

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING AND SUPPLEMENTING THE PLANNING AND ZONING CODE TO CORRECT TYPOGRAPHICAL ERRORS; ESTABLISH A DEADLINE FOR THE DEDICATION OF STREETS; AUTHORIZE THE CODE ENFORCEMENT OFFICER TO EXTEND THE TIME FOR SITE PLAN APPROVAL; ADD THE DEFINITION FOR INSTITUTIONAL CARE FACILITY; PROHIBIT TRUCK STOPS, STORAGE OF VEHICLES AS A PRINCIPLE USE, AND FREESTANDING DRIVE-THROUGH FACILITIES; LIMIT THE NUMBER OF SEMI-TRAILER TRUCK REFUELING STATIONS; CHANGE THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND/OR RETAINING WALLS UNDER CERTAIN CIRCUMSTANCES; CLARIFY ONLY ONE PRINCIPLE USE ALLOWED PER PARCEL, LIKE USES CAN BE ON ONE LOT, ACCESSORY STRUCTURES MUST BE SUBORDINATE IN HEIGHT TO THE PRINCIPLE STRUCTURE, AND THE SUM OF SQUARE FEET OF FOOTPRINT OF PRINCIPLE STRUCTURE; REQUIRE A PERMIT FOR UNENCLOSED PATIOS; ADD FLOOR STANDARDS FOR ACCESSORY BUILDINGS; PERMIT THE RAISING OF CHICKENS; PROHIBIT WOOD PILES IN SIDE YARDS; CHANGE THE INDUSTRIAL ARCHITECTURAL DESIGN STANDARDS; REQUIRE PRIVATE DRIVEWAYS AND LOTS TO MEET CERTAIN REQUIREMENTS; EXEMPT RESIDENTIAL PROPERTY FROM CERTAIN LANDSCAPING REQUIREMENTS; EXPAND ON THE REQUIREMENT FOR LANDSCAPING; CLARIFYING REQUIREMENTS FOR STREET TREES FOR PRIVATE COMMERCIAL DEVELOPMENTS; ESTABLISH A MINIMUM REQUIREMENT FOR CERTAIN LANDSCAPING; INCLUDE DUMPSTER WALL DAMAGE PROTECTION; MODIFY THE AREA AND HEIGHT FOR WAYFINDING SIGNS AND MONUMENT SIGNS; PERMIT DIGITAL SIGNS IN INDUSTRIAL DISTRICTS; ALLOW FOR POLE MOUNTED DRIVEWAY SIGNS; AMEND THE MATERIAL AND CONSTRUCTION TYPE FOR GROUND MOUNTED AND DOWNTOWN SIGNS; AND INCLUDE THE DEFINITION OF TRUCK TERMINAL.

WHEREAS, The Planning Commission recommended certain amendments and supplements of the Planning and Zoning Code on December 5, 2017; and

WHEREAS, Council desires to adopt the recommendation of the Planning Commission and approve the recommended changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 1203.05(G) of the Planning and Zoning Code is hereby supplemented to read as follows:

- “(2) Effect of Final Construction Drawing Approval
(a) Where a tract of land has not received or is ineligible to receive final plat approval due to proposed subdivided stages or does not have known final lot configuration (i.e. unidentified potential end users in a commercial development), but has received construction document approval and completed the majority of street or other public way construction (i.e. may not have final asphalt course coat), such street or public way

shall be dedicated within two years of essential construction completion as determined by the City Engineer.”

SECTION 2: Section 1203.06(H)(3) of the Planning and Zoning Code is hereby repealed and amended to read as follows:

“(3) Upon written request, the Code Enforcement Officer may grant an extension if the applicant can show good cause.”

SECTION 3: Section 1204.03(C) is hereby repealed and amended and supplemented to read as follows:

“(A) TABLE OF PERMITTED USES

Table 1204-3: Principally Permitted Uses, identifies the list of principally permitted uses in all underlying base zoning districts.

TABLE 1204-3: PRINCIPALLY PERMITTED USES														
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED														
USE TYPE	A-1	A-2	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	B-P	L-1	H-1	ADDITIONAL REQUIREMENTS
AGRICULTURAL USE CLASSIFICATION														
Agriculture – Raising of Crops	P	P					PS	PS			P	P	P	1204.04(A)(1)
Agriculture – Raising of Livestock	PS	PS												1204.04(A)(2)
Greenhouses and Nurseries								P						
Stables, Private	P	P												
RESIDENTIAL USE CLASSIFICATION														
Adult Family Homes or Small Residential Facilities	P	P	P	P	P									
Adult Group Homes or Large Residential Facilities						C								1204.04(B)(1)
Conservation Subdivisions	PS			PS										1204.04(B)(2)
Multi-Family Dwellings						PS								1204.04(B)(3)
Institutional Care Facility					C	C								1204.04(B)(4)
Single-Family Dwellings	P	P	P	P	P									
Two-Family Dwellings					P									
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION														
Active Parks, Playgrounds, and Ball Fields	C	C	C	C	C	C	PS	1204.04(C)(1)						
Cemeteries	C	C	C	C	C	C								1204.04(C)(2)
Cultural Institutions							P	P	P	P				
Educational Institutions	C	C	C	C	C	C			C	C				1204.04(C)(3)
Educational Institutions, Higher							P	P	P	P	P	P	P	
Essential Public Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal Organizations							P	P	P	P				
Government Facilities	C	C	C	C	C	C	P	P	P	P	P	P	P	
Hospitals and Outpatient Center							C	C	C	C	C			

TABLE 1204-3: PRINCIPALLY PERMITTED USES

P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED

USE TYPE	A-1	A-2	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	B-P	L-1	H-1	ADDITIONAL REQUIREMENTS
Nursery Schools or Day Care Centers (Children or Adult)						C		PS	PS	PS	PS	PS		1204.04(C)(4)
Parking Garages							PS	1204.04(C)(5)						
Parking Lots											PS	PS	PS	1204.04(C)(6)
Park-and-Ride Facility							P	P	P	P	P	P	P	
Passive Parks, Open Space, and Natural Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Community Centers	C	C	C	C	C	C	P	P	P	P	P			
Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	
Religious Places of Worship	C	C	C	C	C	C	PS	PS	PS	PS	PS			1204.04(C)(7)
Solar Farms	PS	PS												1204.04(A)(4)
Wireless Telecommunication Facilities (new facility)	C	C	C	C	C	C	C	C	C	C	C	C	C	1204.04(C)(8)
Wireless Telecommunication Facilities (co-location on existing facility)	PS	1204.04(C)(8)												
COMMERCIAL USE CLASSIFICATION														
Antique Mall								PS	PS					1204.04(D)(1)
Assembly Halls and Conference Centers							PS	PS	PS	PS	PS			1204.04(D)(1)
Automotive Sales or Leasing							PS	P						1204.04(D)(3)
Automotive Service Station and Parts Sales							PS	PS		PS				1204.04(D)(4)
Bed and Breakfast Establishments	C	C	C	C	C	C								1204.04(D)(5)
Brewpub							PS	PS	PS	PS				1204.04(D)(12)
Commercial Recreation Facilities (Indoors)	C	C					P	P	P	P	P	P		
Commercial Recreation Facilities (Outdoors)	C	C					C	C		C	C	C		1204.04(D)(6)
Convenience Stores							P	P	P	P				
Drive-In Restaurants								PS		PS				1204.04(D)(7)
Dry Cleaning and Laundry Drop-Off/Pick-Up Only							P	P	P	P				
Eating and Drinking Establishment							P	P	P	P	PS	PS	PS	1204.04(D)(8)
Entertainment Device Arcades								C						1204.04(D)(9)
Equipment Sales and Leasing								P		P		P	P	
Financial Institutions							P	P	P	P	P	P	P	
Flea Markets							C							1204.04(D)(10)
Funeral Homes						C		P	P	P				
Hotels and Motels							P	P		P	P			
Kennels	PS							C		C				1204.04(D)(11)
Medical or Dental Clinics or Offices							P	P	P	P	P			
Microbrewery or Microdistillery or Microwinery							PS	PS		PS	PS	P	P	1204.04(D)(12)
Mixed Use Building							PS		PS	PS				1204.04(D)(12)

TABLE 1204-3: PRINCIPALLY PERMITTED USES															
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED															
USE TYPE	A-1	A-2	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	B-P	L-1	H-1	ADDITIONAL REQUIREMENTS	
Offices							P	P	P	P	P	P	P		
Personal Service Establishments							P	P	P	P	PS	PS			1204.04(D)(8)
Rentals, Truck, Van and Equipment								P		P		P	P		
Retail and Service Commercial Uses (under 75,000 SF)							P	P	P	P	PS	PS	PS		1204.04(D)(14)
Retail and Service Commercial Uses (75,000 SF and above)							PS		1204.04(D)(14)						
Retail Fuel Sales								PS		PS					1204.04(D)(15)
Self-Storage Facilities												C	C		1204.04(D)(16)
Sexually Oriented Businesses								PS							1204.04(D)(17)
Theaters							P	P		P					
Vehicle Washing Establishment								PS							1204.04(D)(17)
Veterinarian Offices or Animal Grooming (No Boarding)							P	P	P	P		P	P		
Video Lottery Terminals (VLT)							P	PS				PS	PS		1204.04(D)(18)
INDUSTRIAL USE CLASSIFICATION															
Automotive Body and Major Repair												PS	PS		1204.04(E)(1)
Building and Lumber Yards								C				PS	PS		1204.04(E)(2)
Large Brewery												P	P		
Contractor Yards												C	PS		1204.04(E)(2)
General Industrial Services							C	C				P	P		
Heavy Industrial Uses													P		
Light Industrial Uses												P	P		
Research and Development Facilities											P	P	P		
Shooting Range, Indoor												P	P		
Warehouses and Distribution Centers												P	P		
Wholesale Businesses												P	P		

SECTION 4: Section 1204.03(D)(8) of the Planning and Zoning Code is hereby supplemented to read as follows:

“(D) PROHIBITED USES

The following uses shall be prohibited from located within the City of Monroe in an effort to minimize the risk of creating new Brownfield areas or are of an intensity not permitted within Monroe. Such uses shall not be deemed similar to another use that is permitted within Table 2-03: Principally Permitted Uses.

- (1) Battery reclamation or manufacturing;
- (2) Transfer, storage, or disposal facilities requiring a permit under the Resource Conservation and Recovery Act of 1976;
- (3) Junk and scrap metal/auto salvage and recycling yards;
- (4) Sanitary/solid waste landfills;
- (5) Construction and demotion debris landfills;

- (6) Manufacturing or processing of regulated substances as the principal activity;
- (7) Manufacturing of paints, varnishes, lacquers, and enamels; and
- (8) Trucking or bus terminals, Truck Stops, Storage of Vehicles (principle use);
- (9) Exotic animals;
- (10) Outdoor shooting ranges;
- (11) Drive-Through Facility, Freestanding”

SECTION 5: Section 1204.04(B)(5) is hereby repealed and amended to read as follows:

- “(5) Institutional Care Facility
- (a) The minimum lot area shall be five acres.
 - (b) All structures and activity areas, except off-street parking, shall be set back a minimum of 100 feet from the front lot line and 40 feet from all other lot lines.
 - (c) The density shall not exceed 15 patient rooms per acre.”

SECTION 6: Section 1204.04(D)(4) is hereby supplemented to read as follows:

- “(4) Automotive Service Station and Parts Sales.
- a) Canopies shall be gabled, set back a minimum of 15 feet from street rights-of-way, and shall not exceed a clearance height of 14 feet.
 - b) Lubrication, washing, incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as otherwise provided herein.
 - c) Employee vehicles and vehicles awaiting service or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan. Such vehicular use areas shall be set back a minimum of 50 feet from any right-of-way.
 - d) The sale of motor vehicles on premises used for automotive service stations shall be prohibited.
 - e) The storage of non-operational vehicles for longer than a 24-hour period shall only be permitted for automotive body and major repair businesses. Such storage shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of five feet. No such vehicle shall be stored on-site for more than two weeks.
 - f) All other outdoor storage shall be subject to the standards of Section 1205.01(G)(14): Outdoor Bulk Storage.
 - g) No semi-trailer truck parking stalls are permitted other than temporary stacking for refueling.
 - h) No more than five single refueling stations for semi-trailer trucks are permitted. The number of semi-trailer truck refueling stations shall not exceed the number of automobile refueling stations.
 - i) The following shall apply to vacant or inoperative automobile service stations:
 - i. If any automotive service station is vacant or not operational for a period of at least six consecutive months, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

- ii. Vacant or inoperative automotive service stations shall be maintained in accordance with the requirements of this code and all underground storage tanks shall be secured and maintained to prevent leaking, access by unauthorized individuals, and meet all established state regulations for storage tanks.
- iii. Any removal of pumps or tanks shall be undertaken in accordance with safe accepted practices as prescribed by the National Fire Protection Association and filling depressions to the grade level of the lot.
- iv. The owner of the station shall be required to consistently maintain the premises.

SECTION 7: Section 1204.05(A)e)xiii of the Planning and Zoning Code is hereby supplemented to read as follows:

“xiii) The Code Enforcement Officer may grant an exception to these requirements for agricultural uses, water supply/treatment facilities, sewage/liquid waste treatment facilities, outdoor utility substations/distribution facilities, safety or service facilities, any safety issue (i.e. swimming pool access on a grade or soil stabilization) or industrial operations when these facilities could pose a security or physical hazard as determined by the Code Enforcement Officer.”

SECTION 8: Section 1204.05(C)(2) of the Planning and Zoning Code is hereby supplemented to read as follows:

“(2) There shall not be more than one principle building/use on an individual lot except as otherwise permitted as part of a PUD District or as part of an approved condominium project.”

SECTION 9: Section 1204.05(C)(3) of the Planning and Zoning Code is hereby repealed in its entirety.

SECTION 10: Section 1204.05(D)(2) of the Planning and Zoning Code is hereby supplemented to read as follows:

“(2) There can be more than one principal building/use on an individual lot when such building or uses are related for a common production process, a shopping facility, or office use (i.e. a research facility with multiple buildings but, not multiple restaurant structures on one parcel). When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved during site plan review to ensure an adequate amount of building spaces and preservation of landscaping areas.”

SECTION 11: Sections 1205.01(C)(1) and (2) of the Planning and Zoning Code are hereby repealed and amended and supplemented to read as follows:

“(1) An accessory use or structure may not exceed 40 feet in height in the A-1 or A-2 district. The maximum height of an accessory structure may not exceed 20 feet in height in the residential districts. In residential districts the height of all accessory structures shall be subordinate to the height of the principal structure, unless specifically permitted with standards (i.e. Small Wind Energy Conservation Systems).

- (2) The cumulative total of all accessory structures shall be subject to maximum lot coverage allotments for each district as established in Table 1205-1: site Development Standards for Residential Zoning Districts. The cumulative footprint of all detached garages, utility/storage sheds, gazebos and above ground swimming pools shall not exceed 50% of the footprint of the principal structure.”

SECTION 12: Section 1205-2 of the Planning and Zoning Code is hereby repealed and amended and supplemented to read as follows:

TABLE 1205-2: PERMITTED ACCESSORY USES AND STRUCTURES

P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED

ACCESSORY USE OR STRUCTURE	RESIDENTIAL DISTRICTS			BUSINESS AND INDUSTRIAL DISTRICTS			ZONING PERMIT REQUIRED	COUNTS TOWARD MAX. NUMBER OF ACCESSORY STRUCTURES	ADDITIONAL REQUIREMENTS
	A-1 AND A-2	R-1 AND R-2	R-3 AND R-4	C-1, C-2 AND C-4	C-3	B-P, L-1, AND H-1			
Accessory Dwelling Units	C	C	C				Yes	Yes, if detached	1205.01(G)(1)
Agricultural Buildings	PS						Yes	No	1205.01(G)(2)
Amateur Radio Antennas	PS	PS	PS				No	No	1205.01(G)(3)
Automated Teller Machines (ATMs)				PS	PS	C	Yes	Yes	1205.01(G)(4)
Community Gardens	PS	PS	PS	PS	PS	PS	Yes	No	1205.01(G)(5)
Detached Garages	PS	S	PS	PS	PS	PS	Yes	Yes	1205.01(G)(5)
Detached Storage/Utility Sheds, Gazebos, and Similar Structures	PS	PS	PS	PS	PS	PS	Yes	Yes	1205.01(G)(5)
Drive-Through Facilities				PS		C	Yes	Yes	1205.01(G)(6)
Drop-Off Boxes				PS			No	No	1205.01(G)(7)
Electric Charging Stations – Level 1 and 2	PS	PS	PS	PS	PS	PS	Yes	No	1205.01(G)(8)
Electric Charging Stations – Level 3 and Battery Exchange						PS	Yes	No	1205.01(G)(9)
Home Occupations	PS	PS	PS				Yes	No	1205.01(G)(10)
Guard Shacks and Related Structures						PS	Yes	No	1205.01(G)(11)
Outdoor Dining				PS	PS		Yes	No	1205.01(G)(12)
Outdoor Sales/Display				PS	PS	PS	Yes	No	1205.01(G)(13)
Outdoor Bulk Storage				PS		PS	Yes	No	1205.01(G)(14)
Porches or Decks	PS	PS	PS	PS	PS		Yes	Yes	1205.01(G)(15)
Radio and Television Antennas	PS	PS	PS	PS	PS	PS	No	No	1205.01(G)(16)
Raising of Chickens		PS					Yes	Yes	1205.01(G)(18)
Residential Recreational Facilities	PS	PS	PS				Yes	Yes	1205.01(G)(17)
Roadside Stands	PS			PS		PS	Yes	Yes	1205.01(G)(18)

TABLE 1205-2: PERMITTED ACCESSORY USES AND STRUCTURES									
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED									
ACCESSORY USE OR STRUCTURE	RESIDENTIAL DISTRICTS			BUSINESS AND INDUSTRIAL DISTRICTS			ZONING PERMIT REQUIRED	COUNTS TOWARD MAX. NUMBER OF ACCESSORY STRUCTURES	ADDITIONAL REQUIREMENTS
	A-1 AND A-2	R-1 AND R-2	R-3 AND R-4	C-1, C-2 AND C-4	C-3	B-P, L-1, AND H-1			
Satellite Dishes	PS	PS	PS	PS	PS	PS	See Sec. 1205.01(G)(19)	No	1205.01(G)(19)
Small Wind Energy Conservation Systems	PS					C	Yes	No	1205.01(G)(20)
Solar Panels	PS	PS	PS	PS	PS	PS	Yes	Yes, if detached	1205.01(G)(21)
Swimming Pools, Community	PS	PS	PS	PS	PS		Yes	Yes	1205.01(G)(17)
Swimming Pools, Private	PS	PS	PS	PS	PS		Yes	Yes	1205.01(G)(17)
Type-B Day Care Home (1-6 children)	P	P	P				No	No	
Unenclosed Patios	PS	PS	PS	PS	PS		Yes	No	1205.01(G)(22)
Other Accessory Uses Not Listed	C	C	C	C	C	C	As determined by the Planning Commission		

SECTION 13: Section 1205.01(G) is hereby supplemented to read as follows:

- “(5) Detached Garages/Detached Storage/Utility Sheds, Gazebos, and Similar Structures
 - a) All storage or garage structures have a solid asphalt or concrete floor surface. Alternate materials may be approved by the Code Enforcement Officer.
 - b) Utility Sheds (generally 200 square feet and under), Gazebos and similar structures may be permitted a wooden, paver, or other alternative solid floor surface, as approved by the Code Enforcement Officer.

- (18) Raising of Chickens

Raising of Chickens shall be permitted in Single Family Districts subject to compliance with all the following requirements:

 - a) The Raising of Chickens shall only be permitted in the rear yard.
 - b) For all residential lots one third acre or less that contain a single family dwelling unit/house the maximum number of chickens allowed is three (3).
 - c) For all residential lots over one third acre that contain a single family dwelling unit/house the maximum number of chickens allowed is six (6)
 - d) There is no restriction on chicken breeds. Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not permitted.

- e) Eggs, chicks, adult chickens, and processed chickens shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.
- f) Chicken Enclosures
 - i) A chicken coop and chicken pen shall be provided and the chickens shall be secured in the coop or pen at all times. No person shall release or set any chicken free from such coop or pen.
 - ii) The chicken coop and chicken pen all be located at least 15 feet from any property line or public right-of-way and a minimum of 25 feet from any residential structure on an adjoining lot.
 - iii) Coop
 - A. The coop shall be enclosed with a solid material on all sides and have a solid roof and door(s).
 - B. The coop shall be at least two feet high, and provide at least three square feet of floor area per chicken with a maximum area of 100 square feet. The maximum height is six feet.
 - C. The coop shall provide one square foot of window per 15 square feet of floor area, and vents as necessary to ensure adequate ventilation. If the floor area is less than 15 square feet, then at least one window measuring one foot by one foot shall be provided.
 - D. Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut.
 - E. Windows and vents shall be covered with wire that is 16-gauge or wider diameter with maximum spacing of one inch by one inch.
 - F. In all instances the coop is required to substantially meet the architectural requirements for accessory structures with the intent to comply with architectural features in figure 1205-C



Figure 1205-C: Image of acceptable Chicken Coop and Pen features

- iv) Pen
 - A. The chicken pen shall be constructed of wood or alternate material as approved and wire fencing material that is 19-gauge or wider diameter with maximum spacing, overall or along the lower portion for graduated poultry fencing, of one inch by six inches. The maximum height is six feet with a maximum area of 160 square feet.
 - B. The pen shall provide at least 10 square feet of area per chicken. The fence shall rise at least three feet above the ground.
 - C. The pen shall be covered with wire or solid roofing.
- g) The chicken coop shall provide adequate security, ventilation, and shelter from moisture and extremes of temperature.
- h) Chickens shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds, and predators. Chickens shall be provided adequate bedding in the chicken coop and perches are encouraged.
- i) No more than 2 cubic feet of chicken manure shall be stored, for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container. Any compost using chicken manure shall be produced in an enclosed backyard composter.
- j) The chicken coop, chicken pen, and surrounding area shall be kept clean, dry, odor free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner.
- k) Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a six-foot tall solid opaque fence, wall, or equivalent landscape vegetative material.
- l) Slaughter shall not be visible from any adjacent property, public area, or right-of-way and only if for use by the occupants of the premises and not for sale. If a chicken dies from causes other than slaughter, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of with household waste.
- m) In a public health emergency declared by the Health Department or appropriate agency, including but not limited to an outbreak of Avian Flu, immediate removal of the chickens or other corrective action may be required, in accordance with applicable public health regulations and procedures.
- n) In the event that violation(s) of this section occurs twice within any given 365 day period, the City shall have the right to revoke the accessory use permit for the raising of chickens and order the immediate removal of all chickens, and related chicken raising structures, and uses.”

SECTION 14: Section 1205.01(G)(19)j)i) is hereby repealed and amended and supplemented to read as follows:

- i) Swings, playsets, sandboxes, gardens with garden type fencing, clotheslines, outdoor fire pits, and chimneys are permitted in the side or rear yards, and do not require a permit. Wood piles are permitted in the rear yard only and do not require a permit.

SECTION 15: Section 1210.05(E)(2) and (3) are hereby repealed and amended and supplemented to read as follows:

“(2) A minimum of 25% primary masonry materials provided on any wall facing a public street or right-of-way is required with the remaining wall area consisting of secondary building materials and accent materials as listed below. All other exterior building walls visible from a public right-of-way shall consist of 25% primary masonry. The percent calculations shall be based on exterior wall area on each facade, excluding openings for windows and doors. For multiple frontage lots, the percentages on the alternate frontage(s) when considering the character of the surrounding uses. Large scale buildings (typically 150,000 square feet and over) may vary from the primary material requirements with approval from the Code Enforcement Officer based on other design elements of the structure creating architectural and visual interest.

- a) Primary Masonry Materials (100% use permitted unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 25%)
 - i) Claybrick
 - ii) Natural Stone
 - iii) Manufactured Stone with a natural appearance (does not include concrete masonry unit)
- b) Secondary Building Materials (Maximum 75% use permitted)
 - i) Concrete panels (shall be textured or patterned or colored)
 - ii) Stucco (masonry)
 - iii) Architectural concrete block/concrete masonry unit (CMU)
 - iv) Metal Panels
- c) Accent Materials (Minimum 15% use required)
 - i) Exterior Insulation and Finish Systems (EIFS)
 - ii) Cementitious Material installed as lap siding
 - iii) Glass Block
 - iv) Tile
 - v) Other materials as approved by the Code Enforcement Officer

(3) Building entrances shall be clearly defined and appropriately proportioned to the building size by a recess or extension that is framed by a sheltering element such as an awning, canopy, arcade or portico that incorporates detailing, a change in materials or similar feature to break up the building façade and encompasses 15% of the total wall area.”

SECTION 16: Section 1211.03(A)(1) is hereby supplemented to read as follows:

“(1) New Uses

The requirements of this chapter shall apply to any site-plan or zoning permit application involving the construction of a new structure, new driveway, new vehicular use area, or use in any district.”

SECTION 17: Section 1211-1 of the Planning and Zoning Code is hereby repealed and amended to read as follows:

“

TABLE 1211-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS		
USE		PARKING SPACE REQUIREMENTS
AGRICULTURAL USE CLASSIFICATION		
Greenhouses and Nurseries		One space per 250 square feet of indoor display and sales area plus one space per 1000 square feet of outdoor sales / display areas
Public Stable		One space per 4 stalls plus one space per employee
RESIDENTIAL USE CLASSIFICATION		
Apartments on Upper Floors		One space per dwelling unit
Conservation Subdivisions		Two spaces per dwelling unit
Multi-Family Dwellings		Two and one-half (2.5) spaces per dwelling unit
Institutional Care Facility, Adult Family Homes, Adult Group Homes, and Residential Facilities		One space per two beds
Single-Family and Two-Family Dwellings		Two enclosed spaces per dwelling unit
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION		
Active Parks, Playgrounds, and Recreational Facilities	Athletic/Play Field	Ten spaces per acre
	Golf Course	Four spaces for each hole plus one space for 100 square feet of net floor area in any cocktail lounge, bar, or similar facility.
	Golf Driving Range	One space for each driving tee plus one per employee
	Parks, Playgrounds	Four spaces per acre
	Skating Facility	One space per 250 square feet of floor area
	Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee	One parking space for each 50 square feet of pool area; eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Cemeteries		One space per four seats in a chapel or place of assembly
Public Community Centers and Cultural Institutions		One space per two fixed seats or one space per two persons based on the maximum occupancy, whichever is greater
Educational Institutions (K-8)		Three spaces per classroom, one space per four seats in auditorium, or one space for each 17 classroom seats (at maximum capacity), whichever is greater

TABLE 1211-I: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS

USE	PARKING SPACE REQUIREMENTS
Educational Institutions (9-12)	One space per five students
Educational Institutions, Higher	One space for each five classroom seats plus one space for each auditorium seat
Fraternal Organizations	One space per two fixed seats or one space per two persons based on the maximum occupancy, whichever is greater
Government Facilities	One space per 250 square feet or one space per four people at maximum occupancy, whichever is greater
Hospitals	One space for every two patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have four spaces per 1,000 square feet
Nursery Schools or Day Care Centers	One space for every four children based on maximum occupancy
Religious Places of Worship	One space per four fixed seats in the main assembly room or one space per four persons, whichever is greater
Wireless Telecommunication Facilities	Two spaces per tower
COMMERCIAL USE CLASSIFICATION	
Antique Mall	One space per 250 square feet
Assembly Halls and Conference Centers	One space per two fixed seats or one space per two persons based on the maximum occupancy, whichever is greater
Automotive and Machinery Sales or Leasing	One space per 300 square feet of indoor floor area, plus two spaces per service bay (service bay may not be counted as a parking space).
Automotive Body and Major Repair	
Automotive Service Station and Parts Sales	
Bed and Breakfast Establishments	Two spaces for owner plus one space for each guest room
Brewpub and Microbrewery, Microdistillery, or Microwinery	One space per 100 square feet of tasting room, taproom, or table service area. Production and storage areas shall comply with industrial use requirements.
Commercial Recreation Facilities (Indoors and Outdoors)	One space for each three persons at capacity
Convenience Stores	One space per 250 square feet with a minimum of five spaces
Drive-In Restaurants	One space per each four seats if outdoor dining areas are provided and/or five spaces if walk-up service is provided
Dry Cleaning and Laundry Drop-Off/Pick-Up Only	One space per 250 square feet with a minimum of five spaces
Eating and Drinking Establishment	One space per 100 square feet
Entertainment Device Arcades	One space per two terminals or gaming system
Financial Institutions	One space per 250 square feet with a minimum of five spaces
Flea Markets	One space per 300 square feet of indoor sales area and one spaces per 500 square feet of outdoor sales area
Funeral Homes	One space per 50 square feet
Hotels and Motels	One space per room or suite plus five spaces for employees
Kennels	One space per 1,000 square feet plus one drop-off space per 20 kennel spaces.
Medical or Dental Clinics or Offices	One spaces per 200 square feet with a minimum of five spaces
Mixed Use Building	The sum of parking required for the uses within the building
Offices	One spaces per 350 square feet with a minimum of five spaces
Personal Service Establishments	One space per 200 square feet, or two spaces per station/chair, whichever is greater
Retail and Service Commercial Uses	One space per 250 square feet
Retail Fuel Sales	One space per 300 square feet of indoor sales area plus one space per fuel pump or service bay (service bay may not be counted as a parking space).
Self-Storage Facilities	See Section 1211.03(F).

TABLE 1211-I: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS	
USE	PARKING SPACE REQUIREMENTS
Sexually Oriented Businesses	One space per 250 square feet with a minimum of five spaces
Theaters	One space per two fixed seats or one space per two persons based on the maximum occupancy, whichever is greater
Vehicle Washing Establishment	Three spaces per washing bay (washing bay may not be counted as a parking space).
Veterinarian Offices or Animal Grooming (No Boarding)	One space per 250 square feet with a minimum of 5 spaces
Video Lottery Terminals (VLT)	One space per two terminals
INDUSTRIAL USE CLASSIFICATION	
All Uses in the Industrial Use Classification	See Section 1211.03(F).

“

SECTION 18: Section 1212.02(A) of the Planning and Zoning Code is hereby repealed and amended to read as follows:

“(A) This chapter shall apply to new property development and any collective substantial expansion of existing structures, and all parking lot expansions. Individual single-family dwellings and two-family dwellings (duplexes) are exempt from landscaping regulations with exception of maintenance requirements as established in 1212.11(A) & 1212.11(B).”

SECTION 19: Section 1212.06(A)(3) is hereby supplemented to read as follows:

“(3) All new roads or extensions of existing roads, including private commercial drives whether internal or external to a site, are subject to the street tree requirements in this section.”

SECTION 20: Section 1212.08(A) of the Planning and Code is hereby supplemented to read as follows:

“(A) A minimum of 20 percent of the required front yard area with a minimum 6 foot wide area adjacent to the right of way for all nonresidential uses shall be continuously landscaped with trees, shrubs, planting beds and/or perennials in a motif designed by the applicant in addition to all other required landscaping.”

SECTION 21: Section 121209(A)(7) of the Planning and Zoning Code is hereby supplemented to read as follows:

“e) Whenever screening material is placed around any large waste receptacle (dumpster) or waste collection unit which is emptied or removed mechanically on a regular basis, a curb or bollards to contain the placement of the container shall be provided within the screening material. The curbing or bollards shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied. Additionally, the height of the screening shall be at minimum one foot higher than waste receptacle.”

SECTION 22: Section 1212-3 of the Planning and Zoning Code is hereby repealed and amended to read as follows:

“

TABLE 1212-3: REQUIRED BUFFER AREA						
ADJACENT TO:	ANY LOT IN AN A-1, A-2, R-1, R-2, OR R-3 ZONING DISTRICT	ANY LOT IN AN R-4 ZONING DISTRICT	ANY LOT WITH A USE IN THE PUBLIC AND INSTITUTIONAL USE CLASSIFICATION	ANY LOT IN A C-1, C-2, C-3, OR C-4 ZONING DISTRICT	ANY LOT IN A B-P OR L-1 ZONING DISTRICT	ANY LOT IN A H-I ZONING DISTRICT
PROPOSED USE:						
Multi-family dwellings and Institutional Care Facility	A	None Required				
Any use in the Public and Institutional Use Classification	B	A	None Required			
Any use in the Commercial Use Classification with 20,000 square feet or less in gross floor area	C	C	B	None Required		
Any use in the Commercial Use Classification with over 20,000 square feet in gross floor area	D	D	C	B	None Required	
Any use in the Industrial Use Classification within the B-P or L-1 District	D	D	C	B	None Required	
Any use in the Industrial Use Classification within the H-I District	D	D	D	C	B	None Required

”

SECTION 23: Section 1214.05 of the Planning and Zoning Code is hereby repealed and amended and supplemented to read as follows:

“1214.05 Signs Permitted in the Public Right-Of-Way

(A) Other than governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety, all signage shall be prohibited from locating in the public right-of-way, except as allowed in this section.

(B) Signs may be permitted in the public right-of-way subject to the limited criteria provided for in this section. The Code Enforcement Officer and City Engineer shall have the

authority to review and make a decision on any application for a sign located in the right-of-way under this section. Each application shall be treated on an individual basis and shall conform to the standards of review contained in this section.

- (C) Signs located in the public right-of-way shall be limited to:
- (1) An existing conforming sign that becomes nonconforming due to modified boundaries of a public right-of-way as part of a public infrastructure improvement project.
 - (2) Any sign installed or authorized by the City of Monroe for the purposes of traffic direction or management, way finding, or other reason that supports the purposes of this chapter.
- (D) The Code Enforcement Officer and City Engineer shall not consider an application under this section unless the following conditions are met:
- (1) The sign shall not create traffic sight distance or other related traffic safety conditions.
 - (2) The applicant shall demonstrate the steps taken to provide for other means of sign placement outside of a public right-of-way and clearly show the impractical nature of alternative sign placement locations.
 - (3) The applicant shall provide all necessary legal documents providing for maintenance, upkeep, liability and any other condition deemed reasonable by the Planning Commission.
 - (4) The sign will not impair the essential character of the area.
 - (5) The surrounding properties will be properly protected.
- (E) The maximum sign dimensions to be allowed shall be determined by the Code Enforcement Officer and City Engineer based on visibility and safety issues.”

SECTION 24: Section 1214-1 of the Planning and Zoning Code is hereby supplemented to read as follows:

“

TABLE 1214-1: SUMMARY TABLE OF PERMITTED SIGNS									
		C-1	C-2	C-3	C-4	L-1	H-1	B-P	SEE SECTION:
Window Signs		P	P	P	P	P	P	P	1214.10(C)(1)
Wall Signs		P	P	P	P	P	P	P	1214.10(C)(1)
Canopy Signs		P	P	P	P	P	P	P	1214.10(C)(1)
Projecting Signs		P	P	P	P				1214.10(C)(2)
Freestanding Signs	Pole Mounted	P		PS (1214.11)	P				1214.10(C)(3)
	Monument	P	P	P	P	P	P	P	1214.10(C)(3)
Driveway Signs		P	P	P	P	P	P	P	1214.10(C)(4)

TABLE 1214-1: SUMMARY TABLE OF PERMITTED SIGNS								
	C-1	C-2	C-3	C-4	L-1	H-1	B-P	SEE SECTION:
Development/Subdivision Signs	P	P	P	P	P	P	P	1214.10(C)(5)
Menu Board Signs	P	P		P				1214.10(C)(6)

“

SECTION 25: Section 1214.10(C)(3)e)v) of the Planning and Zoning Code is hereby repealed and amended and supplemented to read as follows:

- “v) In all cases, the maximum sign area of an individual monument sign shall be 60 square feet with no more than one sign exceeding 48 square foot sign permitted on a lot. Where more sign area is permitted in Table 1214-2 and Table 1214-3, above, multiple monument signs may be permitted on the lot with one monument sign (48 square feet or under) permitted on each frontage or secondary entrance as approved by the Code Enforcement Officer.”

SECTION 26: Section 1214.10(C)(3)g)ii) is hereby repealed and amended and supplemented to read as follows:

- “g) Changeable Copy Signs
- ii) In the Industrial or Commercial districts, the permitted manual changeable copy sign area is allowed to be an electronic message center such that:
- A. Any message change shall be a static, instant message change.
 - B. Messages can only change once every 8 seconds or more.
 - C. The transition time between messages shall be less than one second.
 - D. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display’s brightness based on ambient light conditions.
 - E. The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
 - F. The procedure and distances for measurement of brightness shall be as established by the International Sign Association’s Recommend Night-time Brightness Levels for On-Premise Electronic Message Centers.
 - G. The owners of such signs shall include a signed letter accompanying their zoning permit application, certifying that they will comply with the prescribed brightness limitations set by this code.

- H. Only multi-color Light Emitting Diodes (LED) technology or similar quality signs with a minimum 16 millimeter true pixel pitch shall be permitted for electronic message centers in the C-1 and C-4 Commercial Districts and L-1 and H-1 Industrial Districts. Only multi-color Light Emitting Diodes (LED) technology or similar quality signs with a minimum 12 millimeter true pixel pitch shall be permitted for electronic message centers in the C-2 and C-3 Commercial Districts.
- I. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- J. No electronic message center shall be located closer than 125 feet to any residential use. In the case of a non-residential use in a residential zone or the C3 Downtown Commercial District, the sign must be located at least 125 feet from the property line of the residential use.”

SECTION 27: Section 1214.10(C)(4)c) of the Planning and Zoning Code is hereby supplemented to read as follows:

- “c) The sign may not exceed four square feet in area and three feet in height and may be double pole mounted.”

SECTION 28: Sections 1214.11(A) and (B) are hereby repealed and amended and supplemented to read as follows:

- “(A) All signs in the C-3 District shall utilize similar or compatible colors and styles to the buildings which such signs identify to present a traditional and historic character.
 - (1) All signs are encouraged to be constructed of wood, stone, embossed metal (such as brass or bronze).
 - (2) Signs should have raised lettering and text and graphics in a three-dimensional manner and raised vinyl material may be permissible as approved by the Code Enforcement Officer. Durable composite wood material that is indistinguishable from solid wood is permitted.
 - (3) Plastic or translucent signs – as well as foam signs are prohibited.
 - (4) If digital sign is proposed, the remaining design elements of the signs shall incorporate the materials as listed above. Other materials may be permitted if appropriate as determined by the Code Enforcement Officer.
- (B) Double pole mounted free standing signs are permitted but, do not include a single pole mount unless it is a yard arm type of sign.”

SECTION 29: Section 1217.02 of the Planning and Zoning Code is hereby repealed and amended and supplemented to read as follows:

“Aboveground Storage Tanks (ASTs)

An aboveground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any, used to store regulated substances.

Abutting or Adjacent

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Access

Any driveway or other point of entry and/or exit such as a street, road or thoroughfare, that connects to the general street system. Where two public roadways intersect, the secondary roadway shall be considered the access.

Access Control

The regulation of the number, type and frequency of access points along a given roadway, and the design standards to which they should conform.

Access Level

A numerical designation which defines the magnitude of access control.

Access Point

See definition of “access.”

Active Parks, Playgrounds, and Recreational Facilities

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

Activity Area

In relation to a use, an activity area is any area of a site where a principal use, accessory use, or temporary use takes place along with any associated activities excluding any open space, vehicular use area, or landscaping.

ADT

Average Daily Traffic. The annual average two-way daily traffic volume. It represents the total traffic for the year, divided by 365.

Adult Family Homes

A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Adult Group Homes

A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Aggregate Caliper Inches (ACI)

Is the aggregated caliper inches of all trees in a specified area (e.g., within a buffer).

Agricultural Building

A non-residential uninhabited structure for the storage of farm animals, implements, supplies, or products and is not open to the public. Examples include, but are not limited to barns, grain elevators, silos, coops, corrals, pens, private stables, greenhouses, but not retail greenhouses or structures for packaging agricultural products or agricultural processing activities.

Agriculture – Raising of Crops

The principal use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture, including, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Agriculture – Raising of Livestock

The principal use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Alley

A narrow roadway intended to provide access to the rear or sides of lots or buildings and not intended for through traffic.

Amateur Radio Antennas

Any transmitter, antenna, tower, or other apparatus designed for communications through amateur radio, also referred to as ham radio.

Animals, Domestic

Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

Animals, Exotic

Any cat, other than felis catus; any canine, other than canis familiaris, non-human primates; poisonous reptiles; alligators, crocodiles or lizards over two feet long; snakes over six feet long; bears; kangaroos; eagles; poisonous stinging insects; or arachnids.

Animals, Livestock

All llamas, alpacas, and similar animals; all cattle or animals of the bovine species; all horses, mules, burros, and asses or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; all chickens and animals of the galliforme order; and all sheep or members of the ovine family.

Antenna

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such signals shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority.

Antique

A product that is sold or exchanged because of value derived or because of oldness such as items such as clocks, lamps, rugs, furniture and collectibles, such as sports trading cards, records and the like, listed in a bona fide published collectible guidebook, with price guides, or is of at least 30 years old.

Antique Mall

A building or part of a building under unified control of an operator that is partitioned to provide spaces for the sale of antiques by antique dealers, for items such as clocks, lamps, rugs, furniture and collectibles, such as sports trading cards, records and the like, listed in a bona fide published collectible guidebook, with price guides, or is of at least 30 years old. Antique sales must cover at least 85% of the overall sales area of the facility.

Apartments on Upper Floors

A multi-family dwelling unit that is located above the ground floor level of a building, usually a "mixed use building."

Applicant

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Chapter 1203:Development Review Procedures.

Application

The process by which the applicant submits a request for any type of development review or approval identified in Chapter 1203:Development Review Procedures. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

Arterial, Major

A multi-lane roadway, usually divided by a raised median, that allows for access at at-grade public street intersections; provides mobility to traffic at moderate to high speeds, volumes and distances; and serves interregional, intercity and intracity travel demands.

Arterial, Minor

A multi-lane roadway that allows for access at at-grade public street intersections; restricts direct property access; provides access and mobility at moderate to high speeds and volumes in rural areas and low to moderate speeds and volumes in urban areas; and serves intercity, intracity and intracommunity travel demands.

Assembly Halls and Conference Centers

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Automated Teller Machines (ATMs)

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

Automotive and Machinery Sales or Leasing

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

Automotive Body and Major Repair

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

Automotive Parts and Tire Sales

Any building or land used for the sale of lubricants, tires, batteries, automotive parts, and similar accessories.

Automotive Salvage, Impound, and Junkyards

Any lot, building, structure, enclosure, premises or parts thereof used for the storage, keeping or abandonment of any worn-out, cast-off, impounded or discarded or abandoned article, material, vehicle, automobile and machinery or parts thereof, which is ready for destruction or sale or has been collected or stored for salvage; or other waste or discarded materials, articles, vehicles, automobiles and machinery or parts thereof, or vehicles or automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid current state registration and license plate issued to such automobile or vehicle and to the occupant, owner, purchaser, lessor, lessee or tenant of any lot, building or structure therein or thereon situated. Such use shall include automotive wrecking and storage.

Automotive Service Station and Parts Sales

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of "canopy."

Banner

A sign made of flexible material that can be attached to a building or into the ground.

Base

The structural elements, design features, and materials associated with the first floor elevation of a building façade.

Basement

A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bed and Breakfast Establishments

A single family residence where sleeping rooms are offered for pay to transient guests for a period of stay of fourteen days or less in association with breakfast the next day.

Bioretention Swale

A bioretention swale (or biofiltration trench) is a bioretention system that is located within the base of a swale and incorporates special types of landscaping and vegetation to enhance water quality and improve overall stormwater management. See Figure 1217-A.

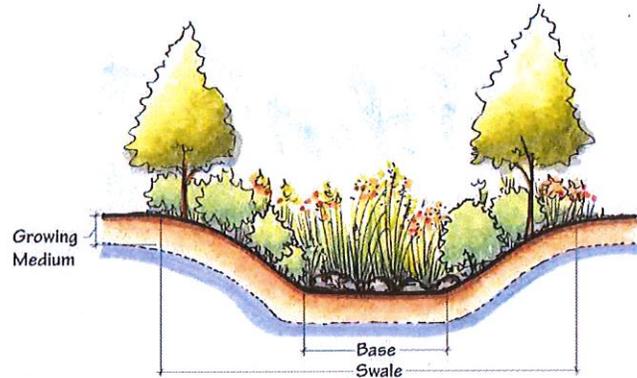


Figure 1217-A: Illustration of a bioretention swale

Block

The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision, including both the pavement and the boulevard.

Block Face

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

Brewpub

An establishment where the majority of beer, wine, spirituous liquor, or other alcoholic beverage is manufactured onsite for mainly on premise consumption or is either hand bottled or individually capped in sealed containers to be sold directly to the consumer. The brewery shall not produce more than 4,000 barrels or 124,000 gallons of beer, wine, spirituous liquor, or other alcoholic beverage annually.

Brewery, Large

An establishment where beer, wine, spirituous liquor, or other alcoholic beverage is manufactured on the premises for distribution, retail, or wholesale, on or off premise at a production ration of over 15,000 barrels annually. The development may include other uses such as a tasting room, taproom or table service restaurant.

Board of Zoning Appeals (BZA)
The City of Monroe Board of Zoning Appeals.

Body
The remainder of the building visible between the building base and cap.

Buffer
An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Chapter 1212: Landscaping and Buffering Standards.

Building
Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building and Lumber Yards
Any land or buildings used primarily for the storage and sale of basic building materials and lumber that may be sold to the general public or contractors.

Building Code
The building code as adopted by the City of Monroe and codified in Part Fourteen - the Building and Housing Code of these Codified Ordinances.

Building Height
The vertical distance of a building or structure, measured in a manner established in Section 1204.05(A)(6):Height Measurement and Exceptions.

Building Line
A line running parallel to applicable lot line (e.g., the front building line runs parallel to the front lot line).

Building or Structure, Detached
Any building or structure not sharing common walls with another building.

Building, Accessory
A building on the same lot with, and of a nature customarily incident and subordinate to, that of the principal building.

Building, Nonconforming
A building that lawfully occupied a lot prior to the effective date of this code, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district after the effective date of this code, or amendments thereto.

Building, Principal
The building containing the main or principal uses on the lot.

Bus Terminal
A use or establishment devoted solely to the storage or parking of buses without receiving or discharging of passengers on the premises.

BZA

See “Board of Zoning Appeals.”

Canopy

A structure other than an awning made of cloth, metal or other material with frames affixed to a building and/or carried by a frame which is supported by the ground. See also the definition of “awning.”

Cap

The structural elements, design features, and materials associated with the top floor elevation of a building façade.

Cemeteries

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. This definition shall not be construed to include the burial of animals or pets.

Chicken Coop

A structure for the sheltering of chickens.

Chicken Pen

An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

City

The City of Monroe, Ohio

City Council

The City Council of the City of Monroe

City Engineer

The City Engineer of the City of Monroe

City Manager

The City Manager of the City of Monroe.

Clear and Convincing Evidence

The measure of proof that will produce a firm belief as to the allegation sought to be established.

Clearance (of a sign)

The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including the framework and embellishments, extending over that grade.

Clerk of Council

The Clerk of Council of the City of Monroe

Code Enforcement Officer

The Director of the Development Department, his/her assistants, or any other person designated by City Council to perform the duties of the Code Enforcement Officer. The terms “Code Enforcement Officer”, “Enforcement Officer”, and “Zoning Enforcement Officer” may be used interchangeably.

Collector, Minor

A three-lane roadway that allows for access at at-grade public street intersections, restricts direct property access, provides access and mobility at moderate speeds, and connects local or second class collector streets to arterial roadways.

Collector, Second Class

A two-lane roadway that allows for access at at-grade public street intersections, restricts direct property access, provides access and mobility at lower speeds, and connects minor collectors or arterials to local streets.

Co-location

The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

Commercial Impracticability or Commercially Impracticable

The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable.”

Commercial Message or Commercial Speech

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Commercial Recreation Facilities (Outdoors)

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: pay-to-play athletic fields, golf courses, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities. Commercial recreation facilities shall not include “entertainment device arcades” or “video lottery terminals.”

Commercial Recreation Facilities(Indoors)

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades or skill-based amusement machines, tennis courts and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities. Commercial recreation facilities shall not include “entertainment device arcades” or “video lottery terminals.”

Community Gardens

A single piece of land that is gardened collectively, as an accessory use, by a group of people that may include individual garden plots designated for individual gardens.

Completed Application

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Comprehensive Plan

The complete plan, or any of its parts, serving as a guide for the development of the City of Monroe, prepared by the Planning Commission and adopted by City Council.

Condominium

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners association and/or Ohio law.

Conservation Subdivisions

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation, agricultural, recreational, or other rural purposes in accordance with Section 1204.04(A)(3): Conservation Subdivisions.

Construction Dumpster

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

Construction Trailer

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

Contractor Yards

Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Convenience Stores

Small-scale retail stores used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food products, household items, newspapers and magazines. Such use does not include gasoline or automotive fuel sale or fast food service.

Cornice

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Council

The City Council of the City of Monroe Ohio

County

Butler or Warren County, Ohio

Cul-de-Sac

A street with a single means of ingress/egress and having a turnaround at the terminus.

Cultural Institutions

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include “theaters.”

Curb Cut

The area where a curb is level with the roadway to provide vehicular access from the roadway to an adjoining property.

Damaged Or Diseased Trees

Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

DBH

Diameter-at-breast-height. DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

Detached Garages

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building that is detached from the principal building.

Detached Storage/Utility Sheds, Gazebos, and Similar Structures

An accessory building, other than a detached garage, that are typically uses for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, playsets, storage sheds, etc.

District

See “zoning district”

Divided Roadway

A roadway with separated areas for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands or other physical barriers so constructed as to prevent or discourage crossover vehicular traffic; or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the Ohio Manual of Uniform Traffic Control Devices.

Drive-In Restaurants

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. All or a significant part of consumption of the products takes place outside of the confines of the restaurant, a motor vehicle that is parked on the premises, or off the premises, or other locations as carry-out services.

Drive-Through Facility, Principal Use Associated

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles from a portion of a building, typically a restaurant but, shall not include a vehicle washing establishment, vehicle fueling or automobile service station.

Drive-Through Facility, Freestanding

A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.

Driveway

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians.

Drop-Off Box

A small collection facility where recyclable materials, clothing, or household goods are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks.

Drug Store and Grocery Stores

A business establishment where the primary use is the sale of food, beverage, medicines, and similar products.

Dry Cleaning and Laundry Drop-Off/Pick-Up Only

An establishment where the public can drop off and pick up laundry for washing or dry cleaning where the actual washing or dry cleaning of the laundry takes place off-site.

Dry Cleaning or Laundry Plants

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

Dwelling

A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

Dwelling Unit

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home.

Dwelling Unit, Accessory

A separate, complete dwelling unit that has its own kitchen, sleeping area, and full bathroom facilities. Accessory dwelling units may be contained within or added on to a principal dwelling, be part of an accessory building (e.g., attached to a garage), or the accessory dwelling unit may be a separate structure.

Dwelling, Multi-Family

A building or portion thereof design for or used exclusively for residential purposes by three families or housekeeping units.

Dwelling, Single-Family

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwelling, Two-Family

A building or portion thereof design for or used exclusively for residential purposes by two families or housekeeping units.

Easement

A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

Eating Establishments

An establishment whose principal business is the selling of food and beverages, including alcoholic beverages with a state liquor license, to the customer in a ready to consume state, in individual servings. This use type does not include those restaurants serving food and/or beverages to customers in vehicles. See definition of “Restaurant, Drive-In.”

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Educational Institutions

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools; and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See “educational institutions, higher.”

Educational Institutions, Higher

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.

Electronic Message Center

A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

Entertainment Device

Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of the person, for the purpose of playing a game, viewing a video display, hearing an audio transmission, or reading entries or outcomes from any other kind of device. An “entertainment device” does not include any vending machines, juke boxes, audio books, video players, or any other device that gives anything of value where the only value given, directly or indirectly, is a video or audio transmission. This definition does not include “video lottery terminals

Entertainment Device Arcades

Establishments where four or more entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premises or at the same time or a later time. Entertainment device arcades may include or be referenced to as internet cafes, cybercafes or lounges, internet sweepstakes, video sweepstakes, video gaming arcades, electronic gaming operations, or other similar establishments. This definition does not include “video lottery terminals”

Equipment Sales and Leasing

Any building or land used for the display, sale, or rental of equipment in operable condition, such as farm equipment, utility trailers, and construction equipment.

Essential Public Infrastructure

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of streets, roads, underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

Expansion

The expansion of any building that requires alterations and expansion of the exterior walls or changes in the building’s footprint.

External Illumination

Illumination of a sign or structure that is affected by an artificial source of light which is not contained within the sign itself.

FAA

The Federal Aviation Administration, or its duly designated and authorized successor agency.

Facade

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Façade, Front

The façade of a building that contains the primary entrance of the building.

Face Change

The removal or replacement of an existing surface display panel where the remaining structural frame is not altered. The changing of copy or poster on bulletin boards is not considered a face change.

Farm Animals

All species of animals not classified as an “exotic animal” or an “animal as a pet” in these definitions.

Farmers Market

An occasional or periodic market held in an open area where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts, and food and beverages (but not second hand goods) dispensed from booths located on site.

Farm Product

Fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farm Product - Value Added

Any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, soaps, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

FCC

The Federal Communications Commission, or its duly designated and authorized successor agency.

Fence

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence, Chain Link

A fence of heavy steel wire woven, vinyl, or plastic to form a diamond-shaped mesh. See Figure 1217-B.



Figure 1217-B: Image of a chain link fence

Fence, Split Rail

An open fence that is typically constructed from wood which includes horizontal timbers split lengthwise into rails to form a barrier. See Figure 1217-C.



Figure 1217-C: Image of a split rail fence.

Fence, Wire or Woven Wire

A fence whose principal material is wire. This includes, but is not limited to, chain link fences. See Figure 1217-D.



Figure 1217-D: Image of a woven wire fence

Final Plat

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

Financial Institutions

Any building, property or activity the principal use or purpose of which is the provision of financial services including, but not limited to, banks, credit unions, financial advisor services, stock brokerages, savings and loan institutions and mortgage companies. The term financial institutions shall not include a short-term loan establishment.

Flag

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flea Markets

Buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by two or more individuals or by educational, religious or charitable organizations to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique.

Floor Area

The sum of the gross horizontal areas of each floor of the principal building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. The "floor area" of a building shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building; interior balconies and mezzanines; enclosed porches and floor area devoted to accessory uses. Garages shall not be included in the floor area of a structure.

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

Footprint/Building Footprint

The horizontal area at ground level within and including the exterior walls of a structure. It shall not include courtyards, decks, porches or patios unless fully enclosed.

Fraternal Organizations

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

Freeway

A divided multi-lane roadway that allows for access at interchanges only; provides for through movement of traffic at high speeds, over long distances; and serves interstate, intrastate, interregional, intercity, and intracity (in urbanized and metropolitan areas) travel demands.

Frontage

All property abutting on one side of a street or place between two intersecting streets, crossing or terminating, or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Frontage, Building

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Code Enforcement Officer shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See Figure 1217-E.

Frontage, Street

The distance for which the front boundary line of the lot and the street line are coincident. See Figure 1217-E.

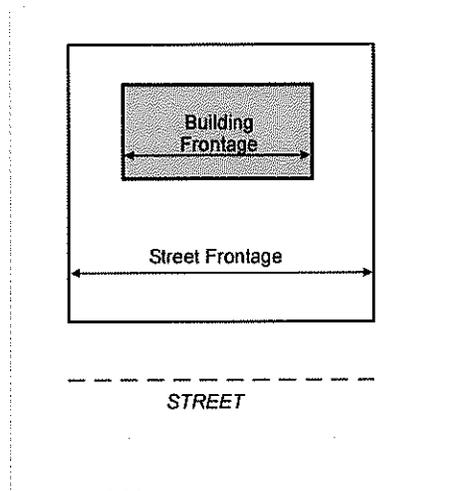


Figure 1217-E: Illustration of building frontage versus street frontage.

Functional Roadway Classification

A classification system that defines a public roadway according to its purposes and hierarchy in the local or statewide roadway system.

Funeral Homes

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

Garage

A building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

General Industrial Services

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Government Facilities

Any building or structure or portion thereof, used by a government agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. "Government facilities" includes but is not limited to fire stations, police stations, government offices and other similar uses.

Grade

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

Grade Separation

A crossing of two roadways, a roadway and a railroad, or roadway and a pedestrian walkway or bike path; where neither facility interferes with the operation of the other because of their differences in elevation.

Grass

A species of perennial grass grown as permanent lawns or for landscape purposes

Gravel Surface Parking Lots

An area designated for the parking or temporary storage of vehicles that is surfaced with gravel or other types of crushed stone to create a temporary parking surface.

Green Infrastructure

Stormwater management techniques that use natural systems, or engineered systems that mimic natural process.

Greenhouses and Nurseries

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales.

Ground Cover

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Ground Floor

The first floor or floor level of any building or structure above or on the same plan as the surface of the sidewalk or street grade. There shall be excluded from this definition basements or cellars the floors of which are below the plane of the surface of the sidewalk.

Heavy Industrial Uses

The manufacturing of products from raw or unprocessed materials. This category shall also include any establishment or facility using large unscreened outdoor structures or storage that cannot be integrated into the building design. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical manufacturing.

Height (Wireless Telecommunication Facilities)

The distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Home Occupations

Any occupation, profession, activity or use which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof, or have any exterior evidence of such secondary use other than a small nameplate.

Hospitals and Outpatient Centers

An institution providing health services primarily for human in-patient medical/surgical care for the sick or injured, or overnight stays of a predominantly short term nature, and including related facilities such as laboratories. The use may also include out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility and goes beyond general care typically administered within a doctor's office.

Hotels and Motels

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities.

Housekeeping Unit

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

Impervious Surface

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

Institutional Care Facility

Any facility for the elderly, infirm, or individuals requiring rehabilitation or treatment for addiction, mental health disorders, or physical infirmities, in which three or more unrelated individuals may stay on a predominantly intermediate or long term basis, and where inpatient care and living accommodations are provided in exchange for compensation from any source. Institutional care facilities include, but are not limited to, nursing homes, assisted living facilities, hospices, addiction treatment facilities, mental health treatment facilities, inpatient physical rehabilitation facilities, convalescent homes, or similar uses. Institutional care facilities shall not include hospitals, medical offices, medical or dental clinics, urgent care centers, outpatient physical rehabilitation centers, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without a component of predominantly intermediate or long-term stays.

Interchange

A facility that provides ramps for access movements between intersecting roadways that are separated in grade. The ramps and any structures used to accomplish the movement of traffic between the roadways are considered part of the interchange.

Internal Illumination

The illumination of a sign, awning, or canopy, by an artificial source of light which is completely enclosed within the sign cabinet.

Junk and scrap metal/auto salvage and recycling yard

Any place where damaged, inoperable, or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.

Kennels

A lot, building, structure, enclosure or premises whereon or wherein four or more dogs or cats are maintained, boarded, bred, kept or cared for, in return for remuneration, or are kept for the purposes of sale, or are groomed, trained or handled for others.

Landfill, Sanitary/Solid Waste

The disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, of any kind that may be in solid, liquid, or gaseous form.

Landfill, Construction and Demolition Debris

The disposal of nonbiodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures or is typically associated with land clearing operations.

Landscaping

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

Lateral Access

The first access point on a given street, in relation to its nearest street intersection.

Lateral Access Regulations

The rules which regulate the minimum distance of the first driveway on either side of an intersection.

Level of Service (LOS)

A qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined from A to F, with A representing the best range of conditions and F the worst.

Light Industrial Uses

Product assembling or mixing, where previously processed components or manufactured parts produced off-site are fitted together into a machine or blended or blown or extruded to form a non-combustible and non-explosive product. Product packaging, including bottling, canning, packing, wrapping, and boxing of products assembled. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples of assembling include but are not limited to the production of the following: clothes; furniture (where wood is milled off-site); pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; small vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

Light, Cutoff

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1209.04: Outdoor Lighting Standards.

Light, Non-Cutoff

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1209.04: Outdoor Lighting Standards.

Loading Area

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Logo

A business trademark or symbol.

Lot

A parcel of land that is part of a plat, legally recorded in the applicable county recorder's office, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, vehicular use area, yards, and open spaces required in this code.

Lot Area

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

Lot Coverage

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

Lot Line, Front

The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in Section 1204.05(A)(4): Setbacks and Yards. See also See Figure 1217-F.

Lot Line, Rear

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section 1204.05(A)(4): Setbacks and Yards and Figure 1217-F.

Lot Line, Side

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section 1204.05(A)(4): Setbacks and Yards and Figure 1217-F.

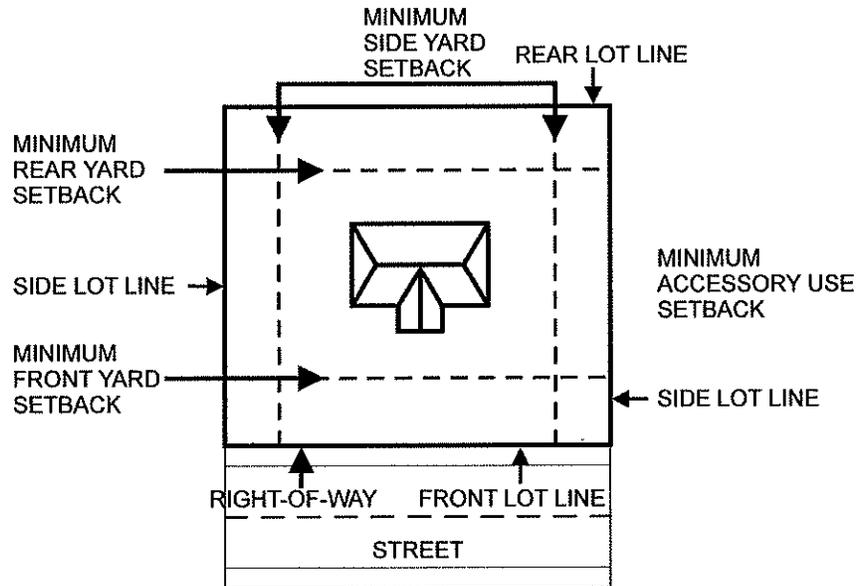


Figure 1217-F: Image of typical lot lines on an interior lot

Lot Lines

The property lines bounding the lot.

Lot of Record

A parcel of land, the dimensions of which are shown on a document or map filed with the applicable county recorder and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines. When the minimum setback line is not perpendicular to the side lot lines, lot width shall be measured at the midpoint of the minimum setback line. See Figure 1217-G.

Lot, Corner

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Figure 1217-G.

Lot, Cul-De-Sac or Curved Street

A lot with frontage along a curved street or cul-de-sac. See Figure 1204-H.

Lot, Double Frontage

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Figure 1217-G.

Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Figure 1217-G.

Lot, Nonconforming

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Lot, Panhandle

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 1217-G.

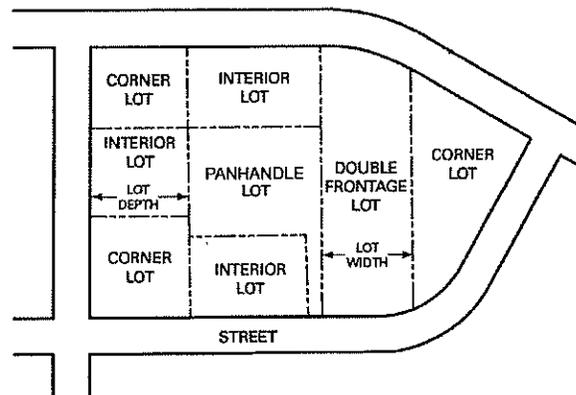


Figure 1217-G: Illustration of lot configurations and types

Luminarie

A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture. Luminarie shall not include the light pole used to support the luminarie.

Manufactured Home

A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.

Maximum Extent Feasible

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Median

That portion of a roadway separating the opposing traffic flows.

Medical or Dental Clinics or Offices

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This definition does not include hospitals or convalescent homes.

Microbrewery or Microdistillery or Microwinery

An establishment where beer, wine, spirituous liquor, or other alcoholic beverage is manufactured on the premises for distribution, retail, or wholesale, on or off premise. The brewery shall not produce more than 15,000 barrels of beer, wine, spirituous liquor, or other alcoholic beverage annually.

Mixed Use Building

A building that contains both business and residential uses within the same structure.

Mobile Food Vending

A readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food, including mobile vending carts. Mobile food vending excludes food delivery operations, vending machines, or any vehicle not parked or stopped for more than 10 minutes at any one location (i.e. Ice Cream Truck).

Mobile Vending Cart

A vehicle propelled by human power which has been specifically designed or used for mobile food vending.

Mobile Home

A residential dwelling, designed to be a permanent residence that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.

Nameplate

A non-illuminated identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

Nonconformity

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this code. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” and “structure, nonconforming.”

Nonprofit Organization

Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities and an organization exempt from taxation under Section 501(c) of the Internal Revenue code of 1986 organized or incorporated in this state or another state or having a principal place of business in this state or in another state.

Occupancy Permit

A permit issued by the Code Enforcement Officer stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this code.

ODOT

The Ohio Department of Transportation

OEPA

The Ohio Environmental Protection Agency

Offices

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

Open Space

Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds, streets, driveways, or vehicular use areas.

Open Space, Formal

Formal open space is a generally planned and structured area that includes formally designed landscape plantings, activity areas, or is otherwise usable by the residents or occupants of the applicable development. The space is regularly maintained and may include streetscape furnishings (e.g., benches, lighting, and sculptures), recreational improvements (e.g., playground, swimming pool, tennis courts), and street improvements.

ORC

The Ohio Revised Code.

Ornamental Shrub

A deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.

Outdoor Bulk Storage

The outdoor storage of bulk goods, raw materials, or products including seasonal items such as firewood and mulch. Bulk goods or products shall be defined as any products, goods, junk, material, merchandise, or vehicles associated with the principal land use.

Outdoor Dining

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas) that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Lighting

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

Outdoor Sales/Display

An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service and is open to the general public that is available for purchase inside the building and/or display area. For the purposes of this code, such objects shall not be bulk objects as is regulated and defined in “outdoor bulk storage”.

Owner

A person recorded as the property owner on official records.

Parapet or Parapet Wall

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parking Aisle

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

Park-and-Ride Facility

A facility designed for parking automobiles, the occupants of which transfer to public transit to continue their trips.

Parking Area

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking Lots or Garages

A structure (e.g., parking garage) or surface level facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

Parking Space

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

Passive Parks, Open Space, and Natural Areas

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and natural areas may include the development of trails and sidewalks.

Perimeter Landscape Buffer

The area of landscaping required around the perimeter of vehicular use areas.

Person

Any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal Service Establishments

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Personal Wireless Facility.

See "wireless telecommunications facilities"

Personal Wireless Services

A "PWS" or "Personal Telecommunications Service" or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Planned Unit Development (PUD)

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

Planning Commission

The City of Monroe Planning Commission, also known as the City of Monroe Planning and Zoning Commission.

Plat

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

Porches or Decks

An enclosed or unenclosed surface area attached to a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

Preliminary Plat

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information.

Premises

A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Producer (Farmers Market)

A person or entity that raises or farm products on land that the person or entity farms and owns, rents or leases or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products

Public Community Centers

A public building that can be used for a gathering spot of community members that may have kitchen facilities, meeting rooms, or indoor recreational facilities.

Public Utilities

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, and electrical substations that are not defined more specifically elsewhere in this code and which are not defined as “essential public infrastructure.” Public utilities are:

- Owned or maintained by public utility companies or public agencies;
- Located in public ways or in easements provided for the purpose, or on a customer’s premises and not requiring a private right-of-way; and
- Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers;

Radio and Television Antennas

Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

Raising Of Animals as Pets as a Commercial Venture

The raising and breeding of any animals in a venture intended for monetary gain.

Raising of Domestic Animals

The raising and breeding of any domestic animals.

Raising of Farm Animals

See “animal and poultry husbandry.”

Real Estate Sales/Model Homes

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Recreational Vehicle/Trailer

A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, campers, travel trailers, motor homes, boats, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured or mobile homes. Recreational vehicles shall not include buses with a wheelbase over 139 inches, racing automobiles, or vehicles utilized for or related to the employment of a resident.

Regulated Substances

Chemicals and mixtures of chemical which are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not regulated substances.

Regulated substances shall include, but are not limited to:

- Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
- Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
- Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises 1% or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen in the mixture of one tenth of 1% or greater of the composition on a weight per unit weight basis.
- Components of a mixture prepared within the Wellhead Protection Area in cases where such components are health hazards but comprise less than one tenth of 1% of the mixture on a weight per unit weight basis if carcinogenic, or less than 1% of the mixture on a weight per unit weight basis if non-carcinogenic.
- Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Religious Places of Worship

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 service of any denomination are held.

Rentals, Truck, Van and Equipment

Retail rentals of trucks, vans, trailers, farm equipment and related equipment that is available to the general public.

Research and Development Facilities

A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.

Residential Facility

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also "adult family home" and "adult group home."

Residential Facility, Large

A residential facility where there is supervision in a family setting of nine to 16 persons.

Residential Facility, Small

A residential facility where there is supervision in a family setting of six to eight persons.

Residential Recreational Facilities

Recreational equipment for the use of residents of the principal dwelling that includes, but is not limited to, small structures in trees, swings, slides, monkey bars, trampolines, play enclosures, ball courts, and similar facilities.

Retail Commercial Uses

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses. For the purposes of this code, this category of uses is further divided into two use types based on the total gross floor area of the building.

Retail Fuel Sales

An establishment that sells unleaded and diesel gasoline along with other automotive fuels.

Right-of-Way

A general term denoting land, property, or the interest therein, usually in the configuration of a strip acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or City of Monroe.

Road or Roadway

For the purposes of this code a road or roadway may be used interchangeable for the term "street."

Roadside Stands

Any small structure or land used for the sale of produce by farmers.

Roof Line

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. Where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Satellite Dishes

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Secondhand Merchandise

Used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Seasonal Agricultural Sales

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to Section 1205.02: Temporary Uses.

Self-Storage Facilities

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

Service Commercial Uses

Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

SESC

Soil Erosion and Sedimentation Control

Setback

The minimum distance a building or structure must be built from a property line or road right-of-way as defined further in Section 1204.05(A): Measurements, Computations, and Exceptions

Setback Line

The line created when applying the required setback distance to a lot.

Setback, Front

The minimum distance required between a building, structure, or improvement and the front lot line.

Setback, Rear

The minimum distance required between a building, structure, or improvement and the rear lot line.

Setback, Side

The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

Sexually Oriented Businesses

See definition of "Sexually Oriented Business" in Section 860.02 of the Business Regulation and Taxation Code of the Codified Ordinances.

Shooting Range, Indoor

A facility or structure operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district.

Shooting Range, Outdoor

A outdoor facility operated for the purpose of shooting with firearms, whether publicly or privately owned and whether or not operated for profit. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district.

Short-Term Loan Establishment

An establishment providing loans to individuals that charges an annual percentage rate and requires the loan to be paid in full in less than one year. This term does not include a loan offered or made to a person based on the person's anticipated federal income tax refund.

Sidewalk

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 1214.04: Computations.

Sign Face

The area or display surface used for the message.

Sign Height

The vertical distance to top of sign structure as measured pursuant to Section 1214.04: Computations.

Sign Temporary for Special Event

A sign directing attention to a special event directly associated with the owner of the property on which the sign is located.

Sign, Abandoned

An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Sign, Animated or Moving

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

Sign, Canopy

Any sign that is a part of or attached to a canopy or awning.

Sign, Changeable Copy Sign

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 readerboards. See also the definition of "electronic message center."

Sign, Development/Subdivision

A sign identifying a recognized subdivision, condominium complex, or development.

Sign, Driveway

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Flashing

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

Sign, Freestanding

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of “monument sign” and “pole sign.”

Sign, Governmental

Any temporary or permanent sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

Sign, Illegal

A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

Sign, Illuminated

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Menu Board

Any signage pertaining to items, goods, or services offered by a drive-through business.

Sign, Monument

A permanent freestanding sign other than a pole sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

Sign, Nonconforming

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Off-Premise (Billboard)

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, On-Premise

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same lot, site, or property where the sign is located.

Sign, Permanent

A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole Mounted

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Sign, Portable Advertising

A sign that is not permanently affixed to the ground, a building or other structure, but usually anchored or secured to a trailer, vehicle, or frame capable of being moved from place to place. Such signs include, but are not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day-to-day operations of the business.

Sign, Projecting

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level.

Sign, Roof

A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.

Sign, Sandwich Board

Sandwich Board Sign – an “A-frame” shaped sign that identifies or advertises a place of business and that consists of two sign boards that are hinged together at the top

Sign, Snipe

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Sign, Temporary

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, Wall

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.

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.

Signal

A traffic control signal.

Signalization

Installing or modifying a traffic control signal.

Small Wind Energy Conservation Systems

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 60 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 Panels

A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

Stable, Private

See “Agricultural Building”

Stable, Public

A structure for the keeping of horses and ponies that is used by the general public either free of charge or for remuneration purposes as a commercial establishment.

Stealth or Stealth Technology

The use of the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Story

That portion of a building, included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street

The paved area between the edges of the right-of-way bounding every public way and that is to be used for vehicular traffic. Unpaved and paved shoulders are included in a street. The term street may be used interchangeably with the term “road” or “roadway.”

Street, Dead End

A dead-end street is a street having an outlet at one end only that does not have a turnaround or other area for vehicle maneuvering.

Street, Local

A two-lane roadway that allows for access at at-grade public street intersections, permits direct property access, and carries traffic at low speeds to and from collector streets.

Street, Private

Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Street, Private

A street serving as vehicular access to one or more parcels of land and which is not dedicated to the public but is owned and serviced by one or more private parties.

Street, Stub

A street that terminates at a property line with the intention of future expansion to the adjacent property or development.

Structural Alteration

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

Structure

Anything constructed or erected or installed or located, the use of which requires location on the ground or attached to something having location on the ground, including but without limiting the generality of the foregoing, signs, outdoor advertising signs, billboards, backstops for tennis courts, swimming pools, and pergolas. Includes Building. Devices used for the support of wires, wireless telecommunications facilities and/or towers are not considered as structures under this code.

Structure, Accessory

A structure that is accessory and incidental to the principal building.

Structure, Nonconforming

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

Subdivider

Any person responsibly engaged in developing or improvement a tract of land that complies with the definition of a subdivision.

Subdivision

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of which does not create additional building sites, shall be exempted; or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subdivision, Major

Any subdivision that does not meet the requirements of a minor subdivision.

Subdivision, Minor

A division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five lots, any one of which is less than five acres, after the original tract has been completely subdivided.

Swimming Pools, Community

A water filled enclosure, permanently or portable, that is designed, used and maintained for swimming or bathing in a community setting at a business property (e.g., a hotel) or as part of a residential development.

Swimming Pools, Private

A water filled enclosure, permanently or portable, that is designed, used and maintained for swimming or bathing by the residents, tenants, or occupants of the subject property.

Telecommunication Site

See definition for “wireless telecommunications facilities”

Telecommunications

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Equipment

Any antennas, satellite dishes, and other communications devices and/or equipment that are used for transmitting, receiving, or relaying communication signals, except as such equipment has been preempted from regulation by the Telecommunication Act of 1996.

Telecommunications Structure

A structure used in the provision of services described in the definition of “wireless telecommunications facilities.”

Temporary Special Events

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

Temporary Storage in a Portable Container

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation.

Temporary Structure for Institutional Uses

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

Tents and Seasonal Covers

Any structure used for living or sleeping purposes, sheltering a public gathering, or providing seasonal cover of equipment and vehicles, constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include, but not be limited to: shelter providing for circuses, carnivals, side shows, vehicles, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

Theaters

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

Thoroughfare Plan

The part of the comprehensive plan or separate plan, now or hereafter adopted, which includes a major highway and street plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed major highways, streets, and other thoroughfares. Such plan may be adopted separately by the City, may be adopted as part of the comprehensive plan, or may be a part of an adopted county thoroughfare plan. The City Engineer shall make the determination of the appropriate thoroughfare plan.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular towers, and alternative tower structures. The term shall exclude hobby related communications facilities located in residential districts (i.e. amateur radio antennas, etc.).

Traffic Impact Study (TIS)

A study that is required to be completed according to the conditions specified in this Section. The purpose and need for the TIS is to determine more precisely the impacts of the access usage; to mitigate these impacts through the proper location, design, and construction of access points; and to ensure the continued functional and operational integrity of the roadway.

Traffic Volume Generator

The use or activity that generates or creates a set amount of traffic volume. See Table Table for further definition of traffic volume generator.

Trailer

A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include items such as a utility trailer, boat trailer, or snowmobile trailer.

Tree, Canopy

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Tree, Deciduous

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen

A tree that remains green throughout the year.

Truck Stops

A use or establishment used for a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles. Such uses may also include areas for a restaurant, lodging and trucking brokerages.

Truck Terminals

A use or establishment devoted solely to the dispatch and/or to the storage or parking of trucks or trailers without any goods or materials storage facilities located on the premises.

Type-B Day Care Home (1-6 children)

A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code.

Underground Storage Tank (UST)

An underground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any, used to store regulated substances.

Unenclosed Patios

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground.

Use

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory

A use or building on the same lot with, and of a nature customarily incidental and subordinate to, those of the main use or building.

Use, Ancillary

A use incidental to and customarily associated with a specific principal use and which is located on the same parcel or lot.

Use, Conditional

A use, not permitted by right, that has a particular impact on the surrounding area or neighborhood that cannot be predetermined and controlled by general regulations. Uses that may be permitted after review and approval as hereinafter provided.

Use, Major Change

1) Any change in the use of property that is not a Similar Use Change. Nonexclusive examples: residential to commercial, commercial (e.g., office) to a different type commercial (e.g., retail), commercial (e.g., corporate office) to a different intensity commercial (e.g., dentist office); or 2) Modifications resulting in additional interior building square footage; or 3) Modification of access points, curb cuts, sidewalks, or vehicle circulation may also be considered a major use change

Use, Similar Change

Change in the use of a property that is similar in character and intensity to the immediately preceding use and where there has been no lapse in use exceeding six (6) months. Nonexclusive examples: dentist office to doctor's office; restaurant to restaurant; gift shop to clothes shop.

Use, Nonconforming

A use that lawfully occupied a building or land prior to the effective date of this code, or amendments thereto, but that does not conform to the use regulations of the applicable zoning district after the effective date of this code, or amendments thereto.

Use, Principal

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

Use, Temporary

A use, structure, or building permitted to exist for a limited period of time for use during construction, during special events, or for other permitted circumstances as established in Section 1205.02: Temporary Uses.

Variance

A modification of the standards of this code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.

Vehicle Washing Establishment

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Vehicular Use Area

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

Veterinarian Offices or Animal Grooming (No Boarding)

Facilities used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation. Such use shall not include any kennels for the purposes of boarding but may include kennel space for the ongoing medical care of animals related to a veterinarian office.

Video Lottery Terminals (VLT)

A device approved by the executive director of the Ohio state lottery for use by a video lottery sales agent in connection with the sale of video lottery games that is connected to a video lottery central monitoring system and that is played by a video lottery participant. See also Section 3770:2 of the Ohio Administrative Code. A video lottery terminal does not include "entertainment device arcades."

Wall Offset

Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

Wall Opening

Openings in a façade wall that may include windows or doors.

Warehouses

A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including “self-storage facilities.”

Wellhead Protection Area

The area as defined by the official Wellhead Protection Areas Delineation Study approved by the City.

Wholesale Businesses

An establishment for the sale of merchandise to business establishments, institutional uses, or to other wholesalers. Wholesale business uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

Wireless Telecommunications Facilities

Wireless telecommunication facilities may include a “telecommunications tower” and “tower” and “telecommunications site” and “personal wireless facility” and means a structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority, excluding those used exclusively for the City's fire or police or exclusively for private, noncommercial radio and television reception, private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this chapter.

Yard

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section 1204.05(A): Measurements, Computations, and Exceptions for rules of measurement and determination for all yard types.

Yard, Front

A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the front lot line and the main building or the extension thereof, not including the usual steps and entryway.

Yard, Rear

A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the main building or the extension thereof, not including the usual steps and entryway.

Yard, Side

A yard located between the main building and the side lot line and extending from the front yard line to the rear yard line.

Zoning Compliance Inspection

An inspection performed by the Code Enforcement Officer prior to occupancy stating that the occupancy and use of land or a building or structure referred to therein is in compliance with this code

Zoning Compliance Inspection

An inspection conducted by the Code Enforcement Officer, or designee, to determine compliance with work approved by a zoning permit and plans prior to occupancy or use of land, building or structure.

Zoning District

A section of the City for which uniform regulations governing the use, height, area and intensity of use by buildings and land and open spaces about buildings are herein established.

Zoning District

An area within the City of Monroe for the regulations and requirements governing each class or kind of building or other structure or use are uniform.

Zoning District, "R" Residential

The R-1, R-2, R-3 and R-4 zoning districts

Zoning District, Base

The base zoning district is the zoning district established for each property that includes any of the residential and business zoning districts established in Table 1204-1: Zoning Districts. A base zoning district may also be referred to as the underlying base zoning district in cases where a property is subject to an overlay zoning district.

Zoning District, Business or Nonresidential

The C-1, C-2, C-3, C-4, B-P, L-1, and H-1 zoning districts

Zoning District, Overlay

An additional zoning district that may be overlaid on a property, in addition to an above a base zoning district. An overlay district establishes additional standards and/or restrictions for development above and beyond the base zoning district. There may be more than one overlay zoning district on each property.

Zoning District, Residential

The A-1, R-1, R-2, R-3, and R-4 zoning districts, where residential uses are the primary principally permitted use.

Zoning Map

The Official Zoning Map of the City of Monroe, Ohio.

Zoning Map Amendment

An amendment or change to the Official Zoning Map of the City of Monroe reviewed and decided upon by the City Council in accordance with Section 1203.03:Zoning Text and Map Amendments.

Zoning Permit

A permit issued by the Code Enforcement Officer stating that the proposed erection, construction, enlargement or use of a building, structure or premises referred to therein complies with the provisions of this code.

Zoning Text Amendment

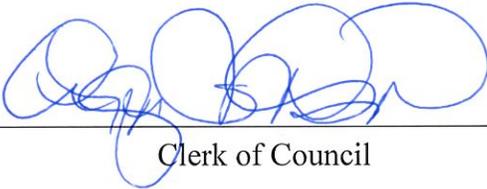
An amendment or change to the text of this code reviewed and decided upon by the City Council in accordance with Section 1203.03: Zoning Text and Map Amendments.

SECTION 30: This measure shall take effect and be in full force from and after the earliest period allowed by law.

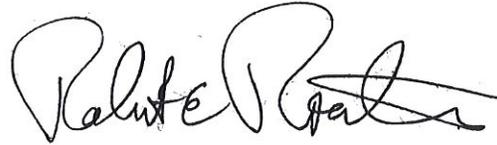
PASSED: April 10, 2018

ATTEST:

APPROVED:



Clerk of Council



Mayor

First Reading: March 13, 2018

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.



Clerk of Council
City of Monroe, Ohio