

City of Springdale, Ohio

Zoning Code

Title XV: Land Usage

Chapter 153: Zoning Code

Revised 11/16/16

General Provisions	1
153.100 Title	1
153.101 Purpose and Intent	1
153.102 Interpretation and Application	2
153.103 Severability, Conflicting Ordinances Repealed	2
153.104 Graphics, Illustrations, Figures, and Cross-References	2
Administration Roles and Authority	3
153.150 Purpose	3
153.151 Summary Table of Review Bodies	3
153.152 City Council	4
153.153 Planning Commission	4
153.154 Board of Zoning Appeals	4
153.155 The Building Official	5
Development Review Procedures	6
153.200 Purpose	6
153.201 Common Review Requirements	6
153.202 Zoning Text and Map Amendments	8
153.203 Development Plan Review	9
153.204 Conditional Use Permits	11
153.205 Determination of Similar Use	12
153.206 Variances	13
153.207 Certificate of Use and Occupancy	14
153.208 Appeals	15
Zoning Districts and Regulations	16
153.250 Purpose	16
153.251 District Establishment and Map	16
153.252 Residential Zoning Districts	18
153.253 Non-Residential Zoning Districts	30
153.254 Supplemental District Regulations	49
153.255 Planned Unit Development	56
153.256 Transition Overlay District	61
153.257 Route 4 Corridor Review District	66
Off-Street Parking and Loading	73
153.300 Purpose	73
153.301 General Requirements	73
153.302 Off-Street Parking Standards	74
153.303 Off-Street Loading Standards	82
153.304 Off-Street Vehicle Stacking Standards	83
Outdoor Lighting	85
153.350 Purpose	85
153.351 Outdoor Lighting Standards	85
Landscaping and Bufferyards	89
153.400 Purpose	89
153.401 Applicability	89
153.402 Landscape Plan Requirements	89
153.403 Landscape Materials and Standards	90
153.404 Landscape Requirements	93
153.405 Maintenance	97

153.406 Modifications.....	98
153.407 Plant Lists.....	98
Signs	103
153.450 Purpose	103
153.451 Applicability	103
153.452 General Requirements for All Signs.....	103
153.453 Prohibited Signs	104
153.454 Signs Not Requiring a Permit	104
153.455 Signs Requiring a Permit.....	105
153.456 Sign Computations	105
153.457 Sign Construction	106
153.458 Illumination of Signs.....	106
153.459 Design Standards	106
153.460 Electronic Signs and Changeable Copy.....	112
153.461 Temporary Signs.....	114
153.462 Nonconforming Signs	117
153.463 Maintenance	118
Nonconformities.....	119
153.500 Intent.....	119
153.501 General Provisions.....	119
Enforcement and Penalties	121
153.550 Enforcement	121
153.551 Civil Remedies Available	121
153.552 Violations.....	121
153.553 Notice of Violation	122
153.554 Penalties.....	122
153.555 Fees	123
Definitions.....	125
153.600 Definitions	125

General Provisions

153.100 Title

Chapter 153 of the Springdale Code of Ordinances shall be known as the "City of Springdale Zoning Code" or referred to as the "zoning code" or the "code".

153.101 Purpose and Intent

- (A) The purpose of this zoning code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under the provisions of the Constitution of the State of Ohio, and the Ohio Revised Code as modified by the Charter of the City of Springdale, the public health, safety, convenience, comfort, prosperity, and the general welfare of the city by regulating the following:
- (1) The use of buildings, other structures, and land for residences, public facilities, business, services, industry, or other purposes;
 - (2) The bulk, height, design, percent of lot coverage, and location of buildings;
 - (3) The population densities within the city;
 - (4) The division of land into districts of such numbers and dimensions as will best serve the public welfare;
 - (5) The administration and amendments to this zoning code; and
 - (6) The penalties for the violation of this zoning code.
- (B) This zoning code is intended to achieve, among others, the following objectives:
- (1) To protect the character and value of residential, institutional, public, business, commercial and manufacturing uses; and to ensure their orderly and beneficial development;
 - (2) To provide adequate open spaces for light, air, and outdoor uses;
 - (3) To prevent overcrowding of the land;
 - (4) To prevent excessive concentration of population;
 - (5) To regulate and control the location and spacing of buildings on the lot, and in relation to the surrounding property;
 - (6) To regulate the location of buildings and intensity of uses in relation to streets to cause the least interference with and damage by traffic movements, and hence result in less street congestion and improved public safety;
 - (7) To ensure economical extensions to sewers, water supply, waste disposal, and other public utilities, as well as development of recreation, schools, and other public facilities;
 - (8) To accomplish the respective goals set forth in the purpose and "intent" subsections of each section; and
 - (9) To protect the public health, safety, morals, comfort, and general welfare.

153.102 Interpretation and Application

- (A) The provisions of this zoning code shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare.
- (B) Whenever the regulations of this zoning code require a greater width of side yard or other open space, a lower height of buildings or less number of stories, a greater percentage of lot to be left unoccupied, a lower intensity of populations, a more restricted use of land, or impose higher standards than are required in any other ordinance or regulation, private deed restrictions, or private covenants, these regulations shall govern. If requirements of the other ordinance or regulation are the more restrictive, then those requirements shall govern.
- (C) In the interpretation of this code, if a use within this code is not specifically permitted, it shall be prohibited.

153.103 Severability, Conflicting Ordinances Repealed

If any section, subsection, sentence, clause, phrase, or word of this zoning code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this zoning code. All ordinances or parts of ordinances of the municipality in conflict with any regulation, provision, amendment, or supplement of this zoning code are, to the extent of such conflict, repealed.

153.104 Graphics, Illustrations, Figures, and Cross-References

- (A) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (B) In some instances, cross-references between sections and subsections are provided that include the section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Administration Roles and Authority

153.150 Purpose

The purpose of this section is to identify the authority of the review and decision-making bodies in the development review procedures established in the [Development Review Procedures](#) section.

153.151 Summary Table of Review Bodies

[Table 151-1: Summary Table of Review Bodies](#) summarizes the review and decision-making responsibilities of the entities that have roles in procedures set forth in the [Development Review Procedures](#) section. Other duties and responsibilities of the entities are set forth in subsequent sections.

Table 151-1: Summary Table of Review Bodies					
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required) R = Review and/or Recommendation			D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)		
Procedure	Section Reference	City Council	Planning Commission	Board of Zoning Appeals	Building Official
Zoning Text or Map Amendments	153.202	H-D	H-R		R
Development Plan Review	153.203		M-D	A	R
Conditional Use Permits	153.204		H-D	A	R
Determination of Similar Uses	153.205		A		D ¹
Variances	153.206			H-D	R
Appeals	153.208			H-D	R
Planned Unit Development – Zone Map Amendment and Preliminary Development Plan	153.255(F)(1)	H-D	H-R		R
Planned Unit Development – Final Development Plan	153.255(F)(5)	A	M-D		R
Planned Unit Development – Major Modification	153.255(G)(1)	H-D	H-R		R
Planned Unit Development – Minor Modification	153.255(G)(2)	A	M-D		R
T-District Zone Map Amendment and Preliminary Development Plan	153.256(F)(1)	H-D	H-R		R
T-District Final Development Plan	153.256(F)(5)	A	M-D		R
T-District Major Modification	153.256(G)(1)	H-D	H-R		R
T-District Minor Modification	153.256(G)(2)	A	M-D		R
Route 4 Corridor Review District Plan	153.257(I)		M-D	A	R

¹ The building official shall consult with the chair of the planning commission when making this decision.

153.152 City Council

In addition to any other authority granted to city council by charter, ordinance, or state law, city council shall have the following powers and duties related to this code:

- (A) Initiate, hear, review, and make decisions related to amendments to this code.
- (B) Initiate, hear, review, and make decisions related to amendments to the zoning map.
- (C) Review and make decisions related to planned unit development and T-district preliminary development plan applications.
- (D) Hear, review, and make decisions on appeals of denied final T-District and planned unit development plans.
- (E) Review and make decisions related to major modifications to planned unit development and T-district plans.
- (F) Appoint members of the planning commission, board of zoning appeals, and any additional appointments of members to boards that may be created.

153.153 Planning Commission

The planning commission, created by city charter with two of its members being appointed by city council and three by the mayor, shall have the following powers and duties related to this code:

- (A) Hear, initiate, review, and make recommendations related to amendments to this code.
- (B) Hear, initiate, review, and make recommendations related to amendments to the zoning map.
- (C) Review and make recommendations related to planned unit development and T-district preliminary development plan applications.
- (D) Review and make decisions related to planned unit development and T-district final development plan applications.
- (E) Review and make recommendations related to major modifications to planned unit development and T-district plans.
- (F) Review and make decisions related to minor modifications to planned unit development and T-district plans.
- (G) Review and make decisions on development plan applications.
- (H) Review and make decisions on conditional use permits.
- (I) Perform all other duties and functions as provided by the Springdale City Charter.
- (J) Perform any other responsibilities as established by this code.

153.154 Board of Zoning Appeals

The board of zoning appeals, created by city charter with two members being appointed by city council, two by the mayor, and one by the planning commission, shall have the following powers and duties prescribed by city charter and this code:

- (A) Hear, review, and make decisions on applications to vary the terms of this code.
- (B) Hear, review, and make decisions on administrative appeals

- (C) Hear, review, and make decisions on planning commission appeals.

153.155 The Building Official

The building official or building inspector or his authorized agent may:

- (A) Make lawful entrance upon any premises or property in order to inspect for violations of this code or for conformance of a building or use to a zoning certificate or certificate of occupancy.
- (B) Order in writing the remedying, within such reasonable time as is determined by the building official, of any condition found to exist in violation of any provisions of this code.
- (C) Forward findings of fact as to alleged violations of this code to the city prosecutor.
- (D) Issue all permits and certificates in accordance with the requirements of this code.
- (E) Receive all applications and accompanying required plans and information and take such action on, or forward such material to the appropriate authority.

Development Review Procedures

153.200 Purpose

Development review procedures are herein established in order to achieve the following purposes, among others:

- (A) To provide for the review of development plans before obtaining a zoning certificate and certificate of occupancy;
- (B) To provide for the inclusion of necessary facilities, services, and additional uses through conditional use permits;
- (C) To provide for the inclusion of uses which are not specified in this code, but which have characteristics and a land use impact similar to permitted main uses;
- (D) To assure that no work shall be started on the relocation, construction, reconstruction, or structural alteration of a building or use, until the building or use is found to comply with all the provisions of the zoning code;
- (E) To assure before construction of new buildings, commencement of a new use or occupancy, or before occupancy is continued after alterations, that all regulations of the city have been met by requiring a certificate of occupancy; and
- (F) To provide for enforcement by issuance of orders by the building official.

153.201 Common Review Requirements

(A) Authority to File Applications

Unless otherwise specified in this code, development review applications may be initiated by:

- (1) The owner of the property that is the subject of the application; or
- (2) The owner's authorized agent; or
- (3) The City of Springdale.

(B) Public Notification for Public Hearings

(1) Content

Notices for public hearings, whether by publication or written notice, shall at a minimum:

- a)** Identify the location and size of the subject property by its address or by legal description and the nearest cross street;
- b)** Indicate the date, time, and location of the public hearing;
- c)** Describe the nature, scope, and purpose of the application;
- d)** Identify the location where the public may view the application and related documents;
- e)** Include a statement that the public may appear at the public hearing, be heard, and submit written comments with respect to the application; and
- f)** Include a statement describing where written comments should be submitted prior to the public hearing.

(2) Notice Requirements

Notification requirements for public hearings shall be provided as defined in [Table 201-1: Public Notice Requirements](#).

Table 201-1: Public Notice Requirements				
Procedure	Section Reference	Notification on the Subject Property	Published Notice	Mailed Notice
Zoning Text or Map Amendments	153.202	Sign shall be placed by a representative of the city in the front yards of the subject property at least 15 days prior to the date of the public hearing	Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing
Conditional Use Permits	153.204	Sign shall be placed by a representative of the city in the front yards of the subject property at least 15 days prior to the date of the public hearing	Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing
Variances	153.206	Sign shall be placed by a representative of the city in the front yards of the subject property at least 15 days prior to the date of the public hearing	Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing
Appeals	153.208		Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing
Planned Unit Development – Zone Map Amendment and Preliminary Redevelopment Plan	153.255(F)(1)	Sign shall be placed by a representative of the city in the front yards of the subject property at least 15 days prior to the date of the public hearing	Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing
T-District Zone Map Amendment and Preliminary Redevelopment Plan	153.256(F)(1)	Sign shall be placed by a representative of the city in the front yards of the subject property at least 15 days prior to the date of the public hearing	Must be published at least 15 days prior to the date of the public hearing	15 days prior to the date of the public hearing

(3) Published Notice

When provisions of this code require that notice be published, a representative of the city shall prepare the content of the notice and publish the notice in a newspaper of general circulation in the city. The content of the notification shall be consistent with section [153.201\(B\)\(1\): Content](#).

(4) Written Notice

When provisions of this code require that written notice be sent, a representative of the city shall prepare the content of the notice and send the notice out as described below. The content of the notification shall be consistent with section [153.201\(B\)\(1\): Content](#).

- a)** Property owners of record, per the Hamilton County Auditor, within 300 feet of the subject parcel shall be notified by regular mail and shall include the information set forth in section [153.201\(B\)\(1\): Content](#).
- b)** Written notices shall be postmarked no later than the minimum number of days required in [Table 201-1: Public Notice Requirements](#).

153.202 Zoning Text and Map Amendments

(A) Initiation

Initiation of a zoning text or map amendment may be done by planning commission or by the following:

- (1)** By petition of the property owner or the owner's authorized agent; or
- (2)** By recommendation or referral from city council.

(B) Review Procedures

The following review procedures apply to all zoning text and map amendments:

(1) Step 1 – Application

- a)** The owner or owner's authorized agent shall submit an application for a zoning text or map amendment in accordance with the provisions of this section.
- b)** Complete zoning text or map amendment applications shall include all the required information per the approved checklist.

(2) Step 2 – Review of Application by Staff

- a)** The building official shall review the text or map amendment application to determine completeness and shall distribute the application to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b)** Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(3) Step 3 – Planning Commission Review and Recommendation

- a)** The planning commission shall hold a public hearing on the zoning text or map amendment and shall furnish to city council its recommendation with respect to the submitted plans. Public hearings shall be subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).
- b)** The planning commission may recommend that the zoning text or map amendment be approved, disapproved, or modified.
- c)** In the event the planning commission recommends that a zoning text or map amendment be disapproved, the owner or owner's authorized agent shall request in writing that the application be forwarded to City Council for review and action pursuant to Step 4 below. Failure to provide such written request, within 30 days from the date of action by Planning Commission, shall constitute withdrawal of the application. (Ord. 33-2016, passed 11-16-16)

(4) Step 4 – City Council Review and Action

- a)** City council, at their next regular meeting following receipt of the planning commission's recommendation, shall set a date for public hearing on the zoning text or map amendment subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).

- b) Following the public hearing, city council shall approve, disapprove, or modify the zoning text or map amendment. If city council reverses the recommendation by planning commission, it shall only do so by the affirmative votes of not less than two-thirds of its members.
- c) The city council may amend any ordinance, measure, or proposed zoning text or map amendment prior to voting on the item without further notice or postponement if such amendment is relevant to the subject matter and does not violate, differ, or depart from planning commission's recommendation.

(C) Review Factors

Recommendations and decisions on a zoning text or map amendment shall be based on consideration of the following factors. Not all factors may be applicable in each case, and each case shall be determined on its own facts.

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
- (2) Whether the proposed amendment is consistent with the comprehensive plan or other applicable city plans;
- (3) Whether the proposed amendment is consistent with the purpose of this code;
- (4) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;
- (5) Whether the proposed amendment will protect the health, safety, and general welfare of the public;
- (6) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation;
- (7) Whether the proposed amendment will ensure efficient development within the city;
- (8) Whether the proposed amendment will result in a logical and orderly development pattern; and
- (9) Whether the proposed amendment will produce a negative impact upon the abutting or surrounding properties and land uses.

(D) Planned Unit Development Zoning Map Amendments

The review procedures for Planned Unit Development zoning map amendments are described in section [153.255\(F\): Review Procedures and Factors](#).

153.203 Development Plan Review

(A) Purpose

The purpose of the development plan review is to provide a process for the evaluation and approval of development plans by the city to promote logical and orderly development within the city. The development plan process does not apply to planned unit development applications, T-district applications, or any other special districts or areas as identified within this code.

(B) Applicability

(1) Development Plan Review Required

A development plan review by the planning commission shall be required for the following applications:

- a)** All applications for a conditional use permit; and
- b)** All development, changes in a site, or changes in a use that are not exempt from development plan review by section [153.203\(B\)\(2\): Exemptions](#).

(2) Exemptions

The following are exempted from development plan review by planning commission. A development plan review by the building official is still required along with the application and issuance of applicable permits for the following items:

- a)** Construction of new single-family or two-family residential dwellings or the reconstruction, enlargement, or alteration of such;
- b)** Expansion of existing non-residential uses representing an increase in floor area and/or parking area that is 10 percent or less of the existing building square footage, but does not exceed a combined square footage of over 5,000 square feet;
- c)** A change in use in a non-residential building;
- d)** Modifications to sites involving changes to landscaping, parking, or loading without the expansion of such items;
- e)** Signs; and
- f)** Accessory structures or uses.

(C) Development Plan Review Procedures

(1) Step 1 – Application and Development Plan

- a)** The property owner or owner’s authorized agent shall submit an application and applicable development plan drawings in accordance with the provisions of this subsection.
- b)** Complete development plan applications shall include all the required information per the approved checklist.
- c)** The development plan application shall be prepared by a certified planner, engineer, landscape architect, or architect.

(2) Step 2 – Staff Review

- a)** The building official shall review the development plan application to determine completeness and shall distribute the development plan to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b)** Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(3) Step 3 – Review and Decision by Planning Commission

- a)** The planning commission shall review the recommendations and notations of the building official and evaluate whether or not the development plan complies with the requirements of this code.
- b)** The planning commission shall issue its findings of approval, approval with modifications or conditions, or disapproval to the building official.

(4) Step 4 – Action by the Building Official

- a)** If the planning commission finds that the development plan application meets all the applicable regulations of this code, the building official will issue a zoning certificate for the application. The building official will also provide any next steps that are applicable to the subject development plan application including permitting requirements.
- b)** If the planning commission or building official determines that any variances are required for the development plan application, the building official will notify the owner or the owner's authorized agent of the variance procedure and requirements described in section [153.206: Variances](#).
- c)** If the planning commission denies the development plan application, the owner or the owner's authorized agent has the option to appeal the decision to the board of zoning appeals subject to the requirements set forth in section [153.208: Appeals](#). The determination by the board of zoning appeals constitutes a final decision by the city.

153.204 Conditional Use Permits

Conditional use permits shall be required for types of uses designated as conditionally permitted in a particular zoning district. Such particular use may be permitted and desirable in certain districts, but not without consideration. In each case, the effect of the use upon neighboring land and the effect the neighboring land will have on the use will be reviewed. The application of the planning standards for determining the location and extent of such use is a planning function, and not in the nature of a variance or an appeal. Enumerated throughout this code are certain uses and the districts in which they may be permitted as conditional uses provided the following standards are fulfilled and a conditional use permit is granted by the planning commission. Application requirements shall be as established on the checklist provided by the city.

(A) Application and Notification Requirements

- (1)** An owner or owner's authorized agent shall submit an application for a conditional use permit that is complete and includes all the required information per the approved checklist.
- (2)** The planning commission shall hold a public hearing subject to the requirements of section [153.201\(B\): Public Notification for Public Hearings](#).

(B) Review Factors

The planning commission shall consider the following standards when determining whether the issuance of a conditional use permit is warranted:

- (1)** The conditional use is consistent with the spirit, purpose, and intent of the comprehensive plan and will not negatively affect or harm the appropriate use of neighboring property.
- (2)** The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of this section.
- (3)** The use complies with all applicable use-specific provisions established in sections [153.252\(E\): Public and Institutional Use-Specific Regulations](#) and [153.253\(D\): Non-Residential Use-Specific Regulations](#).
- (4)** The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse pick-up, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (5)** The proposed use will comply with all applicable development standards, except as specifically altered by the planning commission in the approved conditional use.

- (6) The proposed use will be harmonious with the existing or intended character of the area, will not be hazardous or have a negative impact on adjacent properties, and will not be detrimental to property values or the economic welfare of the general vicinity.
- (7) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not compatible to the uses permitted in the base zoning district.
- (8) The proposed use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.

(C) Approval Conditions

- (1) The planning commission shall approve the conditional use permit if it determines that the proposed application satisfies, or through the imposition of conditions pursuant to section [153.204\(C\)\(3\)](#) satisfies, the standards set forth in section [153.204\(B\): Review Factors](#).
- (2) If the planning commission determines that the issuance of a conditional use permit is warranted, the planning commission may condition such issuance upon specific requirements and limitations with respect to the location, construction, maintenance, landscaping, operation, and other factors and features of the application it deems necessary or appropriate to protect the interests of the community and to ensure satisfaction of the standards set forth in section [153.204\(B\): Review Factors](#).
- (3) If the planning commission determines that such proposed use does not, and with the imposition of conditions, will not, satisfy the standards set forth in section [153.204\(B\): Review Factors](#), the planning commission shall deny the issuance of a conditional use permit.
- (4) If planning commission denies the conditional use permit, the owner of the owner's authorized agent has the option to appeal the decision to the board of zoning appeals subject to the requirements set forth in [153.208: Appeals](#). The determination by the board of zoning appeals constitutes a final decision by the city.

(D) Period of Validity of Conditional Use Permit

The approval of a conditional use permit shall become null and void if building permits have not been issued for all buildings and structures within six months after approval of a conditional use permit. The planning commission may extend this time period if requested and justified by the owner or owner's authorized agent. In no situation shall the planning commission extend this time period for longer than two years from the date of approval of the conditional use permit.

153.205 Determination of Similar Use

- (A) Where there is a proposed use that is not currently listed in [Table 252-1: Residential Permitted Uses](#) or [Table 253-1: Non-Residential Permitted Uses](#), the building official, in consultation with the chair of the planning commission, may review the use to determine the appropriate zoning districts, if any, where the use may be permitted. The nature, operation, and function of the use shall be analyzed in the determination of the appropriate district(s).
- (B) The building official may forward his/her decision to planning commission for review and to determine if the proposed use should be enumerated in this zoning code as a permitted use in the appropriate zoning district(s) pursuant to section [153.202: Zoning Text and Map Amendments](#).

- (C) The building official may find that the proposed use is not compatible with any existing zoning districts and not permit the use under the current zoning code. The owner or owner's authorized agent may appeal the decision of the building official to planning commission for review and final decision.

153.206 Variances

(A) Application and Notification Requirements

- (1) An owner or owner's authorized agent shall submit an application for a variance that is complete and includes all the required information per the approved checklist.
- (2) The board of zoning appeals shall hold a public hearing subject to the requirements of section [153.201\(B\): Public Notification for Public Hearings](#).

(B) Review Factors

- (1) The board of zoning appeals shall have the power to authorize variances in specific cases as described herein and that are consistent with the provisions of the city charter.
- (2) The board of zoning appeals shall hear and decide all applications for variances from the requirements and standards set forth in this zoning code and that are not contrary to the public interest. When an owner or owner's authorized agent seeks a variance, said owner or owner's authorized agent shall be required to establish that the literal enforcement of this code would result in an unnecessary hardship unless a variance is granted.
- (3) Variances shall not be granted for the use of any land, structure, or building that is not permitted in the applicable zoning district. In those cases, an application to rezone the property is required.
- (4) The board of zoning appeals shall not grant variances, as authorized in this zoning code, unless it can determine that there is an unnecessary hardship for the owner in complying with the requirements of this zoning code. The evaluation shall include, but is not limited to, the following factors:
 - a) 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 nonconforming and inharmonious uses, structures, or conditions.
 - b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
 - d) Whether the essential character of the neighborhood would be substantially altered or whether adjacent properties would suffer substantial detriment as a result of the variance.
 - e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pick-up.
 - f) Whether special conditions or circumstances exist as a result of actions of the owner.
 - g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance.

- h)** Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance.
 - i)** Whether the granting of the variance requested will confer on the owner any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
 - j)** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.
- (5)** The board of zoning appeals shall not grant a variance unless the board finds that special conditions or circumstances exist which are particular to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

(C) Approval

Following the public hearing, the board of zoning appeals shall approve, approve with conditions, or disapprove the request. If the variance is disapproved by the board of zoning appeals, the owner or owner's authorized agent may seek relief through the Court of Common Pleas. Failure to act within 30 days shall not constitute an approval of the variance.

153.207 Certificate of Use and Occupancy

(A) Certificate of Use and Occupancy Required

A certificate of use and occupancy is required and shall be issued for any of the following after the work has been completed and found to be in compliance with the provisions of this code and other regulations of the city including applicable building and fire codes:

- (1)** Newly constructed, relocated, reconstructed, erected, or altered building or structure or portion thereof;
- (2)** Before occupancy of an existing building or any portion thereof, which has been altered or changed;
- (3)** When an existing use has been altered, changed, or enlarged;
- (4)** When an additional use is to commence that is different than the prior use; or
- (5)** When a nonconforming building or use is changed.

(B) Application for Certificate

- (1)** Applications for a certificate of use and occupancy shall be submitted by an owner, or an owner's authorized agent, to the building official. If any occupancy or use within a building or structure will be by a tenant or person other than a single owner, such application shall be required to be made on behalf of all owners and proposed tenants, and shall only be made when the work for which the application is submitted has been completed.
- (2)** Accurate information shall be furnished along with the application by the owner, or an owner's authorized agent, as to the size and location of the lot, buildings, or structures occupying the lot, the dimensions of all yards and open spaces, the proposed use of each portion of land or building, and all such other information as may be requested by the city.
- (3)** A statement shall be furnished by each owner or owner's authorized agent stating the exact intentions of the intended use of the subject property. If different uses will occupy different portions of the land, building, or structure, the statement shall set forth the uses and specifically refer to designated areas on the plan to which each use will be restricted.

(C) Conformance to Plans and Statements Required

Notwithstanding anything to the contrary herein, a certificate of use and occupancy may not be issued for any use or building or portion thereof which does not conform to the application and plans submitted upon which a zoning certificate or building permit was issued, or for a use differing in type or location from that set forth in the owner's statement. A certificate of use and occupancy shall not be issued where any conditions imposed under this code have not been met.

(D) Temporary Use and Occupancy Certificates

When requested by the owner or owner's authorized agent and when the building official finds that a violation or violations of this code are minor and do not represent a serious danger to life or property, he or she may issue a temporary certificate of use and occupancy setting forth corrective steps which must be taken before occupancy or a use can be commenced. Such temporary occupancy certificate shall specify a time limitation, not more than 60 days, after which upon inspection, if conditions are not met, the conditional approval shall terminate. A temporary occupancy certificate may likewise be issued for the period of time work is being performed on occupied premises, provided a valid zoning certificate and building permit have been issued for the work. Temporary occupancy certificates may not extend beyond 60 days, or be renewed.

(E) Record of all Applications and Certificates

A record of all applications and certificates issued shall be kept on file in the office of the building official. Copies shall be furnished, upon request, to any person.

153.208 Appeals

(A) Authorization

An appeal from a decision of the building official, or a city board or commission, with respect to the interpretation or application of this code, may be taken to an applicable board or commission of the City of Springdale identified in [Table 151-1: Summary Table of Review Bodies](#) by any person or agent aggrieved or by any agent of the City of Springdale affected by such decision.

(B) Notice of Appeal

- (1) Appeals shall be filed within 30 days of the date of the meeting or notice in which the decision was made by filing a written notice of appeal on the applicable form provided by the city.
- (2) The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the building official shall transmit the written notice to the applicable board or commission including all of the papers constituting the record upon which the decision being appealed was based.

(C) Public Hearing

A public hearing shall be held for all appeals subject to the requirements of section [153.201\(B\): Public Notification for Public Hearings](#).

(D) Decision on Appeals

The concurring vote of a majority of the members of the applicable board or commission present at the meeting shall be necessary to reverse or modify any decision under this zoning code. A written decision on the application shall be provided without unreasonable delay after the close of a hearing, and in all cases, within 30 days after the close of the hearing.

Zoning Districts and Regulations

153.250 Purpose

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

- (A) Classify, regulate, and restrict the location of commercial establishments, industries, residences, recreation, and other land uses, and the location of buildings designed for specific uses;
- (B) Regulate and limit the height, number of stories, size of buildings and other structures hereafter erected or altered;
- (C) Regulate and limit the percentage of lot area which may be occupied, and the density of population; and
- (D) Establish setback lines, sizes of yards, and other open spaces surrounding such buildings.

153.251 District Establishment and Map

(A) Districts Established

For the purpose of this code, all land falling within the incorporated territory of Springdale, Ohio, is hereby divided into the districts established in [Table 251-1: Zoning Districts](#).

Table 251-1: Zoning Districts	
Abbreviation	District Name
Residential Zoning Districts	
RSH-E	Residential Single Household - Estate Density
RSH-L	Residential Single Household - Low Density
RSH-H	Residential Single Household - High Density
RMH	Residential Multi-Household
Non-Residential Zoning Districts	
PF	Public Facilities
OB	Office Building
GB	General Business
SS	Support Services
GI	General Industrial
Special Districts	
PUD	Planned Unit Development District
T	Transition District
CRD	Springdale/Route 4 Corridor Review District

- (1) Whenever the abbreviated terms, such as OB, RSH-L, or GB, are used in this code, they shall be construed as referring to their corresponding district titles.

- (2) The above classification of districts shall not be construed as enumerated of most restrictive to least restrictive districts except for the specific purposes set forth in this code.

(B) Scope of Regulations

Any building or parcel of land may be used, and the use of any building or any parcel of land shall only be changed or extended, and any existing building shall only be altered, converted, enlarged, reconstructed, moved, or maintained, only for the uses specifically enumerated or referred to as permitted, or required, in the district in which the building or parcel of land is located and for no other use. The enumeration of uses within a district shall not be construed as a ranking of the most desirable to less desirable uses.

(C) Map and Notations Incorporated

The boundaries of the districts are shown upon the zoning map of the City of Springdale which was adopted by ordinance (and as may be amended from time to time), which is hereby incorporated as if fully set forth herein. The map is made a part of this zoning code and all notations, references, and other information shown thereon are a part of this zoning code and have the same force and effect as if the zoning map and all notations, references, and other information shown thereon were fully set forth and described herein.

(D) Zoning Vacated Properties

Whenever any street, alley, or other public way is vacated by official action of city council, the zoning of the district adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall henceforth be subject to all appropriate regulations of the extended districts.

(E) Zoning Annexed Territories

All territory which may hereafter be annexed to the municipality shall be rezoned to the zoning district most similar to the previous zoning of the territory.

(F) Rules for Uncertain Boundaries

The district boundary lines of the zoning map enclose an area of a designated district, and generally follow recorded lot lines, the center line of streets, railroad rights-of-way or their extensions, or fixed points. However:

- (1) Where the district boundary line is shown by dimension or relationship as being located a specific distance from or parallel to a street line, such distance shall control; or
- (2) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way; or
- (3) Where a district boundary line does not coincide with any of the aforesaid lines and where it is not located by dimensions or fixed points shown on the map, the planning commission shall determine the exact location by use of an engineer's scale as measured on the zoning map.

(G) Relationship of Overlay Districts

- (1) Where land is classified into an overlay zoning district as well as an underlying base zoning district, the regulations governing development in the overlay zoning district shall apply in addition to the regulations governing the underlying base district.
- (2) In the event of an express conflict between the standards of the overlay zoning district and the underlying base zoning district, the standards governing the overlay district shall control.

- (3) In some instances, land may be classified into multiple overlay districts. In the event of an express conflict between the standards of the multiple overlay districts, the most restrictive standards shall apply.

153.252 Residential Zoning Districts

(A) Purpose Statement

The following are the purpose statements for each of the city's residential zoning districts:

- (1) **Residential Single Household – Estate Density (RSH-E)**

It is the purpose of the "RSH-E" district to encourage the establishment and retention of residential neighborhoods consisting of single household dwellings on large lots while preserving the undeveloped lands within this district for similar types of residential uses.

- (2) **Residential Single Household – Low Density (RSH-L)**

It is the purpose of the "RSH-L" district to encourage the establishment and retention of residential neighborhoods consisting of single household dwellings on medium sized lots while preserving the undeveloped lands within this district for similar types of residential uses.

- (3) **Residential Single Household – High Density (RSH-H)**

It is the purpose of the "RSH-H" district to encourage the establishment and retention of residential neighborhoods consisting of single household dwellings on very small lots while preserving the undeveloped lands within this district for similar types of residential uses.

- (4) **Residential Multi-Household (RMH)**

It is the purpose of the "RMH" district to encourage the establishment and retention of varying densities of residential neighborhoods consisting of multi-household dwellings, two household dwellings and single household dwellings while preserving the undeveloped lands within this district for similar types of residential uses.

(B) Permitted Uses

- (1) [Table 252-1: Residential Permitted Uses](#) lists the uses allowed within the residential zoning districts.

- (2) **Permitted Uses**

A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

- (3) **Permitted Uses with Standards**

A "PS" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.

- (4) **Conditional Uses**

- a) A "C" in a cell indicates that a use may be permitted if approved through a conditional use permit (see section [153.204: Conditional Use Permits](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 252-1: Residential Permitted Uses](#). Conditional uses are subject to all other applicable regulations of this code.

- b) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in section 153.204: [Conditional Use Permits](#).

(5) Prohibited Uses

A blank cell in [Table 252-1: Residential Permitted Uses](#) indicates that a use is prohibited in the respective zoning district.

(6) Numerical References

The subsections contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated.

(C) Table of Permitted Uses

[Table 252-1: Residential Permitted Uses](#) identifies the list of permitted uses in all the residential zoning districts. (Ord. 33-2016, passed 11-16-16)

Table 252-1: Residential Permitted Uses					
P = Permitted	PS = Permitted with Standards		C = Conditional Use		Blank Cell = Prohibited
Use Type	RSH-E	RSH-L	RSH-H	RMH	Additional Requirements
Residential Use Classification					
Single household dwelling	P	P	P	P	
Two household dwelling				P	
Multi-household dwelling				P	
Public and Institutional Use Classification					
Assisted living and residential care facilities				PS	153.252(E)(1)
Community social service facilities	C	C	C	C	153.252(E)(2)
Educational institutions	C	C	C	C	
Group homes and adult group homes	C	C	C	C	153.252(E)(3)
Parks/playgrounds/play fields/open space	C	C	C	C	
Religious places of worship	PS	PS	PS	PS	153.252(E)(4)
Residential Accessory Uses					
Air conditioning, heat pump, and fixed electric generator equipment	PS	PS	PS	PS	153.252(F)(1)
Child's playhouse, tree house, or birdhouse	P	P	P	P	
Fences, walls, and hedges	PS	PS	PS	PS	153.252(F)(2)
Garages, carports, and parking areas	PS	PS	PS	PS	153.252(F)(3)
Home occupations	PS	PS	PS	PS	153.252(F)(4)
In-home child and adult care	PS	PS	PS		153.252(F)(5)
Keeping of domesticated pets, domesticated farm animals, husbandry of fowl, rabbits, or bees	PS	PS	PS	PS	153.252(F)(6)
Landscape features	P	P	P	P	

Table 252-1: Residential Permitted Uses					
P = Permitted	PS = Permitted with Standards		C = Conditional Use		Blank Cell = Prohibited
Use Type	RSH-E	RSH-L	RSH-H	RMH	Additional Requirements
Non-commercial radio, television, or other similar receiving antenna or structure	PS	PS	PS	PS	153.252(F)(7)
Parking and storage of vehicles and equipment	PS	PS	PS	PS	153.252(F)(8)
Portable storage units	PS	PS	PS	PS	153.252(F)(9)
Private gardens	P	P	P	P	
Real estate sales office/model homes	PS	PS	PS	PS	153.252(F)(10)
Satellite dish-type antennas	PS	PS	PS	PS	153.252(F)(11)
Small wind energy turbines (SWETs)	PS	PS	PS	PS	153.252(F)(12)
Solar panels	PS	PS	PS	PS	153.252(F)(13)
Statuary, arbors, trellises, and flag poles	P	P	P	P	
Storage structures and accessory buildings	PS	PS	PS	PS	153.252(F)(14)
Swimming pools, tennis courts, hot tubs, spas, and other accessory recreational facilities designed for personal use	PS	PS	PS	PS	153.252(F)(15)

(D) Residential Use Standards

- (1) There shall not be more than one single household or one two household dwelling permitted on a zoning lot. There may be more than one multi-household building on a zoning lot.
- (2) No one or two household dwelling shall be located to the rear of any building on the same lot or on another lot that has insufficient frontage under this code on a dedicated street, the improvement of which has been approved by the city.
- (3) Multi-household buildings may be arranged in groups and each building need not directly front on a dedicated street.

(E) Public and Institutional Use-Specific Regulations

(1) Assisted Living and Residential Care Facilities

Assisted living and residential care facilities shall be subject to the following development standards:

- a) Minimum lot size shall be five acres.
- b) Minimum lot width shall be 300 feet.
- c) Minimum front yard and side yard setbacks shall be 50 feet.
- d) Minimum rear yard setback shall be 55 feet.
- e) Maximum building coverage shall be 25 percent.
- f) Minimum green space shall be 50 percent.
- g) Maximum height shall be 35 feet.

(2) Community Social Service Facilities

Community social service facilities may be permitted in all residential zoning districts with a conditional use permit and are subject to the development standards of the district in which it is located and which

can be found in [Table 252-2: Residential Single Household Development Standards](#) and [Table 252-3: Residential Multi-Household Development](#) .

(3) Group Homes

a) Development standards

Group homes are subject to the following development standards:

- i)** Minimum lot size shall be five acres.
- ii)** Minimum lot width shall be 300 feet.
- iii)** Minimum front yard and side yard setbacks shall be 50 feet.
- iv)** Minimum rear yard setback shall be 55 feet.
- v)** Minimum building coverage shall be 25 percent.
- vi)** Minimum green space shall be 50 percent.

b) Submission requirements

The operator or agency applying for a conditional use permit to operate a group home shall submit the following information to aid the planning commission in their review of the requested facility:

- i)** A license or evidence of ability to obtain a license, if such is required, from the pertinent government unit prior to operation. If licensing is not required, a verified affidavit so stating shall be presented.
- ii)** A copy of the sponsoring agency's occupancy standards, if any.
- iii)** A development plan for the proposed facility, indicating structure outline and floor area, off-street parking provisions, driveway access, landscaping and screening provisions, and recreational and open space facilities.

c) Findings by planning commission

In its review of each proposed group home, the planning commission shall make specific findings of fact relative to the following factors:

- i)** Whether the group home is licensed by the appropriate authority within the State of Ohio and Hamilton County. If such licensing is not available or not applicable, a verified affidavit so stating shall be provided to the city.
- ii)** Whether the proposed facility is approved by the local agency responsible for providing support services and/or programs to the facility.
- iii)** Whether the architectural design, construction and site layout of the proposed facility and the location, nature, and height of any walls, screens and fences will be consistent with the permitted uses by the zoning district in which it is located.
- iv)** Whether there are facts indicating that the proposed facility would unreasonably impact noise, lights, congestion, or traffic generation which would be inconsistent with the permitted uses by the zoning district in which it is located.
- v)** Whether the property complies with the yard, parking, and sign regulations.
- vi)** Whether the proposed facility will contribute to the density of the area, or would result in excessive concentration of group homes within a residential district.

- d)** If the owner or owner's authorized agent has failed to provide sufficient, non-speculative information to establish the provisions of division (c) are satisfied, the planning commission shall not issue a conditional use permit.

(4) Religious Places of Worship

Religious places of worship are permitted in all residential zoning districts subject to the following conditions:

- a)** Religious places of worship shall have a minimum lot area of two acres and a minimum lot width of 200 feet.
- b)** All buildings and structures shall comply with the following setbacks:
 - i)** Minimum front yard and side yard setbacks are 50 feet.
 - ii)** Minimum rear yard setback is 55 feet.
- c)** No more than 35 percent of any lot shall be occupied by buildings or structures.
- d)** Each lot shall have a minimum of 30 percent green space.
- e)** The maximum height for buildings and structures shall be 30 feet. However, domes, steeples, crosses, religious symbols, chimneys, and radio and television antennae located on and constituting an integral part of the main church building may extend to a height not to exceed 45 feet above the average finished grade.
- f)** Any signage shall comply with the [Signs](#) section.
- g)** The required minimum number of parking spaces shall be determined as provided by section [153.302\(P\): Schedule of Off-Street Parking Requirements](#).

(F) Residential Accessory Use-Specific Regulations

(1) Air Conditioning, Heat Pump, and Fixed Electric Generator Equipment

- a)** Any wall bracket or ground supported air conditioning, heat pump, or electric generator unit shall not project into or be located in a front yard, but such unit may be located in a side yard if it is no closer than seven feet to the side lot line and, if the unit is ground mounted, is screened from view from the front lot line.
 - i)** Such screening shall consist of landscaping, fencing, or other type of structure.
 - ii)** In all cases, screening shall be consistent with the aesthetics and design of the residence and neighborhood.
- b)** Units may be located in the rear yard if they are not less than seven feet from a rear or side lot line.
- c)** On corner lots, units shall be set back from the side street not less than the required setback for the adjacent main building on the abutting lot plus an additional five feet.
- d)** Units shall not exceed 16 feet in height or the height of the main building to which it associated, whichever is less.
- e)** Units shall not cover more than 120 square feet of ground area.

(2) Fences, Walls, and Hedges

Fences, walls, and hedges are permitted in residential zoning districts subject to the following conditions:

a) Location

- i)** No fence or wall, other than a retaining wall, shall project past the front building line of any principally permitted or conditionally permitted structure.
- ii)** Hedges shall be permitted in the required front yard if they are three feet in height or less.
- iii)** Fences on corner lots shall not be located in the required setback for the building from the side street line.
- iv)** If no structure exists on said residential property, any fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater.

b) Height

Fences and walls shall not exceed six feet in height in the required rear and side yards.

c) Materials

- i)** Above ground fences shall not contain an electric charge.
- ii)** Barbed wire and razor wire are prohibited in the residential zoning districts.
- iii)** Chain link type fences may be used in the side and rear yards of residential zoning districts. (Ord. 33-2016, passed 11-16-16)
- iv)** Retaining walls and decorative walls, located in the front yard (or side yard when on a corner or otherwise visible from the public right-of-way) shall either be of a natural quarried stone construction or of a manufactured precast concrete modular wall system with exposed vertical surfaces of a highly textured, rough-hewn appearance that simulates a natural quarried stone. Any coloring to the wall material shall not be a surface coating, but shall be integral to the concrete material makeup of the precast modular retaining wall system.
- v)** All structural supports of any fence shall be erected with such supports on the inside of the area to be enclosed, except as permitted in the following cases:
 - A.** A fence visible from a public right-of-way which is designed with a finished appearance on one side shall be oriented so that the finished side faces the right-of-way.
 - B.** A fence that adjoins the side or rear lot line of another lot may be erected with such supports on the outside of the area to be enclosed if the owners of the adjacent lot or lots has provided a signed and notarized letter attesting to their approval of the fence.

(3) Garages, Carports, and Parking Areas

Garages, carports, and open off-street parking areas shall be permitted in residential districts if accessory to a dwelling. Other parking facility requirements are specified in the [Off-Street Parking and Loading](#) section.

(4) Home Occupations

Home occupations such as home crafts, dressmaking, millinery, weaving, home decorating, services including, but not limited to, repairing furniture, computers, and radios, sharpening tools, and office space for businesses or services including, but not limited to, accountant, architect, artist, engineer, lawyer, musician, or physician may be permitted in residential zoning districts and shall be regulated as follows:

- a)** Only one occupation is permitted per dwelling unit.
- b)** Said home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes.

- c) The occupation is conducted wholly within a building and the space used for said home occupation does not occupy more than 20 percent of the gross floor area of the building.
- d) Only members of the household residing within the dwelling shall work or assist in the occupation.
- e) No mechanical equipment shall be used which will create any dust, noise, odor, glare, vibration, or electrical disturbance beyond the lot line.
- f) The residential character of the exterior of the property shall not be changed. Furthermore, no signs shall be utilized other than an unlit nameplate not more than two square feet in area.
- g) The number of vehicles attracted to the premises as a result of the home occupation shall not exceed two at any one time, excluding delivery vehicles temporarily stopped for purposes of pick-up or delivery.
- h) Tractor trailers are not allowed on the premises of a home occupation.
- i) Home occupations shall not include barber shops, beauty shops, shoe repair, automotive repair, motorcycle repair, pet grooming, or heavy equipment repair.
- j) No merchandise or commodity shall be sold on the premises.
- k) There shall be no outside storage, including machinery and equipment, of any kind related to the home occupation. Furthermore, no display of the products shall be visible from the street.
- l) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
- m) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for deliveries and clients.

(5) In-Home Child and Adult Day Care

In-home child and adult care shall be permitted in all residential zoning districts, provided that:

- a) Care is provided for a portion of a 24-hour day with no overnight stay.
- b) In-home child day care is limited to one to six children, at one time, and shall be subject to requirements for type-B day care homes as defined by the Ohio Revised Code.
- c) In-home adult day care is limited to a maximum of six adults.
- d) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the day care, shall be created.
- e) Day cares may not employ any individual that does not reside within the subject household.
- f) The number of vehicles attracted to the premises as a result of the day care shall not exceed two at any one time, excluding delivery vehicles temporarily stopped for purposes of pick-up or delivery.
- g) The residential character of the exterior of the property shall not be changed. Furthermore, no signs shall be utilized other than an unlit nameplate not more than two square feet in area.
- h) Hours of operation shall be limited to 6:30 a.m. to 7:00 p.m.

(6) Keeping of Domesticated Pets, Domesticated Farm Animals, Husbandry of Fowl, Rabbits, or Bees, and Domesticated Household Pet Day Care Facilities

- a) Household domesticated pets shall be regulated as follows:
 - i) No more than two dogs, two cats or a combination of dogs and cats so as not to total more than two.

- ii)** Boats not on trailers, recreational vehicles, personal watercrafts, and trailers not resting on wheels are defined as structures in accordance with this code and are regulated elsewhere by this zoning code. Regardless of whether the described vehicles are resting on wheels or not, no more than one recreational vehicle, one boat, one boat on trailer, or one trailer used for recreational purposes may be stored in an unenclosed area on any residential parcel or residential lot.
- iii)** Any recreational vehicles, boats on trailers, personal watercrafts, and trailers used for recreational purposes may be parked on driveways for periods which do not exceed a total cumulative time of 96 hours during any calendar month for the limited purposes of loading, unloading, cleaning or effecting minor repairs or maintenance.
- iv)** No temporary or permanent human occupancy may occur therein except for loading, unloading, effecting minor repairs or maintenance or while in the process of actual transportation.
- e)** No person shall cause to stand, park, store, or permit the standing, parking or storage of any commercial vehicle in or upon any driveway, side yard, front yard, or rear yard, unless enclosed within a garage within any residential zoning district. However, one commercial vehicle shall be permitted to be parked or stored in or upon a driveway in a residential zoning district provided it does not exceed eight feet in height and/or 20 feet in length, and is not a bus, cement truck, box truck, box van, semi-tractor, semi-trailer, or any non-recreational trailer used for commercial purposes, stake bed truck, step van, tank truck, tar truck, dump truck, tow truck, or wrecker.
- f)** The foregoing prohibition shall not apply to any commercial vehicle which is temporarily parked incidental to providing maintenance, construction, repair, or delivery services at or upon the premises, including the delivery or loading of property or passengers.

(9) Portable Storage Units

A portable storage unit is permitted as a temporary, accessory use in a residential district and shall be regulated as follows:

- a)** Portable storage units are only permitted as a temporary use for a period not to exceed 30 days within a one-year period. A permit is required to place a portable storage unit on any premises for a period longer than 14 days.
- b)** Portable storage units must be located on a paved surface and a minimum of 10 feet from the right-of-way.
- c)** Portable storage units may not exceed a total of 1,200 cubic feet on the interior.
- d)** If the portable storage unit is being used to store personal property as a result of a major calamity (e.g. fire, flood, or other event where there is significant property damage), the building official or his or her designee may waive the provisions of the subsection.
- e)** The owner and occupier of residential property on which a violation of this section occurs shall be liable for the violation if they knew or should have reason to know of the condition which caused the violation.
- f)** Storage or any other use in a trailer or non-permanent structure shall not be permitted.

(10) Real Estate Sales Offices/Model Homes

Real estate sales offices/model homes may be permitted provided that the use:

- a)** Is located on a platted lot;
- b)** Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping;

- c) Is operated by a developer or builder active in the same phase or section where the use is located; and
- d) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

(11) Satellite Dish-Type Antennas

Satellite dish-type antennas, defined in section [153.600: Definitions](#), are permitted as an accessory use in all residential zoning districts and shall be regulated as follows:

- a) One satellite dish-type antenna per parcel is permitted.
- b) It shall only be located in the rear yard.
- c) It shall not exceed 12 feet in height or the height of the primary building on the lot, whichever is less.
- d) It shall not exceed 120 square feet of ground area at the base.
- e) It shall not project into front or side yards.
- f) On corner lots, it shall be set back from the side street not less than the required setback for the primary building on the abutting lot plus an additional five feet.
- g) It shall be located not less than 20 feet from any dwelling unit on an adjacent residential lot.
- h) It shall be reasonably screened from any adjacent property with landscaping, mounding, or a combination thereof, but the screening shall not be required to be placed so high in front of the dish as to interfere with reception of the antenna. Any application for a permit to erect such antenna shall include provisions for said screening. Such screening shall be maintained in good condition as long as the antenna remains in place.
- i) It shall provide service for only the lot or parcel on which it is located.
- j) It shall not be roof mounted on the main or any accessory building.

k) Advertising

The satellite dish apparatus shall bear no advertising, lettering, picture, or visual image other than the manufacturer's name.

l) Maintenance

The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

(12) Small Wind Energy Turbines (SWETs)

- a) SWETs may be located on lots with a minimum lot area of two acres or more. However, if the proposed turbine is attached to a building and the turbine (to the top of the blades) does not exceed the maximum building height requirement of the applicable zoning district, there shall be no minimum lot requirement.
- b) The maximum height of a stand-alone SWET shall be 30 feet in all residential zoning districts measured from the natural grade to the top of an extended rotor blade.
- c) All portions of a SWET support structure must, at a minimum, meet the setback requirements for the applicable zoning district. SWETs must also be set back a minimum distance equal to 110 percent of the height of the SWET, as measured to the top of the rotor blades, from all lot lines.
- d) Only a single turbine shall be permitted on a property.
- e) Climbing access to the tower structure shall be limited by:

(15) Swimming Pools, Tennis Courts, Hot Tubs, Spas, and Other Accessory Recreational Facilities Designed for Personal Use

- a)** The facility shall not be located in any front yard or side yard and shall be located not less than 15 feet from the rear or side lot line.
- b)** The facilities shall be located on the same zoning lot as the principal building, structure, or use.

(G) Residential Development Standards Table

- (1)** [Table 252-2: Residential Single Household Development Standards](#) identifies the specific development standards that apply to each of the residential single household zoning districts. (Ord. 33-2016, passed 11-16-16)

Table 252-2: Residential Single Household Development Standards				
Development Standard		RSH-E	RSH-L	RSH-H
Minimum Lot Area		20,000 sf	10,000 sf	7,500 sf
Minimum Lot Width		100'	75'	60'
Cul-de-sacs or the outside of a curved portion of a street	Front lot line	80'	60'	50'
	Building line	100'	75'	60'
Minimum Setbacks of Principal Buildings				
Front		40'	35'	30'
Side	Minimum each side	15'	8'	6'
	Total	-	18'	16'
Rear		50'	40'	35'
Minimum Setbacks of Accessory Buildings				
Front		-	-	-
Side		5'	5'	5'
Rear		5'	5'	5'
Minimum Distance Between Accessory Building and Adjacent Residence		20'	20'	20'
Maximum Height				
Principal Structure		30'	30'	30'
Accessory Structure		16'	16'	16'
Maximum Lot Coverage		35%	35%	35%
Minimum Green Space		50%	50%	50%
Minimum Dwelling Size		2,000 sf	1,600 sf	1,000 sf
Minimum Garage Size		2 car - 400 sf	2 car - 400 sf	1 car - 240 sf
Maximum Garage Size		1,000 sf*	700 sf*	600 sf*
<p>* It is intended that garages be proportional to both the size of the lot and the dwelling, and therefore, a garage may have a larger maximum floor area as long as the garage does not exceed the average of 2.5% of the lot area and 55% of the area of the dwelling unit. However, in no instance shall the floor area of the garage exceed 75% of the area of the dwelling unit.</p>				

- (2) [Table 252-3: Residential Multi-Household Development](#) identifies the specific development standards that apply to each of the residential multi-household zoning districts. (Ord. 33-2016, passed 11-16-16)

Table 252-3: Residential Multi-Household Development Standards				
Development Standard		RMH		
		Single Household	Two Household	Multi-Household
Minimum Lot Area/Maximum Density		7,500 sf	17,000 sf	8 units/acre
Minimum Lot Width		60'	100'	200'
Cul-de-sacs or the outside of a curved portion of a street	Front lot line	50'	80'	-
	Building line	60'	100'	-
Minimum Setbacks of Principal Buildings				
Front		35'	35'	50'
Side	Minimum each side	6'	12'	Equal to the height of the building
	Total	16'	-	-
Rear		35'	35'	Equal to the height of the building
Minimum Distance Between Multi-Household Dwelling Buildings		-	-	20'
Minimum Setbacks of Accessory Buildings				
Front		-	-	-
Side		5'	5'	5'
Rear		5'	5'	5'
Minimum Distance Between Accessory Building and Adjacent Residence		20'	20'	20'
Maximum Height				
Principal Structure		30'	35'	35'
Accessory Structure		16'	16'	16'
Maximum Lot Coverage		35%	35%	25%
Minimum Green Space		50%	50%	50%
Minimum Dwelling Size		1,200 sf	1,200 sf	650 sf/dwelling unit
Minimum Garage Size		2 car - 400 sf	1 car/dwelling unit - 240 sf	1 car/dwelling unit - 240 sf
Maximum Garage Size		600 sf*	-	-
* It is intended that garages be proportional to both the size of the lot and the dwelling, and therefore, a garage may have a larger maximum floor area that does not exceed the average of 2.5% of the lot area and 55% of the area of the dwelling unit. However, in no instance shall the floor area of the garage exceed 75% of the area of the dwelling unit.				

153.253 Non-Residential Zoning Districts

(A) Purpose Statement

The following are the purpose statements for each of the city's non-residential zoning districts:

(1) Public Facilities (PF)

It is the purpose of the "PF" district to promote the establishment and location of governmental, civic, welfare, and recreational facilities which provide necessary services to the city.

(2) Office Building (OB)

It is the purpose of the "OB" district to provide appropriate and convenient locations for the provision of professional and administrative services and similar ancillary uses.

(3) General Business (GB)

It is the purpose of the "GB" district to provide appropriate and convenient locations for shopping and convenience goods and services for the entire community which tend to generate large volumes of vehicular traffic.

(4) Support Services (SS)

It is the purpose of the "SS" district to provide appropriate and convenient locations for service and related types of minor production and fabricating processes.

(5) General Industrial (GI)

It is the purpose of the "GI" district to provide appropriate and convenient locations for the manufacture of products and processes which normally require a large amount of motor vehicle trucking and rail services for the transportation of the raw materials and finished products, but in which dust, smoke, fumes, glare, odors, noise, or other potentially objectionable influences can be controlled.

(B) Permitted Uses

(1) [Table 253-1: Non-Residential Permitted Uses](#) lists the uses allowed within the non-residential zoning districts.

(2) Permitted Uses

A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

(3) Permitted Uses with Standards

A "PS" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.

(4) Conditional Uses

a) A "C" in a cell indicates that a use may be permitted if approved through a conditional use permit (see section [153.204: Conditional Use Permits](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 253-1: Non-Residential Permitted Uses](#). Conditional uses are subject to all other applicable regulations of this code.

b) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in section [153.204\(B\): Review Factors](#).

(5) Prohibited Uses

A blank cell indicates that a use is prohibited in the respective zoning district.

(6) Numerical References

The numbers contained in the "Additional Requirements" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Additional Requirements" column apply in all zoning districts unless otherwise expressly stated.

(C) Table of Permitted Uses

Table 253-1: Non-Residential Permitted Uses identifies the list of permitted uses in all the non-residential zoning districts. (Ord. 33-2016, passed 11-16-16)

Table 253-1: Non-Residential Permitted Uses						
P = Permitted	PS = Permitted with Standards		C = Conditional Use			Blank Cell = Prohibited
Use Type	DF	OB	GB	S	GI	Additional Requirements
Public and Institutional Use Classification						
Assisted living, residential care, and skilled nursing facilities	PS					153.253(D)(2)
Cemeteries	C					
Commercial swimming pools and tennis clubs	C		P			
Community social service facilities	P					
Facilities providing post-secondary education in fields of study related to any principally permitted use in the zoning district in which it is located	P	P	P	P	P	
Golf courses	C		P			
Government buildings	P	P				
Group homes and adult group homes	C					
Health and fitness clubs	C	C	P	C		
Hospitals	C					
Libraries	P	P				
Museums	P		P		P	
Private parks/playgrounds/play fields/open space	C	P				
Public parks/playgrounds/play fields/open space	P	P	P	P	P	
Religious places of worship	PS	PS	PS	PS	PS	153.253(D)(9)
Commercial Uses						
Animal training, boarding, and pet day care			C	C	C	153.253(D)(1)
ATMs, freestanding		PS	PS	PS		153.253(D)(3)
Automotive fueling stations			PS			153.253(D)(4)
Automotive repair facilities			C			
Automotive sales or leasing, including motorcycles, recreational vehicles and trucks			P			153.253(D)(5)
Bars			P			
Batting cages			P			
Billiard parlor or pool room			P			
Bowling alley			P			
Building materials, durable goods, carpet, furniture, and appliance sales and distribution			P	P	P	
Commercial greenhouses			P	P	P	
Commercial studio for dance, music, or similar uses			P			
Construction and large equipment rental, sales, and service					PS	153.253(D)(6)
Convenience store			P			

Table 253-1: Non-Residential Permitted Uses

P = Permitted PS = Permitted with Standards C = Conditional Use Blank Cell = Prohibited						
Use Type	BF	OB	GB	SS	GI	Additional Requirements
Dancing and live entertainment, including teen clubs			P			
Day care facilities and preschools	C	C	C	C	C	153.253(D)(8)
Distribution centers				P	P	
Dry cleaners			P	P	P	
Farmers markets			C			
Financial institutions		P	P	P		
Florist shops			P	P		
Funeral homes and mortuaries		P	P			
Furniture, flooring, carpeting, and lighting showrooms			P	P		
Golf driving ranges	C		P			
Heating, ventilating, air-conditioning, and plumbing establishments				P		
Hotels and motels			P			
Industrial uses including manufacturing, warehousing, production, etc.				C	PS	153.253(D)(6)
Laboratories		PS	PS		P	153.253(D)(7) and 153.253(D)(8)
Laundry or laundromats			P			
Medical office, outpatient clinic, and ambulatory health care facilities		P	P			
Meeting facility		P	P			
Miniature golf course			P			
Offices		P	P	P	PS	153.253(D)(8)
Park and ride facilities	C	C	C	C	C	
Personal services			P			
Repair establishments for electrical appliances, household appliances, and small consumer convenience appliances				P	P	
Restaurants			P			
Retail sales			P	PS		153.253(D)(10)
Self-storage facilities				PS	PS	153.253(D)(11)
Sexually oriented businesses			P		P	
Shopping centers			P			
Skating facility			P			
Solar farms	PS	PS	PS	PS	PS	153.253(D)(12)
Theaters			P			
Vehicle storage yard					PS	153.253(D)(6)
Vehicle washing establishments			C			
Veterinarian offices and animal hospitals		PS	PS	PS		153.253(D)(13)
Non-Residential Accessory Uses						
Assembly halls and meeting rooms	P	P	P			
Automotive repair facilities in conjunction with automotive sales			P			

Table 253-1: Non-Residential Permitted Uses

P = Permitted PS = Permitted with Standards C = Conditional Use Blank Cell = Prohibited						
Use Type	RF	OB	GB	SS	GI	Additional Requirements
Commercial radio, television, or other similar receiving antenna or structure	PS	PS	PS	PS	PS	153.253(E)(1)
Donation drop boxes		PS	PS	PS	PS	153.253(E)(2)
Drive-through structures		PS	PS			153.253(E)(3)
Driving ranges in conjunction with a golf course	C		C			
Fences and walls	P	P	P	P	P	153.253(E)(4)
Installation of products purchased on-premises			P	P		
Mobile use, food	PS	PS	PS	PS	PS	153.253(E)(5)
Mobile use, medical	PS	PS	PS	PS	PS	153.253(E)(6)
Non-profit recreational areas and facilities	P	P	P	P	P	
Outdoor dining			PS			153.253(E)(7)
Outdoor sales/display			PS	PS	PS	153.253(E)(8)
Outdoor storage			C	C	C	153.253(E)(9)
Outdoor vending machines		PS	PS	PS	PS	153.253(E)(10)
Parking areas and garages	PS	PS	PS	PS	PS	Off-Street Parking and Loading
Personal services	PS	PS				153.253(E)(11)
Portable storage units		PS	PS	PS	PS	153.253(E)(12)
Print shops		P	P			
Residences for custodians, guards, or resident managers		C	C	C	C	
Restaurants	PS	PS				153.253(E)(13)
Retail sales	PS	PS		PS	PS	153.253(E)(14) and 153.253(E)(15)
Satellite dish-type antennas	PS	PS	PS	PS	PS	153.253(E)(16)
Signs	PS	PS	PS	PS	PS	Signs
Small wind energy turbines (SWETs)	PS	PS	PS	PS	PS	153.253(E)(17)
Solar panels	PS	PS	PS	PS	PS	153.253(E)(18)
Storage structures and accessory buildings	PS	PS	PS	PS	PS	153.253(E)(19)
Temporary clearance retail sales				PS		153.253(E)(20)c)i)
Temporary construction trailers	PS	PS	PS	PS	PS	153.253(E)(20)c)ii)
Temporary tent sales		PS	PS	PS		153.253(E)(20)c)iii)
Used vehicle sales			PS			153.253(E)(21)
Waste container enclosures	PS	PS	PS	PS	PS	153.254(E)

(D) Non-Residential Use-Specific Regulations

(1) Animal Training, Boarding, and Pet Day Care

Animal training, boarding, and pet day care facilities may be permitted under a conditional use permit if the following factors are met:

- a)** All outdoor run areas of the facility shall be enclosed (uncovered) with a six-foot high privacy fence or wall and shielded from all abutting residential properties.
- b)** All outdoor run areas of the facility shall not be used between the hours of 10:00 p.m. and 7:00 a.m.

- c)** Noise levels generated by outdoor runs must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, from exceeding 62 decibels between the hours of 7:00 a.m. to 10:00 p.m. and 52 decibels between the hours of 10:00 p.m. and 7:00 a.m.
- d)** Outdoor run areas and other outdoor pet enclosures shall:
 - i)** Not be located in the front yard;
 - ii)** Comply with the minimum building setback requirements of the district; and
 - iii)** Be located at least 150 feet from any residential zoning district.

(2) Assisted Living, Residential Care, and Skilled Nursing Facilities

Assisted living, residential care, and skilled nursing facilities shall be subject to the following development standards:

- a)** Minimum lot size shall be five acres.
- b)** Minimum lot width shall be 300 feet.
- c)** Minimum front yard and side yard setbacks shall be 50 feet.
- d)** Minimum rear yard setback shall be 55 feet.
- e)** Maximum building coverage shall be 25 percent.
- f)** Minimum green space shall be 50 percent.

(3) ATMs, Freestanding

ATMs that are freestanding shall be subject to the following development standards:

- a)** Shall be limited to a maximum of 200 square feet.
- b)** Shall be set back a minimum of 30 feet from any property line.
- c)** Shall provide sufficient stacking area for a minimum of four vehicles. Stacking spaces shall be regulated by section [153.304: Off-Street Vehicle Stacking Standards](#).

(4) Automotive Fueling Stations

- a)** Fuel canopies and buildings shall both be set back a minimum of 50 feet from the front lot line.
- b)** Lubrication, washing, incidental servicing of motor vehicles and all supply and merchandising shall be completely within an enclosed building except as otherwise provided herein.
- c)** Outdoor sales and display shall be subject to the standards in section [153.253\(E\)\(8\): Outdoor Sales/Display](#).
- d)** Outdoor storage shall be subject to the standards in section [153.253\(E\)\(9\): Outdoor Storage](#).
- e)** Electronic fuel price displays shall be subject to the standards in section [153.460\(D\): Electronic Fuel Price Displays](#).
- f)** The parking spaces adjacent to each fuel pump may count towards the parking requirements set forth in [Table 302-2: Number of Off-Street Parking Space Requirements](#)

(5) Automotive Sales or Leasing

- a)** A principal structure shall be located on the lot.
- b)** Headlights shall be 100 percent screened from public streets and adjacent property, unless the adjacent property is an automotive sales or leasing use.

- c) Specific landscaping requirements shall be subject to section [153.404\(E\): Landscape Requirements for Automotive Sales and Leasing Uses](#).
- d) No auctions shall be permitted on the lot.
- e) No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential districts or uses.
- f) Delivery and loading shall not be permitted from or on a public street.
- g) Automotive service or repair, if permitted and approved, shall be performed and conducted inside of a building.

(6) Industrial Performance Standards

The following performance standards must be met as a condition precedent to occupancy and use and as a condition to continue occupancy and use for all uses in the General Industrial "GI" zoning district:

a) Enclosures

All permitted main and accessory uses and operations except off-street parking and loading shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, and other equipment shall be stored within enclosed buildings except for the provisions in section [153.253\(E\)\(9\): Outdoor Storage](#).

b) Fire and explosive hazards

The storage, handling, and use of flammable or explosive materials, and all operations in connection therewith, shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard in the operation involved.

c) Dust and smoke

The emission of smoke, soot, fly ash, fumes, dust, and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity of deposit beyond the lot shall not be detrimental to or endanger the public health, safety, comfort, welfare, or adversely affect property values, and shall not exceed the amount permitted by other codes of the federal, state, county or city governments.

d) Odorous matter

The emission of odorous matter in quantities which produce a public nuisance or hazard beyond the lot occupied by that use shall not be permitted.

e) Toxic or noxious matter

The emission of toxic, noxious, or corrosive fumes or gases which would be injurious to property, vegetation, animals, or human health, on or beyond the boundaries of the lot occupied by that use, shall not be permitted.

f) Noise

The sound pressure level of any operation on a lot, including the operation of auto calls, bells, motor vehicles, sirens, or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential use, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.

g) Vibrations

Vibrations which would be perceptible without the aid of instruments shall not be permitted beyond the lot line occupied by the use.

h) Radioactive or electrical disturbance

Radioactive disturbances which would adversely affect any form of life or equipment are prohibited. Electrical disturbances which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use are prohibited.

i) Incineration facilities

Incineration facilities emitting neither smoke nor odor may be provided if they are located within the main or accessory building.

j) Waste materials

No garbage, rubbish, waste matter, or empty containers shall be permitted outside of buildings except in covered metal containers awaiting pickup at the rear of the building. Liquid waste shall not be discharged into an open reservoir, stream or other open body of water, or a sewer unless treated or controlled so that the amount of solid substances, oil, grease, acids, alkalines, and other chemicals shall not exceed the amount permitted by other codes of the federal, state, county or city governments. Such waste container enclosures shall be landscaped and screened pursuant to section [153.254\(F\): Waste Container Screening Requirements](#).

(7) Laboratories

Laboratories located in the Office Building "OB" and the General Business "GB" zoning district shall be subject to the following development standards:

- a)** Minimum lot size shall be two acres.
- b)** Minimum lot width shall be 200 feet.
- c)** Minimum front yard setback shall be 100 feet.
- d)** Minimum side yard setback shall be 50 feet when adjacent to a non-residential zoning district and shall be 100 feet when adjacent to a residential zoning district.
- e)** Minimum rear yard setback shall be 50 feet when adjacent to a non-residential zoning district and shall be 100 feet when adjacent to a residential zoning district.
- f)** Maximum height shall be 48 feet for the primary structure and 16 feet for any accessory structures.
- g)** Minimum green space shall be 30 percent.

(8) Offices and Day Care Facilities in the General Industrial "GI" Zoning District

Offices and day care facilities located in the General Industrial "GI" zoning district shall be subject to the following development standards:

- a)** Minimum lot size shall be one acre.
- b)** Minimum lot width shall be 100 feet.
- c)** Minimum front yard setback shall be 50 feet.
- d)** Minimum side yard setback shall be 25 feet when adjacent to a non-residential zoning district and shall be 100 feet when adjacent to a residential zoning district.
- e)** Minimum rear yard setback shall be 50 feet when adjacent to a non-residential zoning district and shall be 100 feet when adjacent to a residential zoning district.
- f)** Maximum height shall be 75 feet for the primary structure and 16 feet for any accessory structures.
- g)** Minimum green space shall be 30 percent.

(9) Religious Places of Worship

- a)** Religious places of worship located in the Public Facilities “PF” zoning district shall comply with the standards in [Table 253-2: Non-Residential Development Standards Table](#).
- b)** Religious places of worship not located in the Public Facilities “PF” zoning district shall conform to the least restrictive regulations from either an office building use in the Office Building “OB” zoning district or the regulations of the district in which they are located as they pertain to lot size, lot width, front, rear, and side yards, building height, and percent of lot occupied.
- c)** Any signage shall comply with the [Signs](#) section.
- d)** The required minimum number of parking spaces shall be determined as provided by [Table 302-2: Number of Off-Street Parking Space Requirements](#).
- e)** Recorded easements with nearby property owners may be utilized to supply parking requirements so long as the duration of the easement is for the entire period of time the church will be located on the premises.

(10) Retail Sales in the Support Services “SS” Zoning District

Retail sales of garden equipment, garden supplies, garden furniture, nursery stock, monuments, home repair supplies and home improvement products sold to individual customers, may be sold in an open yard with a conditional use permit, provided that:

- a)** The operation is in conjunction with an established related retail use conducted within a building;
- b)** Outside sales, display and storage shall be conducted inside of a fenced enclosure directly attached to the main building unless otherwise permitted by planning commission; and
- c)** Such fenced enclosure shall be set back from the property line at the same distance as required for buildings.

(11) Self-Storage Facilities

- a)** Minimum lot area for self-storage facilities is two acres.
- b)** All storage units within a self-storage facility shall gain access from the interior of the building(s) or site. No unit doors shall face an exterior property line.
- c)** The storage area shall be completely enclosed by a wall, fence, building, or a combination thereof.
- d)** If the self-storage facility abuts a residential zoned property, the facility shall be set back a minimum of 100 feet.
- e)** No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises. Example of activities prohibited include, but are not limited to:
 - i)** Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
 - ii)** The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other similar equipment;
 - iii)** The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and
 - iv)** A transfer and storage business.
- f)** Radioactive materials, explosives, ammunition, and flammable or hazardous chemicals shall be prohibited.

(12) Solar Farms

Solar farms shall be subject to the following development standards:

- a)** The minimum lot area shall be five acres.
- b)** The maximum height of all structures shall be 30 feet.
- c)** Solar farm structures shall be set back from all property lines and public road rights-of-way at least 30 feet or 1.5 times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least 100 feet from all residential zoned properties. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as designated through the development plan review process.
- d)** Fencing shall be provided around the perimeter of the solar farm and shall be subject to the regulations in section [153.253\(E\)\(4\): Fences and Walls](#).
- e)** No operating solar power plant shall produce noise that exceeds any of the following limitations:
 - i)** 50 decibels, as measured at the property line of any neighboring residentially zoned property.
 - ii)** 60 decibels, as measured at the property lines of the project boundary.
- f)** Any solar farm which has reached the end of its useful life or has been abandoned shall be removed.

(13) Veterinarian Offices and Animal Hospitals

Veterinarian offices and animal hospitals shall not have outdoor kennels or exercise yards.

(E) Non-Residential Accessory Use Standards

The following are development standards for accessory uses in the office, business, and industrial districts. Business districts shall be the General Business "GB" and the Support Services "SS" districts.

(1) Commercial Radio, Television, or Other Similar Receiving Antenna or Structure

- a)** The dish, antenna, or structure must be located in the rear yard.
- b)** The height of the structure may 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 to the other, or from the front property line to the rear at the shortest distance there between. The maximum height allowed is equal to the maximum height of a principal structure in the zone which it is located.
- c)** The construction shall be of such type as may be required by the city to form a safe and durable structure.

(2) Donation Drop Boxes

Donation drop boxes are subject to the following development standards:

- a)** Donation drop boxes shall be maintained in good condition and appearance with no structural damage, dents, holes, or visible rust, and shall be free of graffiti or deformation to the outside painted surface;
- b)** Donation drop boxes shall be locked or otherwise secured;
- c)** Donation drop boxes shall contain the following contact information in two inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator;

- d)** Donation drop boxes shall be serviced and emptied as needed, but at least every 30 days;
- e)** The area surrounding the donation drop box shall be free of any junk, debris or other material;
- f)** A maximum of one donation drop box is permitted per parcel;
- g)** Donation drop boxes are not permitted to be located in any required drive aisle, parking spaces or buffers and not permitted in any required front yard setback. Drop boxes must be located on a hard paved surface;
- h)** Donation drop boxes may not be located within 100 feet of a residential district and must not be closer than 400 feet to another donation drop box; and
- i)** The donation drop box cannot be larger than six feet wide, six feet deep, and eight feet tall. Donation drop boxes must have a lid.

(3) Drive-Through Structures

Drive-through structures are subject to the following development standards:

a) Drive-Through Location

All drive-through areas, including, but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, should be located in the side or rear yard of a property, and shall not cross, interfere with, or impede any public right-of-way.

b) Menu Board Signs

- i)** One menu board sign for each stacking lane in a drive-through facility shall be allowed provided it does not exceed 48 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum sign area.
 - ii)** Menu board signage shall not be included in the total calculated allowed signage for a property.
 - iii)** No menu board shall exceed seven feet in height.
 - iv)** All menu board signs shall be internally illuminated.
- c)** Drive-through structures shall be subject to the vehicle stacking requirements of section [153.304: Off-Street Vehicle Stacking Standards](#).
 - d)** The canopy and structure shall be constructed of the same materials used on the building.
 - e)** Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 100 feet from any residential use.
 - f)** A fence or screen between four and six feet in height shall be constructed along any property line abutting a residential zoning district.

(4) Fences and Walls

Fence and walls are permitted in all non-residential districts subject to the following conditions:

a) Location

- i)** No fence or wall, other than a retaining wall, shall project past the front building line of any principally permitted or conditionally permitted structure.
- ii)** Fences on corner lots shall not be located in the required setback for the building from the side street line.

iii) If no structure exists on said non-residential property, any fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater.

b) Height

Fences and walls shall not exceed 10 feet in height in non-residential zoning districts.

c) Materials

i) Above ground fences shall not contain an electric charge.

ii) Razor wire is prohibited in the non-residential zoning districts. Chain link type fences, with or without barbed wire, are only permitted in the General Industrial "GI" zoning district. (Ord. 33-2016, passed 11-16-16)

iii) For the PF, OB, GB, and SS zoning districts, fences shall be constructed out of wood, vinyl, wrought iron, aluminum, or other similar materials subject to approval by the building official. (Ord. 33-2016, passed 11-16-16)

(5) Mobile Use, Food

Mobile food uses are permitted as a temporary use with the following conditions:

- a)** Mobile food uses must be located on private property, and with the permission of the property owner. The operator shall have written permission from the property owner to operate on their property. The written permission shall be kept with the vehicle and made immediately available to the city upon request.
- b)** Mobile food uses are not allowed on residentially zoned property or on property used for residential purposes.
- c)** Mobile food uses shall be allowed at events located at public parks with the approval of the city.
- d)** Mobile food uses shall be allowed in the public right-of-way, if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the city. Vehicles cannot operate on a public sidewalk or park on the side of the road unless it has been closed for an event.
- e)** Lighting shall be limited to:
 - i)** Vehicle lighting that is required by law.
 - ii)** Lights that are necessary to illuminate the interior of the vehicle or the service counter, if applicable.
 - iii)** Lighting shall not extend above the vehicle and shall be downcast and shielded in such a way to illuminate the vehicle, and the point of sale only.
 - iv)** The lighting shall not directly illuminate an area more than 10 feet away from the vehicle.
- f)** Signage must be attached to the vehicle and may not extend above the roof or beyond the sides of the vehicle.
- g)** If the public is allowed to enter the vehicle/trailer, it must comply with the State Building Code and ADA accessibility standards.
- h)** The vehicle shall have all permits and licenses required by the State and Hamilton County to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state and county law.
- i)** The vehicle operator shall comply with the follow site standards:

- i)** The vehicle shall be parked on a paved surface, unless it is located on a public park as approved by the city.
 - ii)** The vehicle shall be located at least 30 feet away from an entrance to a public road.
 - iii)** The vehicle shall not disrupt parking and traffic.
 - iv)** There shall be at least six feet of safe pedestrian passage around the vehicle.
- j)** Hours of operation shall be limited to between 7:00 am and 10:00 pm.
- k)** Noise generated by the vehicle and the use shall not become a nuisance. No vehicle shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
- l)** Overnight parking is not permitted except in the case where the vehicle is associated with the principal use on the property and the vehicle is kept within 10 feet of the principal building wall.
(Ord. 33-2016, passed 11-16-16)

(6) Mobile Use, Medical

Mobile medical uses are permitted as a temporary use with the following conditions:

- a)** Mobile medical uses must be located on private property, and with the permission of the property owner. The operator shall have written permission from the property owner to operate on their property. The written permission shall be kept with the vehicle and made immediately available to the city upon request.
- b)** Mobile medical uses are not allowed on residentially zoned property or on property used for residential purposes.
- c)** Mobile medical uses shall be allowed at events located at public parks with the approval of the city.
- d)** Mobile medical uses shall be allowed in the public right-of-way, if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the city. Vehicles cannot operate on a public sidewalk or park on the side of the road unless it has been closed for an event.
- e)** Lighting shall be limited to:
 - i)** Vehicle lighting that is required by law.
 - ii)** Lights that are necessary to illuminate the interior of the vehicle or the service counter, if applicable.
 - iii)** Lighting shall not extend above the vehicle and shall be downcast and shielded in such a way to illuminate the vehicle, and the point of sale only.
 - iv)** The lighting shall not directly illuminate an area more than 10 feet away from the vehicle.
- f)** Signage must be attached to the vehicle and may not extend above the roof or beyond the sides of the vehicle.
- g)** If the public is allowed to enter the vehicle/trailer, it must comply with the State Building Code and ADA accessibility standards.
- h)** The vehicle operator shall comply with the follow site standards:
 - i)** The vehicle shall be parked on a paved surface, unless it is located on a public park as approved by the city.
 - ii)** The vehicle shall be located at least 30 feet away from an entrance to a public road.
 - iii)** The vehicle shall not disrupt parking and traffic.

- iv)** There shall be at least six feet of safe pedestrian passage around the vehicle.
- i)** Hours of operation shall be limited to between 7:00 am and 10:00 pm.
- j)** Noise generated by the vehicle and the use shall not become a nuisance. No vehicle shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
- k)** Overnight parking is not permitted except in the case where the vehicle is associated with the principal use on the property and the vehicle is kept within 10 feet of the principal building wall.
- l)** The caregivers shall have all permits and licenses required by the State and/or County to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state, county, and city laws.
- m)** Hazardous waste shall be contained and disposed of in a manner required by law.
(Ord. 33-2016, passed 11-16-16)

(7) Outdoor Dining

Outdoor dining areas are subject to the following development standards:

- a)** Outdoor dining areas are permitted in any yard.
- b)** Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or vehicular use areas to go between the food service area and the principal building.
- c)** Outdoor dining areas wider than 10 feet shall be surrounded by decorative railings or fencing that separates the eating area from the sidewalks or vehicular traffic.
- d)** Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- e)** Permanently enclosed outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district.
- f)** Outdoor dining areas shall not be located in any required parking or parking area.
- g)** Outdoor dining areas shall not include the use of visual electronics including televisions and projecting screens.

(8) Outdoor Sales/Display

Temporary and permanent facilities for outdoor sales/display (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- a)** Outdoor sales/display areas may be permitted provided that:
 - i)** The merchandise is displayed on the sidewalk or walkway adjacent to the building in the front yard; or
 - ii)** The outdoor sales/display area is in the side or rear yard; or
 - iii)** The outdoor sales/display area, if not located adjacent to the principal building, shall not be located more than 20 feet away from the principal building.
- b)** Merchandise displayed outside must be eight feet in height or less.
- c)** The outdoor sales/display area shall not be more than 20 percent of the gross floor area of the principal building.

- d)** The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- e)** Fenced or screened outdoor sales/display areas must incorporate materials, architectural features, and fencing that complements the principal building.

(9) Outdoor Storage

The outdoor storage of materials in the commercial and industrial zoning districts, that are not located in an enclosed building, shall be subject to the following:

- a)** Areas designated for outdoor storage shall only be permitted in the side or rear yard.
- b)** The outdoor storage shall be incidental to the main use and shall not exceed 20 percent of the gross floor area of the principal building.
- c)** Outdoor storage shall not include the use of banners, pennants, strings of pennants, or similar decorations. It shall also not include the storage of scrap, rubbish, and discarded material.
- d)** Outdoor storage areas shall be required to be fully screened with a solid fence, or wall, not to exceed 14 feet in height. The screening shall be constructed of materials similar to or complementary to those materials used on the principal building.
- e)** Palletized, stackable goods and the structures used for storing or displaying goods shall not exceed the height of the screened area.
- f)** Fenced outdoor storage areas that are visible from a front yard and/or public drive shall also have a hedge, mounding, or similar landscaping.
- g)** Outdoor storage areas shall be submitted as part of the development plan depicting the location for said storage.
- h)** Outdoor storage areas shall be located a minimum of 300 feet from any residential zoning district or use.

(10) Outdoor Vending Machines

Outdoor vending machines shall be limited to three units per principal building and shall be located adjacent to the principal structure.

(11) Personal Services Located in the Public Facilities "PF" and the Office Building "OB" Zoning Districts

Personal service uses are permitted as an accessory use in the Public Facilities "PF" and the Office Building "OB" zoning districts when the use is located entirely within and is entered from within the principally permitted use with no outdoor signage.

(12) Portable Storage Units

Portable storage units are permitted as a temporary accessory use in the office, business and industrial districts and are subject to the following development standards:

- a)** Portable storage units are only permitted as a temporary use for a period not to exceed 30 days within a one-year period. A permit is required to place a portable storage unit on any premises for a period longer than 14 days.
- b)** Portable storage units must be located on a paved surface and a minimum of 10 feet from the right-of-way.
- c)** Portable storage units may not exceed a total of 1,200 cubic feet on the interior.

- d)** If the portable storage unit is being used to store property as a result of a major calamity (e.g. fire, flood, or other event where there is significant property damage), the building official or his or her designee may waive the provisions of the subsection.
- e)** The owner and occupier of the property on which a violation of this section occurs shall be liable for the violation if they knew or should have reason to know of the condition which caused the violation.
- f)** Storage or any other use in a trailer or non-permanent structure shall not be permitted.

(13) Restaurants Located in the Public Facilities “PF” and the Office Building “OB” Zoning Districts

Restaurants are permitted as an accessory use in the Public Facilities “PF” and the Office Building “OB” zoning districts when the use is located entirely within and is entered from within the principally permitted use with no outdoor signage.

(14) Retail Sales Located in the Public Facilities “PF”, Office Building “OB”, and General Industrial “GI” Zoning Districts

Retail sales are permitted as an accessory use in the Public Facilities “PF”, Office Building “OB”, and the General Industrial “GI” zoning districts when the use is located entirely within and is entered from within the principally permitted use with no outdoor signage. (Ord. 33-2016, passed 11-16-16)

(15) Retail Sales Located in the Support Services “SS” Zoning District

Retail sales are allowed in the Support Services “SS” zoning district provided that such retail sales do not exceed 20 percent of the total building area. (Ord. 33-2016, passed 11-16-16)

(16) Satellite Dish-Type Antennas

Satellite dish-type antennas are permitted as an accessory use in the office, business, and industrial districts, and are subject to the following regulations:

- a)** One satellite dish-type antenna per parcel is permitted.
- b)** It shall only be located in the rear yard.
- c)** It shall not exceed 12 feet in height or the height of the primary building on the lot, whichever is less.
- d)** It shall not exceed 120 square feet of ground area at the base.
- e)** It shall not project into front or side yards.
- f)** On corner lots, it shall be set back from the side street not less than the required setback for the primary building on the abutting lot plus an additional five feet.
- g)** It shall be located not less than 20 feet from any residential dwelling unit
- h)** It shall be reasonably screened from any adjacent property with landscaping, mounding, or a combination thereof, but the screening shall not be required to be placed so high in front of the dish as to interfere with reception of the antenna. Any application for a permit to erect such antenna shall include provisions for said screening. Such screening shall be maintained in good condition as long as the antenna remains in place.
- i)** It shall provide service for only the lot or parcel on which it is located.
- j)** It shall not be roof mounted on the main or any accessory building.
- k) Advertising**

The satellite dish apparatus shall bear no advertising, lettering, picture, or visual image other than the manufacturer's name.

l) Maintenance

The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

(17) Small Wind Energy Turbines (SWETs)

- a)** SWETs may be located on lots with a minimum lot area of two acres or more. However, if the proposed turbine is attached to a building and the turbine (to the top of the blades) does not exceed the maximum building height requirement of the applicable zoning district, there shall be no minimum lot requirement.
- b)** The maximum height of a stand-alone SWET shall be equal to maximum height allowed in the applicable zoning district measured from the natural grade to the top of an extended rotor blade.
- c)** All portions of a SWET support structure must, at a minimum, meet the setback requirements for the applicable zoning district. SWETs must also be set back a minimum distance equal to 110 percent of the height of the SWET, as measured to the top of the rotor blades, from all lot lines.
- d)** Only a single turbine shall be permitted on a property. Multiple turbines may be permitted with a conditional use permit if attached to a non-residential building and if the diameter of the rotor is less than six feet.
- e)** Climbing access to the tower structure shall be limited to:
 - i)** Placing fixed climbing apparatus no lower than 10 feet from the ground; and
 - ii)** Placing a six foot fence or shielding around the SWET.
- f)** SWETs shall be of a scale intended for on-site power consumption and shall not be designed to produce energy to sell to electric providers. This regulation shall not prohibit a property owner that is installing a SWET from connecting to the local electric system if mandated by the electric provider for the purposes of safety.

(18) Solar Panels

Solar panels shall be subject to the following standards:

- a)** Ground-mounted solar panels shall be limited to a maximum height of 16 feet and shall be located in the rear yard.
- b)** All solar panels must, at a minimum, meet the setback requirements for the applicable zoning district.
- c)** Roof-mounted solar panels on pitched roofs shall be flush-mounted to the roof and shall not extend higher than the ridgeline of the roof on which they are located.
- d)** Roof-mounted solar panels on flat roofs shall not project more than six feet above the rooftop surface and shall not exceed the maximum height allowance in the applicable zoning district in which they are located.

(19) Storage Structures and Accessory Buildings

There may be one detached storage structure or accessory building on the same zoning lot with a main building subject to the following:

- a)** Such accessory building is constructed simultaneously or subsequent to the main building.
- b)** Detached storage structure or accessory buildings shall only be erected in a rear yard.

- c)** Detached storage structures or accessory buildings shall not exceed ten percent of the main building or 750 square feet, whichever is less.
- d)** A detached storage structure or accessory building shall be at least five feet from the side and rear lot lines except if located adjacent to a residential zoning district or use wherein the detached storage structure or accessory building shall meet the setbacks required for the principle building as identified in [153.253\(F\): Non-Residential Development Standards Table](#).
- e)** On a corner lot, storage structures must be set back at least the depth of the required front yard setback for the side property line that is adjacent to a right-of-way.
- f)** Storage structures and accessory buildings shall be constructed out of materials complementary to the materials of the main building, unless otherwise approved by planning commission.

(Ord. 33-2016, passed 11-16-16)

(20) Temporary Uses

- a)** The building official shall have the authority to consider as set forth herein and grant or deny all applications for temporary uses of commercially zoned property.
- b)** No temporary use permit shall be issued by the building official unless it meets all of the following factors:
 - i)** It shall not be materially detrimental or injurious to other uses and properties in the vicinity. The duration and frequency of the proposed use are factors that the building official shall consider in this regard, plus such other factors as the building official determines to be material.
 - ii)** It shall not create an unreasonable hazard to persons or property. Consideration shall be given to whether the proposed temporary use shall provide adequate space, lighting, parking and traffic circulation.
 - iii)** It shall not unreasonably detract from the character of the district or the vicinity. In this regard, the building official shall consider the duration of the proposed temporary use, the area involved and the intensity of the proposed use.
- c)** In addition to the factors in subsection (b) above, the building official shall be guided by the following factors:
 - i)** Clearance retail sales may be permitted in the Support Services "SS" zoning district subject to the following factors:
 - A.** Conditions of parking, lighting, traffic circulation and safety are adequate for the accommodation of the sale and all the other uses on that zoning lot.
 - B.** The sale shall have negligible impact upon uses of adjacent and nearby properties.
 - C.** The sale is incidental to a main use on the zoning lot.
 - D.** The duration of all sales on any zoning lot shall not exceed 14 days within any calendar year.
 - E.** All requirements of the Support Services District are met, except that the retail sales area limitations may be exceeded only to the minimum extent necessary.
 - ii)** Construction trailers may be permitted on a construction site provided that the trailer is:
 - A.** Located on the same site or in the same development as the related construction;
 - B.** Not located within a required open space area, landscaping area, or buffer; and
 - C.** Associated with development subject to a valid and open building permit.

- iii) Tent sales may be permitted for promotion of special activities subject to the following factors:
 - A. Tents, canopies and banners may be utilized to the extent they comply with the factors set forth herein.
 - B. The duration of such sales shall be limited in duration, which in no event shall exceed two consecutive weeks, and frequency, which in no event shall exceed four such events during any calendar year on the same zoning lot.
 - C. There shall be a minimum of one-month period between the end of one tent sale and the beginning of the next, on the same zoning lot. In addition, the promotion shall be only for the existing owner's or tenant's ongoing commercial retail activity.
- d) No temporary use shall be permitted that is not specifically provided for herein or elsewhere in this zoning code.
- e) All applications for a temporary use permit shall be in writing on forms provided by the building official and made at least 30 days prior to the use for which the application is being made. The application shall consist of a development plan of the zoning lot or reasonably accurate drawings of the zoning lot and the proposed use, and such other accurate information pertaining to the proposed uses as may reasonably be requested by the building official. Applications pertaining to signs shall contain the information, drawings and plans required in section [153.461: Temporary Signs](#). Within 14 days of receipt of such drawings and information, the building official shall:
 - i) Grant the application by issuance of a temporary use permit. Such permit may set forth conditions, including, but not limited to, duration and hours of operation, which control the proposed use set forth in the application if the building official determines that such conditions are reasonably necessary to meet the factors set forth herein; or
 - ii) Deny the application, which denial shall be communicated, along with the reason for denial, in writing. The owner or owner's authorized agent shall have the right to appeal the decision to the board of zoning appeals subject to the requirements set forth in section [153.208: Appeals](#). If the building official has not acted on the application within 14 days of receipt, the application shall be deemed denied.

(21) Used Vehicle Sales

Used vehicle sales are permitted when they are located on the same lot or adjacent to a new motor vehicle sales lot or directly associated with a new motor vehicle sales establishment.

(F) Non-Residential Development Standards Table

[Table 253-2: Non-Residential Development Standards Table](#) identifies the specific development standards that apply to each of the non-residential zoning districts. (Ord. 33-2016, passed 11-16-16)

Table 253-2: Non-Residential Development Standards Table

Development Standard		PF	OB	GB	SS	GI
Minimum Lot Area		-	-	-	-	2 acres
Minimum Lot Width		200'	100'	100'	100'	200'
Minimum Lot Setbacks						
Front		50'	50'	50'	75'	100'
Side	Abutting non-residential	12'	12'	12'	12'	25'
	Abutting residential	50'	50'	30'	30'	100'
Rear	Abutting non-residential	35'	35'	30'	35'	50'
	Abutting residential	50'	50'	50'	50'	100'
Minimum Setbacks of Accessory Buildings						
Front		-	-	-	-	-
Side		5'	5'	5'	5'	5'
Rear		5'	5'	5'	5'	5'
Maximum Height						
Principal Structure	Abutting non-residential	50'	48'	48'	36'	75'
	Abutting residential	50'	48'	48'	36'	48'
Accessory Structure		16'	16'	16'	16'	16'
Minimum Green Space		40%	30%	25%	30%	30%

153.254 Supplemental District Regulations

(A) Cellular or Wireless Communication Standards

Cellular or wireless communication systems shall be regulated as follows:

(1) Intent

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

- 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.
- d)** Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.

(2) 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 a permitted use in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are no less than 50 feet in height.

- b)** Any cellular or wireless communications antenna that is mounted to an existing structure as indicated in (a) above shall be painted a color which matches, or is compatible with, the structure on which it is located.
- c)** A cellular or wireless communications antenna that is not mounted on an existing structure or is more than 15 feet higher than the structure on which it is mounted, is permitted in all zoning districts, with the exception of any single household or multi-household zoning district where it is prohibited, as a conditional use and subject to the requirements set forth in [Table 252-2: Residential Single Household Development Standards](#).
- d)** 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.
- e)** Cellular or wireless communications sites shall not be located in any single household or multi-household residential zoning district nor shall they be located any closer to any residential zoning district as follows:
 - i)** Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 500 feet to any residential zoning district.
 - ii)** Cellular or wireless communication towers between 100 and 150 feet in height shall be located no closer than 750 feet to any residential zoning district.
 - iii)** 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.

(3) 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 communications 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 proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and was denied for reasons other than economic ones. Tall structures shall include, but not be limited to: smoke stacks, water towers, buildings over 50 feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers, and roadway lighting poles.
- c)** The city may deny the application to construct a new cellular or wireless communications tower if the owner or owner's authorized agent has not made a good faith effort to mount the antenna on existing structures.

(4) Standards of Approval of All Cellular or Wireless Communications Antennas and Towers.

a) Antenna/tower height

The owner or owner's authorized agent 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:

- i) 40 percent of the tower height;
- ii) The minimum setback in the underlying zoning district; or
- iii) 50 feet.

c) Cellular or wireless communications tower safety

The owner or owner's authorized agent shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. 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 feet in height and shall be erected to prevent access to non-authorized personnel.

e) Landscaping

The following landscaping shall be required to screen as much of the support structures as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular communications site:

- i) Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes 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.
- ii) 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.
- iii) If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required.

(5) Limiting the Number of Cellular Wireless Communication 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.

(6) Licensing

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

(7) 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 the applicable parking requirements as established in the zoning code.

(8) 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 lit except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.

(9) Development Plan Required

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

- a)** The total area of the site.
- b)** The existing zoning of the property in question and of all adjacent properties.
- c)** All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- d)** Existing topography with a maximum of five foot contour intervals.
- e)** The proposed finished grade of the development shown by contours not exceeding five foot intervals.
- f)** 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.
- g)** 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.
- h)** All existing and proposed sidewalks and open areas on the site.
- i)** The location of all proposed fences, screening and walls.
- j)** The location of all existing and proposed streets.
- k)** All existing and proposed utilities including types and grades.
- l)** The schedule of any phasing of the project.
- m)** 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.
- n)** Any other information as may be required by the planning commission to determine the conformance with this zoning code.

(10) Action on Application

Upon submission of a complete application for development plan review to the building official, the application shall be either:

- a)** For co-location applications, the building official will review the development plan to determine its compliance with the standards set forth in this code. The building official shall have the authority to approve, approve with modifications, or disapprove the development plan.
- b)** For all other applications, not including co-location requests, the development plan will be transmitted to the planning commission where they shall:
 - i)** Review it to determine if it meets the purpose and requirements as established in this section;
 - ii)** Review it to determine if it meets the purpose and requirements of the zoning district where the proposed cellular or wireless communications site is located;
 - iii)** Review it to determine if it meets the purpose and requirements of any other applicable section of this zoning code.
 - iv)** The planning commission shall hold a public hearing and act upon all development plans within 35 days after the receipt of the complete application. Within the said 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 60 days.

(11) 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 12 continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

(12) Scope

All roads and streets within a zoning district are accessory to the uses of that district, and are subject to the same regulations, herein.

(13) Fees

The owner or owner's authorized agent shall be responsible for fees as described in section [153.555: Fees](#).

(B) Height Exemptions

Chimneys, spires, cupolas, domes, towers, flagpoles, water tanks, radio and television antennas, monuments, wind turbines, and other mechanical equipment located upon or constituted as an integral part of the main building may extend a maximum of 20 feet above the main building.

(C) Mechanical Equipment Screening Requirements

Mechanical equipment is subject to the following screening requirements:

- (1)** Mechanical equipment such as transformers and HVAC equipment shall not be located in the front yard.
- (2)** All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all residential uses.
- (3)** Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets, or enclosures constructed of the same materials used on the majority of the

principal structure or any combination or as otherwise approved or required by the planning commission.

- (4) The screening elements should be maintained in good condition.
- (5) The screening of mechanical equipment will be reviewed on a case-by-case basis based upon the following determinations:
 - a) Site location relative to adjacent properties and public rights-of-way;
 - b) Topography of the subject site relative to adjacent properties and public rights-of-way; and
 - c) Whether the subject screening creates visual inconsistencies with surrounding areas.

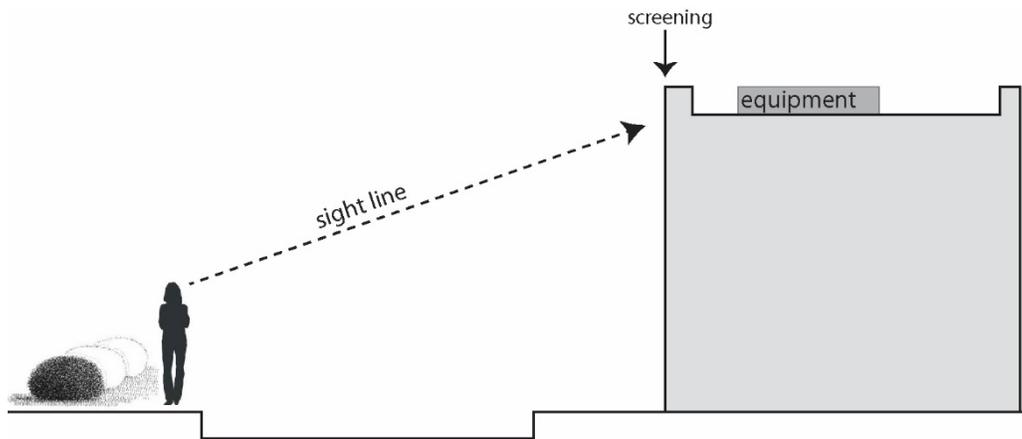


Figure 254-1: An example of rooftop screening used to screen equipment from pedestrian view.

(D) Sight Visibility Triangle

In any zoning district on any corner lot, no fence, sign, structure or planting shall be erected or maintained within a triangle formed 35 feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner. Any planting within that triangle shall not exceed 2.5 feet in height above the curb level.

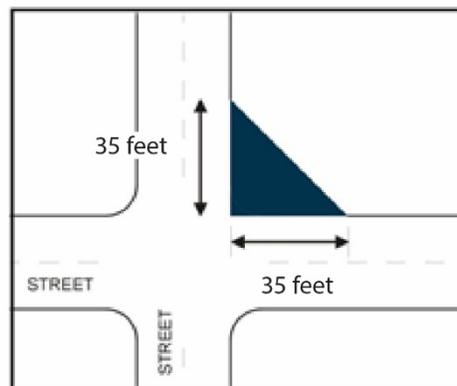


Figure 254-2: Sight visibility triangle for intersecting streets

(E) Utilities and Underground Facilities

All public and common electric, cable, telephone, and other similar utilities shall be located underground in all residential, office, commercial, and industrial subdivisions and districts, and they shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the project that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner which will not conflict with other underground services. (Ord. 33-2016, passed 11-16-16)

(F) Waste Container Screening Requirements

No owner, tenant, or occupant of any lot in any district may store, place, or keep, or permit to be stored, placed, or kept on that lot, any combination of dumpsters, compactors, grease dumpsters, or any other waste or garbage containers (hereinafter referred to as "containers"), that exceed a total of 120 gallons in capacity, outside of an enclosed building, unless the following conditions are met:

- (1) The container shall be located on a concrete pad that is enclosed by a three sided structure sufficient to provide complete visual screening of the containers to a height of 12 inches above the top of the containers.
- (2) The exterior of the unit shall be constructed of brick veneer or stone veneer or with other materials similar to the principal structure if other materials are approved by planning commission.
- (3) The fourth accessible side of the dumpster shall be screened by steel reinforced composite wood, composite lumber, or other similar materials. Such gates are to remain closed unless the waste containers are being accessed. (Ord. 33-2016, passed 11-16-16)
- (4) The structure shall be located not less than 20 feet from any dwelling on an adjacent residential lot.
- (5) It shall not project into or be located in a front yard.
- (6) It may be located in a rear or side yard but shall not be less than five feet from any rear or side lot lines.
- (7) On corner lots, it shall be set back from the side street not less than the required setback for the adjacent main building on the abutting lot plus an additional five feet.
- (8) All service to and for the container shall be done from private property and shall not extend into a public right-of-way.
- (9) Landscaping shall be provided around the structure as is required by section [153.404\(D\): Landscape Requirements for Service Structures](#), to ensure that the visual impact of the structure is harmonious with the general appearance of the surrounding structures and uses.

(G) Yard Projections

A projection is that part of a feature of a building which extends or projects outside the enclosing walls. It is intended that certain features may project into required yards, but they shall be regulated so as not to substantially interfere with the reception of sun, light, air, and the use of adjacent lots. Building features may project into a front, side, or rear yard of a dwelling measured from the established yard line, as follows:

(1) Architectural Features

A belt course, balcony, cornice, gutter or chimney may project into a front, side or rear yard for a distance of two feet, provided no part is less than three feet from any side lot line. However, overhangs may project 42 inches.

(2) Entrance Features

An open platform, landing, steps, terrace or other feature not extending above the first floor level of a building, may extend six feet into a front yard and three feet into a side yard.

(3) Enclosed Shelters

An enclosed entry or porch shall not project into any required yard area.

(4) Non-enclosed Shelters

An entrance hood, deck or open but roofed porch may project:

- a)** Six feet into a required front yard;
- b)** Three feet into a required side yard; and
- c)** Not more than 50 percent into a required rear yard.

(5) Heating/Cooling Feature

A window or wall mounted air conditioning or heat pump unit may project into a front, side or rear yard for a distance of two feet provided that:

- a)** No part is less than three feet from any side lot line; and
- b)** An air conditioning or heat pump unit shall not extend above the eave line.

153.255 Planned Unit Development

(A) Purpose Statement

The purpose of the Planned Unit Development "PUD" district is to:

- (1)** Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
- (2)** Encourage flexibility in the design of developments specifically in the preservation of open spaces, in the protection of natural features, in the utilization of existing site amenities, and in the creation of designs that are compatible with surrounding uses.
- (3)** Provide harmonious transitions between uses by utilizing varying land uses, landscaping, buffers, or other similar techniques.
- (4)** Allow for safe and efficient transportation networks that accommodate automobiles, bicycles, and pedestrians.
- (5)** Provide for locations for recreational facilities, educational facilities, and other public and semi-public common facilities, while preserving the existing landscape to the greatest extent possible.

(B) Permitted Uses

(1) Principally Permitted Buildings and Uses

- a)** Single household dwellings as permitted in RSH-E, RSH-L and RSH-H Districts.
- b)** Two household dwellings and multi-household buildings as permitted in RMH District.

- c) Those uses permitted in GB, GI, SS, PF, and OB Districts, except sexually oriented businesses, which are consistent with the overall purpose of the PUD District and compatible with other uses in the development plan and adjoining areas.
- d) Outdoor advertising devices as regulated by the Ohio Revised Code.

(2) Accessory Buildings and Uses

Accessory buildings and uses may be permitted if approved by the planning commission as being consistent with the purposes and provisions of this section.

(C) Development Standards for All PUDs

The following development standards are established to guide and control the planning, development, and use of land in all PUDs located within the City of Springdale:

(1) Minimum Development Area

- a) The minimum area to qualify as a PUD area shall be not less than three contiguous acres.
- b) A parcel or parcels of land with less than three contiguous acres may be considered for planned development when it is demonstrated that such smaller area has a unique feature of geography, topography, or other development aspect which is determined to be appropriate for such district designation. Planning commission shall review the request and make a determination on the request.
- c) Contiguous property of less than three acres may be added to an adjacent previously established PUD District.

(2) Building and Use Requirements

The main and accessory buildings and uses shall meet the regulations of the zoning district in which such building or use would be permitted, and if applicable any adopted plans, in which such building or use would be permitted unless otherwise permitted or restricted by the planning commission.

(3) Setbacks

Along the boundary of any PUD District, each non-residential and mixed use building shall be set back at least 75 feet from any residential use or district. Non-residential uses or mixed use buildings that are adjacent to other non-residential uses or mixed use buildings shall meet the setback regulations of the zoning district in which such building or use would be permitted. In a situation where the proposed buildings or uses would be allowed in multiple zoning districts, the most restrictive setback regulations shall apply to the PUD development. Planning commission may modify these setback regulations if the development is in conformance with the provisions and purposes of this section.

(4) Density

The overall density of a development area shall conform to the basic overall density requirements of the zoning district in which such building or use would be permitted. The planning commission may approve a higher density for proposals if the development is in conformance with the provisions and purposes of this section.

(5) Local Circulation System

The vehicular circulation system and parking facilities shall be designed to fully accommodate vehicular and pedestrian traffic with safety and efficiency within the development. Driveways and access points for developments shall be located in areas where traffic can be controlled and operated in a safe and

effective manner. The amount of traffic generated by commercial uses passing through residential areas shall be minimized. (Ord. 33-2016, passed 11-16-16)

(6) Signage

Proposed ground signs for the PUD including shopping center identification signage and subdivision signage shall be included with the Preliminary Development Plan submittal for review and approval. Wall signage and any additional development signage including directional signs shall be submitted with the Final Development Plan submittal for review and approval. All signage shall conform to the regulations set forth in the [Signs](#) section unless approved by planning commission.

(D) Residential PUD Development Standards

(1) Building and Use Arrangements

The design and development factors set forth in this section are intended to provide considerable latitude and freedom in order to encourage a variety in the arrangement of residential uses and of the location, bulk and shape of buildings, open space, and landscape features. Buildings and uses shall be arranged, designed, and located in order to screen and preserve residential uses from the adverse effects of non-residential uses and mixed use buildings within or nearby the PUD District. The buildings and uses may be arranged in various groups, courts, sequences, or clusters with open spaces organized and related to the buildings in order to provide privacy, and to form a unified composition of buildings and space, and to maximize the peace and tranquility of the residential occupants of the PUD District and the nearby area. The following design standards shall be met in Planned Unit Development areas:

- a)** That the adjacent property or properties be protected from loss of light, air, and view because of the proximity of the bulk or shape of a neighboring building;
- b)** That usable open spaces be created within a development while maintaining privacy for individual residential properties;
- c)** That required yards and setbacks should not be excessive so as to prevent the reasonable development of open land for landscape features, recreation, or other private uses; and
- d)** That the latitude in design shall also apply to the planning of landscape features such as walls, fences, hedges and other features to create a variety of common open spaces and private areas.

(2) Topography and Site Appearance

It is a requirement of this code that such developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize on the construction of utilities, to reduce the amount of grading, and to maximize the conservation of trees and top soil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of buildings, open spaces, and site features.

(3) Open Space

- a)** In any residential PUD development, the total public or common space shall be not less than 20 percent of the gross acreage or area of the PUD area.
- b)** Common open space shall be protected by recorded covenants and restrictions to assure that such open space will be permanently preserved and maintained.
- c)** For the purpose of this section, open space is defined as an area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way, except in the case of roadway median in excess of 10 feet in width.

(E) Non-Residential and Mixed Use PUD Development Standards

The following development standards are established to guide and control the planning, development, and use of land in non-residential and mixed use PUDs:

(1) Building Materials

Exterior facades should be constructed with one or more of the following materials: brick, wood, stone, tile, stucco, decorative block, decorative concrete panels, fiber cement siding, and/or transparent materials such as glass or Plexiglas. Additional materials may be approved by planning commission.

(2) Building Design

There shall be no uninterrupted lengths of blank wall longer than 40 feet, for façades that are at least 60 feet wide. This applies to all elevations visible from road rights-of-way and adjacent properties. The following techniques may be utilized to implement this standard:

- a)** Recesses or projections in the wall that are at least two feet in depth;
- b)** Façade material changes following the same dimensional requirements; and/or
- c)** Pilasters having a minimum depth of one foot, minimum width of one foot, and a minimum height of 80 percent of the height of the façade may also be utilized to accommodate the variation in walls.

(3) Franchise Architecture

No building or addition constructed in a PUD district shall be designed with or modeled after franchise or formula based architecture, unless the planning commission determines that the franchise architecture is consistent with the intent of the district based on a determination that the proposed building:

- a)** Substantially meets the overall intent of the district guidelines;
- b)** Does not create visual inconsistencies with surrounding areas or structures in relation to colors and materials; and
- c)** Will enhance the character and business climate of the area.

(4) Windows

All building elevations visible from road rights-of-way shall include window openings at regular intervals. The main front elevation of a building should include at least 35 percent transparency at the pedestrian level, 15 feet in height or the height of the building, whichever is less.

(5) Open Space

In any non-residential or mixed use PUD development, the total public or common space shall meet the regulations of the zoning district in which such building or use would be permitted. In a situation where the proposed buildings or uses would be allowed in multiple zoning districts, the most restrictive open space regulation shall apply to the PUD development.

(F) Review Procedures and Factors

The following review procedures apply to all Planned Unit Development plan applications:

(1) Step 1 – PUD Zone Map Amendment and Preliminary Development Plan

- a)** The owner or owner's authorized agent shall submit an application for a PUD zone map amendment and preliminary development plan in accordance with the provisions of this section.
- b)** Complete PUD zone map amendments and preliminary development plans shall include all the required information per the approved checklist.
- c)** The planning commission may waive submittal requirements as inapplicable.
- d)** The PUD zone map amendment and preliminary development plan shall be prepared by a professional planner, engineer, or landscape architect.
- e)** The owner or owner's authorized agent may request that the development be phased. If this is desired, a phasing plan shall be submitted with the preliminary development plan.

(2) Step 2 – Staff Review

- a)** The building official shall review the PUD zone map amendment and preliminary development plan application to determine completeness and shall distribute the application to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b)** Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(3) Step 3 – Planning Commission Review and Recommendation

- a)** The planning commission shall hold a public hearing on the PUD zone map amendment and preliminary development plan and shall furnish to city council its recommendation with respect to the submitted plans. Public hearings shall be subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).
- b)** The planning commission may recommend that the PUD zone map amendment and preliminary development plan be approved, disapproved, or modified.
- c)** If the planning commission finds that any of the regulations or standards are inapplicable because of unusual conditions, it may recommend to council that an adjustment in such regulations or standards be made.
- d)** In the event the planning commission recommends that a PUD zone map amendment and preliminary development plan be disapproved, the owner or owner's authorized agent shall request in writing that the application be forwarded to City Council for review and action pursuant to Step 4 below. Failure to provide such written request, within 30 days from the date of action by Planning Commission, shall constitute withdrawal of the application. (Ord. 33-2016, passed 11-16-16)

(4) Step 4 – City Council Review and Action

- a)** City council, at their next regular meeting following receipt of the planning commission's recommendation, shall set a date for public hearing on the zone map amendment and the preliminary development plan subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).
- b)** Following the public hearing, city council shall approve, disapprove, or modify the PUD zone map amendment and preliminary development plan. If city council reverses the recommendation by planning commission, it shall only do so by the affirmative votes of not less than two-thirds of its members.
- c)** Following approval of the PUD zone map amendment and the preliminary development plan, the owner or owner's authorized agent shall submit the final development plan and submit a zoning certificate application for the development area.

(5) Step 5 – Final Development Plan

- a)** The owner or owner’s authorized agent shall submit final development plans that include all the required information per the approved checklist.
- b)** The planning commission may require additional drawings, information, studies or plans to supplement the required information.

(6) Step 6 – Staff Review

- a)** The building official shall review the final development plan application to determine completeness and shall distribute the application to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b)** Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(7) Step 7 – Planning Commission Review and Action

- a)** The planning commission will review the final development plan to determine its substantial compliance with the preliminary development plan. Plans not found in compliance are subject to the procedures in section [153.255\(G\): Amendments to Plan](#) below.
- b)** If the planning commission disapproves the final development plan, the developer has the right to appeal the decision to city council within 20 days of the disapproval. City council’s decision is final.
- c)** If the planning commission approves the final development plan, the building official shall be notified and zoning certificates and other permits shall be issued as applicable.

(G) Amendments to Plan

At any time after the approval of the preliminary development plan, the owner or owner’s authorized agent may request an amendment to their plans.

(1) Major Amendment

If it is determined by either of city council’s representatives on planning commission that the amendment is a major departure from the approved plans, the amendment shall be processed as a new preliminary development plan. For purposes of this section a major departure may include, but is not limited to, a substantial change to the basic design, density, uses, circulation, or open space requirements of the approved plan.

(2) Minor Amendment

If it is determined by either of city council’s representatives on planning commission that the amendment is a minor departure from the approved plans, the amendment shall be processed as a final development plan application.

153.256 Transition Overlay District

(A) Purpose Statement

The purpose of the Transition Overlay District (hereinafter referred to as “T-District”) regulations is to institute procedures, whereby the planning commission and city council may determine the most appropriate type and intensity of land use in transitional areas by:

- (1)** Providing a flexible instrument which governs development by the factors of intensity and impacts of a use rather than its general nature.

- (2) Providing adequate buffering for the protection of residential uses from the adverse impact of less restrictive districts.
- (3) Protecting and enhancing the environmental, cultural, aesthetics, and historic assets of the community through careful planning in the design and arrangement of buildings, preservation of open space, and the optimal utilization of natural site features.
- (4) Permitting the creation of transitional zones within the city that provide for the orderly transition from more restrictive to less restrictive districts.
- (5) Providing flexibility for an appropriate development in such transitional zones, taking into account adjacent and surrounding uses and zoning districts.
- (6) Allowing the application of performance standards to development in transitional areas, so as to facilitate the consideration of a broader spectrum of appropriate land uses than permitted by conventional districting.
- (7) Securing optimal development of critically important parcels in transitional areas where the harmonization of a more restrictive district with a less restrictive district is a major objective.
- (8) Promoting the public health, safety, and welfare of the city.

(B) General Provisions

T-Districts shall only be established in areas of the city where a comprehensive or partial plan of development has been adopted and wherein the T-District is compatible with those applicable comprehensive or partial plans.

(C) Overlay District Relationship

- (1) The T-District is established as an overlay district by city council superimposed in specific areas over existing districts where:
 - a) The existence of abutting districts indicate incompatibility of use; and
 - b) Any plans adopted by the city for that area are furthered by the use of this type of district.
- (2) All regulations in this code for the underlying district shall apply until a site development plan is approved.
- (3) Upon approval of a site development plan, development and use of the property shall be in accordance with that plan.

(D) Permitted Uses

- (1) As a matter of right, those buildings and uses principally permitted in the underlying zoning district shall be permitted in accordance with all applicable regulations of that underlying district.
- (2) Additionally, the following buildings and uses may be permitted pursuant to a transition overlay development plan, subject to the provisions of this section. Each permitted use shall be consistent with the regulations of the district which the proposed use represents, with the overall purpose of the T-District, the purposes of this section, with any plans adopted by the city for that area, and compatible with other uses in the development plan and adjoining areas:
 - a) Multi-household building as permitted in the RMH district;
 - b) Office establishments as permitted in the OB district;

- c) Businesses as permitted in the GB and SS districts;
- d) Public facilities as permitted in the PF district;
- e) Industrial facilities as permitted in the GI district; and
- f) Any of the above uses, or combination thereof, can be considered in a T-District.

(3) Accessory Buildings and Uses

Accessory buildings and uses may be permitted if approved by the planning commission and city council as being consistent with the purposes and provisions of this section.

(4) Building and Use Requirements

The main and accessory buildings and uses shall meet the regulations of any district in which such building or use would be permitted. Additionally, they shall meet all the requirements established by the planning commission and city council pursuant to the purposes and provisions of this section, and in accordance with the demands of any adopted plans affecting the district and consistent with the details of the development plan.

(E) Review Factors

- (1) The use of a property in a T-District, in accordance with a development plan, may be permitted only if the proposed development plan, by its nature, or by reason of the controls imposed by the planning commission and city council, meets the following review factors:
- a) It is not an adverse influence on any abutting or surrounding properties;
 - b) It provides for an orderly transition from restrictive to less restrictive districts;
 - c) It is in full compliance with the purposes of this zoning code and with the T-District as set forth in this section;
 - d) It furthers and conforms to the goals of an adopted plan of the city or that area of the city;
 - e) It is designed to maximize the public interest and private benefit in a balanced manner; and
 - f) It is compatible with adjacent uses and zoning districts.
- (2) It is the responsibility of the developer to demonstrate compliance with each of the factors.

(3) Factors or Characteristics

The following factors or characteristics, along with other requirements imposed by the commission for such use, consistent with the provision of this section may be considered in assessing a proposed development plan:

- a) Permitted types of use(s);
- b) Intensity of use in terms of:
 - i) Density, floor area, and green space;
 - ii) Traffic impacts; and
 - iii) Other environmental impacts such as noise, light, pollution, etc.
- c) Functional and aesthetic compatibility with existing or proposed development; and
- d) Compliance with the development goals of an adopted plan for the city or that area of the city.

(4) Powers of the Planning Commission

To secure the application of all relevant standards to the development of T-Districts, the planning commission shall recommend:

- a)** Front, side, and rear yard requirements, density requirements, height and bulk of building requirements, and intensity of use;
 - b)** The use of materials or designs in the erection of structures which shall minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
 - c)** Permits or variances for business signs, outdoor storage, parking spaces, loading docks, and driveways;
 - d)** Screening or setting aside areas of land to serve as a buffer of the proposed use in the T-district from adjacent properties by walls, fences, landscaping, or open spaces; and
 - e)** Such additional conditions and limitations on use, building dimensions, open spaces, and the like as may be deemed necessary to carry out the intent of this section and this zoning code.
- (5) All the powers exercised pursuant to this section shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of one district upon the other, and to promote the development of property in T-districts.

(F) Review Procedures and Regulations

The following review procedures apply to all T-District development plan applications:

(1) Step 1 – T-District Zone Map Amendment and Preliminary Development Plan

- a)** The owner or owner's authorized agent shall submit an application for a T-district zone map amendment and preliminary development plan in accordance with the provisions of this section.
- b)** Complete T-district zone map amendments and preliminary development plans shall include all the required information per the approved checklist.
- c)** The planning commission may waive submittal requirements as inapplicable.
- d)** The T-district zone map amendment and preliminary development plan shall be prepared by a professional planner, engineer, or landscape architect.
- e)** The owner or owner's authorized agent may request that the development be phased. If this is desired, a phasing plan shall be submitted with the preliminary development plan.

(2) Step 2 – Staff Review

- a)** The building official shall review the T-district zone map amendment and preliminary development plan application to determine completeness and shall distribute the application to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b)** Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(3) Step 3 – Planning Commission Review and Recommendation

- a)** The planning commission shall hold a public hearing on the T-district zone map amendment and shall furnish to city council its recommendation with respect to the submitted plans. Public hearings shall be subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).
- b)** The planning commission may recommend that the T-district zone map amendment and preliminary development plan be approved, disapproved, or modified.

- c) If the planning commission finds that any of the regulations or standards are inapplicable because of unusual conditions, it may recommend to council that an adjustment in such regulations or standards be made.

(4) Step 4 – City Council Review and Action

- a) City council, at their next regular meeting following receipt of the planning commission's recommendation, shall set a date for public hearing on the zone map amendment and the preliminary development plan subject to the procedures set forth in section [153.201\(B\): Public Notification for Public Hearings](#).
- b) Following the public hearing, city council shall approve, disapprove, or modify the T-district zone map amendment and preliminary development plan. If city council reverses the recommendation by planning commission, it shall only do so by the affirmative votes of not less than two-thirds of its members.
- c) Following approval of the T-district zone map amendment and the preliminary development plan, the owner or owner's authorized agent shall submit the final development plan and submit a zoning certificate application for the development area.

(5) Step 5 – Final Development Plan

- a) The owner or owner's authorized agent shall submit complete final development plans that include all the required information per the approved checklist.
- b) The planning commission may require additional drawings, information, studies or plans to supplement the required information.

(6) Step 6 – Staff Review

- a) The building official shall review the final development plan application to determine completeness and shall distribute the application to other city departments and consulting professionals and agents of the city as appropriate for review and comment.
- b) Upon determination that the application is complete, the building official shall refer the application to planning commission for review within 90 days.

(7) Step 7 – Planning Commission Review and Action

- a) The planning commission will review the final development plan to determine its substantial compliance with the preliminary development plan. Plans not found in compliance are subject to the procedures in section [153.256\(G\): Amendments to Plan](#) below.
- b) If the planning commission disapproves the final development plan, the developer has the right to appeal the decision to city council within 20 days of the disapproval. City council's decision is final.
- c) If the planning commission approves the final development plan, the building official shall be notified and zoning certificates and other permits shall be issued as applicable.

(G) Amendments to Plan

(1) Major Modification

At any time after the approval of the preliminary development plan, the owner or owner's authorized agent may request an amendment to their plans. If it is determined by either of city council's representatives on planning commission that the amendment is a major departure from the approved plans, the amendment shall be processed as a new preliminary development plan. For purposes of this section a major departure may include, but is not limited to, a substantial change to the basic design, density, uses, circulation, or open space requirements of the approved plan.

(2) Minor Modification

At any time after the approval of the final development plan, the owner or owner's authorized agent may request an amendment to their plans. If it is determined by either of city council's representatives on planning commission that the amendment is a minor departure from the approved plans, the amendment shall be processed as a final development plan application. If it is determined that the amendment is a major departure from the approved plans, the amendment shall be processed as a preliminary development plan.

153.257 Route 4 Corridor Review District

(A) Purpose Statement

The purpose of the Route 4 Corridor Review District (CRD) is to implement the objectives of the adopted master plan for this corridor which include:

- (1) The Route 4 corridor will contain the original village core of Springdale as well as the north and south entries to the core. Future development and redevelopment within this corridor should both protect and enhance historical and modern day features of the area that are or can be a source of community identity and pride.
- (2) The Route 4 corridor serves as one of the major entryways into Springdale. Developments within this corridor shall be attractive, well-maintained, and representative of the high standard of development that Springdale strives to achieve with both new and redevelopment projects.
- (3) Developments within the Route 4 district shall respect adjacent developments and be of a similar character and scale as those adjacent developments. Special considerations shall be made to developments adjacent to residential neighborhoods to ensure compatible land uses and adequate buffering between residential and non-residential use developments.
- (4) Within the Route 4 corridor there are four distinct subareas, or segments, each having unique physical characteristics. Many of these will add significantly to the aesthetic as well as functional qualities of the total district. It is also the purpose of these regulations to identify, protect and enhance the appropriate functional and aesthetic characteristics of each subarea within the corridor.

(B) District Boundaries

The Route 4 Corridor Review District (CRD) shall include all of those properties as established on the city's zoning map.

(C) Development Standards

The Route 4 Corridor Review District (CRD) establishes special regulations and development standards that either augment or supersede those development standards otherwise in force through the underlying zoning districts within the corridor. The following development standards shall apply to all four subareas within the CRD:

(1) Building Materials

- a)** All buildings and structures to be constructed within the CRD shall have an equal level of finish on all sides and shall generally utilize no more than two primary materials with one or two accent materials.
- b)** The primary building materials shall be brick and/or stone which shall not be painted or stained.

- c) A traditional architectural style that respects the character of adjacent residential neighborhoods shall be utilized where applicable.
- d) Minor accenting of a structure or the use of a third building material may be permitted.

(2) Building Color

- a) One coordinated color scheme shall be utilized for all structures. Said color scheme shall have a predominant color and may use additional colors to accent, demark, or otherwise provide interest or to achieve a more compatible scale for the individual structure.
- b) Building colors shall primarily consist of earth tones and the use of bright, high chroma shades as dominant building colors shall be prohibited.
- c) The use of non-earth tone accent colors on a building shall be limited to a maximum of 10 percent of any elevation including features on an elevation (columns, archways, canopies, etc.).
- d) Pitched roofs shall be generally dark in color and non-reflective.

(3) Building Design

- a) There shall be no uninterrupted length of blank walls longer than 40 feet, for facades that are at least 60 feet wide. This applies to all elevations visible from road rights-of-way and adjacent properties. This can be achieved by:
 - i) Recesses or projections in the wall that are at least two feet in depth;
 - ii) Façade material changes following the same dimensional requirements; and/or
 - iii) Pilasters having a minimum depth of one foot, minimum width of one foot, and a minimum height of 80 percent of the height of the façade may also be utilized to accommodate the variation in walls.
- b) All building elevations visible from road rights-of-way shall include window openings at regular intervals. The main front elevation of a building should include at least 35 percent transparency at the pedestrian level.
- c) Major building entries shall face the public right-of-way and should be clearly demarked through the use of architectural features including canopies, awnings, or similar entry features.
- d) Shutters, if used, shall be at least one-half the width of the window.
- e) The use of mansard roof forms shall be discouraged.

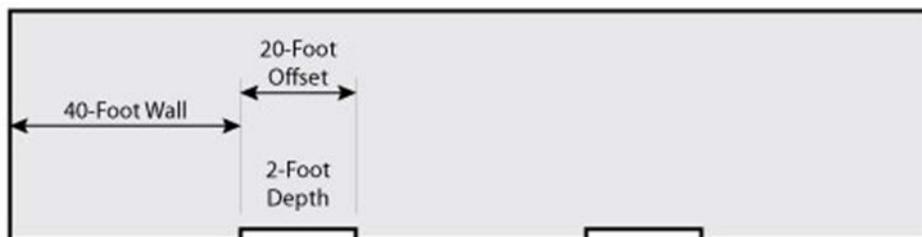


Figure 257-1: Example of façade offsets

(4) Signage

Signage shall be regulated by the [Signs](#) section. In addition, the following regulations shall apply for those properties within the CRD:

- a) All signage shall be attached directly to a building façade or wall or shall be ground mounted.

- b)** All signage shall be no closer to the public right-of-way than 10 feet.
- c)** For integrated developments, such as retail centers, with multiple buildings on the same parcel, a graphic system shall be used that is uniform in size, shape, and color for all the various tenant signage.
- d)** All wall signs shall be constructed with channel letters unless otherwise approved by planning commission.
- e)** Ground mounted signs shall be appropriately integrated within the overall site landscaping and the use of foundation plantings around ground signs shall be required. All ground mounted and freestanding signage shall be landscaped at the base and on all sides with a total landscaped area equal to the sign face area.
- f)** The base of the ground sign shall be constructed of materials, colors, and design details which match or correlate to those used in one of the principal buildings on site.
- g)** Signage shall be done in earth tone colors complementary to those utilized in the building design. The use of non-earth tone accent colors on signs shall be limited to 50 percent of the sign face.
- h)** Electronic signs in the CRD shall be conditional uses and subject to the regulations and procedures set forth in section [153.204: Conditional Use Permits](#). Electronic signs shall also conform to the regulations set forth in section [153.460\(B\): Electronic Sign Standards](#).

(5) Lighting

- a)** All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type or family. All light poles and light fixtures shall be dark and non-reflective in color.
- b)** Lighting for any service/delivery area at the rear or side of a building shall also consist of cutoff fixtures so as not to allow light spillage onto adjacent property.
- c)** Building illumination may be permitted provided such light source is from a concealed source. The use of colored lights, neon, and Light Emitting Diodes (LED) strip lighting is not allowed unless reviewed and approved by planning commission.
- d)** Lighting fixtures shall be designed and located as to prevent the casting of direct rays of excessive brightness upon adjacent residential uses and districts to cause a glare hazardous to pedestrians or operators of motor vehicles on nearby public streets and roads.

(6) Parking

Parking requirements shall be subject to [Table 302-2: Number of Off-Street Parking Space Requirements](#).

(7) Fencing

- a)** Where fences are used, they shall be constructed of wood, iron, stone, or plant material.
- b)** Chain link fences, concrete block, vinyl, fiberglass, or plywood fences are prohibited unless adequate evidence can be shown by the owner or owner's authorized agent indicating otherwise.
- c)** Retaining and decorative walls, located in the front yard (or side yard when on a corner lot or otherwise visible from the public right-of-way) shall either be of a natural quarried stone construction or a manufactured precast concrete modular wall system with exposed vertical surfaces of a highly textured, rough-hewn appearance that simulates a natural quarried stone. Any coloring to the wall material shall not be a surface coating, but shall be integral to the concrete material making up the precast modular retaining wall system.

(8) Landscaping

Landscaping requirements shall be subject to section [153.404\(F\): Landscape Requirements for the State Route 4 Corridor Review District](#).

(D) Subarea Development Standards

Many development standards contained herein apply throughout the CRD. Where dictated by unique functional and aesthetic characteristics, more specific requirements have been listed for each subarea included in both [Table 257-1: Route 4 CRD Subarea Development Standards](#) and in the paragraphs below.

Table 257-1: Route 4 CRD Subarea Development Standards				
Development Standard	Subarea A	Subarea B	Subarea C	Subarea D
Minimum Lot Area	As per underlying zoning district	As per underlying zoning district	As per underlying zoning district	As per underlying zoning district
Minimum Lot Setbacks				
Front	As per underlying zoning district	50' building 30' pavement	15' building 5' pavement	50' building 30' pavement
Side	As per underlying zoning district	As per underlying zoning district	As per underlying zoning district	s per underlying zoning district
Rear	As per underlying zoning district	As per underlying zoning district	Abutting non-residential – 15'	As per underlying zoning district
			Abutting residential – As per underlying zoning district	
Building Height	50'	35'	35'	50'
Minimum Green Space	25%	25%	15%	30%

(E) Subarea A

(1) Building Design, Color and Materials

- a)** Fifty percent of at least three facades (excluding windows and doors in the calculation of facade area) and any facade visible from a public right-of-way of the building shall contain brick and/or stone.
- b)** For at least 50 percent of the site coverage of any structure, a pitched residential roof form shall be required for buildings less than or equal to three stories.
- c)** Overhead retractable type doors used in conjunction with a commercial use shall not be visible from any residentially zoned property or any property used for a residential use.

(2) Signage

- a)** All ground mounted and architectural freestanding signs shall have supports that are constructed out of brick or stone. Wood or metal may also be acceptable with approval of the planning commission. The sign may be internally or externally illuminated. External illumination will consist of concealed cutoff fixtures.
- b)** Ground mounted and architectural freestanding signs shall not exceed 12 feet in height. Ground mounted and architectural freestanding signs shall be consistent with the materials, colors, and style of the building. (Ord. 33-2016, passed 11-16-16)

(3) **Lighting.** Parking lot lighting shall not exceed 30 feet in height.

(F) Subarea B

(1) Building Design, Color and Materials

- a)** Fifty percent of at least three facades (excluding windows and doors in the calculation of facade area) and any facade visible from a public right-of-way of the building shall contain brick and/or stone.
- b)** For at least 50 percent of the site coverage of any structure, a pitched residential roof form shall be required.
- c)** Overhead retractable type doors used in conjunction with a commercial use shall not be visible from Route 4, Glensprings Drive, Cloverdale Avenue, or Kemper Road, or any residentially zoned property or any property used for residential uses.

(2) Signage

- a)** All ground mounted sign supports shall be brick or stone. Wood or metal may also be acceptable with approval of the planning commission. The sign may be internally or externally illuminated. External illumination will consist of concealed cutoff fixtures.
- b)** Ground mounted signs shall not exceed seven feet in height. Ground mounted and architectural freestanding signs shall be consistent with the materials, colors, and style of the building. (Ord. 33-2016, passed 11-16-16)

(3) Lighting

Parking lot lighting shall not exceed 18 feet in height.

(G) Subarea C

(1) Building Design, Color and Materials

- a)** Sixty percent of at least three facades (excluding windows and doors in the calculation of facade area) and any facade visible from a public right-of-way of the building shall contain brick and/or stone.
- b)** For at least 70 percent of the site coverage of any structure, a pitched residential roof form shall be required.
- c)** Overhead retractable type doors used in conjunction with a commercial use shall not be visible from Route 4, Glensprings Drive, Cloverdale Avenue, or Kemper Road, or any residentially zoned property or any property used for residential uses.

(2) Lighting

- a)** Special ornamental lighting within Subarea C may be requested and utilized upon review and approval of the planning commission.
- b)** Parking lot lighting shall not exceed 18 feet in height.

(3) Curb Cuts

Where applicable, a use shall be required to have a connection to an adjacent rear alley within Subarea C.

(4) Parking

Parking lots should be located in the rear or side yard unless the owner or owner's authorized agent can provide evidence that doing so would create an unnecessary hardship.

(5) Landscape Requirements

For those parcels in Subarea C with front yards on Route 4, the establishment of a grassy front yard space shall be encouraged. The placement of pedestrian furniture, including, but not limited to, benches and tables, shall be encouraged within subarea C and may be required by the planning commission in conjunction with such uses as restaurants and other food services and/or in association with major pedestrian routes or plazas.

(6) Signage

- a)** All ground mounted sign supports shall be brick or stone. Wood or metal may also be acceptable with approval of the planning commission. The sign may be internally or externally illuminated. External illumination will consist of concealed cutoff fixtures.
- b)** Ground mounted signs shall not exceed seven feet in height as measured from existing grade to the top of any feature of the sign. Ground mounted and architectural freestanding signs shall be consistent with the materials, colors, and style of the building.

(H) Subarea D

(1) Building Design, Color and Materials

- a)** Fifty percent of at least three facades (excluding windows and doors in the calculation of facade area) and any facade visible from a public right-of-way of the building shall contain brick and/or stone.
- b)** For at least 50 percent of the site coverage of any structure, a pitched residential roof form shall be required.
- c)** Overhead retractable type doors used in conjunction with a commercial use shall not be visible from Route 4, Glensprings Drive, Cloverdale Avenue, or Kemper Road, or any residentially zoned property or any property used for residential uses.

(2) Signage

- a)** All ground mounted sign supports shall be brick or stone. Wood or metal may also be acceptable with approval of the planning commission. The sign may be internally or externally illuminated. External illumination will consist of concealed cutoff fixtures.
- b)** Ground mounted signs shall not exceed seven feet in height as measured from existing grade to the top of any feature of the sign. Ground mounted and architectural freestanding signs shall be consistent with the materials, colors, and style of the building.

(3) Lighting

Parking lot lighting shall not exceed 18 feet in height.

(I) Review Procedure

- (1)** The CRD does not affect present permitted or conditional uses within the corridor or existing zoning, except as provided in sections (e) through (g) below.
- (2)** The CRD review process and development standards shall be applicable under any or all of the following conditions:

- a)** Any new structures.
 - b)** Non-residential additions over 10 percent of the original floor area or additions exceeding 2,000 square feet, whichever is less.
 - c)** A change in use which results in a more intense use occupying the subject property or space. For the intent of this section, a more intense use is defined by either a 10 percent increase in parking demand due to the change in use, an increased impact due to potential traffic generation, noise, smoke, glare, odor, or hazardous materials, or as determined by the building official.
 - d)** A change in a conditional use or a change in use as part of the rezoning of any property within the corridor.
 - e)** New signage that results in a greater than 25 percent increase in the square footage of existing signage.
 - f)** Significant changes to the approved landscape plan.
 - g)** Significant alterations of the building color, material or design regardless of change in occupancy. Compliance to these standards shall be limited to those items being changed.
 - h)** Any request for modifications to the requirements of the zoning code.
- (3)** The planning commission shall be authorized to enforce the standards within the CRD. If in any evaluation, the commission finds that any regulations, standards, or factors prescribed by the zoning code are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, the commission may allow an adjustment in such regulations, standards, or factors be made. Special conditions may be required for the development, provided such adjustment or conditions shall not be in conflict with the promotion of the public health, safety, and general welfare of the city or the purpose and objectives of the CRD.
- (4)** For those properties within the district undergoing a rezoning or conditional use consideration, the CRD application review is intended to be parallel to and a normal part of the overall review process. However, the city may elect, at its option, to review and determine rezonings and conditional use applications. The CRD approval must be secured prior to the issuance of a certificate of occupancy for any such use within the district.
- (5)** Application and review by the planning commission shall be in accordance with section [153.203: Development Plan Review](#).

(6) Appeals

Any decision of the planning commission regarding an application under the CRD may be appealed to the board of zoning appeals per section [153.208: Appeals](#) of this code.

(7) Nonconforming Uses

A use which was in existence prior to the establishment of the CRD which does not conform to the CRD standards, provisions, and regulations, shall be permitted to continue. However, any maintenance, repair, and restoration may be made only in accordance with and to the extent of the regulations provided in the [Nonconformities](#) section. Any maintenance, repair, restoration, alteration, or extensions of a structure or use in excess of that permitted in the [Nonconformities](#) section shall comply with the standards, provisions, and regulations of the CRD.

Off-Street Parking and Loading

153.300 Purpose

- (A) To relieve congestion, so that the streets can be utilized more fully for movement of vehicular traffic;
- (B) To promote the safety and convenience of pedestrians and shoppers by locating parking areas to lessen car movements in the vicinity of intensive pedestrian traffic;
- (C) To protect adjacent residential neighborhoods from the impact of on-street parking;
- (D) To promote the general convenience, welfare, and prosperity of business, service, research, production, and manufacturing developments which depend upon off-street parking facilities; and
- (E) To provide regulations and standards for the development of accessory off-street parking and loading facilities.

153.301 General Requirements

- (A) Any building, structure, or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this section.
- (B) **Parking Plan**

A parking plan shall be required for all uses except for detached single household dwellings and two household dwellings. The parking plan shall be submitted to the city as part of the application for the zoning permit. The parking plan shall show the following:

 - (1) The boundaries of the property;
 - (2) The parking spaces;
 - (3) Access driveways;
 - (4) Circulation patterns;
 - (5) Drainage and construction plans;
 - (6) Illumination;
 - (7) Boundary walls;
 - (8) Fences; and
 - (9) Screening plan.
- (C) Whenever an existing building or use changes in use or is enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise that creates a need for an increase in the number of existing parking spaces, additional parking shall be provided based on the requirements set forth in [Table 301-1: Additional Parking Requirements](#).

Table 301-1: Additional Parking Requirements

When a building or use is enlarged or expanded an amount equaling...	
0% - 9%	No additional parking is required
10% - 49%	Additional parking is required based on the enlargement or change
50% or greater	Building or use shall fully comply with the parking requirements set forth herein

153.302 Off-Street Parking Standards

All off-street parking facilities including entrances, exits, circulation areas, and parking spaces shall be in accordance with the following standards and specifications:

(A) Parking Location

- (1) Off-street parking lots shall be located on the same lot as the use they are intended to serve, except where shared or off-site parking is authorized per this section.
- (2) No motor vehicle shall be parked or stored on any area not improved in accordance with this subsection. Both the owner of any such improperly parked or stored motor vehicle and the owner or occupant of the property on which the vehicle is parked shall be considered in violation of this section.
- (3) No parking shall be allowed in the landscaped areas.
- (4) Properties located in a residential district shall not be utilized to provide parking for or access to non-residential districts. However, the planning commission may authorize a conditional use permit granting authority for the development of access drives or a parking area in a residential district, providing that such parking area is no farther than 200 feet from the use which it is serving.
- (5) When off-street parking areas are provided on a separate parcel, other than the one the principally permitted use is located upon, a deed or long-term lease agreement shall be provided to the city and recorded in the office of the county recorder requiring that the parking area maintains the number of required parking spaces for the duration of the use.

(B) Parking Aisle and Space Dimensions

Each off-street parking space and parking aisle shall have the minimum width as set out in [Table 302-1: Parking Aisle and Space Dimensions](#).

Table 302-1: Parking Aisle and Space Dimensions

Parking Aisle	A		B	C	D	E
	Aisle Width		Space Width	Length of Space	Curb to Curb (single bay)	Bay Width (center to center)
	One-Way	Two-Way				
0 degree/Parallel	12 feet	20 feet	9 feet	21 feet	38 feet	38 feet
45 degrees	13 feet	20 feet	9 feet	18 feet	55 feet	51 feet 10 inches
60 degrees	18 feet	22 feet	9 feet	18 feet	59 feet 11 inches	57 feet 8 inches
90 degrees	22 feet	24 feet	9 feet	18 feet	60 feet	60 feet

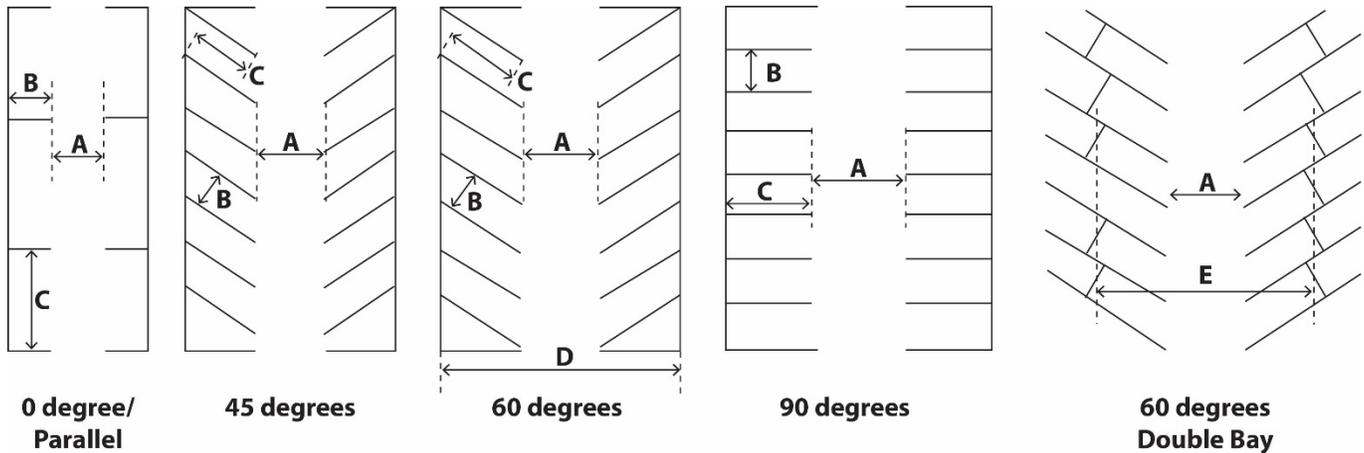


Figure 302-1: Illustration of parking angles and related dimensional references.

(C) Vehicle Overhangs

When parking spaces abut a landscaped area, grassy strip, or yard, a reduction of a maximum of two feet of the overall length of any such space or spaces may be allowed as vehicles may extend into the landscaped area, grassy strip, or yard. When parking spaces abut a pedestrian path, a reduction of a maximum of two feet of the overall length of any such space or spaces may be allowed provided that the vehicle overhang will not encroach on the pedestrian circulation.

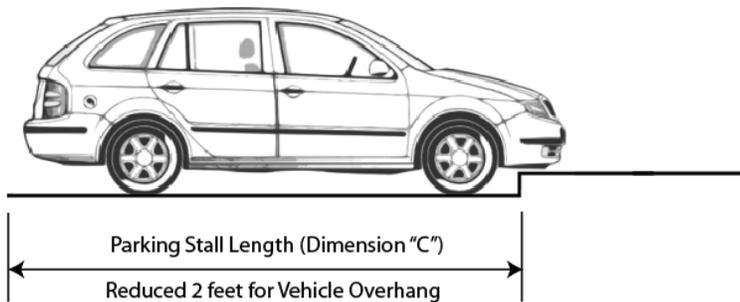


Figure 302-2: Illustration of vehicle overhang and related reduction in parking space length.

(D) Access and Maneuverability

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

- (1) The location, width, and number of access driveways serving off-street parking areas shall not interfere with the use of adjacent properties or the flow of traffic on public or private rights-of-way.
- (2) Locations of curb cuts shall conform to the City of Springdale Thoroughfare Plan.
- (3) Parking areas of up to 20 spaces shall have at least one two-way access driveway located at least 50 feet from the right-of-way line of the nearest intersecting street.
- (4) Parking areas of more than 20 spaces shall have two two-way access driveways located at least 50 feet from the right-of-way line of the nearest intersecting street.
- (5) All access drives shall have travel lanes of a minimum width of 10 feet and a maximum width of 12 feet.

- (6) The angle of intersection between the driveway and the street shall be between 70 degrees and 90 degrees. The radius of the driveway apron shall be at least 20 feet.
- (7) With the exception of driveways serving single household dwellings and two household dwellings, wherever more than three parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision shall be made to permit vehicles to exit the parking lot or garage without backing onto any street or sidewalk.
- (8) Cross-access is encouraged between adjacent commercial properties; therefore, parking lots for nonresidential developments that have direct access to a public street shall have at least one vehicular connection to adjacent properties unless deemed infeasible or inappropriate due to topography or other constraints by planning commission. Lots in the General Industrial "GI" zoning district are exempt from this interconnectivity requirement.

(E) Striping and Identification

- (1) Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.
- (2) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
- (3) The color of the striping shall be white, yellow, or other color as approved by the building official unless required by state law (e.g., parking for the disabled).

(F) Setbacks

The location of off-street parking facilities and access drives for more than five vehicles, excluding single and two household dwellings, may be located in the required yards unless otherwise specified in this code. In no case, however, shall the parking area or access drives be located closer than 10 feet from any right-of-way, 10 feet from any non-residential property line, and 20 feet from any residential property line.

(G) Landscaping and Screening

Off-street parking areas for more than five vehicles shall be provided on each side of the parking area that abuts any residential district or use. Landscaping and screening requirements shall be found in section [153.404: Landscape Requirements](#).

(H) Lighting

Lighting fixtures shall be in conformance with the [Outdoor Lighting](#) section.

(I) Signage

Pavement markings or freestanding directional signs in accordance with section [153.459\(C\)\(10\): Directional Signage](#) is permitted that clearly mark the entrance, exit, circulation pattern, or operator of the parking facility.

(J) Pavement

- (1) Parking areas and access driveways shall be improved with asphalt or concrete in accordance with the City Land Development Regulations.
- (2) Pavers may be used if approved by planning commission. Pavers shall include durable materials, suitable for parking and designed for vehicular loads such as cobblestones, brick, concrete formed blocks, or cut stone.

- (3) Off-street parking areas and residential driveways may be constructed of pervious pavement if approved by the city engineer.

(K) Curbing

Off-street parking lots shall be improved with a poured concrete curb, precast concrete barrier, or other approved barrier to define the limits of paved areas except at the points of entrance and exit. Wherever a parking lot extends to a property line, fencing, wheel stops, concrete curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying screening materials.

(L) Drainage

Off-street parking areas for more than five vehicles shall be graded and drained so that the natural flow of surface water shall not be changed or concentrated onto adjacent property by means other than a designated drainage course.

(M) Visibility

- (1) Access of driveways for off-street parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street, or alley.
- (2) No object, including parking lot lighting, signage, or landscaping shall be located in an area that obstructs vision in the sight triangles as specified in section [153.254\(D\): Sight Visibility Triangle](#).

(N) Maintenance

Any owner of property used for off-street parking areas shall maintain such areas in good condition in accordance with the property maintenance code of the City of Springdale.

(O) Rules for Computation

The following rules shall apply when computing parking, loading, or stacking spaces:

- (1) When floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the net leasable horizontal area of all floors of a non-residential building.
- (2) Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units as determined by the building official.
- (3) Where the required parking is determined by the number of employees, the maximum number of employees on duty on the premises at one time or any two successive shifts, whichever is greater, shall be used.
- (4) When determination of the number of required spaces results in the requirement of a fractional space, any fraction 0.5 or less shall be disregarded and any fraction over 0.5 shall require one additional space.
- (5) Parking space requirements for a use not specifically mentioned in this code shall be determined by using the most similar and restrictive parking space requirement as specified by the building official.
- (6) When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

(P) Schedule of Off-Street Parking Requirements

- (1) [Table 302-2: Number of Off-Street Parking Space Requirements](#) defines the number of parking spaces required for each use within the city.
- (2) The owner or owner's authorized agent may vary from the required number of spaces in accordance with section [153.302\(Q\): Modification of Required Number of Spaces](#).
- (3) See section [153.302\(S\): Bicycle Parking](#) for off-street parking requirements for bicycles.

Table 302-2: Number of Off-Street Parking Space Requirements

Use	Parking Space Requirements
Residential Uses	
Accessory apartment	1 space per apartment + 2 spaces for single household dwelling
Assisted living, residential care, and skilled nursing facilities	1 space per 6 beds + 1 space per employee on largest shift
Community social service facilities	1.5 spaces per caregiver/employee on largest shift (Ord. 33-2016, passed 11-16-16)
Group homes and adult group homes	1 space per 2 beds
Multi-household dwelling	1.5 spaces for 1 bedroom units and studios; 2 spaces for 2+ bedroom units
Single household and two household dwellings	2 spaces per dwelling unit
Public and Institutional Uses	
Cemeteries	1 space per employee on largest shift
Community centers and cultural institutions	1 space per 500 square feet or 1 space per 8 seats, whichever is greater
Educational institutions (K-8)	2 spaces per classroom
Educational institutions (9-12)	7 spaces per classroom
Educational institutions (university/college)	1 space per 3 auditorium seats + 1 space per 5 classroom seats
Educational institutions (vocational/professional)	1 space per 10 classroom seats
Government buildings	1 space per 400 square feet
Government storage yard	1 space per employee on largest shift + 1 space per facility vehicle + 1 space per 25 square feet
Library	1 space per 400 square feet
Parks/playgrounds/play fields/open space	1 space per 10,000 square feet
Public safety facilities	1 space per 250 square feet
Wireless telecommunication facilities	1 space
Commercial, Office, and Industrial Uses	
Animal training/boarding/pet day care	1 space per 450 square feet
Automotive fueling stations	1 space per pump + 1 space per employee on largest shift (inclusive of the space located at the pump)
Automotive repair facilities	1 space per 400 square feet + 1 space per service bay
Automotive sales or leasing	1 space per 400 square feet
Bars	1 space per 200 square feet
Batting cages	1 space per cage + 1 space per employee on largest shift
Billiard parlor or pool room	1 space per 100 square feet
Bowling alley	2 spaces per lane
Club, private	1 space per 50 square feet used for assembly, game room, dancing, or dining + 1 space for each sleeping room

Table 302-2: Number of Off-Street Parking Space Requirements

Use	Parking Space Requirements
Commercial greenhouses	1 space per 350 square feet
Commercial studio for dance, music, or similar uses	5 spaces + 1 space for each 150 square feet in excess of 500 square feet
Construction and large equipment rental, sales, and service	1 space per 1,000 square feet + 1 space per 2,500 square feet of outdoor display area + 1 space per employee
Convenience store	1 space per 200 square feet + 1 space per employee
Dancing and live entertainment, including teen clubs	1 space per 200 square feet
Day care facility and preschools	2 spaces per facility + 1 space for every 8 clients
Distribution centers	1 space per 400 square feet
Farmers markets	1 space per 250 square feet of indoor floor area + 1 space per 500 square feet of outdoor sales or display area
Financial institutions	1 space per 300 square feet
Food markets and grocery stores	1 space per 150 square feet
Funeral home or mortuaries	1 space per 75 square feet of parlor or chapel space or 1 space per 5 seats, whichever is greater, but not less than 20 spaces
Golf course	1 space for 100 square feet of indoor area
Golf driving range	1 space per each driving tee + 1 space per employee on largest shift
Health and fitness centers	1 space per 200 square feet
Heating, ventilating, air-conditioning, and plumbing establishments	1 space + 1 space per employee on largest shift
Hospitals	1 space per 5 beds + 1 space per every 3 employees on largest shift
Hotels and motels	1 space per guest room + 1 space per employee on largest shift
Industrial uses including manufacturing, warehousing, production, laboratories, etc....	1 space per 1,000 square feet
Laundry, laundromats, and dry cleaners	1 space per 400 square feet
Meeting facility	1 space per 150 square feet
Miniature golf course	2 spaces per hole + 1 space per 100 square feet for other indoor game activities
Mixed use building	The sum of the parking required for the uses within the building
Museums	1 space per 450 square feet
Office (excluding medical)	1 space per 300 square feet
Office, medical/clinic	1 space per 200 square feet, but not less than 6 spaces
Personal services	1 space per 300 square feet
Religious places of worship	1 space per 30 square feet of principal assembly area
Repair establishments for electrical appliances, household appliances, and small consumer convenience appliances	1 space + 1 space per employee on largest shift
Restaurant, fast casual	1 space per 100 square feet
Restaurant, fast food	1 space per 150 square feet
Restaurant, sit-down	1 space per 200 square feet
Retail sales	1 space per 300 square feet
Self-storage facility	3 spaces + 1 space per 100 individual storage units
Shopping centers	1 space per 350 square feet
Showrooms	1 space per 1,000 square feet
Skating facility	1 space per 250 square feet
Swimming pools and tennis clubs	1 space per 50 square feet of pool area + 4 spaces for each tennis, racquet ball, and/or hand ball court

Table 302-2: Number of Off-Street Parking Space Requirements

Use	Parking Space Requirements
Theaters	1 space per 5 seats
Vehicle storage yard	1 space per employee on largest shift + 1 space per facility vehicle + 1 space per 250 square feet
Veterinarian offices and animal hospitals	1 space per 450 square feet

(Q) Modification of Required Number of Spaces

For all uses, except single household dwellings and two household dwellings, the number of parking spaces required in section [153.302\(P\): Schedule of Off-Street Parking Requirements](#) may be modified according to the following provisions:

(1) Providing More Parking Spaces Than Required

- a)** The owner or owner's authorized agent may provide a number of spaces equal to the number required per [Table 302-2: Number of Off-Street Parking Space Requirements](#) or up to 10 percent more as of right.
- b)** The building official may permit a number of spaces in excess of 10 percent of the required number if the owner or owner's authorized agent submits a parking study demonstrating the need for the additional spaces.
- c)** If the owner or owner's authorized agent proposes a number of spaces that exceeds 30 percent of the required number or spaces, a parking study must be submitted demonstrating that there is a need for the additional spaces and additional landscaping shall be installed in accordance with the requirements specified in section [153.404\(C\)\(1\): Vehicular Use Area Landscaping Requirements](#). Parking on pervious pavement approved by the city engineer is not subject to the maximum restrictions or additional landscaping requirements.

(2) Providing Fewer Parking Spaces Than Required

- a)** The owner or owner's authorized agent may provide a number of spaces equal to the number required per [Table 302-2: Number of Off-Street Parking Space Requirements](#) or up to 10 percent less as of right.
- b)** Planning commission may permit a total reduction up to a maximum of 50 percent of the required number of spaces if the owner or owner's authorized agent is proposing the use of alternative parking methods such as shared parking, off-street parking, and/or bicycle parking. A parking study must be submitted demonstrating the amount of parking spaces required by the proposed use and the proposed alternative parking methods.

(3) Phasing Plan for Parking Construction

The owner or owner's authorized agent may request to phase the construction of the required number of parking spaces. The phasing plan must be submitted to planning commission for review and approval and shall include the location and layout of all the required parking spaces with a clear indication of each proposed phase of construction.

(R) Shared Parking

- (1)** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

- (2) The owner or owner's authorized agent shall provide any applicable documents or information to substantiate the request for a reduction of the total number of parking spaces. Shared parking may be approved if:
- a) A sufficient number of spaces are provided to meet the highest demand of the participating uses.
 - b) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of planning commission, documenting the nature of the land uses and the times when the individual uses will be in operation to demonstrate a lack of potential conflict between them.
 - c) The shared parking spaces will not be located in excess of 500 feet from the uses that they are intended to serve.
 - d) Pedestrian connectivity shall be provided between the use that it is intended to serve and the shared parking location.
 - e) A shared parking agreement shall be submitted and approved by the city attorney that documents how the shared parking agreement shall accommodate the needs of each user. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
 - f) The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the county recorder in a manner as to encumber all properties involved in the shared parking agreement.
 - g) No zoning certificate will be issued until a copy of the recorded agreement is provided to the city.

(S) Bicycle Parking

- (1) Bicycle parking must be provided in accordance with the following:

Table 302-3: Bicycle Parking Requirements	
Use	Spaces Required (Minimum)
Multi-family residential	1 space per 4 dwelling units
Office	1 space per 10,000 square feet, 2 minimum
Recreation, education, public	1 space per 5,000 square feet, 2 minimum
Retail sales and service	1 space per 5,000 square feet, 2 minimum
Industrial, manufacturing and production	1 space per 15,000 square feet, 2 minimum
Industrial, warehouse	1 space per 40,000 square feet, 2 minimum

- (2) Uses not listed above shall not be required to provide bicycle parking spaces.
- (3) In no case is a single user required to provide more than 24 bicycle parking spaces.
- (4) Any bicycle parking accommodations provided on a site shall be located in an area adjacent to the building and separate from vehicular traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles and bicyclists.

(T) Parking Spaces for the Disabled Requirements

Parking spaces required for the disabled shall be provided in compliance with the applicable state and federal requirements. All spaces should be located so that they provide easy access from the closest parking spaces to the major entrances of the use for which they are provided.

(U) Parking of Commercial Vehicles

Commercial vehicles with or without signage which are over nine feet in width or 18 feet in length shall not be parked in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s). Parking and storage of commercial vehicles in residential districts are subject to the requirements set forth in section [153.252\(F\)\(8\): Parking and Storage of Vehicles and Equipment](#).

(V) Continuation of Facilities

Off-street parking areas, that are accessory to existing or proposed uses, shall continue to be maintained and operational for the life of the use. Such parking areas shall not be used for automobile sales, service, or repair of motor vehicles unless specifically approved on a zoning permit.

153.303 Off-Street Loading Standards

(A) Dimensions

Each off-street loading facility shall have a minimum dimension of 12 feet in width, 40 feet in length, and shall have a vertical clearance of not less than 14 feet in height.

(B) Location

- (1) Where adjacent to non-residential districts or uses, loading spaces shall not be located in the front yard.
- (2) Where adjacent to residential districts or uses, loading spaces shall not be located in the front, side, or rear yard unless it is entirely enclosed. Planning commission may approve a loading space in the side or rear yard.
- (3) All required loading facilities shall provide for the loading and unloading of delivery trucks and service vehicles, and shall be arranged that they may be used without blocking or otherwise interfering with access drives, parking areas, public streets, and sidewalks.
- (4) The access drive of an off-street loading facility shall be located at least 50 feet from the nearest intersecting street right-of-way.
- (5) All off-street loading facilities shall be designed such that any vehicle leaving the premises shall be traveling forward.

(C) Screening

In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that is visible from any residential district or public right-of-way. Screening shall provide 100 percent opacity up to 10 feet in height and include walls (same material and color as principal structure), landscaping, mounds, or any combination thereof.

(D) Paving and Drainage

Any off-street loading area and its access drive(s) shall be graded and drained so that the natural flow of surface water shall not be changed or concentrated onto adjacent property by means other than a designated drainage course. Off-street loading areas and access driveways shall be improved with asphalt, concrete, pavement, or an acceptable pervious pavement as approved by the city engineer.

(E) Lighting

Lighting fixtures shall be in conformance with the [Outdoor Lighting](#) section.

(F) Allocation of Use

Off-street loading spaces may not be used for off-street parking purposes or the repairing or servicing of motor vehicles.

(G) Number of Off-Street Loading Spaces Required

- (1) Off-street loading spaces shall be provided in accordance with the schedule set forth in [Table 303-1: Off-Street Loading Requirements](#) for all commercial and industrial uses. For the purposes of this section office uses shall not be considered commercial uses and shall not be required to provide loading spaces.

Table 303-1: Off-Street Loading Requirements	
Gross Floor Area of Structure (Square Feet)	Number of Required Loading Spaces
0-10,000	0
10,001-50,000	1
50,001-100,000	2
100,001-200,000	3
Each additional 100,000	1

(H) Modification

The planning commission may authorize a modification, reduction, or waiver of the foregoing requirements if they should find that there is an exceptional situation or condition that justifies such action.

153.304 Off-Street Vehicle Stacking Standards

- (A) The number of required stacking spaces shall be as provided for in [Table 304-1: Stacking Space Requirements](#). See [Figure 304-1: Location of Stacking Spaces and Lanes](#) for illustration of stacking spaces.

Table 304-1: Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured from:
Eating or Dining Establishment with a Drive-Thru Facility	5	Pick-Up Window
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window
Fuel or Gasoline Pump Island	2	Pump Island
Pharmacy	5	Pick-Up Window
Vehicle Washing Establishment, Full Service	6	Outside of Washing Bay
Vehicle Washing Establishment, Self-Service	2	Outside of Washing Bay
Other	As determined by the building official	

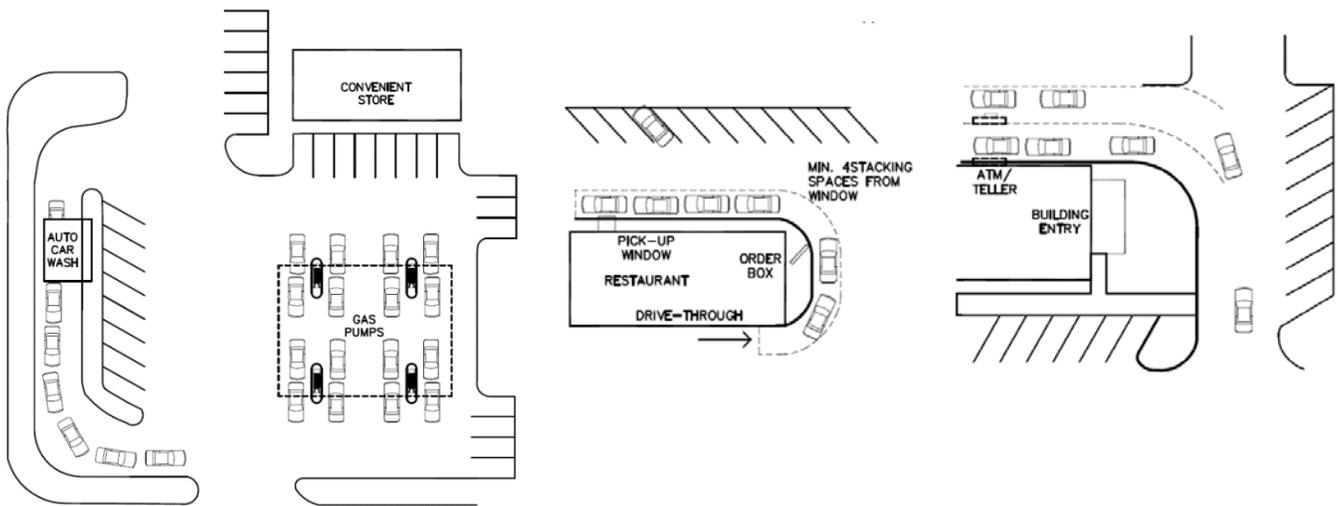


Figure 304-1: Location of Stacking Spaces and Lanes

Gasoline pump island with car wash (left), restaurant with drive-thru (center), and financial institution with ATM and drive-thru (right).

(B) Dimensions

- (1) Each off-street stacking space shall have a minimum dimension of 10 feet in width and 20 feet in length.
- (2) Drive-thru lanes must be separated by striping from other parking and circulation areas. Individual lanes must be striped, marked, or otherwise distinctly delineated.

(C) Location

- (1) Vehicle stacking lanes shall be located on the side and rear of the building.
- (2) Stacking lanes shall be set back 25 feet from rights-of-way.
- (3) Vehicle stacking shall not interfere with access to the site and not impede traffic on the adjacent streets.

(D) Modification

The planning commission may authorize a modification, reduction, or waiver of the foregoing requirements if they should find that there is an exceptional situation or condition that justifies such action.

Outdoor Lighting

153.350 Purpose

The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained in this section. In other cases, both the nuisance and hazard aspects of glare are the basis for these regulations.

153.351 Outdoor Lighting Standards

The following restrictions shall apply to any outdoor lighting located in any district, on parcels where there are parking spaces for five or more vehicles, or where a building, sign, or electrical permit is required for the installation of lighting fixtures.

(A) Lighting Plan

Any building, structure, or use of land that requires the review and approval of a parking plan, as specified in Section [153.301\(B\): Parking Plan](#), shall provide a lighting plan. A lighting plan may also be required, at the determination of the building official, when a building, sign, or electrical permit application for lighting fixtures is filed. The lighting plan shall be reviewed and approved by the building official and shall provide the following information:

- (1) The locations for all site lighting including on-building, security, flood, parking lot lighting, and other lights that may be proposed.
- (2) The proposed intensity levels of the lighting throughout the site, indicating footcandle measurements for the subject site and a minimum of 30 feet onto adjacent properties. The initial output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis.
- (3) The minimum, maximum, and average intensity/illumination for the site.
- (4) Details of all proposed outdoor lighting fixtures including manufacturer, model, and style of the fixture. A graphic representation of the fixture is requested. The fixture lamp type (i.e., LED, metal halide, etc.) shall be indicated on the proposed plans.
- (5) The proposed height of all lighting fixtures.
- (6) The hours of use of the proposed lighting fixtures.
- (7) The property lines and rights-of-way lines for the subject site and at least 50 feet of the adjacent properties.

(B) Height of Lighting

- (1) Lighting height should not exceed the permitted building height or the maximum height allowed per [Table 351-1: Outdoor Lighting Design Standards](#), whichever is less.
- (2) The guidelines in [Table 351-1: Outdoor Lighting Design Standards](#) provided based on the activity level of the proposed use. Heights in excess of these guidelines may be approved by the planning commission when due cause is indicated by the property owner.

Table 351-1: Outdoor Lighting Design Standards				
Activity Level	Maximum Height Regulations	Average Illumination	Maximum Illumination	Example Uses
Low	15 feet	1.0 footcandle	5.0 footcandles	Multi-family dwellings, education facilities, churches, local commercial, and industrial uses
Medium	24 feet	2.0 footcandles	10.0 footcandles	Community and neighborhood shopping centers, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational)
High	32 feet	3.0 footcandles	15.0 footcandles	Regional shopping centers, motorist services at expressway interchanges, athletic facilities, regional cultural or civic facilities

(C) Illumination Standards

- (1) Uniformity of illumination (maximum/minimum footcandle ratio) should not exceed 15:1.
- (2) Illumination of any access drive should not exceed the average footcandles maintained at the adjacent public road.
- (3) The maximum illumination permitted in each district type, as demonstrated by a lighting plan, shall be established in [Table 351-2: Maximum Illumination Level at the Property Line](#).

Table 351-2: Maximum Illumination Level at the Property Line	
District	Maximum Illumination at the Property Line (Footcandles)
All residential zoning districts	0.5
All non-residential zoning districts	0.5 when adjacent to residential district or use 2.5 when adjacent to non-residential district or use

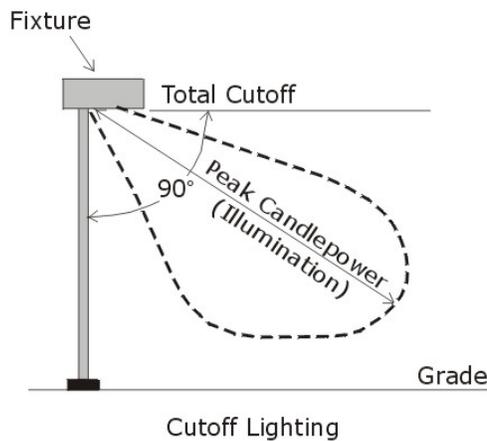


Figure 351-1: Cutoff lighting example

(D) Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so adjacent residential districts or uses are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drivers. Perimeter lighting should be full cutoff fixtures to prevent light trespass onto adjacent residential districts or uses.

(E) Lighting Design

- (1) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians, or adjacent properties.
- (2) Shields and/or filters are required for light fixtures with high intensity and glare potential.
- (3) All lighting shall be provided by cutoff fixtures with no extended/projected lenses.
- (4) All light poles and fixtures should be of a dark, non-reflective color. No striping or other decorative elements are allowed on light poles.

(F) Location

Outdoor lighting does not need to comply with any setback requirements of this code, except that no light fixtures or poles shall obstruct vision in the sign triangle as specified in section [153.254\(D\): Sight Visibility Triangle](#).

(G) 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) Uniformity (both Maximum: Minimum and Average: Minimum); and
- (5) Intensity at property line.

(H) Exemptions

- (1) All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section.
- (2) Holiday lighting.
- (3) All temporary emergency lighting needed by the Police or Fire Department or other emergency services, including vehicular luminaires.

(I) Special Approval

Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by Police and Fire Department personnel or at their discretion, unless a temporary sign/use permit is issued by the building official in accordance with section [153.461: Temporary Signs](#).

(J) Modifications

Should any outdoor lighting fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

(K) Nonconforming Outdoor Lighting

- (1) The nonconforming use of lighting may continue until the luminaire (total fixture, not just the bulb) is replaced, at which point; the lighting shall be subject to all the standards of this subsection with the exception of the maximum height.
- (2) When a nonconforming lighting fixture, including the pole or support, is removed, the lighting fixture shall lose its legal nonconforming status and all new lighting shall be subject to all standards of this section.

Landscaping and Bufferyards

153.400 Purpose

- (A) Promote and protect the interest of the public’s general welfare by requiring the planting and maintenance of trees, shrubs, and other plant materials within the City with property development.
- (B) Require buffering between non-compatible land uses to protect, preserve, and enhance the character of the surrounding neighborhoods through promoting health and safety with the reduction in visual pollution and noise pollution.
- (C) Require landscaping that is beneficial in attracting new residents, visitors, and businesses to the city, through the proper location and quantities of plants and other landscape elements.

153.401 Applicability

This section shall apply to new property development and any collective expansion or modification of existing structures/parking areas, except for individual single household dwellings, two household dwellings and parking lots of five spaces or smaller. Substantial expansion or modification of a structure or parking area shall be defined based on the factors established below in [Table 401-1: Landscaping Expansion Requirements](#).

Table 401-1: Landscaping Expansion Requirements	
When an existing structure/parking area is...	A substantial expansion is...
0 – 1,000 square feet	50% or greater
1,001 – 10,000 square feet	40% or greater
10,001 – 25,000 square feet	30% or greater
25,001 – 50,000 square feet	20% or greater
50,001 square feet or larger	10% or greater

153.402 Landscape Plan Requirements

- (A) No site or development plan required under this zoning code shall receive final approval unless a landscape plan has been submitted and approved.
- (B) All landscape plans shall include a plant schedule that includes the common name, the scientific name, the height, size, or caliper, and the quantity of each proposed landscape material.
- (C) No zoning permit or certificate of use and occupancy shall be issued unless such plan has been fully implemented on the site as described in the plant schedule.
- (D) Landscape plans shall show sufficient detail including the proper planting of trees, shrubs, and groundcover as well as construction of any earth mounds proposed within the landscape and bufferyard areas.
- (E) The plans shall indicate if irrigation shall be provided for the site.

153.403 Landscape Materials and Standards

- (A) New development shall provide landscaping and bufferyards as provided in section [153.404: Landscape Requirements](#).
- (B) Existing vegetation shall be preserved in accordance with acceptable nursery industry procedures. Existing vegetation to remain shall be included and identified in the landscape plan and shall be fenced off and protected during site construction.
- (C) Landscape designs shall include seasonal color and plant material variety. Seasonal colors shall be incorporated into the landscape requirements through the use of perennials, ornamental grasses, and shrubs.
- (D) The following items are suitable for landscape and bufferyard use individually or in combination with each other provided they create an effective planting, subject to review and approval by the planning commission.
- (1) **Walls and Fences**
- a) When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan.
 - b) Walls and fences are to be of aesthetic, durable, weather-proof materials.
 - c) Concrete and masonry walls shall be clad in brick or other materials acceptable to the city.
 - d) Fencing constructed from wood includes the painting/staining of pressure treated lumber, if it is not redwood or cedar, and shall use aluminum, galvanized, or stainless steel hardware.
 - e) Chain link fences with or without wooden or synthetic slat material shall not be permitted when used to satisfy landscaping or bufferyard requirements.
- (2) **Plants**
- a) All plants are to be living and part of the acceptable plant list found in section [153.407: Plant Lists](#) or as identified as acceptable plant material with the applicable hardiness in the USDA Agricultural Zone for the city and as approved by the city.
 - b) Plant material used in conformance with the provision of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations.
 - c) Trees and shrubs shall be installed as balled and burlapped or in containers. Vines and ground covers can be planted as bare root or in containers.
 - d) Nursery stock identification tags shall not be removed from any planting prior to final inspection and approval by the city.
 - e) The following are specific standards for plant material:
 - i) **Group A: Canopy Trees**
 - A. Group A trees referred to in [Table 404-1: Landscape and Bufferyard Requirements](#) shall be deciduous trees that must be a minimum caliper of at least two inches at the time of planting with a single central leader conforming to nursery industry standards. These include trees that have an average mature crown spread and height of greater than 25 feet and have trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at driveways and intersections where an eight foot clear wood height is required.
 - B. In the case of special conditions which would not allow sufficient room for the mature crown spread required (i.e., building wall adjoining a bufferyard), an accepted cultivar of upright species may be substituted.

- C. If Group A trees are required as part of the city's tree preservation ordinance, the minimum caliper for any tree shall be in accordance with such ordinance.
- D. Section [153.407: Plant Lists](#) identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

ii) Group B: Small/Ornamental Trees

- A. Group B trees referred to in [Table 404-1: Landscape and Bufferyard Requirements](#) shall be deciduous trees that must be a minimum caliper of at least two inches at the time of planting with a single central leader conforming to nursery industry standards, unless identified as a multi-stem tree. Multi-stem trees shall have a minimum of three stems that are at least 1-1/2" caliper. These include trees that have an average mature crown spread and height of less than 25 feet and have trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at driveways and intersections where such trees shall not be allowed.
- B. If Group B trees are required as part of the city's tree preservation ordinance, the minimum caliper for any tree shall be in accordance with such ordinance.
- C. Section [153.407: Plant Lists](#) identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

iii) Group C: Evergreen Trees

- A. Group C trees referred to in [Table 404-1: Landscape and Bufferyard Requirements](#) shall be a minimum of six feet in height with a minimum spread of four feet at the time of planting and shall be unsheared, full, and branched to the ground. These include evergreen trees that have an average height of 20 feet or greater.
- B. Evergreen plantings shall be designed to provide an effective, dense screen by planting evergreen trees at a maximum distance apart from each other equal to one-half the width of the proposed evergreen tree width.
- C. If such evergreen trees are required as part of the tree replacement program of the city, the minimum height of said evergreen trees shall be 10 feet at installation.
- D. Section [153.407: Plant Lists](#) identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

iv) Group D: Shrubs (Large)

- A. Group D shrubs (deciduous and evergreen) installed for screening shall be a minimum 36 inches in height and 24 inches in spread at the time of planting and shall have a minimum height of six feet which is achieved within four years after the date of the final approval of each planting.
- B. Ornamental grasses are also acceptable, however they shall be incorporated with deciduous and evergreen shrubs
- C. All shrubs designed as hedges for screening shall be designed to provide an effective, dense screen.
- D. There shall be a balanced use of deciduous and evergreen shrubs, and a mix of cultivars.

- E. Section 153.407: Plant Lists identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

v) Group E: Shrubs (Small)

- A. Group E shrubs (deciduous and evergreen) required to be installed for reasons other than a dense hedge for screening, such as interior landscape for vehicle use areas, shall be installed no smaller than a three gallon container. There shall be a balanced use of deciduous and evergreen shrubs, and a mix of cultivars.
- B. Ornamental grasses are also acceptable; however, they shall be incorporated with deciduous and evergreen shrubs.
- C. Section 153.407: Plant Lists identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

vi) Turf Grass or Ground Covers

- A. Turf grass of the Fescue (Gramineak), Bluegrass (Poaceae), or Ryegrass (Lolium) shall be planted in species normally grown as permanent lawns in Hamilton County.
- B. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch and temporary seeding shall be used for immediate protection until complete coverage otherwise is achieved.
- C. Turf grass shall be sown or placed in any area not landscaped or paved.
- D. Ground cover plant materials are plants that are ground hugging plant material (i.e. English Ivy, Myrtle, etc.).
- E. Ground cover plants shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons, but in no circumstance shall planting be more than 12 inches on center to create a finished appearance.
- F. Plants that provide storm water filtration are allowable within detention facilities.

(3) Earth Mounds

- a) Earth mounds, constructed of earthen materials, may be used as physical barriers which block or screen a view in conjunction with plant material. A difference in elevation between areas requiring screening does not constitute an earth mound.
- b) The maximum side slope shall be three horizontal feet to one vertical foot (3:1) and the design shall be reviewed by the building official to ensure that proper erosion prevention and control practices have been utilized.
- c) Earth mounds shall be designed with physical variations in height and alignment throughout their length.
- d) Landscape plant materials installed on earth mounds shall be arranged in an irregular pattern to accentuate the physical variations in height and alignment throughout the length of the mound.
- e) Earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- f) No part of any earth mound, which is elevated more than 30 inches above natural grade, shall be located within 10 feet of any right-of-way.
- g) Adequate trees, shrubs, grass, and/or ground cover shall be used and maintained to prevent erosion of the earth mound.

- h)** Topsoil shall be placed over all earth mounds at a depth of four inches to facilitate grass and/or ground cover growth on the mound.

(4) Landscape Bedding Surface

- a)** Landscape bed areas shall not contain bare soil.
- b)** All landscape bed areas shall be covered with hardwood mulch, grass, ground cover, or plant material.
- c)** All plant materials will be mulched with shredded hardwood mulch (minimum 3 inch depth), or approved equal.
- d)** Decorative stone mulch may be approved as an accent mulch at no more than 10 percent of the landscape bed areas on the site.
- e)** Plant material massings will be incorporated into mulch beds and mulch beds shall be indicated on the landscape plan.

(E) Diversity of Plant Material

- (1)** When fewer than 20 trees are required on a site, at least two different species shall be utilized in roughly equal proportions.
- (2)** When 20 to 40 trees are required on a site, at least three different species shall be utilized in roughly equal proportions.
- (3)** When more than 40 trees are required on a site, at least four different species shall be utilized in roughly equal proportions.
- (4)** Required shrubs shall utilize the same diversity requirements as stated above.
- (5)** Large mass plantings of a single plant species will not be acceptable.

(F) Plant Size Measurement for Installation

- (1)** All plant materials installed at a specified height shall be measured from the top of the root ball to the top of the mass of the plant (not the highest branch, limb, etc.).
- (2)** The required caliper measurement for a tree trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the ground.

153.404 Landscape Requirements

(A) Conflicts in Requirements

When an activity or land use falls under more than one of the categories listed in section [153.404\(G\): Landscaping and Bufferyard Requirements](#), the most stringent of the requirements shall be applied. 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 plant material.

(B) Easements and Setbacks

- (1)** 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 Group B in section [153.407: Plant Lists](#).

- (2) In no case, however, shall landscaping and bufferyards be established so as to block the sight distance at street or drive intersections subject to section 153.254(D): [Sight Visibility Triangle](#). Ground cover and trees with at least eight feet of limbless trunk shall be permitted within the sight distance triangle.

(C) Landscape Requirements for Vehicular Use Areas

(1) Vehicular Use Area Landscaping Requirements

- a) Vehicular use areas containing six spaces or more shall provide for perimeter landscaping as indicated in [Table 404-1: Landscape and Bufferyard Requirements](#).
- b) Vehicular use areas containing more than 5,000 square feet of area or 20 or more vehicular parking spaces, whichever is less, shall provide interior landscaping with peninsular or island landscape areas of un-compacted, well-drained soil, as well as perimeter landscaping.
- c) For each 100 square feet or fraction thereof of vehicular use area, at least five square feet of landscape area shall be provided. In cases where the number of parking spaces exceeds the maximum parking requirements specified in section 153.302(P): [Schedule of Off-Street Parking Requirements](#), at least 10 square feet of interior landscape area shall be provided for each 100 square feet or fraction thereof of vehicular use area.
- d) The landscape plan shall identify the square footage of the vehicular use area, the square footage of required vehicular use area landscaping, and the square footage of proposed landscaping.

(2) Interior Landscape Requirements

- a) Interior landscaping shall be dispersed throughout the parking areas. Landscaping shall be situated such that large, unbroken areas of pavement are avoided. Plant materials, trees, and grass islands shall be utilized to visually divide large parking areas, and to demark main driving lanes and aisles.
- b) The minimum landscape area permitted shall be 180 square feet, excluding curbs, with a minimum width of eight feet measured from back of curb to back of curb. There shall be a four foot minimum dimension to all trees from edge of pavement where vehicles overhang.
- c) In order to encourage a proper dispersion of landscape islands, no individual landscape area shall be larger than 350 square feet in size in vehicular use areas less than 30,000 square feet and no individual landscape area shall be larger than 700 square feet in vehicular use areas over 30,000 square feet.
- d) To retain visibility, trees shall have a clear trunk of at least five feet above the ground of the landscape area. The remaining area shall be landscaped with shrubs and/or ground cover not to exceed three feet in height.
- e) The following are the minimum plant material requirements. These are in addition to any other landscape requirements for the site required by the city:
 - i) **Trees**

Either a two inch caliper canopy tree (Group A) or a one and one-half inch caliper small/ornamental tree (Group B) shall be planted in the landscape areas for the vehicular use areas for every 25 parking spaces in the vehicular use area or fraction thereof. Each landscape island shall have at least one tree.
 - ii) **Shrubs**

For every 25 parking spaces in the vehicular use area, six shrubs (Group E for interior landscape islands) shall be planted in the vehicular use areas. Each landscape island shall have at least four shrubs.

(3) Perimeter Landscaping Requirements

Parking lots shall have perimeter buffer yards along property lines and adjacent to rights-of-way containing evergreen and/or deciduous plant material that will achieve an effective, dense screen of a height of at least three feet within four years of the time of installation. Bufferyard requirements are specified in [Table 404-1: Landscape and Bufferyard Requirements](#).

(4) Turf Grass and Ground Cover

Turf grass or ground cover shall be planted on all portions of the landscaped areas not occupied by other required landscape material. Turf grass areas shall only be allowed in landscape peninsular or island areas within the vehicular parking areas over 400 square feet.

(D) Landscape Requirements for Service Structures

(1) Service structures shall include, but are not limited to, loading docks, propane tanks, waste enclosures, electrical transformers, utility vaults which extend above the ground, ground mounted utility equipment, and 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.

(2) Location of Screening

- a)** A continuous planting of evergreens or a fence must enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be on three sides.
- b)** Screening materials shall be one foot more than the height of the service 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 materials shall be of an average height sufficient to meet the height requirements set out in this section.
- c)** 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.

(3) Curbs to Protect Screening Materials

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 three feet from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

(E) Landscape Requirements for Automotive Sales and Leasing Uses

- (1)** Landscaping required by section [153.404\(C\): Landscape Requirements for Vehicular Use Areas](#) shall only be required for the parking spaces necessary to meet the minimum off-street parking standards of [Table 302-2: Number of Off-Street Parking Space Requirements](#). Vehicular use area landscaping shall comply with the requirements of section [153.404\(C\): Landscape Requirements for Vehicular Use Areas](#), except the city may approve the placement of required vehicular use area landscaping and landscape islands in alternative locations on the site.
- (2)** Landscape areas representing a minimum of five percent of the outdoor sales or lease display areas shall be provided on the site to reduce impervious surface area and to decrease the appearance of a single expanse of pavement. Such landscape areas are not required to comply with the planting requirements of section [153.404\(C\): Landscape Requirements for Vehicular Use Areas](#), however are required to have a combination of shrubs and ground cover.

- (3) No storage or display of vehicles shall be permitted in any required landscape area, unless approved by the city.

(F) Landscape Requirements for the State Route 4 Corridor Review District

In addition to the landscape requirements set forth in [Table 404-1: Landscape and Bufferyard Requirements](#), street tree plantings shall be required across all parcels within the State Route 4 Corridor Review District (CRD) frontage, as described in section [153.257\(C\)\(8\)](#). The planting ratio shall be one tree (minimum two inch caliper) per 35 feet of street frontage with a minimum five foot distance from the right-of-way. All plant material shall be in accordance with section [153.407: Plant Lists](#).

(G) Landscaping and Bufferyard Requirements

- (1) [Table 404-1: Landscape and Bufferyard Requirements](#) defines the minimum buffer requirements between lots based on adjacent zoning districts and uses.

Table 404-1: Landscape and Bufferyard Requirements			
When...	Is proposed to abut...	A minimum bufferyard of...	To be planted with...
Any commercial land use	Any RSH-E, RSH-L, RSH-H, or RMH use or zoning district	20 foot side and/or rear yard	Either 1 tree (A) per 35 lineal feet of street frontage + a double row 6 foot hedge (D) OR 6 foot wall/fence or 3 foot earth mound + 3 foot hedge (D) + 1 tree (A) per 35 lineal feet of street frontage
Any office land use	Any RSH-E, RSH-L, RSH-H, or RMH use or zoning district	15 foot side and/or rear yard	OR A double row, staggered planting of trees (C) at 15 feet O.C.
Any industrial land use	Any RSH-E, RSH-L, RSH-H, or RMH use or zoning district	50 foot side and/or rear yard	Either 1 tree (A) per 35 lineal feet of street frontage + a double row 6 foot hedge (D) OR 6 foot wall/fence or 3 foot earth mound + 3 foot hedge (D) + 1 tree (A) per 35 lineal feet of street frontage
	Any OB, GB, or SS use or zoning district	20 foot side and/or rear yard	OR A double row, staggered planting of trees (C) at 15 feet O.C.
Any multi-household land use	Any RSH-E, RSH-L, RSH-H, or RMH use or zoning district	15 foot side and/or rear yard	Either 1 tree (A) per 35 lineal feet of street frontage + a double row 6 foot hedge (D) OR 6 foot wall/fence or 3 foot earth mound + 3 foot hedge (D) + 1 tree per 35 lineal feet of street frontage
			OR A double row, staggered planting of trees (C) at 15 feet O.C.
Any institutional land use	Any RSH-E, RSH-L, RSH-H, or RMH use or zoning district	10 foot side and/or rear yard	Either A staggered double row of evergreens and trees (A, B and C) at 15 feet O.C. + a single row 6 foot hedge OR A 6 foot wall or fence + 1 tree per 35 lineal feet of street frontage

A parking area or drive associated with any zone or land use except single household residences	Any public or private street right-of-way	10 foot front, side and/or rear yard	<p style="text-align: center;">Either</p> <p>1 tree (A) per 35 lineal feet of street frontage + 1 shrub (D or E) per 3 feet of street frontages (1 tree minimum) OR 1 tree (B) per 25 lineal feet of street frontage + 1 shrub (D or E) per 3 feet of street frontage (1 tree minimum)</p>
	Adjacent property line to a non-residential district or use	10 foot front, side, and/or rear yard	<p style="text-align: center;">Either</p> <p>1 tree (A) per 35 lineal feet of street frontage + shrubs (D or E) at 3 foot O.C. (1 tree minimum) OR 1 tree (B) per 25 lineal feet of street frontage + 1 shrub (D or E) per 3 feet of street frontage (1 tree minimum)</p>
	Adjacent property line to a residential district or use	20 foot front, side, and/or rear yard	<p style="text-align: center;">Either</p> <p>1 tree (A) per 35 lineal feet of street frontage + a double row 6 foot hedge (D) OR 6 foot wall/fence or 3 foot earth mound + 3 foot hedge (D) + 1 tree per 35 lineal feet of street frontage OR A double row, staggered planting of tree (C) at 15 feet O.C.</p>
Any commercial or business land use	Any public right-of-way without a parking area proposed adjacent to the public right-of way	10 foot front, side, and/or rear yard	1 tree (A) per 35 lineal feet of street frontage
<p>Notes:</p> <p>1) (A, B, C, D, or E) means plantings from the list(s) in parentheses in section 153.407: Plant Lists.</p> <p>2) O.C. means on center unless otherwise noted.</p> <p>3) Two household and single household dwellings are both permitted in the RMH district. No landscaping is required between these uses when both exist side by side within the RMH zone district.</p>			

- (2) An applicant may propose to group required landscaping in the bufferyard in order to create vision corridors for signage, building, or access visibility, or for other similar reasons. Grouping of landscaping does not allow for a reduction in the number of required plant materials, only an alteration to the lineal on center planting requirements. Grouping of landscaping is also not allowed when screening is required.
- (3) Existing vegetation, fences, walls, or berms on a parcel may be counted toward the requirements for any required bufferyard provided that it meets the standards established in section [153.403: Landscape Materials and Standards](#).

153.405 Maintenance

- (A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures.
- (B) All bufferyards and landscape areas, once approved by planning commission and established by the owner, may not be used, disturbed or altered for any purpose unless specifically approved by the city.
- (C) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in proper, neat, and orderly appearance, free from refuse and debris at all times.

- (D) All unhealthy or dead plant material shall be replaced within six months, or by the next planting period, whichever comes first, by plant material similar in type to that which was removed.
- (E) Violation of these installation and maintenance provisions shall be grounds for the building official to refuse a building occupancy permit, require replacement of the landscape materials, or institute legal proceedings to enforce the provisions of this section.

153.406 Modifications

- (A) The planning commission may approve modifications to the landscaping and bufferyard requirements. The commission shall base its decision on all of the following factors:
 - (1) The specific conditions which are unique to the applicant's land.
 - (2) The manner in which the strict application of the provisions of this section 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.
 - (3) The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this section.
 - (4) Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
 - (5) A demonstration that the applicant has provided for a buffer that achieves the spirit of this section.
- (B) 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 [153.407: Plant Lists](#), if native and hardy to zones 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map.

153.407 Plant Lists

The list of plants in [Table 407-1: Plant List](#) shall be used for [Table 404-1: Landscape and Bufferyard Requirements](#).

(A) Species of Plant Material

To meet the requirements, plants shall be species listed in the required groups or shall be otherwise identified as appropriate for this region by a licensed landscape architect or certified horticulturist and approved by the city.

(B) Recommended Plant List

Table 407-1: Plant List			
GROUP A – CANOPY TREES			
MATURE SPREAD AND HEIGHT GREATER THAN 25 FEET			
Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
Acer x freemani	Maple, Freeman	40'-60'	20'-40'
Acer rubrum	Maple, Red	40'-60'	40'-60'
Acer saccharum	Maple, Sugar	60'-75'	50'-60'
Aesculus octandra	Buckeye, Yellow	50'-70'	30'-40'
Betula nigra	Birch, River	40'-70'	40'-60'

<i>Catalpa speciosa</i>	Catalpa, Northern	40'-60'	20'-30'
<i>Celtis occidentalis</i>	Hackberry, Common	40'-60'	50'-60'
<i>Cercidiphyllum japonicum</i>	Katsura Tree	40'-60'	30'-50'
<i>Fagus grandifolia</i>	Beech, American	50'-70'	50'-70'
<i>Fagus sylvatica</i>	Beech, European	50'-60'	35'-45'
<i>Ginkgo biloba</i>	Maidenhair/Ginkgo (male)	50'-80'	30'-50'
<i>Gleditsia triacanthos</i>	Honeylocust, Thornless	30'-50'	30'-50'
<i>Koelreuteria paniculata</i>	Golden-Raintree	30'-40'	30'-40'
<i>Larix decidua</i>	Larch, European	70'-75'	25'-30'
<i>Liquidambar styraciflua</i>	Sweetgum	60'-80'	40'-60'
<i>Liriodendron tulipifera</i>	Tuliptree	60'-80'	30'-50'
<i>Metasequoia glyptostroboides</i>	Redwood, Dawn	75'-100'	15'-25'
<i>Nyssa sylvatic</i>	Gum, Black	50'-75'	35'-50'
<i>Quercus macrocarpa</i>	Oak, Bur	70'-90'	60'-80'
<i>Quercus muehlenbergii</i>	Oak, Chinquapin	50'-80'	50'-60'
<i>Quercus robur</i>	Oak, Columnar English	50'-60'	10'-18'
<i>Quercus palustris</i>	Oak, Pin	50'-70'	40'-60'
<i>Quercus rubra</i>	Oak, Red	60'-75'	40'-50'
<i>Quercus coccinea</i>	Oak, Scarlet	60'-75'	40'-50'
<i>Quercus imbricaria</i>	Oak, Shingle	40'-60'	40'-60'
<i>Quercus shumardii</i>	Oak, Shumard	40'-60'	40'-50'
<i>Quercus phellos</i>	Oak, Willow	40'-60'	40'-50'
<i>Platanus acerifolia</i>	Planetree, London	60'-85'	50'-70'
<i>Platanus occidentalis</i>	Sycamore, American	75'-100'	75'-100'
<i>Taxodium distichum</i>	Cypress, Common Bald	50'-70'	20'-30'
<i>Tilia americana</i>	Linden, American	60'-80'	30'-60'
<i>Tilia cordata</i>	Linden, Littleleaf	60'-70'	30'-50'
<i>Tilia tomentosa</i>	Linden, Silver	50'-70'	30'-50'
<i>Ulmus americana</i>	Elm, American	70'-90'	50'-70'

**GROUP B – SMALL/ORNAMENTAL TREES
MATURE HEIGHT LESS THAN 25 FEET**

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Acer campestre</i>	Maple, Hedge	25'-35'	25'-35'
<i>Acer palmatum</i>	Maple, Japanese	15'-25'	15'-25'
<i>Acer griseum x nikoense</i>	Maple, Girard's	20'-30'	15'-20'
<i>Acer griseum</i>	Maple, Paperbark	25'-30'	15'-20'
<i>Alnus, serrulata</i>	Alder, Tag	15'-20'	10'-20'
<i>Amelanchier canadensis</i>	Serviceberry, Shadblow	20'-25'	15'-20'
<i>Amelanchier laevis</i>	Serviceberry, Allegheny	15'-25'	15'-25'
<i>Carpinus betulus</i>	Hornbeam, Columnar European	30'-50'	20'-30'
<i>Carpinus carolinana</i>	Hornbeam, American	20'-35'	20'-35'
<i>Cercis candensis</i>	Redbud, Eastern	20'-25'	20'-30'
<i>Cornus sp.</i>	Dogwood, Flowering	15'-20'	15'-20'
<i>Crataegus viridis</i>	Hawthorne, Winter King	20'-25'	20'-25'

Halesia tetraptera	Silverbell, Carolina	30'-40'	20'-35'
Magnolia x soulangiana	Magnolia, Saucer	20'-30'	20'-30'
Magnolia stellata	Magnolia, Star	10'-20'	10'-15'
Magnolia virginiana	Magnolia, Sweetbay	10'-45'	10'-45'
Malus sp.	Crabapple, Flowering	15'-20'	15'-20'
Ostrya virginiana	Hophornbeam	20'-30'	20'-30'
Oxydendron arboreurn	Sourwood	20'-30'	20'-30'
Prunus x 'Hally Jolivette'	Cherry, Hally Jolivette	10'-15'	10'-15'
Prunus serrulata	Cherry, Oriental	15'-20'	15'-20'
Prunus subhirtella	Cherry, Higan	20'-40'	15'-30'
Rhamnus caroliniana	Buckthorn, Carolina	15'-20'	10'-15'
Salix discolor	Willow, Pussy	15'-30'	15'-25'
Sophora japonica	Pagoda, Japanese Tree	50'-60'	50'-60'
Syringa reticulata	Lilac, Japanese Tree	20'-30'	15'-25'
Syringa pekinensis	Lilac, Peking	20'-30'	15'-25'
Taxodium distichum	Cypress, Bald	60'-80'	25'-35'
Taxodium ascendens	Cypress, Pond	50'-60'	10'-15'

**GROUP C – EVERGREEN TREES
MATURE HEIGHT GREATER THAN 20 FEET**

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
Abies concolor	Fir, White	30'-50'	15'-30'
Cedrus libani var.	Cedar, Hardy	40'-60'	20'-30'
Chamaecyparis nootkatensis	Cypress	30'-45'	10'-15'
Ilex opaca	Holly, American	40'-50'	20'-40'
Juniperus virginiana	Red cedar, Eastern	40'-50'	15'-20'
Picea pungens	Spruce, Colorado	50'-70'	20'-30'
Pinus cembra	Pine, Swiss Stone	30'-40'	15'-25'
Pinus parviflora	Pine, Japanese White	25'-50'	25'-50'
Pinus bungeana	Pine, Lacebark	35'-50'	30'-40'
Pinus resinosa	Pine, Red	50'-80'	20'-40'
Pinus strobus	Pine, White	50'-80'	20'-40'
Pseudotsuga menziesii	Fir, Douglas	40'-80'	10'-20'
Thuja standish x plicata	Arborvitae, Green Giant	40'-60'	12'-18'
Tsuga canadensis	Hemlock, Canadian	40'-70'	25'-35'
Tsuga caroliniana	Hemlock, Carolina	45'-60'	20'-25'

GROUP D – SHRUBS (LARGE)

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
Aesculus parviflora	Buckeye, Bottlebrush	8'-12'	8'-15'
Aesculus pavia	Buckeye, Red	10'-20'	10'-20'
Berberis julianae	Barberry, Wintergreen	6'-10'	6'-10'
Calycanthus, floridus	Allspice, Carolina	6'-9'	6'-12'
Cephalanthus occidentalis	Buttonbush	10'-12'	6'-8'
Chaenomeles speciosa	Quince, Flowering	6'-10'	6'-10'

Cornus amomum	Dogwood, Silky	6'-10'	6'-10'
Cotinus obovatus	Smoketree, American	15'-20'	15'-20'
Euonymus alatus 'Compacta'	Burning Bush, Dwarf	8'-10'	8'-10'
Forsythia x intermedia	Forsythia, Border	8'-10'	8'-10'
Hamamelis virginiana	Witchhazel	15'-20'	15'-20'
Ilex verticillata	Holly, Winterberry	6'-9'	6'-9'
Lindera benzoin	Spicebush	6'-12'	6'-12'
Myrica pensylvanica	Bayberry, Northern	5'-12'	5'-12'
Pinus densiflora	Pine, Japanese	10'-15'	10'-15'
Rhus glabra	Sumac, Smooth	9'-15'	9'-15'
Rhus typhina rn	Sumac, Stagho	15'-20'	15'-20'
Salix discolor	Willow, Pussy	15'-30'	15'-25'
Taxus cuspidata	Yew, Japanese	10'-20'	10'-30'
Viburnum plicatum	Viburnum, Doublefile	8'-10'	9'-12'
Viburnum sieboldii	Viburnum, Siebold	15'-20'	10'-15'
Viburnum rhytidophyllum	Viburnum, Leatherleaf	10'-15'	10'-15'
Viburnum x burkwoodii	Viburnum, Burkwood	8'-10'	6'-8'
GROUP E – SHRUBS (SMALL)			
Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
Abelia x grandiflora	Abelia, Glossy	3'-5'	3'-5'
Acanthopanax siebolda ianus,	Arali, Fiveleaf	6'-10'	3'-5'
Berberis thunbergii	Barberry, Japanese	2'-5'	4'-7'
Berberis julianne	Winterberry Barberry	5'-6'	3'-4'
Buxus microphylla	Boxwood, Littleleaf	2'-4'	3'-4'
Buxus sempervirens	Boxwood, Common	5'-6'	6'-8'
Chaenomeles japonica	Quince, Flowering	4'-6'	4'-6'
Chamaecyparis obtusa	Falsecypress, Hinoki	4'-6'	4'-6'
Clethra alnifolia	Clethra, Summersweet	3'-8'	4'-6'
Cotoneaster apicultus	Cotoneaster, Cranberry	2'-3'	3'-6'
Cotoneaster, divaricatus	Cotoneaster, Spreading	5'-6'	6'-8'
Deutzia gracilis	Deutzia, Slender	2'-3'	3'-4'
Fothergilla gardenii	Fothergilla, Dwarf	2'-4'	3'-4'
Hydrangea arborescens	Hydrangea, American	3'-5'	3'-5'
Hypericum prolificum	St. John's Wort, Shrubby	3'-4'	3'-4'
Ilex crenata	Holly, Japanese	5'-8'	5'-8'
Ilex glabra	Inkberry, Nigra	6'-8'	8'-10'
Juniperus horizontalis	Juniper, Creeping	2'-2.5'	6'-10'
Juniperus chinensis	Juniper, Sargent's Chinese	1.5'-2.5'	7'-9'
Physocarpus opulifolius	Ninebark, Eastern	5'-8'	4'-6'
Potentilla fruticosa	Cinquefoil, Bush	1'-4'	2'-4'
Prunus laurocerasus	Laurelcherry, Common	3'-6'	3'-6'
Rhodotypos scandens	Jetbead	3'-6'	4'-9'
Ribes alpinum	Currant, Alpine	3'-6'	6'-9'

Syringa microphylla	Lilac, Littleleaf	4'-6'	9'-12'
Spiraea alba	Meadowsweet	3'-4'	3'-4'
Spiraea x bumalda	Spirea, Bumalda	2'-3'	3'-5'
Spiraea nipponica	Spirea, Snowmound	3'-6'	3'-6'
Stephanandra incisa	Stephanandra, Cutleaf	4'-7'	4'-7'
Symphoricarpos orbiculatus	Corralberry	2'-5'	4'-8'
Rhus aromatica	Sumac, Fragrant	3'-6'	6'-10'
Taxus media	Yew, English	2'-4'	3'-5'
Viburnum dentatum	Viburnum, Arrowwood	6'-10'	6'-10'

Signs

153.450 Purpose

It is the purpose of these sign regulations to:

- (A) Permit the use of signs as a means of communication in the city.
- (B) Maintain and enhance the city's natural and manmade environments.
- (C) Encourage an attractive and healthy economic environment.
- (D) Minimize the possible adverse effects of signs on nearby public and private property.
- (E) Enable the fair and consistent enforcement of these regulations.
- (F) Provide reasonable regulations that will permit the city's compelling and substantial interests in limiting, reducing, and avoiding visual clutter associated with unrestricted proliferation of signs.
- (G) Permit a reasonable method for the communication of non-commercial political messages. However, these regulations are not intended to sanction or protect any message, political, or otherwise, that may be determined to constitute a civil or criminal violation such as, but not limited to, obscene or libelous messages.

153.451 Applicability

- (A) The regulations contained within this section shall apply to all signs and to all zoning districts.
- (B) No sign shall be erected, established, modified, created, or maintained in the City of Springdale unless it is in compliance with the regulations of this section.
- (C) This section shall regulate the height, area, location, graphics, color, materials, and other visual aspects of signs and sign structures. It does not regulate the following:
 - (1) The display of official public notices;
 - (2) Public seasonal decoration;
 - (3) The POW/MIA flag or the flag, emblem, or insignia of an official governmental body with jurisdiction over the city;
 - (4) Governmental signs for traffic control and other regulatory purposes; and
 - (5) Street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.

153.452 General Requirements for All Signs

The following regulations shall apply to all signs within the city:

- (A) All freestanding signs (ground signs, pole signs, etc.) must be set back a minimum of 10 feet from all rights-of-way unless specifically exempted.
- (B) All signs shall conform to the regulations in section [153.254\(D\): Sight Visibility Triangle](#).

- (C) Signs shall not be erected to obstruct sight lines along any public right-of-way, traffic control lights or signs, street name signs at intersection, or street sight lines or signals at railroad grade crossings.
- (D) Signs shall not project over or obstruct the required windows or doors of any building, and shall not be attached to or obstruct a fire escape, or interfere with other safety provisions as may be further regulated in the building code.

153.453 Prohibited Signs

The following signs shall be prohibited:

- (A) Any sign that has moving parts, animation, flashing lights, or changing colors except for electronic signs as regulated in section [153.460: Electronic Signs and Changeable Copy](#).
- (B) Signs with illumination that flash on or off or displays that change degrees in intensity.
- (C) Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow" and the content, coloring, or manner of illumination shall not resemble highway traffic signs.
- (D) No sign shall be attached to or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure.
- (E) Signs placed in the public right-of-way, except as permitted in section 153.461(A)(5). (Ord. 33-2016, passed 11-16-16)
- (F) Tractor trailers and box trucks displaying the business name or an advertisement, unless they are parked in an established off-street loading area or in an area not visible from the public right-of-way.
- (G) Pennants, streamers, teardrop blade flag, and other similar type devices.
- (H) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
- (I) Off-premises signs except as specifically permitted within this section.

153.454 Signs Not Requiring a Permit

The following signs shall not require a permit:

- (A) Flags of reasonable, customary size and color, emblems and insignia of any governmental agency or political subdivision. Proper flag etiquette shall be observed.
- (B) Corporate identity flags subject to the following:
 - (1) One flag is permitted per zoning lot in any multi-household or non-residential zoning district.
 - (2) Flags shall be limited to those of reasonable size and color and shall be permitted to portray the emblem, insignia, logo, or trademark of a corporation, business, or development located on the same property.
 - (3) Such flags may only be displayed in conjunction with those of a governmental agency or political subdivision.
 - (4) Proper flag etiquette shall be observed.
- (C) Temporary displays of a patriotic, religious, seasonal, charitable, or civic character.

- (D) Commemorative plaques placed by recognized historical agencies.
- (E) Signs on the interior of a building that can only be viewed by persons within such building.
- (F) Non-commercial signs displaying messages, including residential real estate signs, construction signs, and garage and yard sale signs. Such signs shall not be located within the public right-of-way and shall be allowed to remain on premises for the period of time as designated in their respective sections.

153.455 Signs Requiring a Permit

A permit shall be required for signs based on the following conditions:

- (A) No person shall locate or display any sign unless all provisions of this zoning code have been met. A permit shall be required for each sign unless specifically exempted by this code.
- (B) A sign for which a permit has been issued shall not be modified, relocated, altered, or replaced unless an amended or new permit is obtained from the building official.

153.456 Sign Computations

- (A) Total sign area shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme point or edges of the sign. The area of a sign composed of characters or words, if such characters or words are standalone, without framing or additional backdrop, shall be the smallest rectangle which encloses the entire group of characters or words.
- (B) Sign area calculations shall exclude the supportive structure if such structure does not form or include a part of the advertisement of the sign.
- (C) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.
- (D) Informational signs that are not visible from the public right-of-way shall not count towards the total sign area for each parcel or development.
- (E) The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction at the point of the sign located the closest to the public right-of-way, excluding any additional elevation added by the creating of berming or mounding. (Ord. 33-2016, passed 11-16-16)
- (F) In the event that the elevation beneath the proposed sign, at the point of the sign located the closest to the public right-of-way, is below the elevation at the centerline of the adjacent street, the applicant may request a sign height determination from the building official to determine if it is permitted to measure the height of the sign from the elevation of the street centerline and not the elevation beneath the proposed sign. (Ord. 33-2016, passed 11-16-16)

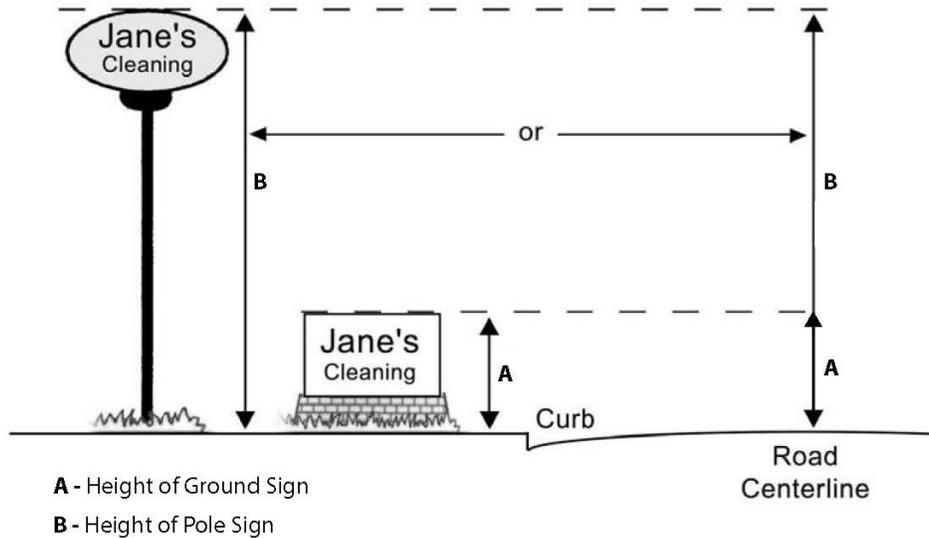


Figure 456-1: Ground and Pole Sign Height Measurement

153.457 Sign Construction

- (A) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
- (B) Signs shall be fabricated on and be of materials which are of good quality, of good durability and complementary to the building or site of which they become a part.
- (C) The construction, erection, safety and maintenance of signs shall comply with the building and property maintenance code or other applicable codes of the city.

153.458 Illumination of Signs

- (A) Light sources used to illuminate signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such intensity to cause glare which is hazardous to pedestrians or drivers of vehicles, or to cause reasonable objections from adjacent residential districts.
- (B) Neon, neon signage, and LED accent lighting shall be reviewed and approved by planning commission.
- (C) Translucent awnings shall be reviewed and approved by planning commission.
- (D) All lighting of signs shall be fully functional as designed or the lighting shall be turned off until the time in which such non-functional lighting has been fixed.

153.459 Design Standards

(A) Signs in PUD and T-District

Signs within a Planned Unit Development or a Transition District may be approved as part of the overall development plan for that district. Signage in these districts shall generally follow the provisions of section [153.459\(B\): Signs in Residential Zoning Districts](#) for signage in residential areas and section [153.459\(C\): Signs in Non-Residential Zoning Districts](#) for signage in non-residential areas.

(B) Signs in Residential Zoning Districts

Signs in residential zoning districts shall be in conformance with the regulations of this section. The types of signs permitted and regulations pertaining to the use, structure, size, and number shall be regulated as follows:

- (1)** One non-illuminated nameplate, not exceeding two square feet in area, may be located on any building or lot but not less than five feet from any side lot line and 10 feet from any street right-of-way.
- (2)** One non-illuminated directional or no trespassing sign not exceeding two square feet in area and four feet in height shall be permitted on any building or lot but not less than 25 feet from any side lot line and 10 feet from any street right-of-way.
- (3)** For multi-household developments, one permanent development identification sign is permitted subject to the following regulations:
 - a)** Maximum area is 25 square feet.
 - b)** Maximum height is six feet.
 - c)** Sign shall be at least 50 feet from a side lot line and 10 feet from any street right-of-way.
 - d)** Signs shall not be internally illuminated.
 - e)** Sign shall be mounted on a permanent foundation with a masonry base and shall be incorporated into a landscaped area that is at least equal in size to the area of the sign.
- (4)** For single-family developments, permanent development or subdivision signs shall be permitted subject to the following regulations:
 - a)** A maximum of one permanent monument sign or two signs attached to a supporting wall or fence may be permitted for each primary entrance to the subdivision that is located on a collector or arterial street.
 - b)** Each sign may have a maximum sign area of 25 square feet not including any fencing, wall, supporting base, or other material used to frame, brace, or otherwise provide structural support for the sign on which the sign is located.
 - c)** Maximum height is six feet.
 - d)** Signs shall not be internally illuminated.
 - e)** Signs shall be set back 10 feet from the public right-of-way and 10 feet from any adjacent lot lines.
- (5)** For non-residential uses located in residential zoning districts, one permanent identification sign is permitted subject to the following regulations:
 - a)** Maximum area is 50 square feet.
 - b)** Maximum height is six feet.
 - c)** Sign shall be at least 50 feet from a side lot line and 10 feet from any street right-of-way.
 - d)** Manual changeable copy is permitted per section [153.460\(A\): Manual Changeable Copy](#). Electronic signs shall be considered a conditional use for non-residential uses located in residential zoning districts and shall be subject to the procedure set forth in section [153.204: Conditional Use Permits](#).
- (6)** Temporary signs are regulated in section [153.461: Temporary Signs](#).

(C) Signs in Non-Residential Zoning Districts

Signs in non-residential zoning districts shall be on-premises signs, accessory to the principal use, and be in conformance with the regulations of this section. The types of signs permitted and regulations pertaining to the use, structure, size, and number shall be regulated as follows:

(1) Permitted Signs

Table 459-1: Summary Table of Permitted Signs, illustrates a summary of sign types permitted within each non-residential zoning district. The symbol “P” shall mean the specific sign type is permitted within the applicable zoning district subject to all other applicable standards established in this section. (Ord. 33-2016, passed 11-16-16)

Table 459-1: Summary Table of Permitted Signs						
	PF	OB	GB	SS	GI	See Section:
Wall Signs	P	P	P	P	P	153.459(C)(2)
Ground Signs	P	P	P	P	P	153.459(C)(3)
Pole Signs			P ¹			153.459(C)(4)
Regional Retail Shopping Center Identification Signs			P			153.459(C)(5)
Retail Shopping Center Identification Signs			P			153.459(C)(6)
Awning Signs			P	P		153.459(C)(7)
Window Signs	P	P	P	P	P	153.459(C)(8)
Projecting Signs		P	P			153.459(C)(9)
Directional Signs	P	P	P	P	P	153.459(C)(10)
Nameplate/Identification Signs	P	P	P	P	P	153.459(C)(11)
Manual Changeable Copy	P	P	P	P	P	
Electronic Signs	C		PS	C		

¹ Pole Signs are allowed on properties that have frontage on an interstate highway as described in section 153.459(C)(4).

(2) Wall Signs

- a)** The maximum wall sign area shall be equal to the width of the building frontage times 1.5 plus 20 square feet (wall sign area = building frontage lineal feet x 1.5 + 20 square feet). For buildings set back from the right-of-way a minimum of 400 square feet, the maximum wall sign area shall be equal to the width of the building frontage times two plus 40 square feet (wall sign area = building frontage lineal feet x 2 + 40 square feet). (Ord. 33-2016, passed 11-16-16)
- b)** Buildings located on corner lots may be permitted to have wall signs on each frontage provided that the primary frontage conforms with section (a) and the second frontage has a maximum sign area that is equal to the width of the secondary building frontage times one. (Ord. 33-2016, passed 11-16-16)
- c)** The maximum square footage for any one wall sign is 150 square feet. For buildings set back from the right-of-way a minimum of 400 feet, the maximum wall sign area is 250 square feet. (Ord. 33-2016, passed 11-16-16)
- d)** All wall signs shall be constructed with channel letters unless otherwise approved by planning commission.

- e) Wall signs affixed directly to an exterior wall shall not project more than 18 inches from the building wall to which they are attached and shall not project above the coping or eaves of any building. Wall signs located on a parapet wall shall not exceed higher than 42 inches above the building roofline.
- f) Wall signs shall be set back three feet from the end of each tenant wall.
- g) Window signs, described in section [153.459\(C\)\(8\): Window Signs](#), are considered wall signs and the area of all painted, internally illuminated window signs, and decals applied to windows shall be included in the overall wall sign calculations.

(3) Ground Signs

- a) One ground sign is permitted per development.
- b) One additional ground sign may be permitted for corner lots or lots with multiple frontages such as double or triple frontage lots.
- c) Maximum height for all ground signs is eight feet.
- d) The area for any ground sign shall not exceed 100 square feet of total sign face area. The area of a second ground sign, if permitted under (b), shall not exceed 50 square feet of total sign face area.
- e) Ground signs must be set back at least 10 feet from any non-residential zoning district or use lot line and 50 feet from any residential zoning district or use lot line.
- f) The base of the ground sign shall be constructed of materials, colors, and design details which match or correlate to those used in one of the principal buildings on site.
- g) Ground signs shall be located in a mulched and landscaped area that includes a variety of plant types or bushes and is equal to or larger than the total sign area of the applicable signs.
- h) For developments in the General Business (GB) zoning district or in a non-residential PUD development, up to 50 percent of the allowable sign area may incorporate an electronic sign subject to the regulations in section [153.460: Electronic Signs and Changeable Copy](#).
- i) For developments in the Public Facilities (PF) or Support Services (SS) zoning districts, up to 50 percent of the allowable sign area may incorporate an electronic sign subject to the approval of a conditional use permit, subject to the procedure set forth in section [153.204: Conditional Use Permits](#) and section [153.460: Electronic Signs and Changeable Copy](#). (Ord. 33-2016, passed 11-16-16)

(4) Pole Signs

Pole signs are solely permitted on parcels in the General Business (GB) zoning district or in a non-residential PUD development that has direct frontage on an interstate highway right-of-way and are subject to the following regulations:

- a) Maximum height for any pole sign is 50 feet.
- b) The total area for any pole sign shall not exceed 150 square feet of total sign face area.
- c) The sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. The sign shall incorporate architectural features or finishes such as a gable, arch, or pediment.
- d) No bare metal poles shall be allowed. All poles must be wrapped or covered with a material that complements the overall design of the sign and is consistent with (c) above.
- e) All pole signs shall be set back a minimum distance equal to the height of the sign from the right-of-way of the interstate highway.
- f) Pole signs shall be located in a mulched and landscaped area that includes a variety of plant types or bushes and is equal to or larger than the total sign area of the applicable signs.

(5) Regional Retail Shopping Center Identification Signs

A regional retail shopping center identification sign may be permitted if it meets the following regulations:

- a)** The regional retail shopping center exceeds 1,000,000 square feet of gross leasable area.
- b)** The regional retail shopping center has frontage on an interstate highway.
- c)** The maximum height of such signs is 110 feet.
- d)** The maximum sign area is 850 square feet.
- e)** The sign shall be located no more than 100 feet from an interstate highway right-of-way line.
- f)** The sign may incorporate an electronic sign as part of the allowable sign area subject to the regulations in section [153.460\(B\): Electronic Sign Standards](#).
- g)** Signs shall be located in a mulched and landscaped area that includes a variety of plant types or bushes and is equal to or larger than the total sign area of the applicable signs.
- h)** The sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. The sign shall incorporate architectural features or finishes such as a gable, arch, or pediment.

(6) Retail Shopping Center Identification Signs

A retail shopping center identification sign may be permitted in lieu of all ground or pole signage if it meets the following regulations:

- a)** The retail shopping center exceeds 100,000 square feet of gross leasable area.
- b)** The retail shopping center has at least 500 feet of frontage on a major or secondary arterial street.
- c)** For developments on corner lots with frontage on two major or secondary arterial streets, the applicant may combine the frontage of each street to satisfy this requirement.
- d)** The maximum height of such signs is 25 feet.
- e)** The maximum sign area is 100 square feet.
- f)** The sign shall be located at least 10 feet from all rights-of-way, 25 feet from an adjacent non-residential zoning district or use lot line, and 100 feet from any residential zoning district or use lot line.
- g)** Up to 50 percent of the allowable sign area may incorporate an electronic sign subject to the regulations in section [153.460\(B\): Electronic Sign Standards](#).
- h)** Signs shall be located in a mulched and landscaped area that includes a variety of plant types or bushes and is equal to or larger than the total sign area of the applicable signs.
- i)** The sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. The sign shall incorporate architectural features or finishes such as a gable, arch, or pediment.

(7) Awning Signs

- a)** Regulations for awning signs also apply to signs located on canopies.
- b)** Awnings must be at least eight feet above the sidewalk grade and 15 feet above any drive.
- c)** Awning signs shall not be internally illuminated.
- d)** The total area of the lettering and logo shall not exceed 20 percent of the total area of the awning that would be visible in a drawing of a façade on which the awning is located.



Figure 459-1: Example of an awning sign with appropriate height clearance

(8) Window Signs

Window signs shall be regulated as follows:

- a)** Painted and internally illuminated window signs and decals applied to windows shall be regarded as permanent signs.
- b)** Non-commercial messaging including identifying the business' hours of operation and accepted payment methods shall not be included in the overall sign area of window signs.
- c)** Window signs shall be included in the wall signage allowance described in section [153.459\(C\)\(2\)g](#).
- d)** Signs which are more than two square feet in area with characters more than two inches high and are placed within 30 inches of the inside of a transparent window shall be considered window signs.
- e)** Signs attached to a door shall be considered window signs.
- f)** Window signs shall be static and may not display animated, scrolling, moving, or flashing messages or video which simulates such.
- g)** Temporary window signs for special events shall be regulated in section [153.461\(D\): Temporary Signs for Special Events](#).

(9) Projecting Signs

- a)** Projecting signs may be attached to the building wall or canopy and project at an angle of approximately 90 degrees from the building wall or canopy for a distance of not more than four feet. They may project over the corner line not more than one-third of the total height of the sign.
- b)** Projecting signs shall be at least eight feet above a public sidewalk and 15 feet above any drive.
- c)** Maximum area per sign face is six square feet.
- d)** All projecting signs shall be rigidly fastened to allow no structural movement.
- e)** Projecting signs shall not be internally illuminated.



Figure 459-2: Example of a projecting sign

(10) Directional Signage

Permanent directional signs indicating traffic routes or serving similar functions shall be permitted in addition to the limitations of this section subject to the following:

- a) Maximum sign area is six square feet per sign face.
- b) Maximum sign height is four feet.
- c) Signs must be set back at least 10 feet from any side lot line and five feet from any street right-of-way line provided that the sight distance is maintained.
- d) Directional signage may incorporate the company's logo and colors if all the other requirements are met under subsection (10).

(11) Nameplate/Identification Signs

- a) Buildings or developments may install nameplates or identification signs for the purpose of establishing the identity of establishments within that development.
- b) Signs shall not exceed four square feet and may be wall signs or ground signs.
- c) Ground signs must be a minimum of 10 feet from any side lot line and 10 feet from any street right-of-way.

153.460 Electronic Signs and Changeable Copy

(A) Manual Changeable Copy

Up to 50 percent of a permitted ground sign may incorporate manual changeable copy in all non-residential zoning districts or developments and non-residential uses in residential zoning districts as permitted in section [153.459\(B\)\(5\)](#).

(B) Electronic Sign Standards

The following standards apply to all electronic signs within the City of Springdale. Additional standards may apply.

- (1) Electronic signs shall conform with the following standards in addition to the other standards set forth in this section:

Table 460-1: Electronic Sign Standards				
Height of Sign	Maximum LED Pitch Spacing	Maximum Daytime Brightness	Maximum Nighttime Brightness	Minimum Hold Time
0 ft – 8 ft	12 mm	7,500 nits	500 nits	24 hours
9 ft – 25 ft	16 mm	7,500 nits	500 nits	8 seconds
26 ft – 50 ft	25 mm	7,500 nits	1,500 nits	8 seconds
51 ft and taller	25 mm	6,000 nits	1,500 nits	8 seconds

*These standards do not apply to electronic fuel pricers. Those are regulated in section [153.460\(D\): Electronic Fuel Price Displays](#).

- (2) Each electronic sign shall contain a default mechanism that will freeze the sign in one position or make the screen go black whenever the aggregate area or any part of the electronic video display panel is unlit or malfunctions to the extent that it exceeds five percent of the total video.
- (3) Electronic signs shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night. In no instance shall the electronic sign cause light trespass onto an adjacent residential district or use.
- (4) Each electronic sign shall be static and may not display animated, scrolling, moving, or flashing messages or video which simulates such. Each static message shall change instantaneous without fading, flashing, or animation of the message or image.
- (5) Only one electronic sign is allowed per parcel or development unless approved by planning commission.
- (6) Electronic message centers shall use full-color LED technology.

(C) Electronic Highway Signs in PUD Zoning Districts

A planned unit development (PUD) that has frontage on the through lanes of an interstate highway shall be permitted one electronic sign per PUD development to advertise businesses that are part of the subject development. Such signs shall conform to the following regulations in addition to the regulations in section [153.460\(B\): Electronic Sign Standards](#).

- (1) The electronic sign shall be at least 50 feet and no more than 150 feet away from the right-of-way of an interstate highway.
- (2) The sign shall be at least 400 feet from any residential zoning district or use and at least 50 feet from any non-residential zoning district or use outside of the subject PUD development.
- (3) The total sign height shall not exceed 50 vertical feet above a point in the center line of the interstate through driving lane that is closest to the sign.
- (4) The electronic sign panel shall be between 300 square feet and 720 square feet in sign area. The total sign area shall not be more than 1.4 times the area of the electronic display.
- (5) The sign structure shall include masonry materials and be constructed in an architectural style consistent with the PUD development.
- (6) Electronic highway signs shall be maintained in accordance with section [153.463: Maintenance](#).

(D) Electronic Fuel Price Displays

Electronic fuel price displays, incorporated into the permitted ground or pole sign, may be allowed in the non-residential zoning districts for establishments that sell gasoline or other vehicle fuels provided that the sign complies with the following:

- (1) The permitted ground or pole sign associated with gasoline sales may incorporate an electronic fuel price display that shall not exceed 40 percent of the permitted sign area. In no case shall the fuel price display be greater than 40 square feet in area.
- (2) Electronic fuel price displays are not permitted on fuel canopies.
- (3) Electronic fuel price displays shall use one-color LED technology.
- (4) Electronic fuel price displays shall come equipped with automatic dimming capabilities and shall automatically dim to a corresponding reduction in ambient light. In no instance shall the electronic fuel price display cause light trespass onto an adjacent residential district or use.
- (5) The electronic fuel price display shall be static and may not display animated, scrolling, moving, or flashing messages or video.
- (6) When electronic fuel price displays are being utilized, no additional electronic signage shall be allowed on that subject development.

153.461 Temporary Signs

The following temporary signs shall be permitted anywhere within the City provided they meet the established standards set forth in this section.

(A) Standards That Apply to All Temporary Signs

- (1) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.
- (2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.
- (3) Lighting shall be prohibited for temporary signs.
- (4) Portable, temporary signs are not permitted.
- (5) No temporary sign shall be located in a public right-of-way unless identifying a city event or activity or is specifically permitted by this code. (Ord. 33-2016, passed 11-16-16)
- (6) No temporary sign shall create a safety hazard to pedestrians or vehicular operators or passengers.
- (7) Permits are required for all temporary signs, unless specifically exempted under this section. Applications for temporary signs shall be in writing on forms provided by the building official.

(B) Temporary Search Lights

- (1) Light sources from temporary search lights shall be shielded from all adjacent residential buildings and streets, and shall not be of such intensity to cause glare which is hazardous to pedestrians or drivers of vehicles, or to cause reasonable objections from adjacent residential districts.

- (2) The permanent use of search lights is prohibited.
- (3) The duration of search lights shall be appropriately limited, and shall in no event exceed two consecutive weeks. Search lights shall be limited to four occasions during any calendar year on the same parcel. There shall be a minimum of a one-month period between the end of one occasion and the beginning of the next on the same parcel.
- (4) Temporary search lights are allowed in all the non-residential zoning districts.

(C) Special Event Balloons

- (1) Balloons shall be of the fan inflatable type, with no inherent movement, and shall be located a minimum of 15 feet from the street right-of-way.
- (2) Balloons shall be tethered or fastened to the ground or a structure so that the balloon cannot shift more than three feet horizontally under any condition.
- (3) On corner lots, no balloons may be located within the sight visibility triangle as described in section [153.254\(D\): Sight Visibility Triangle](#).
- (4) The duration of special event balloons shall be appropriately limited, and shall in no event exceed two consecutive weeks. Special event balloons shall be limited to four occasions during any calendar year on the same parcel. There shall be a minimum of a one-month period between the end of one occasion and the beginning of the next on the same parcel.
- (5) Temporary special event balloons are allowed in all the non-residential zoning districts.

(D) Temporary Signs for Special Events

Temporary signs for special events are allowed in the residential multi-household zoning district and all the non-residential zoning districts subject to the following:

- (1) Signs shall be placed on the exterior of the building.
- (2) Signs may not be posted, tacked, or otherwise secured on fences, posts, poles, trees, or surfaces other than the main building.
- (3) Signs shall not exceed 40 square feet in sign area or two percent of the building wall, whichever is greater.
- (4) Such signs are limited to 120 days per calendar year. Property owners or applicants may decide in what frequency and length to allocate the 120 days.
- (5) For multi-tenant buildings, up to two special event signs may be displayed on the building at any one time.

(E) Signage for Temporary Occupants

Temporary occupants or pop-up retail shops that are located within a building or tenant space may install temporary signage that is in place for the duration of the use, but in no case shall the signage exceed 90 days per calendar year. The maximum square footage of such signs shall be equal to the maximum square footage of wall signage allowed for the building or tenant space that such use is occupying. (Ord. 33-2016, passed 11-16-16)

(F) Window Signs for Special Events

Special event signs may be attached to the inside of windows, but shall be regulated as follows:

- (1) Special event window signs complying with this section shall not require a permit. If the sign(s) do not comply with this section, then they will be subject to the permit requirements set forth in section [153.461\(D\): Temporary Signs for Special Events](#).
- (2) The total area of all such special event window signs shall not exceed 25 percent of the area of the windows on the wall on which they are displayed or 200 square feet, whichever is less.
- (3) Special event window signs are allowed in the residential multi-household zoning district and all the non-residential zoning districts.

(G) Building Project Signs

During the construction of a development or a building, one building project sign may be displayed subject to the following regulations:

- (1) Sign shall announce the purpose of the building or development and may identify the architect, engineer, bank, and/or contractor on the project.
- (2) One sign is allowed per street frontage.
- (3) Maximum sign area is 50 square feet.
- (4) Maximum height is seven feet.
- (5) Signs shall be set back a minimum of 25 feet from any side lot line and 10 feet from any street right-of-way provided that proper sight distance is maintained.
- (6) Signs shall be removed upon completion of the building or development.
- (7) Illumination of such signs is prohibited.

(H) Residential Real Estate Signs

Real estate signs intended to advertise the sale, lease, or rental of a property that is of a residential use or is located in a residential zoning district shall be regulated as follows:

- (1) One real estate sign is permitted for each street frontage.
- (2) Maximum height for real estate signs is four feet.
- (3) Maximum sign area is six square feet.
- (4) Signs shall be set back a minimum of 25 feet from any side lot line and 10 feet from any right-of-way provided the proper sight distance is maintained.
- (5) Real estate signs shall be removed from the premises five days after the closing on the property.
- (6) Illumination of such signs is prohibited.

(I) Non-Residential Real Estate Signs

Real estate signs intended to advertise the sale, lease, or rental of a property that is of a non-residential use or located in a non-residential zoning district shall be regulated as follows:

- (1) One ground sign is permitted for each street frontage.
- (2) Maximum height for real estate ground signs is seven feet.
- (3) Maximum sign area is 25 square feet.
- (4) Signs shall be set back a minimum of 25 feet from any side lot line and 10 feet from any right-of-way provided the proper sight distance is maintained.
- (5) Properties fronting on an interstate highway are allowed real estate signs that are 10 feet in height and 100 square feet in area. If there are multiple real estate signs allowed, the total square footage of such signs shall be 100 square feet.
- (6) Signs shall be removed when the property reaches 90 percent occupancy. A six square foot sign shall be permitted until the property is 100 percent occupied, at which time that sign shall be removed.
- (7) Illumination of such signs is prohibited.

(J) Other Temporary Signs

- (1) Any other temporary signs, not otherwise regulated herein, may be displayed on any single tract or parcel of property within a residential or non-residential zoning district.
- (2) Such signs must be maintained in excellent repair and first-class condition at all times. If any sign is declared unsafe or in poor physical condition by a city building official, then such sign must be removed at the expense of the owner and replaced by a sign conforming to the current standards of this zoning code.
- (3) No individual temporary sign, not otherwise regulated herein, may exceed 32 square feet in total area, nor shall the total area of all temporary signs, not otherwise regulated herein, on any single tract or parcel exceed 64 square feet.
- (4) All temporary signs, not otherwise regulated herein, shall be located not less than 10 feet from the nearest street right-of-way line.
- (5) Such temporary signs, not otherwise regulated herein, may be displayed without a limit on their duration, provided they meet the conditions set forth herein.

(K) Garage Sale Signs

- (1) Temporary signs may be placed on a residential lot that is or will be hosting a garage or yard sale for a period of time beginning 24 hours in advance of said sale and shall be removed immediately after the completion of the garage or yard sale.
- (2) The maximum sign area is six square feet.
- (3) The maximum sign height is four square feet.
- (4) Signs shall be set back a minimum of three feet from the right-of-way.

153.462 Nonconforming Signs

Nonconforming signs shall be regulated as follows:

- (A) A sign conforming to the regulations prevailing on the effective date of this code but which does not conform with the regulations of this or a subsequent amendment shall be construed as a legal nonconforming sign.

- (B) Legal nonconforming signs may be maintained and structural parts repaired or restored to a safe condition if required and if a permit is issued. However, when a nonconforming sign has been blown down, destroyed to the extent of more than 50 percent of its replacement value to repair, or otherwise taken down for any purpose, it shall not be rebuilt, re-erected, or relocated unless it shall be made to comply with provisions of this code.
- (C) No nonconforming sign shall be allowed to remain for more than six months, after the use of land or building, for which the sign relates, has ceased by discontinuance or abandonment. The property owner of a nonconforming sign may receive a notice from the municipality to conform the sign to this code and other applicable regulations of the municipality within 30 days of the date of notice. If the property owner fails to comply with the notice, the municipality may issue an order to the property owner that the sign must be removed within five months from the date of the order. A sign that is not removed within five months in compliance with the order may be removed by the city at the expense of the property owner. To recover the costs from the property owner, the clerk of the municipality may certify the total cost, together with a proper description of the land, to the county auditor to place costs upon the tax duplicate, or the city may commence a civil action against the property owner for the costs.

153.463 Maintenance

- (A) All signs and sign structures shall be legally maintained in a safe and attractive condition. For the purposes of this section, a sign is not legally maintained if any of the following occur:
- (1) The appearance of rust, cracks, electrical defects, fraying, chipped paint or other materials;
 - (2) Structural defects or other defects; or
 - (3) The commercial message of the sign no longer pertains to any business activity on the site which the sign is located.

Such factors shall cause it to be presumed that the sign has been abandoned and is not being legally maintained. The property owner of the sign may receive notice from the city to return the sign to its original satisfactory condition within 30 days of the date of the notice. If the property owner does not comply, then the sign will be declared to be a nuisance contributing to visual blight and to be abandoned.

- (B) The municipality may issue an order to the property owner that an abandoned sign must be removed within six months from the date of abandonment. An abandoned sign that is not removed within six months, or brought into compliance with these regulations, may be removed by the city at the expense of the property owner. To recover the costs from the property owner, the clerk of the city may certify the total cost, together with a proper description of the land, to the county auditor to place costs upon the tax duplicate, or the city may commence a civil action against the property owner for the costs.

Nonconformities

153.500 Intent

Regulations for the continuance, maintenance, repair, restoring, moving, and discontinuance of non-conforming buildings, land, and use in order to achieve the following purposes, among others:

- (A) To permit the temporary continuance of, and to control, existing legal nonconforming uses, so as to minimize any adverse effect on the adjacent properties and development;
- (B) To regulate their maintenance and repair;
- (C) To restrict their rebuilding;
- (D) To require their permanent discontinuance if not operated for certain periods of time; and
- (E) To bring about conformity in accordance with the objectives of this code.

153.501 General Provisions

(A) Lawful Non-Conformance

- (1) The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this code may be continued, although such use does not conform to the provisions of this code.
- (2) The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be subject to the provisions and conditions of subsections (A) through (I).

(B) Discontinuance and Abandonment

In the event that the non-conforming use of any dwelling, building, structure, land, or premises is discontinued for six months, any further use thereof shall be in conformance with the provisions of this zoning code. For the purpose of this code, discontinued shall mean that the structure has remained vacant, unoccupied, unused, or has ceased the daily activity or operations which had previously occurred.

(C) Maintenance and Repair

A non-conforming building may be continued to be used, and normal repairs and improvements may be made. For the purposes of this code, normal repairs shall include the ordinary maintenance of a building or structure and the replacement of equipment which is required for the safety of operation, and the replacement or substitution of machinery and equipment. It shall not include the replacement of structure parts of any non-conforming building or use, except when required by law to restore the structure to a safe condition or to make the building or use conforming.

(D) Restoration of Damaged Structures

- (1) Any non-conforming building, use, or structure, except a one or two household residence, which has been destroyed or damaged by fire, other casualty, act of God, to the extent of 60 percent or more of its cost of its fair market value, shall thereafter conform to all provisions of this code.

- (2) Determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the city, and the third to be selected by the mutual consent of the two parties.
- (3) In the case of repair or replacement of partial destruction of the structure, a building permit must be applied for within six months of the destruction and repairs must be completed within six months of the issuance of the permit or the non-conforming structure or use shall be considered to be abandoned. The initial date of abandonment shall, in such case, be the date the initial destruction occurred.

(E) Alterations and Extension Prohibited

Any non-conforming building shall not be enlarged or structurally altered except to make it a conforming building. A non-conforming use may not be extended within a building, or be enlarged or added to in any manner.

(F) Non-Conforming Change Prohibited

The non-conforming use of a building may be changed only to a use conforming to the district in which the building is located. Thereafter it shall not be changed back to the non-conforming use.

(G) Moving Non-Conforming Structures

A non-conforming structure may be moved to a different location on the same lot or other parcel of land within the district with the approval of the planning commission after a hearing, and provided that all proper and adequate alterations necessary to make the structure conforming to the regulations of the district in which it will be located are guaranteed to the city by posting a bond or other adequate security as established by the city.

(H) Non-Conforming Parking Facilities

A building or use existing lawfully at the time this code and any amendment thereto became effective, but which does not conform with the off-street parking or off-street loading regulations, may be occupied with the existing use without such parking and loading facilities being provided. However, any parking spaces that may be provided thereafter shall comply with the regulations applicable to the particular uses set forth in this code.

(I) Non-Conformity Due to Amendments

The foregoing provisions of subsections (A) through (I) shall also apply to buildings, structures, land or other uses hereafter becoming non-conforming as a result of future reclassification of districts or of other amendments made to this code.

Enforcement and Penalties

153.550 Enforcement

- (A) The provisions of this code shall be enforced by the building official or any of his/her duly authorized agents.
- (B) The building official or his/her authorized agents may order in writing the remedying of a condition found in violation of this code within a reasonable time, or immediately in the case of imminent danger to life and property, or if the order requires a cessation of use. This order may include an order to vacate the premises or to remove any building or structure as a sole exception or alternative method of remedying the condition. Such order may also include the remedying of any conditions existing in violation of any other regulations of the city for which the building official or his or her authorized agent is an enforcing authority.
- (C) Enforcement by issuance of any order is not an exclusive method of enforcement and shall not be construed as a condition precedent to or a waiver of:
 - (1) Citation, summons, arrest, prosecution, or sentencing for any violation or violations of this code, including violations for which proof of the condition to be remedied by the order constitutes an element or a portion of an element of an offense.
 - (2) Civil actions at law or equity, including temporary restraining order, preliminary injunctions, and permanent injunctions.
 - (3) Refusal of occupancy permits for the premises on which the condition exists.
 - (4) Any enforcement procedure or measure available to the city under this code, other ordinance of the city, or state law.
- (D) The order shall be served upon the owner, his authorized agent, a person performing work on the premises, or the occupant of the building or portion thereof personally, by certified mail, or by posting a copy at a clear and visible place on the premises.

153.551 Civil Remedies Available

The city shall have the civil remedies available to it under the law, including equitable remedies to compel the vacation of the property or the removal of any unauthorized structure or cessation of such structure or use.

153.552 Violations

- (A) For any building or structure that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land that is proposed to be used in violation of this code or any amendment or supplement thereto, then the city administrator, the city law director, or the building official or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use, or to restrain, correct or abate such violation to prevent the occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.
- (B) No person shall fail or refuse to comply with an order issued by the building official. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

- (C) Furthermore, no person shall construct, modify, alter, use or occupy any structure or property in violation of this zoning code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

153.553 Notice of Violation

The notice of any violation of this zoning code shall be as follows:

- (A) Whenever the building official determines that there is a violation of any provision of this zoning code, a notice of such violation shall be issued. Such notice shall:
- (1) Be in writing;
 - (2) Identify the violation;
 - (3) Include a statement of the reason or reasons why it is being issued and refer to the section of this zoning code being violated; and
 - (4) State the time by which the violation shall be corrected.
- (B) Service of notice of the violation shall be as follows:
- (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person 16 years of age or older; or
 - (2) By certified mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

153.554 Penalties

- (A) No person shall:
- (1) Fail to comply with any rightful order issued pursuant to the regulations of this code;
 - (2) Fail to obtain the necessary zoning certificate, or fail to obtain the necessary certificate of occupancy or any other necessary permit as established in this code;
 - (3) Fail to comply with the provisions or regulations of this code in the construction, reconstruction, erection, location, alteration, occupancy, or use of a building, structure or any part thereof, or the use of any land;
 - (4) Permit another person to use a building, structure, or land owned by him/her, who fails to comply with any of the foregoing;
 - (5) Fail to comply with a representation made in the application for a zoning certificate or an occupancy certificate or any other permit;
 - (6) Fail to meet any obligation or requirement of this code; or

- (7) Knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made when any of the conditions set forth in subsections 153.554(A)(7)a) through (d) below apply:
- a) The statement is made for the purpose of misleading a member of any city planning commission or board or city official into performing any duty or making any determination required under this code;
 - b) The statement is made with purpose to secure the issuance of any permit or certificate;
 - c) The statement has been sworn or affirmed before a notary public or other person empowered to administer oaths;
 - d) The statement is in writing or in connection with a report, application, or study which is required or authorized.

(B) Each day during which a set of facts exists that constitutes a violation of this section shall constitute a separate offense.

(C) Penalties

- (1) Whoever is convicted of, or pleads guilty to, a misdemeanor or minor misdemeanor shall be sentenced in accordance with section 130.99(B) to (H) of the Springdale Code of Ordinances.
- (2) Whoever violates any offense stated in subsections 153.554(A)(1) through 153.554(A)(7) above is guilty of one of the following:
- a) Except as otherwise provided in subsections 153.554(C)(2)b) through 153.554(C)(2)d) below, a minor misdemeanor;
 - b) If, within a two-year period of the violation of the zoning code, the offender previously has been convicted of or pleaded guilty to one prior violation of an offense stated in subsections 153.554(A)(1) through 153.554(A)(7) of this section, the offender is guilty of a misdemeanor of the fourth degree.
 - c) If, within a two-year period of the violation of the zoning code, the offender previously has been convicted of or pleaded guilty to two prior violations of offenses stated in subsections 153.554(A)(1) through 153.554(A)(7) of this section, the offender is guilty of a misdemeanor of the third degree.
 - d) If, within a two-year period of the violation of the zoning code, the offender previously has been convicted of or pleaded guilty to three or more prior violations of offenses stated in subsections 153.554(A)(1) through 153.554(A)(7) of this section, the offender is guilty of a misdemeanor of the second degree.

153.555 Fees

- (A) The fees for all applicant costs incurred in this code shall be established by city council. Furthermore, no plan shall be accepted for filing and processing, as provided in this code, unless and until a filing fee is paid to the city and the application is deemed complete by the city.
- (B) The owner or owner's authorized agent shall be responsible for the expenses incurred by the city in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon. Ten percent shall be added to the final expenses to provide for the review of plans by city staff.

- (C) At the time of submitting an application to the building official and planning commission for consideration, the owner or owner's authorized agent shall make a deposit with the office of the city clerk of council/finance director in the amount equal to the estimated cost of the city's expenses. The deposit shall not exceed \$5,000 at any time. When this deposit has been depleted to 33 percent, another deposit may be requested by the city. For those projects where the city's costs are estimated to be less than \$500, no deposit may be required. In such cases, the city's costs may be recovered by billing the owner or the owner's authorized agent. Failure to pay the above costs within 30 days of invoice shall stop all processing and review of the site development plans and shall cause suspension of all development activities on the site. The city may also make a written return to the county auditor with a statement of the amount due and owing for failure to pay the above costs within 30 days of invoice. The amount shall be entered upon the tax duplicate as an administrative fee assessment and be a lien upon the land from and after the date of entry and be collected as other taxes and returned to the city with the general fund settlements.

Definitions

153.600 Definitions

A

ACCESSORY APARTMENT. A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

ALTERATION. Any material change in external architectural feature(s) of any property or any change to an archaeological feature of the property, including a change or rearrangement in the structural parts or building service equipment or an enlargement, whether by extending on a side or by increasing height. **ALTERATION** shall include a change in design, color, texture, materials or exterior architectural feature. Ordinary maintenance to correct any deterioration or damage to a structure or to restore the structure to its condition prior to such deterioration or damage is excluded from the definition of **ALTERATION**, provided such work does not involve a change in design, color, texture, material or exterior architectural feature.

AMBULATORY HEALTH CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation.

ANIMAL SERVICES

KENNEL/CATTERY. An establishment for the keeping, breeding, and raising of three or more mature (over the age of four months) domesticated animals for profit, gain, or enjoyment, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary for veterinary treatment.

PET BOARDING. A structure or premises providing overnight accommodations of household pets with or without compensation.

PET OR ANIMAL TRAINING or PET DAY CARE. A structure or premises used for the training, exercising, attending to the care of, or any other animal husbandry activities for household pets with or without compensation during the day between the hours of 6:00 a.m. and 9:00 p.m.

VETERINARIAN OFFICE AND ANIMAL HOSPITALS. A building or structure in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be shelter provided, within the building or structure, during the period of treatment.

APPLICANT. A person commencing proceedings under this code to effect the development or use of land for himself/herself or for another, or for the reconstruction or construction of structures already built upon the land which may include but is not limited to the fee simple owner or the designee of the property owner bearing written authorization of the fee simple owner(s).

ASSISTED LIVING FACILITY. A long-term care facility that provides housing, personalized support services, and health care designed to meet the individual needs of persons who need help with the activities of daily life such as meals, medication management, or assistance with bathing and dressing, but do not need the degree of medical care provided in a skilled nursing facility.

ATHLETIC FACILITIES. See **RECREATION, COMMERCIAL.**

AUTOMATED TELLER MACHINE (ATM). An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently.

AUTOMOTIVE FUELING STATIONS. The use of a building or structure or any portion thereof for the purpose of dispensing motor fuel from fixed equipment into the fuel tanks of motor vehicles and the services incidental thereto.

AUTOMOTIVE GARAGE AND CARPORT. A residential accessory building or a residential accessory portion of a principal building, including carport which is intended for and used for storing no more than four motor vehicles, is subordinate in area to the residential living quarters and in which no business, service or industry is performed.

AUTOMOTIVE REPAIR FACILITY. A facility that performs all customary repair services for automobiles or other motorized equipment owned by the general public.

AUTOMOTIVE SALES OR LEASING. Any building or land used for the display, sale, or rental of new or used motor vehicles in operable condition.

AUTOMOTIVE STORAGE LOT. Any building or premises used for storage of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold. This excludes the storage of recreational vehicles.

B

BASEMENT. A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

BED AND BREAKFAST. A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis. No kitchen facilities may be provided for use by guests.

BEEKEEPING OR APICULTURE. The cultivation of bees.

BILLIARDS PARLOR OR POOL ROOM. A room or building in which billiards are played.

BOARD. The Board of Zoning Appeals for the City of Springdale.

BUFFERYARD. Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDING. A structure which is permanently affixed to the land having one or more floors and a roof, being bounded by open space or lot lines, and used as a shelter or enclosure for persons, or animals, or as an enclosure for property. **BUILDING** shall also be construed to include structures as defined in this section unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof" unless otherwise noted.

BUILDING, ACCESSORY. See **STRUCTURE, ACCESSORY.**

BUILDING AREA. The area of the largest floor of the main building and all accessory buildings, including unenclosed porches, but excluding terraces and steps, measured from the outside surface of the exterior walls.

BUILDING COVERAGE. The percentage of a lot covered by the main and accessory buildings.

BUILDING FRONTAGE. Total lineal feet of the building facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.

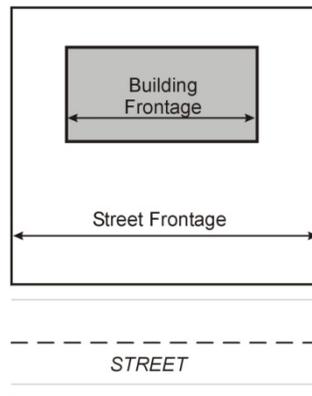


Figure 600-1: Illustration of building frontage

BUILDING HEIGHT. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the vertical distance measured from the ridge of a pitched roof to the average finished grade across the face of the building containing its principal entrance.

BUILDING LINE. A line established by this zoning code, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground except as provided in this code.

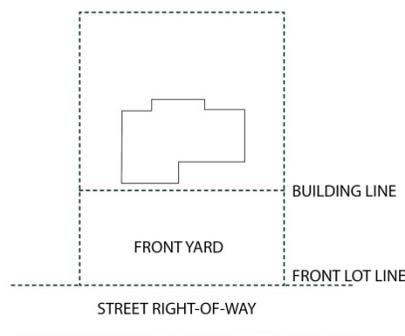


Figure 600-2: Illustration of building line

BUILDING OFFICIAL. The **BUILDING OFFICIAL** of the City of Springdale or his/her duly authorized agent.

BUILDING PERMIT. A permit issued by the building official pursuant to procedures established under the applicable city building code.

BUILDING, PRINCIPAL. The building occupied by the main or principal use or activity on or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.

C

CELLULAR, WIRELESS, AND PERSONAL COMMUNICATIONS

SERVICE ANTENNA. Any structure or device used to receive or transmit electromagnetic waves between cellular phones, tablets, or other personal communications devices and ground-wired communications systems including both directional antennas, such as panels, and omni-directional antennas, such as whips, and other equipment utilized to service personal communication services.

SERVICE SITES. A tract, lot, or parcel of land that contains the cellular, wireless, or personal communications tower, antenna, support structure(s), parking, and any other uses associated with and ancillary to cellular or wireless communications and personal communication services transmissions.

SERVICE TOWER. Any freestanding structure used to support a cellular, wireless, or personal communications service antenna.

SERVICE TOWER, HEIGHT OF. The height from the base of the structure to its top, including any antenna located thereon.

SUPPORT STRUCTURE. Any building or structure accessory to, but necessary for the proper functioning of, the cellular, wireless, or personal communications antenna or tower.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

CHANGEABLE COPY. A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as reader boards.

CHILD'S PLAYHOUSE OR TREEHOUSE. A small structure for children's recreational activities.

CHURCH. See **RELIGIOUS PLACES OF WORSHIP/ASSEMBLY OR CHURCH.**

CITY. The City of Springdale, Ohio.

CLERK. The duly acting and qualified Clerk of Council/Finance Director of the City of Springdale.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUB, PRIVATE. Lands and facilities operated by or for a group or association.

CLUB, TEEN. All buildings and places of assembly as defined in Title XI, Chapter 122 of these Codified Ordinances regulating teen clubs. For the purposes of this chapter, teen clubs shall include teen night clubs, teen dance clubs or any entertainment establishment where the intended occupancy is either overwhelmingly or exclusively minors between 13 and 21 years of age unaccompanied by an adult parent or guardian, but not including similar events operated by a non-profit organization.

CODE. The Official Zoning Code of the City of Springdale, being Chapter 153 of the Springdale Code of Ordinances.

COMMEMORATIVE PLAQUE. A permanent sign which memorializes the historical, political, social, religious, scientific or educational significance of the premises.

COMMERCIAL VEHICLE. See **VEHICLE, COMMERCIAL.**

COMMISSION. The Planning Commission of the City of Springdale.

COMMON LAND. Land in a subdivision or a development area not owned as private land or occupied by dwellings, which is created for common usage by restrictions, easements, covenants, or other conditions running with the land, and which is held for the use and enjoyment by or for the owners or occupants of the dwellings in a subdivision or development area, or owned by a home or unit owners association.

COMMUNITY CENTER. A public building that can be used as a gathering place of community members that may have kitchen facilities, meeting rooms, or recreation facilities.

COMMUNITY SOCIAL SERVICE FACILITIES. A facility housing a public or non-profit agency that provides counseling, therapy, or other social or human service to persons needing such services due to physical, mental, emotional, or other disability or hardship. This definition does not include schools, hospitals, clinics, day cares, or residential uses. (Ord. 33-2016, passed 11-16-16)

COMPOSTING BIN. A fixed or moveable structure made up of fencing or other material for the purpose of containing and cultivating compost.

CONVENIENCE STORE. 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.

CORPORATE IDENTITY FLAG. A flag whose design includes the trademark, insignia, logo or emblem of a corporation, business or development located on the same property.

COUNCIL. The legislative body of the City of Springdale.

COUNTY. The County of Hamilton, Ohio.

COURTYARD. Any open space unobstructed from the ground to the sky, other than a required yard, which is bounded on two or more sides by exterior walls of the building that is on the same lot.

CUL-DE-SAC. A local street, one end of which connects with another street and the other end of which is a dead-end which allows space for turning of vehicles.

CULTURAL INSTITUTION. An institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, aquariums and observatories.

D

DAY CARE. A place in which supervision, protection and care is administered to a person or persons, by an adult other than their parents or guardians, custodians or relatives by blood, marriage or adoption, but not including overnight lodging.

DAY CARE, ADULT. A place that provides community based programs designed to meet the health, social, and related needs of functionally impaired adults during daytime hours.

DAY CARE, CHILD. A place in which child care is provided, with or without compensation during daytime hours.

DAY CARE, PET. See **ANIMAL SERVICES, PET** or **ANIMAL TRAINING OR PET DAY CARE.**

DEMOLITION. An act or process that destroys a structure in whole or in part.

DENSITY. The number of households, dwelling units, or housing structures per unit of land. To determine density, the total number of dwelling units is divided by the gross area of a site (not including public rights-of-way), expressed in dwelling units per acre.

DEVELOPER. A person commencing proceedings under this code to effect the development or use of land for himself/herself, as owner or for the owner, acting as his/her agent, or for the construction or reconstruction of structures already built upon the land.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT AREA. The area of land to be developed by a single owner or a group of owners, acting jointly, which may consist of a parcel or several parcels and includes a related group of single household dwellings, two household dwellings, multi-household dwellings, office, retail, industrial or other uses planned and developed as an entity.

DISTRIBUTION CENTER. A facility that is usually smaller than an establishment's main warehouse and is used for receipt, temporary storage, and redistribution of goods according to customers' orders as they are received.

DISTRICT. A portion of the territory of the city, within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this chapter.

DONATION DROP BOX. A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, such as, but not limited to, clothing or household items. This definition of **DONATION DROP BOX** shall not include trailers where personnel are present to accept donations at all times that the trailer is present and accepting donated items.

DRIVE-THROUGH FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

DRIVEWAY or **ACCESS DRIVE.** A prepared cementitious, asphaltic, or other durable surface area, as approved by the City Engineer, providing ingress and egress for vehicles from private property to and from a private or public right-of-way.

DRY CLEANER. A facility where garments and other fabric materials may be laundered or dry cleaned.

DUMPSTER. See **WASTE CONTAINER UNIT** or **WASTE COLLECTION UNIT**.

DWELLING. A building or structure designed or occupied exclusively for residential use and permitted accessory uses for one or more households, but not including a tent, cabin, trailer, hotel, motel, mobile home or manufactured home.

DWELLING, MULTI-HOUSEHOLD. A building consisting of three or more dwelling units, each dwelling unit being the residence of a single household.

DWELLING, SINGLE HOUSEHOLD. A building or structure consisting of a single dwelling unit only, separated from other dwelling units by open spaces, not including a manufactured home.

DWELLING, TWO HOUSEHOLD. A building consisting of two and no more than two single household dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

DWELLING UNIT. Space within a dwelling comprising living, dining, and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one household.

DWELLING UNIT AREA. The sum of the gross fully enclosed floor area above the basement level, excluding garages, plus those floor areas not more than three feet below finished grade, including those rooms and closets having the minimum ceiling height of seven feet, and the natural light and ventilation required by the city building code. For the purposes of this code, the finished grade shall be the final average elevation around the dwelling after development. Rooms above the first floor of a dwelling unit may be included only if they are directly connected by permanent stairs and a hallway. If under a pitched roof, they also must have one-half of the room area with a minimum ceiling height of seven feet. No portion of the room with a ceiling height of less than five feet shall be included. In a multi-household apartment building, garages, and public or common halls, stairways, loading facilities, recreational area, and storage rooms shall be excluded. The following shall govern measurements used in computing the area of a dwelling unit:

- (1) The gross floor area for frame building shall be measured from the exterior face of the enclosing walls at the respective floor line.
- (2) For dwelling units in two household residences and multi-household buildings measurements shall be as provided in division (1) of this definition, except that measurements involving party walls shall be made to the center line of the party wall.

E

EASEMENT. The right of a person or entity to use, for a specific purpose or purposes, common land or private land owned by another.

EDUCATIONAL INSTITUTION. A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, and technical and collegiate level courses.

EMPLOYEE. A person who works for another person for financial or other compensation.

ENGINEER. The designated engineer or engineers of the City of Springdale.

ENTERTAINMENT, LIVE/DANCING. An event, performance, or activity designed to entertain others.

F

FAÇADE. That portion of a building including a canopy or awning 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 facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.

FARM MACHINERY. All machines and tools used in the production, harvesting, and care of farm products, including trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of 25 miles per hour, or less.

FARMERS MARKET. An organized seasonal outdoor market containing six or more independent vendors open to the public at which locally grown produce and flowers, value-added agricultural products, and fresh baked goods are sold by persons or their representatives who typically grow, harvest or process such items from their farm or agricultural operation.

FENCE. A man made yard structure which forms, or which has the intended purpose to form, a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians.

FINANCIAL INSTITUTION. Any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions, and mortgage companies.

FINISHED GRADE. The elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.

FITNESS OR HEALTH CLUB. See **RECREATION, COMMERCIAL.**

FLOODPLAIN. Any land area susceptible to being inundated by water from any source and as identified on the FEMA flood insurance maps.

FLOOR AREA. The total area of all of the floors of the building used by one or more activities. Such area shall be measured from the exterior faces of the building.

FLOOR AREA, GROSS. The total floor area used for the main and accessory activities and storage areas of the building served.

FLOOR AREA, NET. The total floor area of a building, excluding stairwells, elevator shafts, equipment and mechanical rooms, rest rooms, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FOOD MARKET OR GROCERY STORE. A retail or wholesale store that primarily sells food, including canned and frozen goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

FOOTCANDLE. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

FREEWAY. A divided arterial highway for through traffic, to which access from the abutting properties is prohibited, and all street crossings are made by grade separated intersections.

FUNERAL HOME OR MORTUARY. An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, crematories, mortuaries or columbaria.

G

GARAGE. A building or a part of a residence that includes a garage door, in which to store vehicles and personal property, and is incidental to the use of the property.

GARAGE DOOR. A large door on a garage that opens either manually or by an electric motor and is large enough to accommodate a passenger vehicle.

GARDEN, COMMUNITY. A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off site sale of items grown on the site.

GARDEN, PRIVATE. A garden located on a privately-owned site not maintained by a group.

GOVERNMENT BUILDING. Any building, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

GOVERNMENT STORAGE YARD. Buildings and yards devoted solely to the storage and maintenance of government equipment and materials.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

GREEN SPACE. Area of the lot covered with grass, landscaping and vegetation.

GREENHOUSE. A glassed or translucent enclosure used for the cultivation or protection of plants.

GROUP HOME. A public or private facility which provides placement services for children and is licensed, regulated, approved, and operated under the direction of, or otherwise certified as a group home by, the State of Ohio.

GROUP HOME, ADULT. A residence or facility that provides accommodations and supervision to six to 16 unrelated adults at least three of whom require personal care services.

H

HEDGE. A row of shrubs or bushes, whose intended purpose either at planting or maturity is to form a barrier to light, sound, wind, snow, animals, vehicles, and pedestrians.

HOME OCCUPATION. Any occupation, profession, use or activity which is customarily incidental to the principal residential 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.

HOSPITAL. A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.

HOTEL OR MOTEL. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

HOUSEHOLD. A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single unit.

I

IMPERVIOUS SURFACE. Any material that prevents the absorption of stormwater into the ground located directly below the material.

INCIDENTAL. An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

INSPECTOR. The Building Inspector of the City of Springdale.

K

KITCHEN. A room or part of a room that is designed, built, used or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

L

LABORATORY. A facility for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and scientific research facilities.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAUNDRY OR LAUNDROMAT. A facility where patrons wash and dry clothing or other fabrics in machines operated by the patrons or by an employee of the facility.

LAW DIRECTOR. The designated attorney or attorneys for the City of Springdale.

LIBRARY. A facility that contains books, periodicals, and other materials for reading, viewing, listening, study, or reference, that consists of a room, set of rooms, or building where such materials may be read or borrowed.

LIGHT, CUTOFF. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

LIGHT, NON-CUTOFF. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground.

LIGHT, OUTDOOR. Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

LIGHT TRESPASS. Light which goes beyond the boundary of the site on which the light source is located.

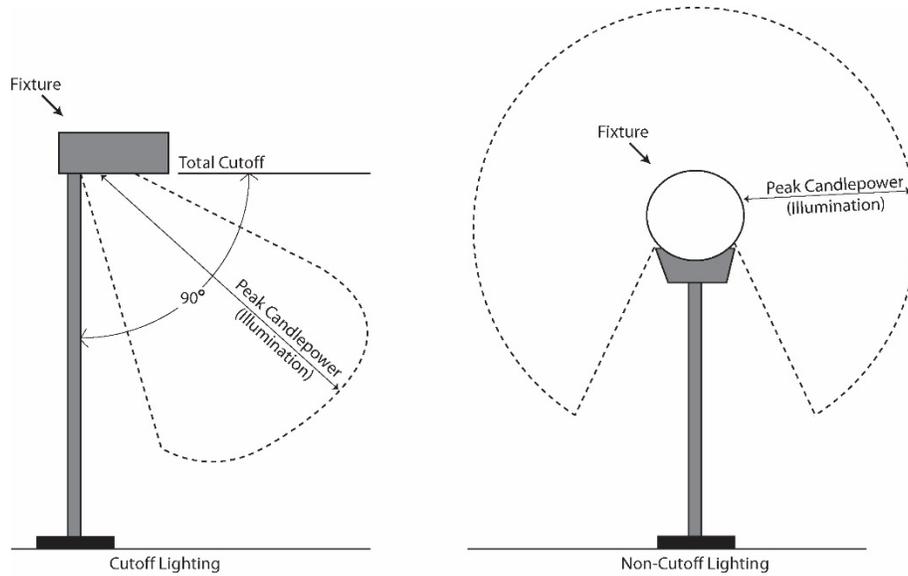


Figure 600-3: Examples of cutoff and non-cutoff lighting

LIVESTOCK. An equine animal regardless of the purpose for which they are raised, and any animal raised for human food products or fiber. These include porcine animals, bovine animals, caprine animals, ovine animals, poultry, alpacas, llamas, or any other animal designated as **LIVESTOCK** by the State of Ohio. See Ohio Revised Code (ORC) 904.01

LOADING AREA/DOCK. An off-street space or berth for the loading or unloading of vehicles on the same lot as the structure they serve.

LOT. A division of land separated from other divisions for purposes of either sale, lease, or separate use, described on the recorded subdivision plat, recorded survey map, or by metes and bounds.

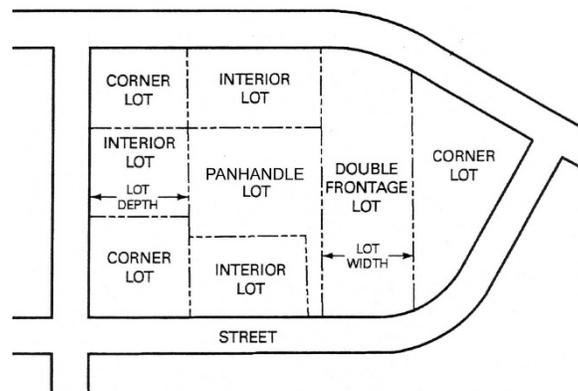


Figure 600-4: Illustration of lot configurations and types

LOT AREA, GROSS. The gross lot area is the sum of the land areas encompassed within the property lot lines.

LOT AREA, NET. The net lot area is the total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

LOT, CORNER. A lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135°.

LOT DEPTH. The mean horizontal distance of a lot measured between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT FRONTAGE. The lineal distance of a property line which abuts a public right-of-way.

LOT, INTERIOR. A lot other than a corner lot or a double frontage lot.

LOT LINE. The boundary of a lot separating it from adjoining public, common, or private land, including a public street.

LOT LINE, FRONT. The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.

LOT LINE, REAR. A lot line parallel or within 45° of being parallel to, and most distant from, the front lot line.

LOT LINE, SIDE. A lot line which is neither a front nor a rear lot line.

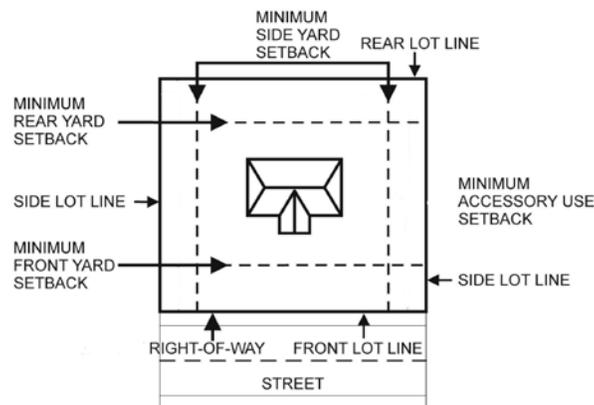


Figure 600-5: Illustration of lot configurations and types

LOT OF RECORD. Land designated as a separate parcel on a subdivision plat, in the records of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the date of the enactment of this code.

LOT, PANHANDLE. A lot also known as a "rear lot" or a "flag lot" which utilizes a narrow strip of land or stem to provide access to, or legal frontage on, a public street or private street. The panhandle of such lot is not considered a building site, nor is the area of such included in calculating the lot area.

LOT, VACANT. A lot without a building or structure.

LOT WIDTH. When used in connection with **BUILDING LINE**, the horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line. When used in connection with **FRONT LOT LINE**, it shall be construed to require measurement along the street right-of-way. When used in connection with neither, it shall be construed to require measurement at both.

LOT, ZONING. A parcel or parcels of land abutting a dedicated street occupied or intended to be occupied by a main building and those accessory structures or uses customarily incidental to it together with such open spaces as required by this zoning code. A **ZONING LOT** shall consist of all property held under conditions described in Ohio Revised Code (ORC) Chapter 5311 or in the case of landminium uses shall consist of:

- (1) All common lands and common facilities in which individual unit owners have a right or easement of enjoyment subject to the right of a homeowner or unit association to assess a proportionate share of the maintenance, improvement, and enlargement of common land and common facilities on the individual unit owners; and,
- (2) The parcels of land on which are located the units owned by all individual unit owners who have such right or easement. Otherwise, unless the context clearly indicates the contrary, the term **LOT** as defined in this section is used synonymously with **ZONING LOT** in this code, and it may or may not coincide with **LOT OF RECORD**.

M

MAINTENANCE AND REPAIR SERVICE. An establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture and leather goods. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

MANUFACTURING, LIGHT. The assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure.

MAP. A drawing showing geographic, topographic, or other physical features of the land.

MAY. Indicates a permissible course of conduct or conditions, but as used in this code does not mean that other courses of conduct or conditions are likewise permissible unless otherwise explicitly expressed.

MEDICAL CLINIC, OUTPATIENT. A building or portion thereof used to provide medical care on less than a 24-hour basis to individuals who are not rendered incapable of self-preservation by the services provided.

MEETING FACILITY. A building that includes large rooms designed to be used for business meetings, gatherings, or conferences.

MIXED USE. A building, lot, or development that contains a mixture of uses including residential, commercial, and/or industrial uses.

MOBILE USE, FOOD. A vehicle or cart used to prepare and serve food and/or beverages in individual portions in a ready-to-consume state. It does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle. (Ord. 33-2016, passed 11-16-16)

MOBILE USE, MEDICAL. A vehicle used for the following: blood donations, immunization, medical evaluation, imaging, diagnostic or testing procedures. It does not include massage or any type of surgery. (Ord. 33-2016, passed 11-16-16)

MODEL HOME. A house in a newly built development that is furnished and decorated to be shown to prospective buyers.

MOTOR VEHICLE. Any vehicle, including house trailers and recreational vehicles, propelled or drawn from power other than muscular power or power collected from overhead electric trolley wires.

MUNICIPALITY or CITY. The City of Springdale, Ohio.

MUSEUM. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

N

NONCONFORMING BUILDING. A building existing lawfully at the time this Zoning Code, or an amendment thereto, became effective, but which does not conform to the area, height, or bulk of building, yard, or other requirements of the district in which it is located.

NONCONFORMING SIGN. A permanent sign existing on any premises which was legal on the effective date of the applicable section or sections of this zoning code, but which does not conform with the provisions of this zoning code.

NONCONFORMING USE. The use of a building or land, existing lawfully at the time this zoning code, or an amendment thereto, became effective, but which does not conform to the use regulations, off-street parking requirements, loading requirements, performance standards, or other regulations of the district in which it is located.

NON-PROFIT ORGANIZATION. An organization exempt from taxation under Sec. 501 (c) (3), (4), (7), (8), (10) or (19) of the Internal Revenue Code, Title 26, United States Code, as in effect on the effective date of this zoning code, and/or incorporated under Chapter 1702 of the Ohio Revised Code pertaining to non-profit corporations.

NURSERY. A place where the primary activity is the growing of plants, trees and shrubs for sale.

NURSING HOME. See **SKILLED NURSING FACILITY**.

O

OFF-STREET LOADING SPACE. An open or enclosed area, including an area within a building, accessible to a public street and available whenever needed for the loading of goods or products to the main use.

OFF-STREET PARKING SPACE. An open or enclosed area accessible to a public street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main use.

OFFICE. A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

OFFICE, MEDICAL. Offices organized as a unified facility for licensed physicians, dentists, chiropractors, or other health care professionals providing diagnosis or care of sick or injured persons but are not provided with room and board and are not kept overnight on the premises. Medical services and medical clinics include medical and dental laboratories incidental to the medical office use.

OPACITY. The measurement of the screening effectiveness, particularly the amount of light which passes through the screening material.

OPEN SPACE. An area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way.

OUTDOOR COMMERCIAL DINING AREA. A porch, patio, deck or other area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a limited restaurant, full service restaurant or a drinking establishment, and which may or may not have a solid roof cover.

OUTDOOR ENTERTAINMENT. The provision of television or musical, theatrical, dance, cabaret, or comedy act performed by one or more persons either electronically amplified or not and/or any form of dancing by patrons and guests outside of the principal building on a deck or patio.

OUTDOOR SALES/DISPLAY. Any unenclosed area exhibiting sample goods, merchandise or vehicles for rental, lease or sale.

OUTDOOR STORAGE. The keeping, in an enclosed or unenclosed area, of any goods, junk materials, merchandise or vehicles in the same place for more than 24 hours.

OUTDOOR VENDING MACHINE. Any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Newspaper racks, pay telephones, air pumps, vacuum machines, and **AUTOMATED TELLER MACHINES** are not considered or regulated as vending machines.

OWNER. Fee simple owner, or his/her authorized agent.

P

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

PARK AND RIDE FACILITY. Parking lot provided to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

PARK, PUBLIC. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK, PRIVATE. A park or playground which is not owned by a public agency, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

PARKING DRIVE. The driveway or access drive by which a car enters and departs a parking space.

PARKING GARAGE. A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motorized vehicles.

PARKING AREA or **PARKING LOT.** An area of ground upon a lot that is used for the parking of vehicles.

PARKING SPACE. See **OFF-STREET PARKING SPACE.**

PASSENGER CAR. Any motor vehicle designed and used for carrying not more than 12 persons but which is not a truck designed by the manufacturer to carry a load of more than one ton, recreational vehicle or commercial tractor.

PEDESTRIAN WAY. A public or private right-of-way solely for pedestrian circulation.

PERFORMANCE STANDARD. A criterion established to control the dust, effluent, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by, or inherent in, uses of land or buildings.

PERSON. An individual, firm, partnership, association, joint venture, corporation, trust, or any other legal entity, including his, her or its agents.

PERSONAL SERVICE. An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to, barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios.

PET, HOUSEHOLD. An animal such as a dog, cat, parrot, parakeet, canary, rabbit, hamster, gerbil, guinea pig, aquarium fish or turtle, or white mouse or rat which is commonly bred for the exclusive purpose of the personal use and enjoyment of an owner or harbinger thereof, and for which exclusive purpose the owner or harbinger keeps or maintains such animal. A **HOUSEHOLD PET** shall not include an exotic animal such as a lion, tiger, tarantula, bear, boa constrictor, alligator, crocodile, piranha, pot-bellied pig, or an animal of a poisonous species or variety, whether domesticated or not. Also, a **HOUSEHOLD PET** shall not include animals meeting the definition of "livestock" or "dangerous wild animal" as established by the State of Ohio. See Ohio Revised Code (ORC) 904.1 or 935.01.

PLAN. A drawing of a proposed design or of work to be performed.

PLANNER. The land use planner or planners of the City of Springdale or his/her duly authorized agent.

PLAT. A map of a lot, parcel, subdivision, or development area on which the lines of each element are shown by accurate distances and bearings.

PORTABLE STORAGE UNITS. Any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle.

PRIVATE LAND. Land in a subdivision or development area which shall be adjoining, attached, and assigned to a single household dwelling, two household dwelling, apartment building, or townhouse building to be held by the owner of the dwelling or building as an open space for all occupants of a residence or all occupants of a multi-household development.

PUBLIC SAFETY FACILITY. A facility for public safety and emergency services, including police and fire protection and police and fire training facilities.

R

RECREATION, COMMERCIAL. A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, archery ranges, mechanical rides, miniature golf courses, golf courses, tennis clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools. **COMMERCIAL RECREATION** does not include indoor or outdoor gun shooting ranges.

REGULATION. Any rule, law, ordinance, restriction, or other mandatory provision adopted or enacted under authority of law and intended to control, require, or prohibit an act.

RELIGIOUS PLACES OF WORSHIP/ASSEMBLY OR CHURCH. 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.

RESIDENTIAL CARE FACILITY. See **ASSISTED LIVING FACILITY.**

RESTAURANT. An establishment whose principal business is the selling of food and beverages to the customer in a ready-to-consume state, in individual servings.

RESTAURANT, BAR. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises.

RESTAURANT, FAST CASUAL. An eating establishment that sells food and/or beverages in a ready-to-consume state and whose principal method of operation typically includes customers ordering from a counter and food is either taken to a table by the customer or delivered to a table by an employee and the food is made fresh when ordered and is not pre-packaged or pre-prepared. A **FAST CASUAL RESTAURANT** typically does not include a drive-thru or pick-up window, but if it does have a drive-thru, its hours of operation are limited to the indoor dining hours.

RESTAURANT, FAST FOOD. An eating establishment that sells food and/or beverages in a ready-to-consume state and whose principal method of operation includes providing customers pre-prepared or pre-packaged food and/or beverages in disposable containers for consumption either on- or off-premises. **FAST FOOD**

RESTAURANTS typically include drive-thru or pick-up windows which are a major source of business for the establishment and may operate outside of the hours of any indoor dining room.

RESTAURANT, SIT-DOWN. A restaurant whose principal business is the sale of food and/or beverages in a ready-to-consume state and whose principal method of operation includes the sale of food and service to patrons seated at tables or counters for consumption within the establishment.

RETAIL SALES. An establishment engaged in the sales of goods, including, but not limited to: clothing and shoes, jewelry, luggage and leather goods, alcoholic beverage sales, furniture and home furnishings, electronic appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office suppliers and stationary, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. The classification includes the retail sale of merchandise not specifically listed under another use classification.

RIGHT-OF-WAY. All of the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes.

RIPARIAN CORRIDOR EASEMENT. A buffer zone of restricted development and limited land use adjacent to all perennial streams and rivers. The purposes of the riparian buffer zone are: to protect public and private water supplies, to trap sediment and other pollutants in surface runoff, to promote bank stabilization, to protect riparian wetlands, to minimize the impact of floods, to prevent decreases in base flow, to protect wildlife habitat, and to generally maintain water quality.

ROADWAY. That portion of a right-of-way available for vehicular travel, including parking lanes.

S

SATELLITE DISH. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas.

SCHOOL. See **EDUCATIONAL INSTITUTION.**

SEATING CAPACITY or MAXIMUM SEATING CAPACITY. The **MAXIMUM SEATING CAPACITY** of the building as determined by the Ohio Building Code.

SELF STORAGE FACILITY. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

SERVICE STRUCTURE. Includes, but is not limited to, loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the ground or are located on a building, ground mounted utility equipment, and electrical and other equipment or elements providing service to a building or a site.

SETBACK. The required minimum horizontal distance between the building line and the related front, side or rear property line.

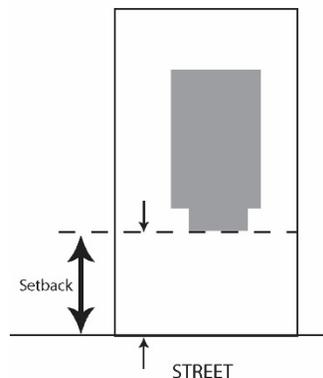


Figure 600-6: Measurement of Front Yard Setback

SEXUALLY ORIENTED BUSINESSES. Chapter 120 of the Springdale Code of Ordinances defines and regulates the location of **SEXUALLY ORIENTED BUSINESSES.** For the purpose of this chapter, **SEXUALLY ORIENTED BUSINESSES** shall include but not be limited to the following: adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, and sexual encounter establishments.

SHALL. Imposes a mandatory requirement or restriction.

SHOPPING CENTER. A grouping of stores and/or shops primarily retail and service uses, together with the space for parking, circulation, and services designed and developed as a unit typically with shared access points, parking, and signage.

SHOULD. Expresses that the application of such factors, standard, or course of conduct is desired and essential unless commensurate factors or standards are permitted or achieved.

SHOWROOMS. A room used for the display of goods or merchandise. To be used as a place to view rather than buy merchandise.

SIGN. A sign is any display, figure, drawing, painting, placard, poster or other device placed or designed to be visible from a public right-of-way or adjoining property which is designed, intended or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object or product.

SIGN, BUILDING PROJECT. A sign which directs attention to the promotion, development, and construction of the property on which it is located and which identifies the architects, engineers, contractors, banks, and other individuals or firms involved with the construction.

SIGN, CAMPAIGN. A sign expressing an opinion or advocating action on any non-commercial issue or a sign identifying a candidate(s) for public office.

SIGN, CANOPY. A sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to permanent awning or marquee. See **SIGN, PROJECTING**.

SIGN, DIRECTIONAL. A sign indicating the direction to which attention is called for purposes of aiding vehicular or pedestrian traffic on the lot on which the sign is located.

SIGN, ELECTRONIC. A sign which displays a text message or graphic image by illuminating a matrix of light emitting diodes (LED) in a programmed pattern to illustrate text or a graphic image.

SIGN, GROSS AREA. The entire area including all of the surfaces placed or designed to be visible from a public right-of-way, and measured as the area enclosed by the closest shaped rectangle which completely encloses the sign face, the sides of which make contact with the extreme point or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a sign composed of characters or words, if such characters or words stand-alone without framing or additional backdrop, which is attached directly to a large, uniform building wall surface, shall be the smallest rectangle which encloses the entire group of characters or words.

SIGN, GROUND. A sign supported by direct contact with the ground, a permanent base, or rests upon one or more posts or supports that are no more than four feet high.

SIGN, HEIGHT. The height of a ground sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign at the point of the sign located the closest to the public right-of-way and prior to construction, excluding any additional elevation added by the creating of berming or mounding. (Ord. 33-2016, passed 11-16-16)

SIGN, INFORMATIONAL. A sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomenon, weather, time, historic sites, areas of natural scenic beauty or outdoor recreational facilities and similar information.

SIGN, NAMEPLATE/IDENTIFICATION. A sign indicating the name, address, or profession of the person or persons occupying a lot or building or any portions thereof.

SIGN, OFF-PREMISES. A permanent sign which directs attention to a business, commodity, or commercial or non-commercial service or entertainment which is not conducted, sold or offered upon the premises where such sign is located or affixed.

SIGN, OUTDOOR ADVERTISING DEVICE. Any device that advertises or otherwise directs attention to an activity not on the same lot where the sign is located. These include but are not limited to Flashing, moving, blinking, racer type, intermittent, rotating, or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, strings of lights not permanently mounted to a rigid background, merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.

SIGN, POLE. A sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic thereunder.

SIGN, PROJECTING. A sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom.

SIGN, REAL ESTATE. A sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

SIGN, TEMPORARY. A sign or searchlight of any type, including banners and pennants, and inflatable objects to announce special events or sales, to announce the sale, lease, or rental of property, and designed for use for a limited period of time.

SIGN, TRAILER OR MOBILE. A sign commonly attached to a trailer, or similar device, and mobile, with or without illumination.

SIGN, TRANSPORTABLE. A temporary sign that is movable when mounted on a chassis, truck bed, or trailer, which may be illuminated, that may display a changeable message face on one side.

SIGN, WALL OR PANEL. A sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than 18 inches therefrom.

SIGN, WINDOW. A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

SKILLED NURSING FACILITY. A facility that offers short and long-term care for individuals who need rehabilitation services or who suffer from serious to persistent health issues. Certificates of need are issued by the State of Ohio for bed units. Skilled nursing facilities do not include facilities providing surgical or emergency medical services, substance abuse programs, or mental health facilities.

SMALL WIND ENERGY TURBINES (SWETs). A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics. **SWETs** shall have a rated capacity of not more than 100 Kilowatts, be intended primarily to produce energy for on-site power consumption and reduce the need to purchase utility power from the grid, and have the ability to sell power back to the grid.

SOLAR FARM. A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

SOLAR PANEL. Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current.

STACKING SPACE. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

STAFF. Person employed by the City of Springdale including consulting professionals and agents of the city.

STANDARD. A test, measure, model, or example of quantity, extent, or quality.

STORY. That portion of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above, the space between the floor and the ceiling next above.

STREET, ALLEY. A narrow roadway intended to provide access to the rear or sides of lots or buildings and not intended for through traffic.

STREET, ARTERIAL. Shall be as defined and as designated on the adopted Thoroughfare Plan of the city.

STREET, COLLECTOR. Shall be as defined and as designated on the adopted Thoroughfare Plan of the city.

STREET, LOCAL. Shall be as defined and as designated on the adopted Thoroughfare Plan of the city.

STREET, MAJOR ARTERIAL. Shall be as defined and as designated on the adopted Thoroughfare Plan of the city.

STREET, PRIVATE. A street held in private ownership or one that has not been accepted by the City of Springdale.

STREET, PUBLIC. A public way for purposes of vehicular travel, including the entire area within the rights-of-way.

STREET, SECONDARY ARTERIAL. Shall be as defined and as designated on the adopted Thoroughfare Plan of the city.

STRUCTURE. Anything constructed or erected for use with location on, within, or attachment to the ground for purposes as regulated by this code.

STRUCTURE, ACCESSORY. A subordinate structure detached from the main building on the same lot or on an adjacent lot of common ownership, the use of which is incidental and accessory to that of the main building. For the purpose of this code, detached structure shall mean that the accessory structure does not share a common wall or foundation with the principal building or structure.

STRUCTURE, PRINCIPAL. The primary structure located on the lot.

STRUCTURE, STORAGE. See **STRUCTURE, ACCESSORY.**

STRUCTURE, TEMPORARY. A structure without a foundation or footing, to be removed upon the expiration of the permitting time frame.

STUDIO, COMMERCIAL. A building, or portion thereof, that is used or intended to be used for nonacademic group instructional purposes for a fee, which includes but is not limited to arts, crafts, dance, and computer instruction.

SWIMMING POOL. An open tank or structure either above or below ground designed to contain a depth of at least 24 inches of water at any point, including the lounging and spectator areas and any accessory buildings, structures or equipment. Detention or retention ponds shall not be considered a swimming pool.

T

THEATER, MOVIE THEATER, OR INDOOR THEATER. A building in which movies are screened before a live audience, or in which dramatic performances are carried out.

THOROUGHFARE PLAN. The City of Springdale Thoroughfare Plan.

TRAILER. Any vehicle without motor power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than 25 miles per hour, except a house trailer and travel trailer.

U

USE. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any activity conducted in a building, other structure or on the land.

USE, ACCESSORY. A use located on the same zoning lot with the main building, other structure, or land, which is subordinate and related to that of the main building or main use.

USE, COMMERCIAL. Any activity or business involving the sale of goods or services carried out for profit.

USE, CONDITIONAL. A use which is permitted in a district only if a conditional use permit is therefore expressly authorized by the planning commission in accordance with section [153.204: Conditional Use Permits](#).

USE, INDUSTRIAL. Any activity or business involving the manual, mechanical or chemical transformation into new products including the assembling of component parts.

USE, INSTITUTIONAL. Institutional means any non-profit, religious, or public use such as a church, public or private school, hospital, or government owned and operated building.

USE, PERSONAL SERVICES. Activities conducted in an office, store or other place of business catering to the personal needs of a customer such as, but not limited to, those activities normally conducted by a barber, beautician, tailor, or dressmaker.

USE, PRINCIPAL. A use which is permitted as of right in a district for which a zoning certificate shall be issued by the Building Official, provided that the applicant meets the applicable requirements of this code.

USE, TEMPORARY. A use permitted for a period of time specified per this code.

V

VARIANCE. The administrative relief provided by the Board of Zoning Appeals from the strict terms of the relevant regulations.

VEHICLE. Everything on wheels or runners, including motorized bicycles, but does not mean vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, or volunteer fire department or used by such department in the discharge of its functions.

VEHICLE, COMMERCIAL. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

VEHICLE, RECREATIONAL. A vehicular portable structure designed and constructed to be primarily used as a temporary dwelling for travel, recreational, and vacation uses including but not limited to the following:

MOTOR HOME. A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

TRAVEL TRAILER. A non-self-propelled recreational vehicle measured exclusive of bumper and tongue or coupling, and including tent type fold out camping trailer.

TRUCK CAMPER. A non-self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

VEHICLE STORAGE YARD. Fleet storage or other inactive vehicle storage which is not accessible to vehicular traffic of the general public.

VEHICULAR USE AREA. All areas subject to vehicular traffic including parking lots, accessways, loading areas and service areas.

VEHICLE WASHING ESTABLISHMENTS. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

VENDING MACHINE, OUTDOOR. A self-service container, structure, storage unit or other device for dispensing consumable food products and goods. This definition excludes news racks of publications and printed material.

W

WALLS. A vertical structure of a linear nature that is a barrier and is used as a boundary, as a means of protection or confinement or as a buffer, which is made of manufactured materials, such as but not limited to wood or stone material.

WAREHOUSING. The indoor storage and wholesale of goods, materials, or merchandise for shipment to or processing on other property, and for sale to retailers and jobbers rather than consumers. See [Table 253-1: Non-Residential Permitted Uses](#) and [Table 302-2: Number of Off-Street Parking Space Requirements](#).

WASTE CONTAINER UNIT OR WASTE COLLECTION UNIT. A container having a capacity of at least one cubic yard used for the temporary storage of rubbish or materials to be disposed, recycled or donated pending collection.

WHOLESALE AND DISTRIBUTION. A facility for storage and wholesale distribution of merchandise and bulk goods and non-retail store sales, including electronic shopping, mail-order houses and other direct-selling establishments. This use classification excludes retail sale of goods at discount prices for individual consumption.

Y

YARD. That portion of the open area on a lot extending between a building and the nearest lot line.

YARD, FRONT. The yard extending from the front wall of the main building to the front lot line across the full width of the lot. For the purposes of these regulations, any yard abutting a street shall be considered a front yard.

YARD, REAR. The yard extending from the rear wall of the main building to the rear lot line across the full width of the lot.

YARD, SIDE. The yard extending between a side lot line and the nearest wall of the main building, and from the front yard to the rear yard; however, for a corner lot the side yard extends from the front yard to the rear lot line along the side street and shall be considered as a second **FRONT YARD** for the purposes of these regulations.

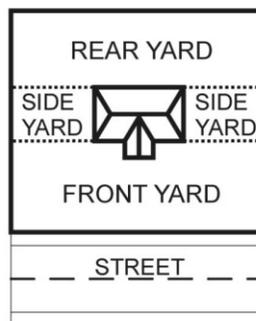


Figure 600-7: Typical yard locations on an interior lot

Z

ZONING CERTIFICATE. A document issued by the building official authorizing buildings, structures or uses which are consistent with the terms of this zoning code and for the purpose of carrying out and enforcing its provisions.

LIST OF REVISIONS

Ordinance	Date Passed	Revision
33-2016	November 16, 2016	Revise regulations throughout the code, including updates to sections 153.202, 153.252, 153.252, 153.253, 153.254, 153.255, 153.257, 153.453, 153.456, 153.459, 153.461, 153.600 and to Tables 252-1, 252-2, 252-3, 253-1, 253-2, 302-2, and 459-1