has approved the final development plan, the plan shall be filed as a final plat following the procedure set forth in Chapter 1105, Plat Procedures and Data Requirements, and shall be recorded in the office of the County Recorder. Upon recording of the final plat, the Zoning Inspector shall be authorized to issue a Zoning Permit to allow for the construction of the planned development as approved by the Planning Commission.
- I. Submission with Plats and Drawings. The submission of a final development plan by the developer may be coterminous with submission of appropriate subdivision plats and construction drawings for on-site improvements. Approval of such subdivision plats and construction drawings shall be conditioned upon the approval of the final development plan.
- J. Time Limit. Once the final development plan is approved, the property owner or developer will have twelve months to begin construction in compliance with the final development plan or the planned development will become void and will require re-submission of the preliminary plan to the Planning Commission.

TITLE SEVEN - ZONING GENERAL PROVISIONS

CHAPTER 1181—SUPPLEMENTARY DISTRICT REGULATIONS

1181.01 PURPOSE

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.

1181.02 MINIMUM DWELLING SIZE

The floor area of any dwelling constructed within any district shall be no less than 900 square feet for a two bedroom dwelling; and no less than 1,200 square feet for a three or more bedroom dwelling. The floor area shall be exclusive of the basement, utility room, porch, garage, breezeway, terrace, attic or partial stories.

1181.03 CONVERSION OF A SINGLE-FAMILY RESIDENCE TO A TWO- FAMILY RESIDENCE

Any residence may be converted to a two-family residence provided that:

- A. The dwelling has over 3,000 square feet of floor space excluding basement and storage area;
- B. The lot area is larger than 12,000 square feet and is sufficient in size to accommodate the required off street parking in the side and/or rear yards; and
- C. The conversion is in compliance with all other relevant codes and ordinances.

1181.04 CONVERSION OF RESIDENCE TO NONRESIDENTIAL USE

A residence may be converted to accommodate a permitted nonresidential use in a B-1, B-2, B-3 or L-I District provided that the following provisions are met:

- A. The yard dimensions shall meet the area and setback requirements of the district in which it is located;
- B. The yard and exterior of the residence shall retain their residential appearance and shall be kept in neat and sound condition;
- C. The parking area and required off-street parking spaces shall be provided in the side and/or rear yards.

- D. Only one free standing on premises sign not exceeding twelve square feet in area, and not exceeding five feet in height advertising only the name of the owner, trade name, products sold, or the business or activity conducted on the premises;
- E. Determination by the Zoning Inspector that such use shall not constitute a nuisance because of sidewalk or street traffic, noise or physical activity; and that such use shall not tend to adversely affect the use and development of adjoining properties in the immediate neighborhood.

1181.05 PERMITTED ACCESSORY BUILDINGS - RESIDENTIAL

The following accessory uses are permitted in each Residential District:

- A. Any outdoor swimming pool, lake, bathhouse, tennis court, or other recreational facility designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements:
 - 1. Outdoor pools with a depth less than 24 inches and indoor pools are excluded from these regulations
 - 2. The facility shall not be located in any front yard and shall be no closer than ten (10) feet from the required side lot line or rear lot line;
 - 3. The swimming pool, lake, or the entire property, on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock;
 - 4. The facilities shall be located on the same zoning lot as the principal building, structure or use;
 - 5. Any pool for the use of occupants of a multi-family dwelling containing over three (3) apartments shall meet the structural and sanitary requirements of the Ohio Department of Health;
 - 6. The pool or lake is intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. Microwave antennas and satellite dishes provided such items are not located in the front yard and are smaller than eighteen (18) inches in diameter. Where such use exceeds eighteen (18) inches in diameter, the following shall apply:
 - 1. A permit is required to be issued by the Zoning Inspector.
 - 2. The microwave antenna or satellite dish may not be constructed on a residence, business or structure.
 - 3. The use may not be located in the front yard.

4. The microwave antenna or satellite dish may not exceed fifteen (15) feet in height from the ground to the highest point of the antenna or dish.
5. The antenna or satellite dish may not exceed ten (10) feet in diameter.

C. Tool sheds or other similar structures;

D. Non-commercial amateur radio antenna structures for use by licensed amateur radio operators in all residential districts, provided that:

1. The height of the structure does not exceed the lesser of the width or depth of the property as determined by a line bisecting such structure and measured from one side of the property line to the other, or from the front property line to the rear at the shortest distance there between. However, such height shall not exceed one-hundred (100) feet or be restricted to less than sixty (60) feet;
2. The setback for the central vertical portion of the antenna structure shall be a minimum of ten (10) feet from all property lines for structures up to forty-five (45) feet in height and shall increase one foot for every three feet of increased height. All rigid radiating elements of the antenna structure shall be setback a minimum of ten (10) feet from all property lines;
3. The construction shall be of such type as may be required by the City to form a safe and durable structure.

A licensed amateur radio operator who wishes to erect a non-commercial antenna structure which does not comply with subparagraphs 1 or 2 above, on a residential lot may make an application for a variance pursuant to provisions within this Zoning Ordinance.

1181.06 PERMITTED ACCESSORY USES - OFFICE, BUSINESS AND INDUSTRIAL

In an Office, Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use that meets the definitions of accessory use, and which complies with the applicable standards of the district in which it is located, shall be permitted.

1181.07 ACCESSORY USES NOT PERMITTED - NON-INDUSTRIAL DISTRICTS

The following uses are not permitted in the Residential, Office, and Business Districts:

- A. Truck parking, except temporary parking for the delivery of goods and/or services, and the outdoor storage of trucks over 7,500 lbs. Gross vehicle weight and 8 feet

in height, other than those utilized for daily business use, busses, mobile homes and semi-tractors and/or trailers shall not be permitted as an accessory use.

- B. Outdoor storage, including, but not limited to junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property, unless specifically permitted by the specific zoning district regulations.

1181.08 ACCESSORY USE STANDARDS

Standards for permitted accessory uses shall be as follows:

- A. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
- B. An accessory building or structure may be detached from the principal building. However, no detached accessory building or structure shall be erected in any yard or court except a rear yard and the total of all accessory buildings, structure and uses shall not occupy more than thirty-five (35) percent of the area of the rear yard.
- C. There shall be no more than two (2) detached accessory buildings on a lot in a Residential Zoning District. Only one (1) of these accessory buildings shall be a garage.
- D. For computing the percentage of occupancy of a rear yard, as required in Paragraph B hereof, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- E. A detached accessory building shall be at least five (5) feet from the side and rear lot lines.
- F. On a corner lot, any accessory building or part thereof shall be setback a minimum of fifteen (15) feet from the side lot line.
- G. Any accessory building or structure, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard and court requirements for the principal building.

1181.09 TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may be permitted in any district only during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning compliance certificate authorized by the Zoning Inspector.

1181.10 FENCES, WALLS AND HEDGES

- A. Fences, walls or hedges constructed in front of the front building line shall not exceed forty-two (42) inches in height.
- B. No chain link fences or fencing made out of metallic materials shall be permitted in the front yard.
- C. Fences or walls in the side or rear yards of a lot shall not exceed eight (8) feet in height in Residential areas and ten (10) feet in Business and Industrial Districts.
- D. Fences constructed adjacent to an alley right-of-way shall have a setback of five (5) feet from said right-of-way to accommodate garbage, recycling, service, and safety trucks.

Exceptions may be allowed with approval from the Board of Zoning Appeals.

1181.11 VISIBILITY AT INTERSECTIONS

No fence, wall, gateway, ornamental structure, hedge, shrubbery or other fixtures, construction or planting shall exceed three feet in height above the elevation of the nearest curb on a corner lot in all districts for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection of the intersecting lot lines.

1181.12 HOME OCCUPATIONS

Home occupations shall be subject to the following conditions in addition to the use regulations of various districts:

- A. Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be fully conducted within the dwelling.
- B. No more than the equivalent of twenty-five (25) percent of the gross floor area of any dwelling shall be utilized for a home occupational use.
- C. The external appearance of the structure in which the home occupation is conducted shall not be altered.
- D. There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- E. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.

- F. No equipment, process, materials, or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.
- G. Not more than one (1) person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
- H. No more than one (1) home occupation shall be permitted within any single dwelling unit.
- I. Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty pick-up trucks or vans.
- J. Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week, except that operation on Sundays is restricted to 12:00 p.m. to 6:00 p.m.
- K. No sign, other than one (1) non-illuminated nameplate, two (2) square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, may be erected or maintained on the premises.

1181.13 PARKING OF RECREATIONAL VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS

The parking of recreational vehicles and equipment and tractor trailers in residential districts shall be subject to the following regulations:

- A. Parked or stored camping and recreational equipment shall not be connected to electricity, water, gas, or sanitary sewer facilities unless electricity or water is required for battery charging or other maintenance requirements. At no time shall this equipment be used for living or housekeeping purposes.
- B. If the camping or recreational equipment is parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the house and shall be screened from view of neighboring yards and the public right-of-way by a solid fence or wall not to exceed eight (8) feet in height.
- C. Notwithstanding the provisions of Subsection B above, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.
- D. Tractor trailer parking, except the temporary parking for the delivery of goods and/or services, and the outdoor storage of tractor trailers shall not be permitted in Residential districts.

1181.14 COMMERCIAL OR INDUSTRIAL OUTDOOR BULK STORAGE OR DISPLAY

- A. Outdoor storage defined:

- (1) Includes all goods and materials not returned to an enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, or wholesale sale, storage, or use by a business on or off the lot;
 - (2) Includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles.
- B. The outdoor storage or display of bulk goods including seasonal items such as firewood and mulch shall be controlled by the following regulations:
1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways.
 2. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area or bufferyard within the lot.
 3. The area of storage shall be no closer than 40 feet from an abutting street right of way.
 4. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
 5. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.
 6. The outdoor storage or display of merchandise, inventory or materials shall not be located within ten (10) feet of any equipment used for the dispensing of flammable or combustible liquids or gases.
- C. Outdoor storage or display locations shall be subject to and approved by the Zoning Inspector upon the application of the owner of record of the property.
- D. Applications for outdoor storage or display areas shall be on a form provided by the Zoning Inspector and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Inspector may request the specific review and approval of the Planning Commission of any application. The review and approval of the Board of Zoning Appeals may also be requested by any applicant whose application has been rejected or modified by the Zoning Inspector, which request must be made in writing and must be made within ten days of such rejection or modification.

1181.15 RESTRICTIONS ON JUNK, JUNK VEHICLES AND OTHER SALVAGEABLE ITEMS

No person, firm or corporation shall accumulate, collect, deposit, dump, dispose, maintain or store any junk, junk vehicles or other type of salvageable solid waste or construction/demolition debris outside of an enclosed area on their property, or allow same on any property under their control or responsibility.

1181.16 UTILITY EQUIPMENT; SUBMISSION OF INSTALLATION PLANS TO PLANNING COMMISSION

Essential utility services shall be permitted in any district as authorized and regulated by the laws and ordinances of the City. It is the intent to exempt such essential services from the application of this section; except that, without in any way altering or otherwise affecting such exemption, the plans for any overhead electric transmission line of sixty-nine and zero-tenths (69.0) kilovolts or more, on metal or wooden poles or towers or pole structures or of any cross-country telephone trunk line including microwave, transmission pipe line, natural gas line, trunk sewer line or substation proposed to be erected or installed in any environmentally sensitive or residential district shall be submitted to the Planning Commission for review and approval before the beginning of construction.

1181.17 CORNER LOT CURB OPENINGS

On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be setback a minimum of twenty-five feet from the corner property lines extended from the established right-of-way lines as shown in the City Plat. All curb openings, whether on a corner or not, shall not exceed forty feet in width at the curb line, and thirty feet at the property line.

1181.18 FOOD TRUCKS

- A. One food truck may be permitted as an accessory use in a specified zoning district on property in which a primary use has been established. (Primary use would be a building with an active use.)
- B. Food truck vendors must obtain a zoning certificate annually specifying location and hours of operation if conducting business more than 1 day per year.
- C. Food truck operators shall provide proof of property owner approval.
- D. An individual food truck or single owner of multiple food trucks shall not be permitted to operate on private property for more than a total of five (5) hours per day.

- E. Off premise signs and/or audio amplification is not permitted
- F. Food trucks shall be located a minimum of 10 feet from the street right of way.
- G. No dumping of grease or grey water into storm sewers, dumpsters, etc.
- H. Food trucks are subject to the city-wide noise ordinance; sound absorbing devices shall be use to contain or deflect the noise from external generators.
- I. Food trucks shall be located at least 100 feet from the front door of any restaurant and outdoor dining area during the restaurants hours of operation. If a zoning certificate is issued and a restaurant subsequently opens within 100 feet of the approved food truck location, the food truck location may continue to operate until the permit expires.
- J. *Exception:* Food trucks may conduct sales while parked on a public street or private property when the City has approved a temporary street closing or special event permit for a city wide event such as a street festival or fair.

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CHAPTER 1183—LOT AND AREA REQUIREMENTS

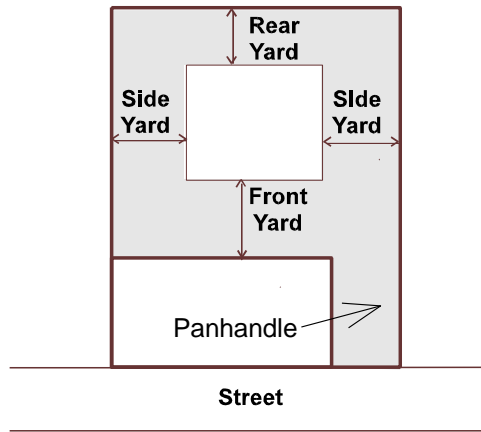
1183.01 NON-CONFORMING LOTS; FRONTAGE

- A. Undeveloped lots or parcels of land recorded before the effective date of this Zoning Ordinance shall be considered as non-conforming buildable lots, but shall comply with all zoning regulations in effect immediately preceding the enactment of this Zoning Ordinance.
- B. Undeveloped lots and parcels of land located in a subdivision recorded in the office of the County Recorder prior to the effective date of this Zoning Ordinance shall have rear and side yards as required in the recorded plat of the subdivision. If such plat does not specify the area and/or other dimensions of the side and rear yards, or if the lot or parcel of land has been subdivided by metes and bounds, the lot requirements shall be as follows:
 - 1. The sum of the side yard widths of any lot or parcel of land shall be twenty percent (20%) of the width, but in no case shall it be less than ten percent (10%) of the width of the lot for any one side yard. In no case shall any one side yard be less than six feet.
 - 2. The depth of the rear yard shall be twenty percent (20%) of the depth of the lot, but in no case less than ten feet.
- C. Every building hereafter erected shall be erected upon a lot having a frontage of not less than fifteen feet on a street or an unobstructed easement of access or right of way at least fifteen feet wide to a street, in addition to any other open space requirements of this Zoning Ordinance.
- D. Lots in a subdivision plat which have received final approval by the Planning Commission prior to the effective date of this Zoning Ordinance shall be considered as lots of record provided such subdivision plat is recorded within twenty days after such date.

1183.02 PANHANDLE LOTS

Panhandle lots are permitted subject to the following regulations:

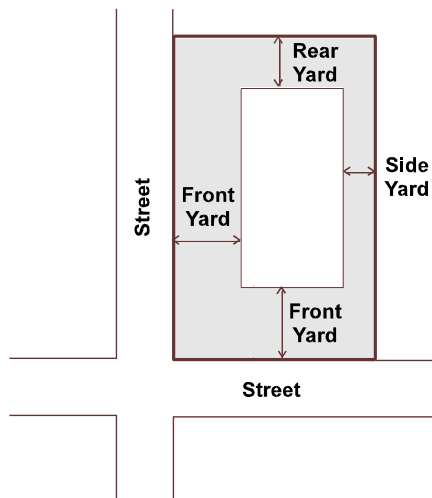
- A. Panhandle lots shall not be "stacked"; one (1) behind the other with relation to a street or road.
- B. The panhandle portion of the lot shall have a minimum frontage and continuous width of twenty (20) feet at the street. The maximum frontage and continuous width of the panhandle portion shall be forty (40) feet.
- C. Panhandle lots shall not be used to avoid the construction of a street.



**Figure 1183-A
Panhandle Lot**

1183.03 CORNER LOTS

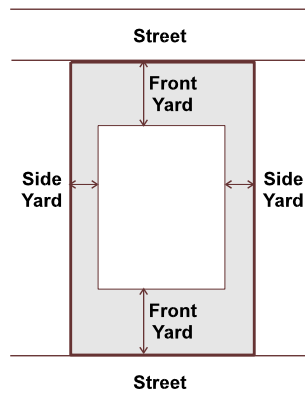
- A. Where a lot or parcel of land is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof.
- B. The narrowest lot line opposite the public right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied.
- C. The longest lot line opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied.



**Figure 1183-B
Corner Lot**

1183.04 THROUGH LOTS

- A. Where a lot or parcel of land is considered a through lot, the required minimum front yard setback shall be provided on both streets.
- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line.



**Figure 1183-C
Through Lot**

1183.05 FRONT YARDS

- A. Smaller. Where the frontage upon the same side of the street within the same block is occupied or partially occupied by buildings with front yards, some or all of which are of less depth than required in this Zoning Ordinance, the Planning Commission shall permit a modification of the front yard requirements as is consistent with the yards already established.
- B. Greater. Where the frontage upon the same side of a street within a block is occupied by buildings with front yards all of greater depth than required in this Zoning Ordinance, no other lot on the same side of the street within the same block shall be occupied by a building with a front yard of less depth than the least depth of any such existing front yard. Where a recorded plat has been filed showing and establishing setback lines or front yard requirements which are of equal or greater depth than the depth required by this Zoning Ordinance, any building may be built to the established setback lines or front yard requirements.
- C. Sloping Lot. Where the elevation of the ground at a point fifty feet from the front lot line of a lot and midway between the side lot lines differs ten feet or more from the curb level, the front yard need not exceed fifty percent (50%) of that required in the district.

1183.06 PROJECTIONS INTO YARDS

- A. Cornices, eaves, sills or canopies may extend or project into a required side yard not more than two inches for each one foot of width of such side yard.
- B. Chimneys may project into the required front, side or rear yard.
- C. Open, unenclosed porches, platforms or loading places may extend into the front yard a maximum of 50% of the required front yard setback.
- D. Open, unenclosed porches, platforms or loading places may extend into any side yard a maximum of 50% of the required side yard setback.
- E. Open, unenclosed porches, platforms or loading places may extend into the rear yard a maximum of six (6) feet.

CHAPTER 1185—PERFORMANCE STANDARDS

1185.01 PERFORMANCE STANDARDS

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in this section are met.

A. Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept at a minimum distance from adjacent activities compatible with the potential danger involved in accordance with the authority having jurisdiction.

B. Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise

1. No activity on private property shall emit noise or sound levels that create a nuisance to surrounding properties.
2. The following noise levels shall be exempt from the noise provisions during the daytime only:
 - a. Legal blasting.
 - b. Temporary construction activity and equipment.
 - c. Installation of utility equipment.
 - d. Lawn mowers, chain saws and garden equipment.
3. The following noise sources shall be exempt from the noise provision at all times:
 - a. Aircraft.
 - b. Railroads.
 - c. Emergency vehicles and equipment.

- d. Warning devices operating continuously for not more than five (5) minutes.
- e. Bells, chimes or carillons operating continuously for not more than five (5) minutes.
- f. The repair of essential utility services.
- g. Officially sanctioned parades or other events.

D. Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

E. Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency or other applicable agencies.

F. Glare

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

G. Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Water Pollution

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency or other applicable agencies.

I. Smoke or Dust

The emission of smoke or dusts by any land use in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited.

J. Odors

No use shall cause or allow the emission of odorous air contaminants from any source sufficient to result in detectable odors beyond any lot line on which the use occurs.

K. Enforcement Provisions

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. In cases that involve the manufacturing, processing, research, development or the handling and storage

of highly hazardous, biologically, radioactive or highly explosive materials, chemicals or substances, special permits may be required, except that X-ray, cobalt and/or other medically administered radioactive materials, shall be exempt from this requirement.

L. Measurement Procedures.

Methods and procedures for the determination of the existence of any dangerous or objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, or the Ohio Environmental Protection Agency.

1185.02 USE REVOCATION

Any use permitted in any district may be revoked and shall be discontinued where, because of dust, odor, smoke, gas, noise, fumes, flame, vibration, unsanitary conditions or structural defects such use becomes a health hazard or a threat to the safety and general welfare of the neighborhood.

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CHAPTER 1187—OFF-STREET PARKING AND LOADING REQUIREMENTS

1187.01 PURPOSE

The purpose of these off-street parking and loading requirements is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of off-street parking and loading areas on adjacent properties, to enhance off-street parking and loading areas with landscaping and lighting elements for improved traffic circulation and visual amenities.

1187.02 APPLICABILITY

A. New and Expanded Uses

The off-street parking and loading requirements of this Chapter shall apply to the following:

1. A permit application for the erection of a new building; or
2. For an alteration, addition or change of use of an existing building; or
3. For an alteration or change of land use that requires more parking.

B. Existing Uses

The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of this Zoning Ordinance unless modified in the manner stated in Section 1187.02. Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below these requirements in the future.

C. Maintenance

The duty to provide and maintain all such areas shall be the joint responsibilities of the owner, operator and lessee of the use for which vehicular use areas are required.

D. Plan Review

For any off-street parking area required under this Chapter, a plan shall be submitted with the application for a Zoning Certificate to the Zoning Inspector to review for compliance with these regulations and for any other applicable regulations.

Any such parking plan shall show the following:

1. Number of parking spaces;
2. Arrangement of parking aisles;
3. Location of driveway entrances;
4. Provisions for vehicular and pedestrian circulation;
5. Location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property;
6. Location of utilities, barriers, shelters, and signs;
7. Location of landscaped areas and the types and location of vegetation to be planted in them;
8. Typical cross sections of pavement;
9. Stormwater drainage facilities;
10. An analysis of parking space requirements according to Section 1187.05.
11. Any other relevant information requested by the Zoning Inspector.

1187.04 EXEMPTIONS

- A. In order to avoid traffic congestion and to provide for safe circulation of motor vehicles and pedestrians, and for the protection and convenience of the general public, properties lying west of the intersection of High Street and Main Street shall be exempt from the provisions of this Chapter.
- B. Single family dwellings and two-family dwellings are exempt from the provisions of this Chapter.

1187.05 REQUIRED PARKING SPACES

- A. Each applicant is required to provide an adequate number of parking spaces for the proposed use or expansion of uses.
- B. As part of the parking plan, the applicant shall provide a written analysis of parking requirements based on the following information:
 1. Building square footage for each specific use to be served by off-street parking.
 2. Hours of operation.
 3. Estimated number of patrons/customers at peak hours of operation.
 4. Maximum numbers of employees present on one shift.
 5. Availability of joint parking areas.
 6. Building occupancy loads.

7. Any additional information as requested by the Zoning Inspector.
- C. The Zoning Inspector has the authority to reject a plan if he/she deems that an adequate amount of parking has not been provided. The Zoning Inspector shall provide, in writing, the reasons for the rejection.
- D. The applicant may appeal the decision of the Zoning Inspector to the Board of Zoning Appeals within 20 days of the original recommendation of the Zoning Inspector.

1187.06 SHARED PARKING

Joint use of up to fifty percent (50%) of parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels provided that the developer can demonstrate to the Zoning Inspector that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the Owner or between the Owners involved and all future owners or assigns which shall be submitted with the required plan. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

1187.07 DESIGN OF PARKING SPACES AND AISLES

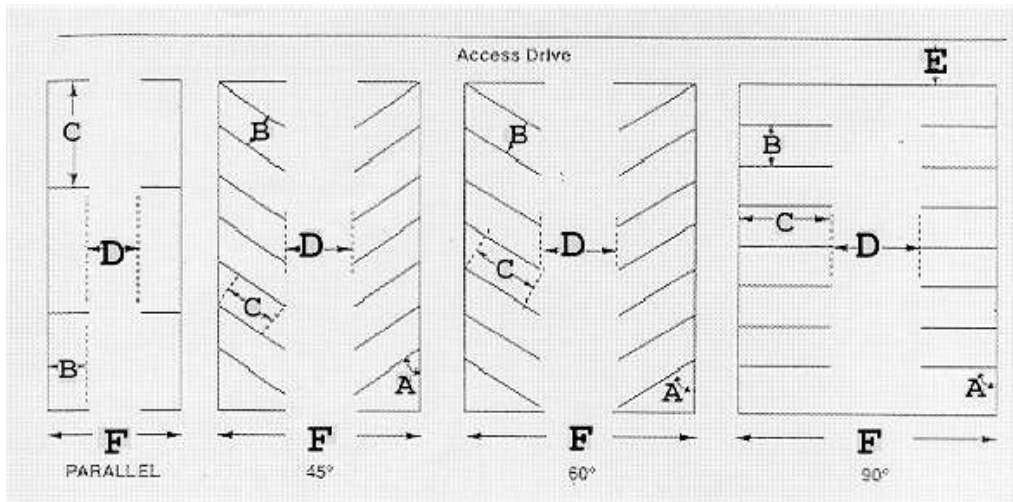
Each parking space shall meet the minimum dimensional requirements set out in Table 1187-A, and illustrated in Figure 1187-C.

A. Aisles.

Each parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 1187-A, and illustrated in Figure 1187-C.

TABLE 1187-A PARKING STALL AND AISLE DIMENSIONS							
A	B	C	D		E	F	
PARKING ANGLE	STALL WIDTH	LENGTH OF STALL	 AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH (CENTER TO CENTER WIDTH OF TWO ROW BAY WITH AISLE BETWEEN)	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0 °	9 ft.	22 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30 ° - 53 °	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54 ° - 75 °	9 ft.	18 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76 ° - 90 °	9 ft.	18 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

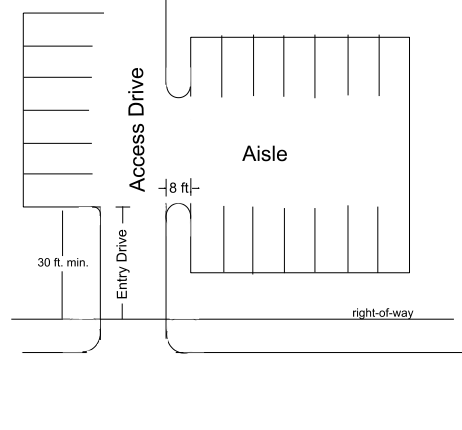
**FIGURE 1187-B
PARKING STALL AND AISLE LAYOUT**



B. Access.

1. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along entry drives within thirty feet (30') of the right-of-way or easement line (and at greater distances as may be required by the Planning Commission depending on the traffic generation and parking lot size) nor within eight feet (8') of the curb or pavement edge of such restricted entry drive area (Figure 19987-C).
2. Where room permits, parking spaces should be entered and exited along parking aisles and not along main access drives for the purposes of safety and to prevent traffic congestion.

Figure 1187-C



C. Maneuverability Areas.

In order to promote adequate maneuverability, the following provisions shall be followed:

1. Turn-Around Area.

With the exemption of driveways serving single family dwellings, wherever more than three (3) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.

2. Back-Up Area.

Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

D. Handicapped Parking Spaces.

The number and dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

E. Surface and Drainage.

Every off-street parking lot shall be surfaced with an ODOT Item 448 asphalt concrete or Portland cement pavement providing an all-weather, durable, and dustless surface. Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area. No surface water from parking areas shall accumulate or drain over a public sidewalk or street. Interior landscaped areas may be used for surface drainage.

F. Lighting.

Fixed lighting shall comply with the provisions contained in Section 1187.08, Outdoor Lighting, and be so arranged to prevent direct glare of beams onto any public or private property or street.

G. Wheel Stops and Continuous Curbs.

Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

1. Wheel Stops.

Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches (6") in height, six inches (6") in width, and eight feet (8') in length. Wheel stops shall be securely attached to the ground and may be used only at the end of parking stalls.

2. Continuous Curbs.

Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.

3. Placement.

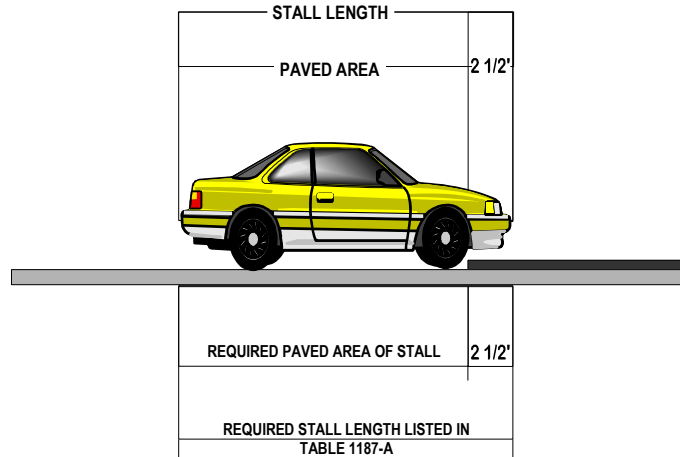
The wheel stop or continuous curb shall be located a minimum of four feet (4') from any structures, buildings, walls, or plant material, excluding groundcover, to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.

4. Stall Dimensions.

Where continuous curbs are used, the paved area of the parking stall length required in Table 1187-A and illustrated in Figure 1187-B (Dimension 'C') may be reduced by two and one-half feet (2½') as shown in Figure 1187-D provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in Table 1187-A and illustrated in Figure 1187-B (Dimension 'C') shall not be reduced.

FIGURE 1187-D

Pavement Area Adjustment with Continuous Curb Usage



H. Slope.

No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent (7%). Entry drives or drives that connect parking areas shall not have a slope in excess of ten percent (10%).

1187.08 LOCATION OF PARKING SPACES

A. Off-Street Parking.

Off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to Section 1187.06.

B. Residential Parking.

In any residential use parcel or residential district, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the parking area located outside of the required front yard, nor is it intended to prohibit parking of vehicles on such drive serving a detached dwelling. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24') in the R-1, R-2 and R-3 Zoning Districts. No residential parking area or garage shall be utilized for more than one (1) commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half (1½) tons capacity.

C. Parking of Inoperable or Abandoned Vehicles.

1. The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts.

2. The location and duration of temporary parking or storage of an unlicensed operable vehicle may be approved by the Zoning Inspector through the issuance of a Temporary Zoning Permit on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

D. Traffic Patterns.

All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single- or two-family dwellings.

1187.09 LANDSCAPING FOR OFF-STREET PARKING AND LOADING AREAS

A. Applicability.

1. Scope.

The application of the landscape regulations established by this Section shall be limited to the same scope as defined in Section 1187.02 of this Chapter.

2. Exception.

Off-street parking and loading areas containing less than five (5) parking spaces shall be exempt from the requirements of Section 1187.09.

Where the total parking provided is located in more than one location on a site and each location contains less than five (5) parking spaces, each such area shall be exempt from Section 1187.09 if separated on all sides by at least twenty feet (20') of non-paved area.

3. Alteration or expansion.

Where an existing vehicular use area containing less than five (5) contiguous parking spaces is expanded and thereby contains five (5) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.

B. Total Landscaping Required.

The total landscaping required in off-street parking and loading areas is 22 sq. ft. per parking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required per parking space.

C. Interior Landscaping Standards.

Interior landscaping shall comply with the following standards:

1. Design
Landscape areas shall be peninsular or island types.
2. Location
All parking spaces must be at least within 125 feet of a landscaped area.
3. Minimum Area
The minimum landscape area shall be one hundred (100) square feet.
4. Surface
Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surfaces permeable by water.
5. Retention/Detention Basins
Natural or landscaped retention/detention basins may count toward minimum square footage landscape requirements when the basins are in the front or side yards.
6. Traffic Visibility
No landscaping shall obscure visibility at a vehicular intersection with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five (5) feet above the ground and shrubs or groundcover shall not exceed two (2) feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.
7. Minimum Width
No interior landscaping area shall be less than ten (10) feet by ten (10) feet.

D. Determination of Interior Landscape Requirements.

The Landscape Requirements shall be computed as follows:

1. Interior Landscape Area Requirement.
Determine the landscape area by multiplying the Landscape Area Requirement of 22 sq. ft. per parking space (Section 1187.09 (B)) by the total number of parking spaces on the lot.
2. Planting Requirements.
To determine the minimum number of canopy trees, use the rate of one (1) canopy tree for each 10 parking spaces for retail uses and two (2) canopy trees for each 10 parking spaces for non-retail uses. Any fractional number of trees shall be calculated to the next highest whole number.

To determine the total number of required shrubs, use the rate of six (6) shrubs for each 10 parking spaces for retail uses and three (3) shrubs for each 10 parking spaces for non-retail uses. One canopy tree may substitute for 3 shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.

E. Overlap.

When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Chapter, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

F. Credit.

Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements of this Section if they meet the standards established in this Chapter.

G. Plant Installation and Maintenance Standards.

All new plant material as part of the requirements for this Chapter shall be in accordance with Chapter 1189, Landscaping and Bufferyard Requirements.

H. Modifications.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Planning Commission may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Chapter provided the existing or resulting landscape features of the development site comply with the spirit and intent of this Chapter and other related Chapters.

1187.10 OUTDOOR LIGHTING

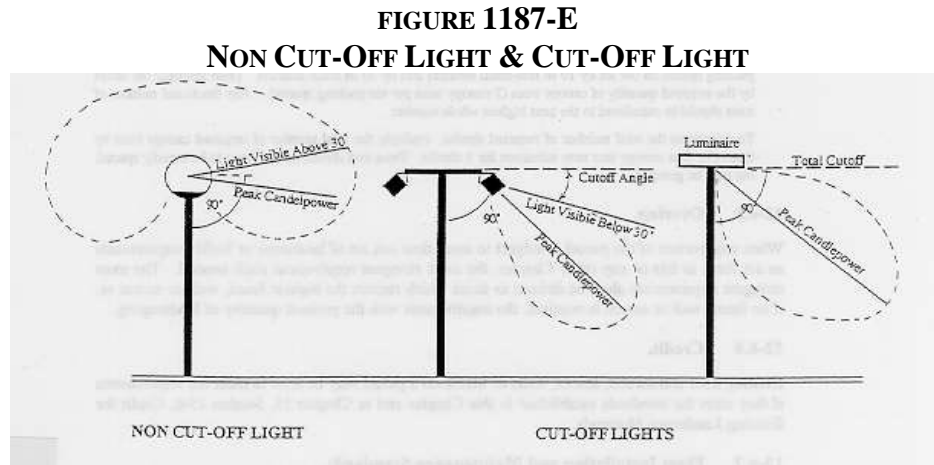
The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles.

A. Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than ten feet (10') above grade for non-cutoff lights and twenty-four feet (24')

above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 1131, Board of Zoning Appeals.

Cutoff and non-cutoff lights are illustrated below:



B. Lighting Types

1. Non-cutoff lights are to be used for decorative purposes only.
2. Interior lighting of parking and loading areas shall be accomplished by using cutoff lights.

C. Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 0.5 footcandles at the property line.

D. Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

E. Color and Glare

No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

F. Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

1. Pole Height
2. Type of Luminaire

3. Site Coverage - average maintained
4. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.
5. Intensity at Property Line

1187.11 OFF-STREET LOADING REQUIREMENTS

A. Scope of Application.

The application of the loading regulations established by this Section shall be limited to the same applicability as defined in Section 1187.02 of this Chapter.

B. Number of Off-Street Loading Spaces Required.

Off-street loading spaces shall be provided for commercial and industrial uses in accordance with the schedule set forth below. Loading spaces shall not conflict with or overlap with the area used for parking.

Schedule of Required Off-Street Loading Spaces	
Gross Floor Area of Structure <i>(square feet)</i>	Number of Required Loading Spaces
0 - 10,000	0
10,001 - 50,000	1
50,001 - 100,000	2
100,001 - 200,000	3
200,001 - 400,000	4
Each additional 200,000	1

C. General Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.

1. Location of Required Loading Spaces.

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.

2. Dimensions.

No required loading space shall be less than twelve feet (12') in width or thirty-five (35') feet in length or have a vertical clearance of less than fourteen feet (14').

3. Access.

Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Zoning Inspector.

4. Surface and Drainage.

Every loading space shall meet the surface and drainage requirements of Section 1187.07.

5. Screening.

All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material shall be at least six feet (6') in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 1189, Landscaping and Bufferyard Requirements.

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CHAPTER 1189—LANDSCAPING AND BUFFERYARD REQUIREMENTS

1189.01 PURPOSE

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and general welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

1189.02 APPLICABILITY

This Chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings, two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is...	A Substantial Expansion is...
0-1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

1189.03 GENERAL REQUIREMENT FOR SUBMISSION

Any property to which this Chapter applies shall submit a landscape plan to the Zoning Inspector as part of the Site Plan review process. Landscape plans shall be prepared by and/or certified by a design professional practicing within their areas of competence. The site plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:
 1. North arrow and scale.
 2. The name of applicant/owner.
 3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
 4. The dates the plans are submitted or revised.

5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 6. All existing plant material to be removed or retained.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. Contour lines shall be shown if the grades are in excess of six percent (6%) slope.
 9. Proposed elevation at sufficient locations and existing elevations of the site to clearly show the drainage patterns.
 10. All property lines and easements.
- B. Included on all plans shall be a table listing the existing plant material to be retained and all proposed plant material within the bufferyard or landscaped area only. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the plant material selection.
- C. Details shall be shown for the planting of trees, shrubs and ground cover within the bufferyard or landscaped area.
- D. The plans shall include any proposed irrigation plan which shall include the following:
1. Location and type of all sprinkler heads.
 2. Size of mainline and irrigation piping.
 3. Location and size of water meter.
 4. Location of backflow prevention device.
 5. Location and size of all valves.
 6. Location of irrigation controller.

1189.04 APPROVAL

Criteria of approval for landscape plans shall be as follows:

- A. No site or development plan required under this Zoning Ordinance shall receive final approval unless a landscaping plan has been submitted and approved.
- B. No zoning certificate or zoning compliance permit shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
 - 1. Such plan has been fully implemented on the site; or
 - 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the City in a form acceptable to the City's Legal Counsel and secured by a letter of credit, cash escrow or other instrument acceptable to the City's Legal Counsel in an amount equal to the cost of such installation plus a ten (10) percent allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.

1189.05 LANDSCAPING MATERIALS AND STANDARDS

New development shall provide bufferyards as provided in Section 1189.10. Existing vegetation shall be preserved in accordance to acceptable nursery industry procedures. The following items are suitable for screening use individually or in combination with each other provided they create a dense screen, subject to review and approval by the Zoning Inspector. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the Municipality.

A. Walls and Fences

When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be allowed when used to satisfy bufferyard and landscaping requirements.

B. Plants

All plants are to be living and part of the acceptable plants list identified in this Chapter. Plant materials used in conformance with the provision of this Chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers.

1. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least 2½ inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Chapter must be used to create a dense buffer.

2. Evergreen Trees

Evergreen trees shall be a minimum of six feet (6') in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of fifteen (15) feet on center to provide an effective, dense screen within four (4) years of planting.

3. Shrubs and Hedges

Shrubs and hedges shall be at least thirty-six inches (36") in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six feet (6') within four (4) years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

4. Grass or Ground Cover

Grass of the Fescues (Gramineae) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Clermont County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one (1) foot on center to provide 75% complete coverage after two growing seasons.

5. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Inspector to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earthforms shall be designed with physical variations in height and alignment throughout their length.
- c. Landscape plant material installed on berms and earthforms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.

- d. The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques to demonstrate compliance with the above provisions.
- e. Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- f. No part of any berm or earthform which is elevated more than eighteen inches (18") above natural grade shall be located within twenty feet (20') of any right-of-way or property line.
- g. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

C. Maintenance of Landscaping and Bufferyards

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance free from refuse and debris at all times. Irrigation systems shall be provided for landscaped parking areas and wherever landscaped areas require special irrigation measures. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to refuse a zoning compliance certificate, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Chapter.

D. Bufferyard Establishment

Once a bufferyard has been approved by the Zoning Inspector and established by the owner, it may not be used, disturbed or altered for any purpose.

1189.06 CONFLICTS IN REQUIREMENTS

When an activity or land use falls under more than one of the categories listed in the matrix in Section 1189.10, the most stringent of the requirements shall be applied.

1189.07 EASEMENTS, RIGHT-OF-WAY, AND SETBACKS

Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B, in Section 1189.12.

Landscaping must also be placed in the required area between the property line and the front, rear and side yard setbacks.

In no case, however, shall landscaping and bufferyards be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least eight feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a Municipality street intersection, the sight triangle shall consist of the area between points twenty feet (20') along both intersecting streets from their respective edge of pavements.

1189.08 LANDSCAPING FOR PARKING AREAS

Landscaping for any outdoor parking area shall be provided according to the requirements in Section 1187.09.

1189.09 LANDSCAPING FOR SERVICE STRUCTURES

Service structures shall include but not be limited to loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above electrical and other equipment or elements providing service to a building or a site. Structures may be grouped together. However, screening height shall be based upon the tallest of the structures.

A. Location of screening

A continuous planting of evergreen, fence or wall of earth must enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed 10 feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material shall be of an average height sufficient to meet the height requirements set out in this Chapter. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

B. Curbs to protect screening material

Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

1189.10 BUFFERYARD REQUIREMENTS

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...	PLANT MATERIAL
Any commercial land use Any office land use	Any R-1, R-2, R-3, R-4, R-5 or I zone or land use Any R-1, R-2, R-3, R-4, R-5 or I zone or land use	30' side and/or rear yard is required with... 20' side and/or rear yard is required with...	EITHER: 1 tree (A) ¹ @ 25'-35' O.C. ² + a double row 6' hedge (E) ¹ OR 6' wall, fence or earthmound + 3' hedge (D) ¹ + 1 tree (A) ¹ @ 25'-35' O.C. ² OR A double row, staggered planting of trees (C) ¹ 15' O.C. ²
Any industrial land use	Any R-1, R-2, R-3, R-4, R-5, I, B-1, B-2, B-3, B-5 or O zone or land use	50' side and/or rear yard is required with...	40' wide, 6' tall earthen berm + a double row of staggered trees (C) ¹ @ 15' O.C. ² STORAGE YARD - 6' fence or wall + hedge (E) ¹ facing front yard only and/or drive
Any multi-family land use*	Any R-1, R-2, R-3, R-4 or I zone or land use	15' side and/or rear yard is required with...	EITHER: 1 tree (A) ¹ @ 25'-35' O.C. ² + a double row 6' hedge (E) ¹ OR 6' wall, fence or earthmound + a 3' hedge (E) ¹ OR a double row, staggered planting of trees (C) ¹ 15' O.C. ²

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...	PLANT MATERIAL
Any institutional land use	Any R-1, R-2 or R-3 zone or land use	15' side and/or rear yard is required with...	EITHER: A staggered double row of evergreens and trees (B and C) ¹ @ 15' O.C. ² + a single row 6' hedge (E) ¹ OR a 6' wall or fence + 1 tree (A) ¹ @ 25'-35' O.C. ²
Any business zone or land use	The public right-of-way, public or private street	10% of total front yard area must be landscaped with....	Trees, shrubs, planting beds, and/or perennials in a motif designed by the owner. This is in addition to other required landscaping
A Parking Area ³ associated with any zone or land use except single-family residences	Any public or private street	6½' perimeter screening easement with....	EITHER: 1 tree (A) ¹ @ 25'-35' O.C. ² + shrubs (D or E) ¹ @ 3' O.C. ² OR 1 tree (B) ¹ @ 20'-30' O.C. ² + shrubs (D or E) ¹ @ 3' O.C. ² (1 tree minimum)

¹ (A, B, C, D or E) - Means plantings from the list(s) in parentheses following this Chapter.

² O.C. - Means "on center" unless otherwise noted.

³ In this situation, the property perimeter screening may also count as Parking Area perimeter screening.

- Duplex and single family residences are both permitted in the R-3 and R-4 zone districts. No landscaping is required between these uses when both exist side by side within R-3 and R-4 zone districts.

1189.11 MODIFICATIONS

The Planning Commission may approve modifications to the bufferyard requirements. The Commission shall base its decision on **ALL** of the following criteria:

- A. The specific conditions which are unique to the applicant's land.
- B. The manner in which the strict application of the provision of this chapter would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone.
- C. The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this Chapter.
- D. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
- E. A demonstration that the applicant has provided for a buffer that achieves the spirit of this Chapter.

The Planning Commission may also approve the use of existing trees within the proposed bufferyard area if the tree is not included on the plant lists in Section 1189.12, if native and hardy to zones 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map.

1189.12 PLANT LISTS

The following plants are representative of those to be utilized in the bufferyard as indicated in the matrix in Section 1189.10.

PLANT LIST A SHADE TREES

These trees are hardy in zones 5 - 6, are deciduous and reach a mature height as indicated by the following: Large - 60', Medium - 40', Small - 20'. Other shade trees which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscaped or bufferyard area.

LARGE TREES

Common Plant Names
Plant Botanical Name
Specie Cultivars

European Beech
Fagus sylvatica

Norway Maple
Acer platanoides
'Columnaire'
'Crimson King'
'Summershade'

Common Plant Names
Plant Botanical Name
Specie Cultivars

Ginkgo
Ginkgo biloba (male only)
‘Autumn Gold’
‘Fastigiata’
‘Sentry’

Pin Oak
Quercus Palustris
‘Sovereign’
‘Crown Rite’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Green Ash
Fraxinus pennsylvanica lanceolata
‘Marshall Seedless’

Red Maple
Acer rubrum
‘Autumn Flame’
‘October Glory’
‘Red Sunset’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Scarlet Oak
Quercus coccinea

Red Oak
Quercus rubra

Common Plant Names
Plant Botanical Name
Specie Cultivars

London Plane Tree
Plantanus x acerifolia

Tulip Poplar
Liriodendron tulipifera

Common Plant Names
Plant Botanical Name
Specie Cultivars

Sugar Maple
Acer saccharum

Sweetgum
Liquidambar styraciflua

Common Plant Names
Plant Botanical Name
Specie Cultivars

Willow Oak
Quercus phellos

Elm
Ulmus parvifolia
‘Lace Bark Elm’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Shumardi Oak
Quercus shumardii

Shingle Oak
Quercus imbricaria

MEDIUM TREES

Common Plant Names
Plant Botanical Name
Specie Cultivars

Callery Pear
Pyrus calleryana
‘Aristocrat’
‘Chancellor’

Littleleaf Linden
Tilia cordata
‘Chancellor’
‘Greenspire’
‘June Bride’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Japanese Pagoda Tree
Sophora japonica

Japanese Zelkova
Zelkova serrata
‘Regent’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Thornless Honey Locust
Gleditsia triacanthos
‘Moraine’
‘Shademaster’
‘Skyline’
‘Imperial’

Yellowwood
Cladrastis lutea

Common Plant Names
Plant Botanical Name
Specie Cultivars

Amur Cork
Phellodendron amurense

River Birch
Betula nigra

Common Plant Names
Plant Botanical Name
Specie Cultivars

Katsura Tree
Cercidiphyllum japonicum

Hess Ash
Fraxinus excelsior

SMALL TREES

Common Plant Names
Plant Botanical Name
Specie Cultivars

Sourwood
Oxydendron arboreum

Hedge Maple
Acer campestre
‘Queen Elizabeth’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Amur Maple
Acer ginnala
‘Flame’

Paperbark Maple
Acer griseum

Common Plant Names
Plant Botanical Name
Specie Cultivars

European Hornbeam
Carpinus betulus
‘Upright’

Hornbeam
Ostrya virginiana

PLANT LIST B FLOWERING TREES

These trees are hardy in zones 5 - 6, are deciduous and reach a mature height not exceeding 30 feet. Other flowering trees which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscaped or bufferyard area.

Common Plant Names
Plant Botanical Name
Specie Cultivars

Callery Pear
Pyrus calleryana
'Aristocrat'
'Chancellor'

Downy Serviceberry
Amelanchier canadensis

Common Plant Names
Plant Botanical Name
Specie Cultivars

Crabapple
Malus varieties
Bob White
'Sargeant'
'Snowdrift'
'White Angel'

Allegheny Serviceberry
Amelanchier laevis
'Robin Hill'

Common Plant Names
Plant Botanical Name
Specie Cultivars

Eastern Redbud
Cercis canadensis
'Flame'
'Forest Pansey'
'Royal'

Sweetbay Magnolia
Magnolia virginiana

Common Plant Names
Plant Botanical Name
Specie Cultivars

Dogwood

'Cornus florida'
'Cornus kousa'
'Cornus mas'

Lilac
Syringa reticulata
Japanese Silk Lilac
'Ivory Silk Lilac'

Common Plant Names
Plant Botanical Name
Specie Cultivars

Golden Raintree
Koelreutaria paniculata

Witch Hazel
Hamamelis virginiana

Common Plant Names
Plant Botanical Name
Specie Cultivars

Green Hawthorne
Crataegus virdis
'Winter King'

Flowering Ash
Fraxinus ornus

Common Plant Names
Plant Botanical Name
Specie Cultivars

Sargent Cherry
Prunus sargentii
'Columnaris'
'Kwanzan'

Saucer Magnolia
Magnolia soulangiana

Common Plant Names
Plant Botanical Name
Specie Cultivars

Star Magnolia
Magnolis stellata

PLANT LIST C EVERGREEN TREES

These trees that are hardy in zones 5 - 6, are evergreen, can reach a mature height over 30 feet and if not limbed-up, can create a screen from the ground level up. Other evergreen trees which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscaped or bufferyard area.

Common Plant Names	American Holly	Austrian Pine
Plant Botanical Name	Ilex opaca	Pinus nigra
Specie Cultivars	‘Xanthocarpa’	
Common Plant Names	Canadian Hemlock	Carolina Hemlock
Plant Botanical Name	Tsuga canadensis	Tsuga caroliniana
Specie Cultivars		
Common Plant Names	Eastern Red Cedar	Colorado Blue Spruce
Plant Botanical Name	Juniperus virginiana	Picea pungens
Specie Cultivars		Glanca
Common Plant Names	Norway Spruce	Scotch Pine
Plant Botanical Name	Picea abies	Pinus sylvestris
Specie Cultivars		
Common Plant Names	Southern Magnolia	White Fir
Plant Botanical Name	Magnolia grandiflora	Abies concolor
Specie Cultivars		
Common Plant Names	White Pine	
Plant Botanical Name	Pinus strobus	
Specie Cultivars		

PLANT LIST D DECIDUOUS SHRUBS

These perennial woody plants grow at least 3 feet in height, are tolerant in zones 5 - 6 and are deciduous. Other deciduous shrubs which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscaped or bufferyard area.

Common Plant Names	Burning Bush	Doublefile Viburnum
Plant Botanical Name	Euonymus alatus	Viburnum plicatum tomentosum
Specie Cultivars	‘Compactus’	

Common Plant Names
Plant Botanical Name
Specie Cultivars

Forsythia Species

Quince

Chaenomeles speciosa

Common Plant Names
Plant Botanical Name
Specie Cultivars

Shrub Cinquefoil

Potentilla fruticosa

Spirea Species

Common Plant Names
Plant Botanical Name
Specie Cultivars

Spreading Cotoneaster

Cotoneaster divaricata

Winterberry Barberry

Berberis julianne

**PLANT LIST E
EVERGREEN SHRUBS**

These perennial woody plants grow at least 3 feet in height, are tolerant in zones 5 -6 and are evergreen. Other evergreen shrubs which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscaped or bufferyard area.

Common Plant Names
Plant Botanical Name
Specie Cultivars

Anglojap Yew

Taxus x media

‘Brownii’

‘Densiformis’

‘Hicksii’

‘Wardii’

Blue Holly

Ilex x meserveae

‘Blue Angel’

‘Blue Prince’

‘Blue Princess’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Chinese Juniper

Juniperis chinensis

‘Hetzil’

‘Keteleeri’

‘Mint Julip’

‘Robusia Green’

Japanese Holly

Ilex crenata

‘Microphylla’

‘Rotundifolia’

Common Plant Names
Plant Botanical Name
Specie Cultivars

Japanese Yew

Taxus cuspidata

‘Capitata’

‘Intermedia’

‘Nana’

Korean Boxwood

Buxus microphylla koreana

Common Plant Names
Plant Botanical Name
Specie Cultivars

Leatherleaf Viburnum

Viburnum rhytidophyllum

Mugho Pine

Pinus mugho

Common Plant Names
Plant Botanical Name
Specie Cultivars

Spreading Yew

Taxus x media

CHAPTER 1191—SIGNS

SECTION 1191.01 PURPOSE, SCOPE, AND APPLICATION

A. **Purpose.** The purposes of these sign regulations are to:

- ✓ Encourage the effective use of signs as a means of communication in the City.
- ✓ Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth.
- ✓ Improve pedestrian and traffic safety.
- ✓ Minimize the possible adverse effect of signs on nearby public and private property.
- ✓ Enable the fair and consistent enforcement of these sign regulations.

These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Ordinance.

B. **Applicability.**

1. The regulations contained in this chapter shall apply to all signs and all use districts.
2. No sign shall be erected, established, modified, created, or maintained in the City of Milford without the issuance of a building permit, zoning certificate and the payment of fees unless otherwise exempted in this Chapter.
3. No permit is required for the maintenance of a sign or for a change of copy on changeable copy signs.
4. A change of sign panels or letters requires a zoning certificate.
5. All signs installed, erected, or attached to a structure shall comply with the City of Milford and/or State of Ohio building and fire codes.
6. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local Electrical Code in effect.
7. Governmental signs are excluded from the scope of these regulations.

SECTION 1191.02 DEFINITIONS

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance of the City shall be given the meanings set forth in such Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of these regulations.

1. *Abandoned sign.* A sign which for a period of at least one year no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity conducted on the subject premises, and/or for which no legal owner can be found.

2. Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.
3. Animated Sign. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:
 - a. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
 - b. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - c. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - i. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
 - ii. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation by various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
4. Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare marquee.)
5. Awning Sign. A sign painted on, printed on or attached to the surface of an awning and does not project vertically above or horizontally beyond the physical dimensions of the awning.
6. Balloon Sign. A lighter than air gas filled balloon, tethered in a fixed location temporarily, that has a sign with a message on its surface or attached in any manner to the balloon.
7. Banner Sign. A temporary, lightweight sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, that deforms under light pressure, excluding flags, emblems and insignia or political, professional, religious, education or corporate organizations providing that such flags, emblems and insignia are displayed for noncommercial purposes.
8. Bench Sign. Advertising or business signs painted on or affixed to a bench, chair, seat or other structure or device designed or used for sitting purposes.

9. Billboard. An off-premise sign.
10. Building Code. The Building Code as adopted by the City of Milford.
11. Building Identification Sign. Any sign located at or near an entrance to or within an industrial, office, or residential development containing the name or address of a building and may include hours of operation and emergency information.
12. Building/Zoning Inspector. The Chief Building Official for the City of Milford or his designated representative.
13. Building Sign. See wall sign.
14. Bulletin Board. A sign erected by a charitable, educational, religious institution, or a public body, which is erected upon the same property as such institution, for purposes of announcing events which are held on the premises, and contain no commercial message.
15. Canopy (Attached). A structure other than an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.
16. Canopy (Freestanding). A multi-sided overhead structure supported by columns, but not enclosed by walls.
17. Canopy Sign. A permanent sign that is a part of or attached to a canopy.
18. Changeable Copy Sign. A sign with the capability of content changed by means of manual or remote input, includes the following types:
 - a. Manually Activated. A changeable sign whose message copy or content can be changed manually on a display surface.
 - b. Electrically Activated. A changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combination of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also Electronic Message Center)
19. City. Means the City of Milford.
20. Clearance. (of a sign). The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including the framework and embellishments, extending over that grade.
21. Commercial message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
22. Construction sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction.
23. Directional/informational sign. A sign, providing no advertising of any kind except name of business, which provides direction or instruction to guide persons to facilities intended to

serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities.

24. Display Time. The amount of time a message and/or graphic is displayed on an Electronic Message Center.
25. Dissolve. A mode of message transition on an Electronic Message Center sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
26. Dynamic Frame Effect. An Electronic Message Center sign frame effect in which the illusion of motion and/or animation is used.
27. Electronic Message Center. An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMC's typically use light emitting diodes (LEDs) as a lighting source. (See also the following terms associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)
28. External illumination. Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.
29. Façade. That portion of an enclosed building facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building the façade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.
30. Fade. A mode of message transition on an Electronic Message Center sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
31. Flashing Sign. See Animated Sign.
32. Footcandle. An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot.
33. Frame Effect. A visual effect on an Electronic Message Center sign applied to a single frame. (See also Dynamic Frame Effect)
34. Freestanding Sign. A permanent sign supported upon the ground by poles or braces and not attached to any building. (Also known as a pylon or monument sign)
35. Frontage, Street/Lot. The length of the property line of any one premise along a public right-of way on which it borders.
36. Frontage, Building. Total lineal feet of enclosed building length along the façade that fronts the principal dedicated street, or the façade that contains the main entrance to the building.
37. Governmental Sign. Any sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

38. Grade. The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.
39. Ground sign. (See freestanding sign.)
40. Height. (of a sign) The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (compare "clearance") When base of the sign structure is below grade of street, measure height from grade of street. When base of the sign structure is above grade level of street, measure height from ground grade.
41. Historical Marker. A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
42. Holiday Decorations. Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.
43. Illegal sign. Any sign placed without proper approval or permits as required by the Code at the time of sign placement. Illegal sign shall also mean a sign which does not meet the requirements of this code and which has not received legal nonconforming status.
44. Illuminated Sign. Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.
45. Logo. A business trademark or symbol.
46. Maintenance. The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
47. Marquee. A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass. (compare "awning" and "canopy")
48. Marquee sign. Any sign painted on or attached to or supported by a marquee.
49. Multitenant sign. A sign which serves as common or collective identification for a group of businesses operating on the same building lot.
50. Mural. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
51. Nameplate. A non electric on premise identification sign giving only the name, address and/or occupation of an occupant or group of occupants.
52. Nonconforming sign. Means:
- a. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Ordinance.
 - b. A sign which does not conform to the sign code requirements but for which a special permit has been issued.

53. Off Premise Sign. A sign which directs attention to a business, profession, activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed. The term "off premise sign" includes (an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.
54. On Premise Sign. Any sign used for promoting a business, individual, products, or service available on the premises where the sign is located.
55. Owner. A person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building/Zoning Inspector, such as a sign leased from a sign company.
56. Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from any rope, wire or string, usually in series, designed to move in the wind.
57. Person. Includes any person, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.
58. Placard Sign. (See projecting sign.)
59. Pole Sign. (See freestanding sign.)
60. Political Sign. A temporary sign identifying a political candidate, issue or party.
61. Portable Sign. A sign not permanently affixed to the ground, a building or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the day to-day operations of the business.
62. Projecting Sign. A sign that is perpendicular and affixed to a building or wall that extends more than twelve (12) inches beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed.
63. Real Estate Sign. A temporary sign located on premises containing land or buildings for sale, lease or rent.
64. Revolving or Rotating Sign. (See animated sign.)
65. Roof Sign. A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.
66. Scroll. A mode of message transition on an Electronic Message Center sign in which the message appears to move vertically across the display surface.
67. Shopping Center. A commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, entrance way or parking area.

68. Sign. Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.
69. Sign Face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.
70. Snipe sign. A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole, or sign supports.
71. Special Event Sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.
72. Surface Display Area. All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included.
73. Temporary Sign. A nonpermanent sign erected, affixed and maintained on a premises for a short, usually fixed, period of time. Includes: banners, posters, pennants, ribbons, streamers, spinners, moving devices, strings of light, air activated graphics, and balloons.
74. Transition. A visual effect used on an Electric Message Center sign to change from one message to another.
75. Travel. A mode of message transition on an Electronic Message sign in which the message appears to move horizontally across the display surface.
76. Vehicle Sign. (See Portable Sign.)
77. Wall Sign. A sign attached directly to an exterior wall of a building (or dependent upon a building for support) with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported by.
78. Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 4 inches wide.
79. Window Sign. A sign attached to, placed upon or painted on the window or door of a building which is intended for viewing from the exterior of such building.
80. Zoning Ordinance. The Zoning Ordinance of the City of Milford.

SECTION 1191.03 COMPUTATIONS AND RULES OF MEASUREMENT

The following principles shall control the computation of sign area and sign height.

A. Computation of Sign Area.

1. **Freestanding Sign:** The area of a freestanding sign shall be determined by computing the visible surface display area, that is, all solid surface area excluding air space and architectural features.

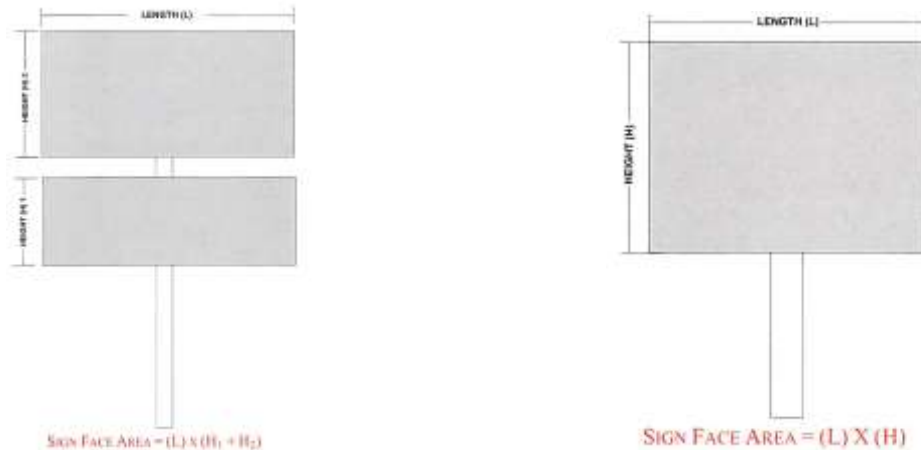


Figure 1191-1. Freestanding Signs. Source: Hamilton County Zoning Resolution

2. **Building Sign:** The area of a building sign shall be determined by computing the visible surface display area, that is the words, numbers, and/or graphics which are totally enclosed by a frame or graphic design. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length. See Figure 1191-2.

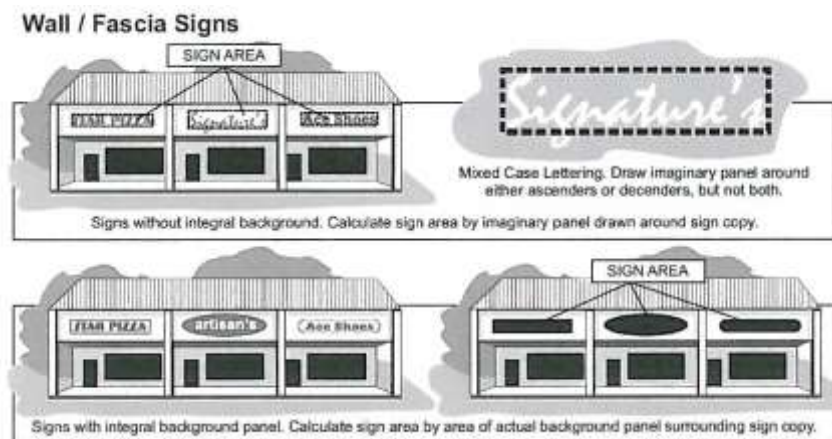


Figure 1191-2. Building/Wall Signs. Source: United States Sign Council

B. Computation of a Multifaced Sign Area.

1. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
2. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four inches apart, the sign area shall be computed by the measurement of one of the faces.

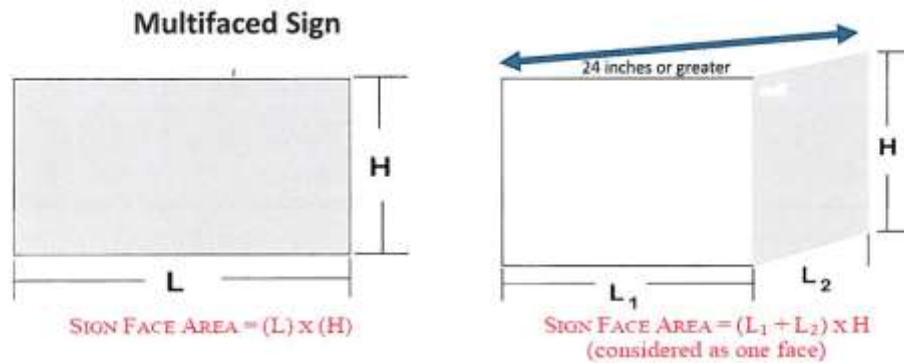


Figure 1191-3. Multifaced Sign. Source: Hamilton County Zoning Resolution

C. Computation of Height.

1. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached Component of the sign.
2. Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structures height will be measured from the roadway grade to the highest point of the freestanding sign or structure. See Figure 1191-4.

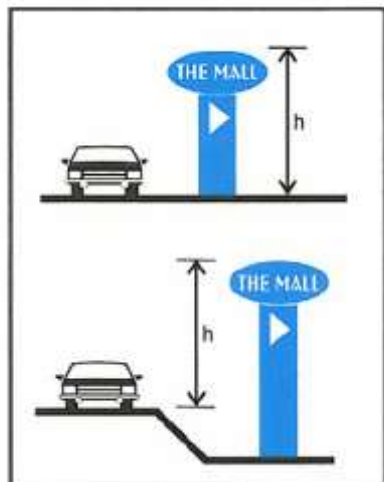


Figure 1191-4. Height computation. Source: United States Sign Council.

D. Street and Building Frontage

1. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party wall defining the unit.
2. The building frontage is the length of an outside building wall on a public or private street.

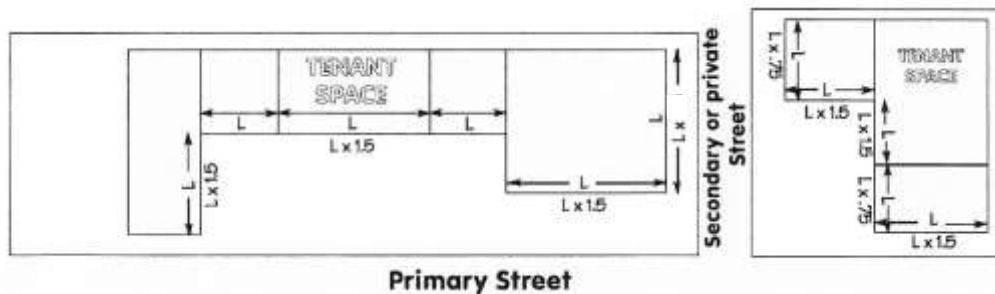


Figure 1191-5. Building Frontage. Source: Hamilton County Zoning Resolution

E. Window Area.

1. Where the sign area is based on the total window area, the window area shall be calculated as the total area of glass on the building frontage.

F. Setbacks.

1. The required setbacks for a sign shall apply to all elements of the sign including its frame and base.
2. The setback of a freestanding sign shall be measured horizontally from the edge of the sign frame to the street right of way line or lot line.

SECTION 1191.04 SIGNS IN RIGHT OF WAY; OBSTRUCTING VISION OR TRAFFIC

A. No sign shall be placed in any public right of way except:

1. Publicly owned signs, such as traffic control signs and directional signs.
2. Placard/projecting, marquee, awning and canopy signs may project over a public right-of-way if they are in conformity with Section 1191.10.D.
3. No signs may be placed on public property without the express permission of the City Manager.
4. Sandwich board signs in the Old Mill Overlay District if they conform to Section 1191.09.A.

B. No sign or other advertising structure as regulated by this chapter shall be erected at:

1. The intersection of any streets in such a manner as to obstruct free and clear vision.
2. At any location where, by reason of the position, shape or color, it may interfere with traffic, obstruct the view of traffic or be confused with use of words such as "stop", "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

SECTION 1191.05 ILLUMINATION

The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.

Lighting of signage in the OMO shall be from an external source. Internally lighted signs are not permitted.

Spot-Lit letters or Sign Panels with decorative Spot Lighting



SECTION 1191.06 PROHIBITED SIGNS

The following types of signs are prohibited in all districts:

1. Abandoned signs.
 - a. Any sign now or hereafter existing which no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of one year shall be deemed to be abandoned.
 - b. Such a sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such a sign may be found within thirty days after written notification to the owner from the Building/Zoning Inspector.
 - c. Upon failure to comply with such notice within the time specified in such order, the City Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building or structure on which such sign is erected, or to which such a sign is attached.
 - d. All signs shall be in conformance with Section 1191.08 regarding the maintenance of all signs.

2. Pennants, banners (except as otherwise specifically permitted under this Chapter), streamers and similar type devices intended to grab the attention of drivers or pedestrians.
3. Roof signs and signs that extend above or beyond the façade, except as otherwise specifically permitted under this Chapter.
4. Flags intended for advertising or commercial purposes.
5. Beacons and searchlights, except for emergency purposes.
6. Flashing, moving, blinking, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable sign and tethered balloons, ribbons, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
7. Off premise signs except as otherwise specifically permitted under this Chapter.
8. Snipe signs.



9. Portable advertising signs (mobile signs on wheels) and signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign, except as otherwise specifically permitted under this Chapter. (This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.)



10. Signs imitating or resembling official traffic or government signs or signals.
11. No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter.
12. Bench signs shall not be permitted except in conformance with requirements for on premise or off premise signs.
13. Merchandise, equipment, products, vehicles or other items not themselves

for sale and placed for attention getting, identification or advertising purposes.

SECTION 1191.07 PERMIT EXEMPTIONS

Signs Not Requiring Permits. The following types of on premise signs are exempted from permit requirements but shall be in conformance with all other requirements of this chapter. All signs in this section, unless otherwise stated below, shall be permitted in all zones, and shall be setback a minimum of ten (10) feet from the right-of-way, access easement, or edge of pavement, whichever is the greater setback, and five (5) feet from all other property lines:

1. Construction signs of six square feet or less.
2. Two Directional/informational signs per driveway of four square feet or less and no greater than four (4) feet in height.
3. Holiday decoration for religious or national holidays. Such decorations may blink, flash, or move. No such holiday decorations shall interfere with traffic, present any hazard, or be detrimental to public health, safety, or morals.
4. One nonilluminated nameplate indicating a home occupation or profession of four square feet or less.
5. Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area.
6. Public signs or notices, or any sign relating to an emergency.
7. Any sign advertising the sale, lease or rental of the premises upon which the sign is located, which shall not exceed twelve square feet in area except in all residential districts where the area of the sign shall not exceed six square feet in area.
8. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential which shall not exceed six square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such a sign is located.
9. Political signs may be erected on any property on which the owner has given permission.
10. Signs identifying farms, estates or buildings other than dwellings of four square feet or less.
11. Warning signs: No hunting, no trespassing, keep off the grass, no dumping or signs of similar nature of four square feet or less.
12. Illuminated window signs shall not exceed twenty-five (25%) percent of the area of a window and the total area of all window signs, including illuminated and non illuminated window signs, shall not exceed fifty percent (50%) of the window area.

13. One temporary sign not exceeding twenty-four (24) square feet in area on the premise of an institutional use, announcing special public events such as fairs, carnivals, festivals, social or similar charitable activities, when the same are located on the premises of such institutions may be erected for a period not exceeding thirty days. Such signs shall be removed within three days from the final day of the event.
14. A Grand Opening banner not to exceed thirty-two (32) square feet will be permitted for a new business for a total of thirty (30) days in addition to the temporary signs permitted in each zoning district.

SECTION 1191.08 MAINTENANCE

A. All signs shall be properly maintained.

1. Exposed surfaces shall be clean and painted if paint is required.
 2. Defective parts shall be replaced.
 3. The Building/Zoning Inspector shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.
- B. Should any sign be or become unsafe or be in danger of falling, the owner thereof or other person maintaining same, shall upon receipt of written notice from the Building/Zoning Inspector, proceed at once to correct the unsafe condition, and/or remove the sign in question.

SECTION 1191.09 REGULATION OF ON-PREMISE SIGNS BY ZONE; PERMIT REQUIRED

A. Sandwich Board Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Sandwich Board	Yes	Yes	Yes	No

1. One sandwich board sign shall be permitted for each business.
 - a. Signs shall not exceed twenty-four (24) inches in width per face and thirty-six (36) inches in height.
 - b. Signs shall only be allowed when a store is open for business and shall not remain overnight.
 - c. Six feet of sidewalk must be kept clear for use of pedestrians.
 - d. Each business located in a multitenant shopping center shall be permitted one sandwich board sign located on the covered walks of such buildings and are not permitted anywhere else on the property.

B. Building/Wall Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Building/Wall Sign	Yes	Yes	Yes	No
Maximum Permitted Square Feet	60	100	60	NA

1. Building signs shall be limited to 1.5 square feet of sign area for each lineal foot of building or tenant frontage, but shall not exceed the maximum permitted square footage as outlined above.
2. The above ration shall apply separately to each building elevation visible from a public or private street. Multiple wall signs are permitted as long as the total building sign area does not exceed the allowance established for building signs.
3. Projections of building signs shall not exceed fourteen (14) inches measuring from the face of the main building.
4. Bulletin Boards customarily incidental to institutional uses shall not exceed fifteen square feet in area.

C. Multiple Story Buildings

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Multiple Story Building/Wall Sign	Yes	Yes	Yes	No

1. An additional building sign is permitted on a multiple story building according to the following:
 - a. For a building with two (2) floors the additional permitted sign area is thirty (30) square feet for each eligible frontage.
 - b. This additional permitted sign area may be increased by ten (10) square feet for each additional building floor.
 - c. The sign must be placed at the height for which the bonus has been granted.



D. Placard/Projecting Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Placard/Projecting Sign	Yes	No	Yes	No

1. Projecting signs are permitted on the frontage of a main building.
2. Sign shall not exceed thirty (30) square feet of display area.
3. Sign shall not project more than seven (7) feet beyond the face of the main building, and provide a 6" clearance between sign and building or wall.
4. Sign shall not extend beyond the back of the curb.
5. Sign shall not illuminate and/or reflect.
6. The bottom of the sign shall not be less than eight (8) feet above the finished grade of the sidewalk.



E. Marquee, Awning, and Canopy Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Marquee/Awning/Canopy Sign	Yes	No	Yes	No

1. Marquee, Awning, and Canopy signs are considered wall signs and shall be included as a part of the total wall sign area.
2. The gross surface area of an awning, canopy, or marquee sign shall not exceed fifty (50) percent of the gross surface area of the smallest face of the awning, canopy, or marquee to which sign is affixed.
3. Signs attached to a marquee shall not project over twelve (12) inches beyond the fascia or vertical surface of the marquee.
4. Letters may be placed on top of the leading edge of the roof on a marquee sign.
5. No sign or sign structure except as mentioned above shall be placed on the roof of a marquee.



6. All marquee, awning, and canopy signs shall be non illuminated and/or nonreflecting.
7. No advertising shall be placed on any awning or canopy except the name of the owner and/or business conducted on the premises.

F. Freestanding On Premise Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Freestanding Sign	Yes	Yes	Yes	Yes
Maximum Permitted Square Feet	35	60	35	24
Maximum Height	18'	30'	18'	6'
Shopping Center Maximum Square Feet	50	100	50	NA
Setback	NA	10'/50'	10'	10'

1. Such signs may be either in the form of a pole sign or a ground mounted sign.
2. Signs shall not exceed the maximum permitted square footage as outlined above.
3. No such signs or any portion of the structure they may be integral with shall exceed the maximum permitted height as outlined above.
4. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in the building.
5. Signs shall be setback a minimum of ten (10) feet from any street right of way or adjoining property line and shall not be closer than fifty feet to any adjoining residential district.
6. Ground signs shall be designed to be permanent in appearance.
7. *Shopping Centers:* A multitenant sign shall be permitted in a shopping center consisting of three or more separate commercial establishments; the sign shall not exceed the maximum permitted square footage as outlined above nor the maximum permitted height.
8. *Residential Subdivision Signs:* A permanent residential subdivision or identification sign which identifies the name of the complex or subdivision may be located within the subdivision or complex, provided signs proposed to be located in the right of way, require written approval from the City Manager. Such signs are to be illuminated through indirect lighting only.

G. Electronic and Manual Changeable Copy Signs

	Zoning Districts			
	B-1, B-2, OMO, F	B-3, B-5, O, L-I	I	Residential
Changeable Copy Sign	Yes, Manual	Yes	Yes	No
Manual- Wall Maximum Permitted Square Feet	Up to 30	Up to 50	Up to 30	NA
Manual- Freestanding Maximum Permitted Square Feet	Up to 18	Up to 30	Up to 18	NA
Electronic - Wall Maximum Permitted Square Feet	NA	Up to 50	Up to 30	NA
Electronic- Freestanding Maximum Permitted Square Feet	NA	Up to 30	Up to 18	NA

1. Where permitted Changeable copy by electric or non-electric means may be utilized on a freestanding or building sign.
2. Only one (1) EMC/Changeable copy sign is permitted on a zoning lot for each street on which the development fronts and the sign is visible unless additional EMC/Changeable Copy signs are approved by Planning Commission.
3. The permitted changeable copy square footage area is fifty (50) % of the total square footage of the wall or freestanding sign requested by the applicant. For example: The applicant requests a 56 square foot wall sign in the B-3 district; the applicant would be permitted a changeable copy area not to exceed 28 square feet.
4. EMC/Changeable Copy signs are permitted provided that the display does not change more than once every eight (8) seconds.
5. Achieves a change to another static image in a period of two (2) seconds or less. No animation is permitted during the transition.
6. The illuminance of an EMC shall be measured with an illuminance meter in accordance with the standards outlined in Appendix A. The difference between the off and solid message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
7. All EMC signs shall have automatic dimming controls that adjust the brightness to the ambient light at all times of day and night.
8. Contain a default design that will freeze the sign in one position if a malfunction occurs.

H. Fuel Price Displays

Digital fuel price signs are permitted for automotive fuel sales. Such price signs shall be included in the allowable sign area for the use.

SECTION 1191.10 TEMPORARY SIGNS; PERMIT REQUIRED

1. One temporary banner or temporary changeable copy sign shall be permitted at any one time for each business or institutional use in all zoning districts.
 - a. Signs shall not exceed thirty-two (32) square feet in area.
 - b. Signs shall be permitted for a period not to exceed twenty-one (21) days. The sign shall be removed from the building frontage and/or the front yard setback for a minimum of fourteen (14) days upon expiration of the twenty-one day period. Failure to comply with this section may result in applicant losing temporary permitting privileges for the remainder of the year.
 - c. A business owner may receive a total of four (4) temporary sign permits annually; each permit will require a separate application and permit fee.

SECTION 1191.11 SIGNS REQUIRING APPROVAL BY PLANNING COMMISSION

1. **Roof Signs**

Roof signs shall not be permitted except upon approval by the Planning Commission. The Planning Commission may grant approval for a roof sign only in those cases where the applicant demonstrates practical difficulties in utilizing a wall sign or a freestanding sign and demonstrates practical difficulties it utilizing a wall sign or a freestanding sign and demonstrates that the roof sign will be in keeping with the spirit and intent of this chapter.
2. **Billboards**

Off premises signs may be permitted as a conditional use in a B-3, B-5, and L-I District provided that such signs shall not be greater than 150 square feet. Signs that are designed for displaying two sides of a display area shall not exceed 300 square feet in total area, provided that both sign surfaces are on the same plane and all parts of the advertising surfaces of both sides are not more than thirty inches apart, provided further that such signs shall not be located closer than fifty feet to any adjoining property line and public road right-of-way, or closer than 100 feet to any adjoining residential district.

SECTION 1191.12 NONCONFORMING SIGNS

- A. Determination of Legal Nonconformity. Existing signs which do not conform to the specific provisions of this chapter may be eligible for the designation "legal nonconforming" provided they are not in violation of either of the following:
 1. The Building/Zoning Inspector determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance.
 2. The sign was covered by a valid permit or variances or complied with all applicable laws on, the date of adoption of this chapter.
- B. Loss of Legal Nonconforming Status. A legal nonconforming sign loses this designation if:

1. The sign is relocated or replaced; or
 2. The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance.
- C. Maintenance and Repair of Nonconforming Signs. The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration; it shall be brought into conformance with this code or removed.

SECTION 1191.99 VIOLATIONS AND PENALTIES

- A. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any sign in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by the City. Any person, firm or corporation violating any of the provisions of this chapter, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars (\$200.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.
- B. Any sign installed or placed upon public property, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

CHAPTER 1193—CELLULAR OR WIRELESS COMMUNICATION SYTEMS

1193.01 PURPOSE

In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations to accomplish the following:

- A. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the City;
- B. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;
- C. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
- D. Encourage the joint use of any new or existing communication towers and support structures to reduce the number of such structures needed in the future.

1193.02 DEFINITIONS

The following definitions shall apply to this Section:

- A. **Cellular Communication Services** shall mean personal communications accessed by means of cellular equipment and services.
- B. **Cellular or Wireless Communications Antenna** shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.
- C. **Cellular or Wireless Communications Site** shall mean a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
- D. **Cellular or Wireless Communications Support Structure** shall mean any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- E. **Cellular or Wireless Communications Tower** shall mean any freestanding structure used to support a cellular or wireless communications antenna.

- F. **Cellular or Wireless Communications Tower, Height of**, shall mean the height from the base of the structure to its top; including any antenna located thereon.
- G. **Personal Wireless Services** shall mean mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

1193.03 USE REGULATIONS

The following use regulations shall apply to cellular or wireless communication antennas and towers:

- A. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are at least fifty (50) feet in height.

Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches or is compatible with the structure on which it is located.

- B. A cellular or wireless communications antenna that is not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted as a conditional uses in the B-3, B-5, L-I and I zoning districts.
- C. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.
- D. Cellular or wireless communications sites shall not be located in any residential zoning district including the R-1, R-2, R-3, R-3, R-4 and R-5 zoning districts nor shall they be located any closer to these residential zoning districts according to the following:
1. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 500 feet to any residential zoning district or use.
 2. Cellular or wireless communication towers less than 150 feet in height shall be located no closer than 750 feet to any residential zoning district or use.
 3. Cellular or wireless communication towers 150 feet in height and greater shall be located no closer than 1,000 feet to any residential zoning district or use.

1193.04 STANDARDS OF APPROVAL FOR CONDITIONALLY PERMITTED CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS

The following standards shall apply to all conditionally permitted cellular or wireless communication antennas and towers:

- A. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
- B. If the cellular or wireless communications company proposed to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), the company is required to demonstrate that it has contacted the owner of nearby tall structures within a one (1) mile radius of the proposed site, asked for permission to install the cellular or wireless communications antennas on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but are not limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.

The City may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

1193.05 STANDARDS OF APPROVAL OF ALL CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS

- A. Antenna/Tower Height
The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved.
- B. Setbacks from the Base of the Tower
If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:
 - 1. Forty (40) percent of the tower height;
 - 2. The minimum setback in the underlying zoning district; or
 - 3. Fifty (50) feet.

C. Cellular or Wireless Communications Tower Safety

The applicant shall demonstrate that the proposed cellular or wireless communications tower and its main antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers.

D. Fencing

A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel.

E. Landscaping

1. Any freestanding cellular or wireless communications tower shall incorporate landscaping which included trees, shrubs, and other landscaping vegetation that is subject to review and is acceptable to the Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
2. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.
3. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required.

F. Limiting the Number of Cellular or Wireless Communications Towers

In order to reduce the number of antenna support structures needed in the city in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments.

G. Licensing

The cellular or wireless communications company must demonstrate to the City that it is licensed by the Federal Communications Commission (FCC).

H. Required Parking

If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with Chapter 1187, Off-Street Parking and Loading Requirements.

I. Appearance

Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communications towers or antenna shall contain any signage containing a commercial message.

J. Site Plan Required

A full site plan shall be required for all proposed cellular or wireless communications sites at a scale of 1 inch to 100 feet (1" = 100'), indicating, as a minimum, the following:

1. The total area of the site;
2. The existing zoning of the property in question and all adjacent properties;
3. All public and private right-of-ways and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
4. Existing topography with a maximum of five foot contour intervals;
5. The proposed finished grade of development shown by contours not exceeding five foot contours;
6. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings;
7. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
8. All existing and proposed sidewalks and open areas on the site;
9. The location of all proposed fences, screening and walls;
10. The locations of all existing and proposed streets;
11. All existing and proposed utilities including types and grades;
12. The schedule of any phasing of the project;
13. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts;
14. Any other information as may be required by the Planning Commission to determine the conformance with this Zoning Code.

Upon submission of a complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Planning Commission where they shall review the site plan to determine if it meets the purpose and requirements as established in this section, the requirements of the zoning district where the proposed cellular or wireless communications site is located and any other applicable Sections of this Zoning Ordinance.

The Planning commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Inspector. The Planning commission may approve, disapprove or approve with modification the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period of time, not to exceed an additional sixty (60) days.

1193.06 MAINTENANCE

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related hereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

CHAPTER 1195—CONDITIONAL USES

1195.01 REQUIREMENTS AND PROCEDURE

Conditional uses may be permitted if expressly authorized by the Planning Commission after public notice and hearing and subject to any additional limitations and restrictions deemed necessary by the Planning Commission. Any conditional use granted under the requirements specified herein shall be limited to the present owner of the property for which the conditional use is requested, unless otherwise specified by the Planning Commission.

1195.02 SITE PLAN

Any application for a conditional use shall be accompanied by a site plan as set forth in Chapter 1127, Site Plan Review. The Planning Commission has the authority to waive this requirement on a case by case basis.

1195.03 PUBLIC HEARING; ZONING COMPLIANCE CERTIFICATES

Prior to authorizing a conditional use, the Planning Commission shall conduct a public hearing after notice of said hearing has been given. The Zoning Inspector shall issue a Zoning Compliance Certificate for the conditional use following the hearing and upon an affirmative vote finding by the Planning Commission that such conditional use satisfies the requirements of this Chapter.

1195.04 STANDARDS FOR ALL CONDITIONAL USES

In review of a conditional use application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

- A. The conditional use is consistent with the spirit, purpose and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- B. The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of Chapter 1195, Conditional Uses.
- C. The requirements set forth for each specific conditional use will be met;
- D. Minimum standards for parking and loading areas shall be as required in Chapter 1187, Off-Street Parking and Loading Requirements;

- E. Minimum Standards for landscaping shall be as required in Chapter 1189, Landscaping and Bufferyard Requirements; and
- F. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, and schools.

1195.05 SPECIFIC STANDARDS FOR EACH CONDITIONAL USE

The following minimum requirements shall be imposed on conditional uses in addition to those requirements of the zoning district where the subject use is located. Additional requirements may be imposed by the Planning Commission if deemed desirable. In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this code.

A. Agricultural Uses

1. Agricultural uses such as pasturage, horticulture, floriculture, viticulture, raising of crops, or other similar, non animal related, agricultural uses shall be permitted as of right in all residential districts.
2. The raising of livestock or other non-domestic animals shall be restricted to parcels of land that are greater than ten (10) acres in size.
3. Where properties are adjacent to residential uses, livestock and non-domestic animals shall be maintained in an area that is a minimum of two hundred (200) feet from any property line adjacent to a residential district or use and a minimum of one hundred (100) feet from all other property lines.

B. Animal/Veterinary Hospitals

1. All structures and activity areas, except off-street parking, shall be located no less than 40 feet from all lot lines.
2. Adequate soundproofing and odor control will be provided to meet the performance standards specified in Chapter 1185, Performance Standards.
3. All boarding of animals shall be conducted within the main structure and shall be restricted to the overnight boarding of animals for medical purposes and observation.
4. If an outdoor area for exercise is to be provided, a fence and adequate buffering shall be provided between residential districts or uses.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

C. Automotive Repair Establishments

1. No structure shall exceed 35 feet in height
2. All structures and activity areas, except off-street parking, shall be located no less than 40 feet from all lot lines.
3. No gas tanks shall be permitted.
4. No underground tanks shall be permitted unless approved by the authority having jurisdiction and by the Planning Commission.
5. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
6. All points of ingress/egress shall be located as far as practically possible from intersections of two or more major thoroughfares.
7. Lubrication, washing and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein.
8. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.
9. Employee vehicles and vehicles waiting for servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan.
10. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
11. Not more than thirty-six (36) square feet of ground area may be used for the outdoor storage of discarded materials, automobile parts, scrap and other waster prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off-site by a masonry wall not less than five feet in height. Such storage area shall not be located between the principal building and any right-of-way line and shall be located no more than 10 feet from the principal building.
12. Such use shall not be permitted where any oil draining pit or visible appliance for any such purpose other than filling caps is located within fifty (50) feet of a Residential District, except where such appliance or pit is enclosed within a building.
13. Such use shall not have an ingress/egress drive 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.

D. Automotive Sales

1. No structure shall exceed 35 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 40 feet from all lot lines.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from intersections of two or more major thoroughfares.
5. Any repair shop or establishment that is accessory to the sale of motor vehicles shall meet the conditional requirements of Automotive Repair Establishments.
6. Lubrication and other incidental servicing other than washing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein.
7. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.
8. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan.
9. Parking areas and vehicle display areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

E. Automotive Service Stations

1. No structure shall exceed 35 feet in height.
2. All structures and activity areas, except off-street parking, gasoline pump islands and canopies, shall be located no less than 40 feet from all lot lines. Gasoline pump islands shall be located no less than 25 feet from the road right of way. Canopies shall be located no closer than 15 feet from the road right-of-way.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from intersections of two or more major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

6. Lubrication, washing and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein.
7. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.
8. Employee vehicles and vehicles waiting for servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan. Such parking areas shall be located no less than 50 feet from a road right-of-way.
9. Not more than thirty-six (36) square feet of ground area may be used for the outdoor storage of discarded materials, automobile parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off-site by a masonry wall not less than five feet in height. Such storage area shall not be located between the principal building and any right-of-way line and shall be located no more than 10 feet from the principal building.
10. Notwithstanding any other provision of this or other Chapters relating to the development of automotive service stations, no signs, product displays, parked vehicles or other obstructions which adversely affect visibility of intersections or at station driveways shall be permitted.
11. Such use shall not be permitted where any oil draining pit or visible appliance for any such purpose other than filling caps is located within fifty (50) feet of a Residential District, except where such appliance or pit is enclosed within a building.
12. Such use shall not have an ingress/egress drive 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.
13. Every lot or parcel used as an automotive service station shall be paved with asphaltic or concrete surfacing, and shall be adequately drained.
14. No automotive sales shall be permitted on the premises.
15. All outdoor displays shall meet the regulations set forth in Section 1181.14.
16. Abandonment. The following shall regulate the abandonment of automobile service stations:
 - a. If any automotive service station is abandoned for a period of at least six consecutive months in any 18 month period, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety,

convenience, comfort, property or general welfare of the community and shall be abated.

- b. Such abandoned condition shall be abated within 60 days either by placing the station in operation in accordance with this section and other applicable laws and regulations of the Municipality and State, adopting and using the building or structure for another permitted use in the district in which it is located, or by razing the station, removing the pumps and signs, abandoning the underground storage tanks in accordance with safe accepted practices as prescribed by the authority having jurisdiction and filling depressions to grade level of the lot, however, if the station is in operation at the time notice is given and remains in operation for 90 consecutive days thereafter, the provision of this subsection shall not apply.

Whenever the Zoning Inspector shall find any automotive service station to be abandoned, the Zoning Inspector shall give notice in the same manner as service summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address to which tax bills are sent, or by a combination of the foregoing methods.

- c. On the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall take action as may be necessary to abate such nuisance.
- d. Inoperative service stations which do not come within the definition of an abandoned station shall be maintained in accordance with the provisions of this Section and other applicable laws and regulations, and the owner shall maintain the premises, mowing grass, removing weeds and rubbish. The parking of motor vehicles on the premises shall be strictly monitored.

F. Automotive Wash Establishments

1. No structure shall exceed 20 feet in height.
2. All structures and activity areas shall be located no less than 100 feet from all residential uses and zones.
3. A minimum of two stacking spaces for each washing stall shall be provided.
4. A minimum of one parking space for each washing stall shall be provided for the purpose of drying vehicles.
5. No space shall obstruct the ingress/ egress of other vehicles.
6. Stacking and drying spaces shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

G. Bed and Breakfast Lodging Establishments

1. The owner of the premises used for a bed and breakfast shall reside in the dwelling full-time.
2. No more than three bedrooms in any dwelling may be used for bed and breakfast lodging. A guest room shall contain no less than 100 square feet of living space, not including closets. A maximum of two guests is permitted per room.
3. A minimum of one full bath, including shower, toilet, and sink shall be available for the exclusive use of bed and breakfast paying guests.
4. Only one meal shall be served to each guest of the bed and breakfast and that meal shall be breakfast. No cooking facilities shall be permitted in individual guest quarters.
5. One off-street parking space shall be provided for each bedroom offered for bed and breakfast lodging and one off-street space shall be retained for the dwelling unit. Such off-street spaces may be provided in an existing driveway.
6. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
7. Each paying guest shall stay at the bed and breakfast for not more than seven consecutive nights in a single year, nor more than a total of twenty-one nights in any given calendar year.
8. The resident owner shall keep a current guest register including names, addresses, and dates of occupancy of all guests.
9. Only one on premise sign shall be permitted for each bed and breakfast and shall not exceed four square feet per side,
10. Bed and Breakfast Lodging Establishments shall acquire and maintain any necessary State and County licenses and shall comply with all pertinent legislation.

H. Cellular or Wireless Communications Systems

All Cellular or Wireless Communications Systems shall meet the requirements set forth in Chapter 1193, Cellular or Wireless Communications Systems.

I. Child Day Care Centers

1. Child Day Care Centers are conditionally permitted in the R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, B-5, O and L-1 zoning districts.
2. A site plan shall be provided as a part of the application which shall clearly denote lot lines, the footprint(s) of any structure(s), the footprint(s) of any proposed new construction, parking areas, driveways, walkways, landscape

details, setbacks from adjoining properties, and accessory uses, long with a rendering from each of the lot lines. Requirements are subject to Chapter 1127, Site Plan Review.

3. A traffic and circulation plan shall be submitted. The design and location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Milford Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact of the residential character of the neighborhood, when located in or adjacent to a residential district. The plan shall provide for the separation of incoming and outgoing vehicles during high volume period and shall provide a safe drop off point for children that will not impede traffic.
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
5. Screening from adjacent residential areas, or from adjacent houses in a non-residential zone, is required on the perimeter of the parcel. Screening shall meet minimum requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements.

The light from any light source, including the interior of the building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, uses, or adversely affect safe vision of operators of motor vehicles moving on public or private roads, highways or parking areas. Light shall not shine into residential structures.

Landscaping projects involving more elements than perimeter screening and site illumination shall be submitted for a preliminary consultation with the Zoning Inspector prior to formal application.

6. Outdoor play areas for children shall be permitted in the side and rear yards only. Outdoor play areas must be on the site of the day-care center.
 - a. A minimum of sixty (60) square feet per child using the area at any one time shall be provided.
 - b. The outdoor play area shall be enclosed by a fence or otherwise protected from traffic or other hazards and screened from view of the adjoining property owners. Any day-care facility with and outdoor play areas shall enclose said area with a fence or wall that is a minimum of five (5) feet in height. Fence or wall requirements shall also be subject to Section 1181.10, Fences, Walls and Hedges.
8. The hours of operation for child day-care centers shall be between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The use of outdoor play equipment and areas shall be limited to the hours between 8:00 a.m. and 6:00 p.m. Hours of operation may be extended by the Board of Zoning

Appeals pursuant to its authority to impose requirements and conditions in authorizing a conditional use.

9. When located in a residential district, the exterior of the front of the facility shall not differ in appearance to the character of the surrounding neighborhood in which it exists.
10. The administrator, owner or provided of child day-care shall be responsible for compliance with all applicable city ordinance and state and federal statutes and regulations.

J. Cluster Housing

1. Cluster housing shall not be permitted on Main Street or Water Street or the side streets between Main and Water Streets.
2. All development that lies within the B-2 district and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.

K. Convenience Stores

1. No structure shall exceed 35 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 35 feet from all lot lines.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

L. Convenience Store with Fast Food Restaurant and/or Gasoline Sales

1. No structure shall exceed 35 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 35 feet from all lot lines.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

M. Day Care “Type A” Homes

1. A site plan shall be provided as a part of the application which shall clearly denote lot lines, the footprint(s) of any structure(s), the footprint(s) of any proposed new construction, parking areas, driveways, walkways, landscape details, setbacks from adjoining properties, and accessory uses, long with a rendering from each of the lot lines. Requirements are subject to Chapter 1127, Site Plan Review.
2. A traffic and circulation plan shall be submitted. The design and location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Milford Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact of the residential character of the neighborhood, when located in or adjacent to a residential district. The plan shall provide for the separation of incoming and outgoing vehicles during high volume period and shall provide a safe drop off point for children that will not impede traffic.
3. Screening from adjacent residential areas, or from adjacent houses in a non-residential zone, is required on the perimeter of the parcel. Screening shall meet minimum requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements.

The light from any light source, including the interior of the building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, uses, or adversely affect safe vision of operators of motor vehicles moving on public or private roads, highways or parking areas. Light shall not shine into residential structures.

Landscaping projects involving more elements that perimeter screening and site illumination shall be submitted for a preliminary consultation with the Zoning Inspector prior to formal application.

5. Outdoor play areas for children shall be permitted in the side and rear yards only. Outdoor play areas must be on the site of the day-care center.
 - a. A minimum of sixty (60) square feet per child using the area at any one time, shall be provided.
 - b. The outdoor play area shall be enclosed by a fence or otherwise protected from traffic or other hazards and screened from view of the adjoining property owners. Any day-care facility with and outdoor play areas shall enclose said area with a fence or wall that is a minimum of five (5) feet in height. Fence or wall requirements shall also be subject to Section 1181.10, Fences, Walls and Hedges.
6. The hours of operation for child day-care centers shall be between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The use of outdoor play equipment and areas shall be limited to the hours between 8:00 a.m. and

6:00 p.m. Hours of operation may be extended by the Board of Zoning Appeals pursuant to its authority to impose requirements and conditions in authorizing a conditional use.

7. When located in a residential district, the exterior of the front of the facility shall not differ in appearance to the character of the surrounding neighborhood in which it exists.
8. The administrator, owner or provided of child day-care shall be responsible for compliance with all applicable city ordinance and state and federal statutes and regulations.

N. Drive-Through Facilities

1. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
2. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
3. A minimum of five stack spaces is required for the drive through facility. Additional stacking spaces may be required by the Planning Commission to prevent traffic from backing up onto a public road or streets.
4. At least one lane of travel must be provided next to the drive through lane to allow traffic to pass vehicles waiting at the drive-through facility.
5. Stacking spaces shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

O. Educational Facilities

1. The minimum lot area shall be 5 acres for elementary schools, 25 acres for junior high schools and 40 acres for senior high schools. The minimum lot area for all other educational facilities shall be decided by the Planning Commission. Planning Commission may waive the minimum lot area requirement for properties with existing educational facilities and where the site plan illustrates adequate space.
2. No structure shall exceed 45 feet in height.
3. All structures and activity areas, except off-street parking, shall be located no less than 50 feet from all lot lines.
4. There shall be no more than three ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
5. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
6. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

7. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.

P. Fast Food Restaurants

1. Fast Food restaurants shall be conditional in B-2 zoning district.
2. No structure shall exceed 35 feet in height.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
5. All development that lies within the B-2 district and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.
6. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

Q. Government Buildings

1. No structure shall exceed 35 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 35 feet from all lot lines.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

R. Group Homes

1. The minimum lot area shall be 15,000 square feet.
2. No structure shall exceed 35 feet in height.
3. All structures and activity areas, except off-street parking, shall be located no less than 30 feet from all lot lines.
4. There shall be no more than one ingress/egress drive onto the property. No drive shall exceed 35 feet in width.
5. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.

6. Each individual home shall have a person or persons maintaining permanent residence in the unit to avoid shift changes and to provide the same type of use and activities otherwise typical in residences in the area. This person or persons shall be a trained, responsible individual or individuals who shall assume full responsibility for all activities within the group home.
7. In order to prevent the creation of a defacto social service district and to avoid a negative impact on a residential block or neighborhood, the Planning Commission shall not grant a conditional use which would permit more than one group home within the same block or within a 500 foot radius of another group home.
8. The residential character of all structures shall be maintained. No structure approved as a group home shall have its character altered.
9. A group home shall not be permitted to be constructed or operated until the agency, organization or institute supervising such home satisfies the Planning Commission that the home and its operation will comply with all licensing or certification requirements of the appropriate State or local agency, pursuant to law.
10. A group home shall not maintain lower than minimum building, fire, health and safety standards as established by the State and local laws. No group home shall be occupied until a zoning compliance permit has been obtained and it is shown that all regulations are met.
11. No exterior sign shall be permitted except as specifically allowed by the Planning Commission.
12. A conditional use shall be granted for a specific type of group home. The type of home shall be defined as the specific nature of the condition being treated or rehabilitated. Any change in the type of home shall require a new conditional use.

S. Hospitals

1. The minimum lot area shall be 5 acres.
2. No structure shall exceed 45 feet in height.
3. All structures and activity areas, except off-street parking, shall be located no less than 100 feet from the front lot line and no less than 40 feet from all other lot lines.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.

5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
6. Loading and unloading areas shall be a minimum of 75 feet from any residential use.

T. Hotels or Motels

1. No structure shall exceed 65 feet in height unless approved by the Planning Commission.
2. There shall be no more than three ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
3. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

U. Microbreweries

1. Microbreweries shall only be permitted in the B-2 zoning district if it occupies less than fifty percent (50%) of a restaurant. In an L-I zoning district, the microbrewery may be the only use of the property.
2. All brewing related activities shall be conducted within a completely enclosed building with the exception of off-street parking and loading areas.
3. If tours are to be conducted at the site, adequate parking spaces shall be provided to handle the increased activity. This condition does not apply to the B-2 zoning district.
4. No outdoor storage of any material (usable or waste) shall be permitted except within enclosed containers that are screened from public view.
5. All structures and activity areas, except off-street parking, shall be located no less than 50 feet from any lot line that abuts a residential use or district.
6. Hours of operation for brewing related activities shall be restricted to 7:00 a.m. until 7:00 p.m. Non-brewing related activities with no external impact may be conducted outside of these hours.

V. Mixed Uses

1. No structure shall exceed 35 feet in height.
2. The residential portion of the structure shall be located on the second floor of the structure.
3. All development that lies within the B-2 district and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.

4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

W. Religious Places of Worship

1. No principal structure shall exceed 45 feet in height, steeples and towers exceed this height requirement.
2. All structures and activity areas, except off-street parking, shall be located no less than 35 feet from all lot lines.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
6. Such uses shall be encouraged to locate adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.

X. Research and Development Facilities

1. No structure shall exceed 45 feet in height.
2. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
3. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
5. All research and development shall occur within an enclosed building.

Y. Restaurants

1. No structure shall exceed 45 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 50 feet from any lot line that abuts a residential use or district. All other lot lines shall meet the setback requirements of the zoning district in which the subject property is within.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.

5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

Z. Single Family Dwellings

1. Single Family Dwellings shall not be permitted on Main Street or Water Street or the side streets between Main and Water Streets.
2. All development that lies within the B-2 district and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.

AA. Two-Family Dwellings

1. Two-Family Dwellings shall not be permitted on Main Street or Water Street or the side streets between Main and Water Streets.
2. All development that lies within the B-2 district and the OMO district shall comply with the regulations set forth in Chapter 1167, Old Mill Overlay District.

AB. Taverns

1. No structure shall exceed 45 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 50 feet from any lot line that abuts a residential use or district. All other lot lines shall meet the setback requirements of the zoning district in which the subject property is within.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.
5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

AC. Wholesale Businesses

1. No structure shall exceed 45 feet in height.
2. All structures and activity areas, except off-street parking, shall be located no less than 50 feet from any lot line that abuts a residential use or district. All other lot lines shall meet the setback requirements of the zoning district in which the subject property is within.
3. There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.
4. All points of ingress/egress shall be located as far as practically possible from the intersection of two or more major thoroughfares.

5. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.

AD. Private Recreation

1. All structures and activity areas, except off street parking, shall be located no less than fifty (50) feet from any lot line that abuts a residential use or district. All other lot lines shall meet the setback requirements of the zoning district in which the subject property is within.
2. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
3. If an outdoor area is to be provided, a fence and adequate buffering shall be provided between residential districts or uses.
4. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential use or hazard to traffic on any public thoroughfare.
5. There shall be no more than two ingress/egress drives on the property. No drive shall exceed 35 feet in width.
6. All points of ingress/egress shall be located as far as practically possible from the intersection of two major thoroughfares.
7. A traffic impact study will be required if the development is expected to generate more than 100 new inbound or outbound trips during the peak hour.

1195.06 APPEALS

Appeals from the Planning Commission for conditional use shall be made to the Board of Zoning Appeals

1195.07 EXPIRATION OF CONDITIONAL USES

A conditional use permit shall be deemed to authorize only one conditional use and such conditional use permit shall automatically expire if, for any reason, the conditional use has ceased by discontinuance or abandonment for a period of more than three months, or if such use violated the conditions established herein.

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CHAPTER 1197—NON-CONFORMING USES

1197.01 PURPOSE

Within the districts established by this Zoning Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance. The legitimate interest of those who lawfully established these non-conformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Zoning Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Zoning Ordinance. or any amendment thereto. Nevertheless, while it is the intent of this Zoning Ordinance that such non-conformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Ordinance.

1197.02 CERTIFICATES FOR NONCONFORMING USES

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that dimensional requirements are non-conforming. The purpose of this section is to protect the owners of lands or structures that are or became non-conforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

1197.03 SUBSTITUTION OF NONCONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any non-conforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another non-conforming use if the Board finds that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met,

which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Ordinance. Whenever a non-conforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

1197.04 NONCONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Ordinance.

1197.05 NONCONFORMING USES OF LAND

- A. Where, at the time of adoption of this Zoning Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:
1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
 2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Ordinance.
 3. If any such non-conforming uses of land are discontinued or abandoned for more than one year, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
 4. No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such non-conforming use of land.

1197.06 NONCONFORMING STRUCTURES

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity; and
 2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1197.07 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

- A. If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
 2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building;
 3. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as provided for in Section 1197.09(a).

1197.08 TERMINATION OF NONCONFORMING USES

- A. Termination of Use Through Discontinuance. When any non-conforming use is discontinued or abandoned for more than one year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed. The intent to continue a non-conforming use shall not be evidence of its continuance.
- B. Termination of Use by Damage or Destruction. Nothing in this Zoning Ordinance shall prevent the restoration of a non-conforming use, building or structure destroyed or damaged or prevent the continuance of such non-conforming use, provided that the owners of the property in question shall file with the Zoning Inspector a notice of intention to continue the non-conforming use within six months of such destruction or damage, and provided further that such restoration or construction is commenced within one year of the date of such notice of intention to continue the non-conforming use in question. In the event that such notice is not filed, then the non-conforming use in question shall be deemed to have been abandoned.
 1. A zoning certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.
 2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

1197.09 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

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