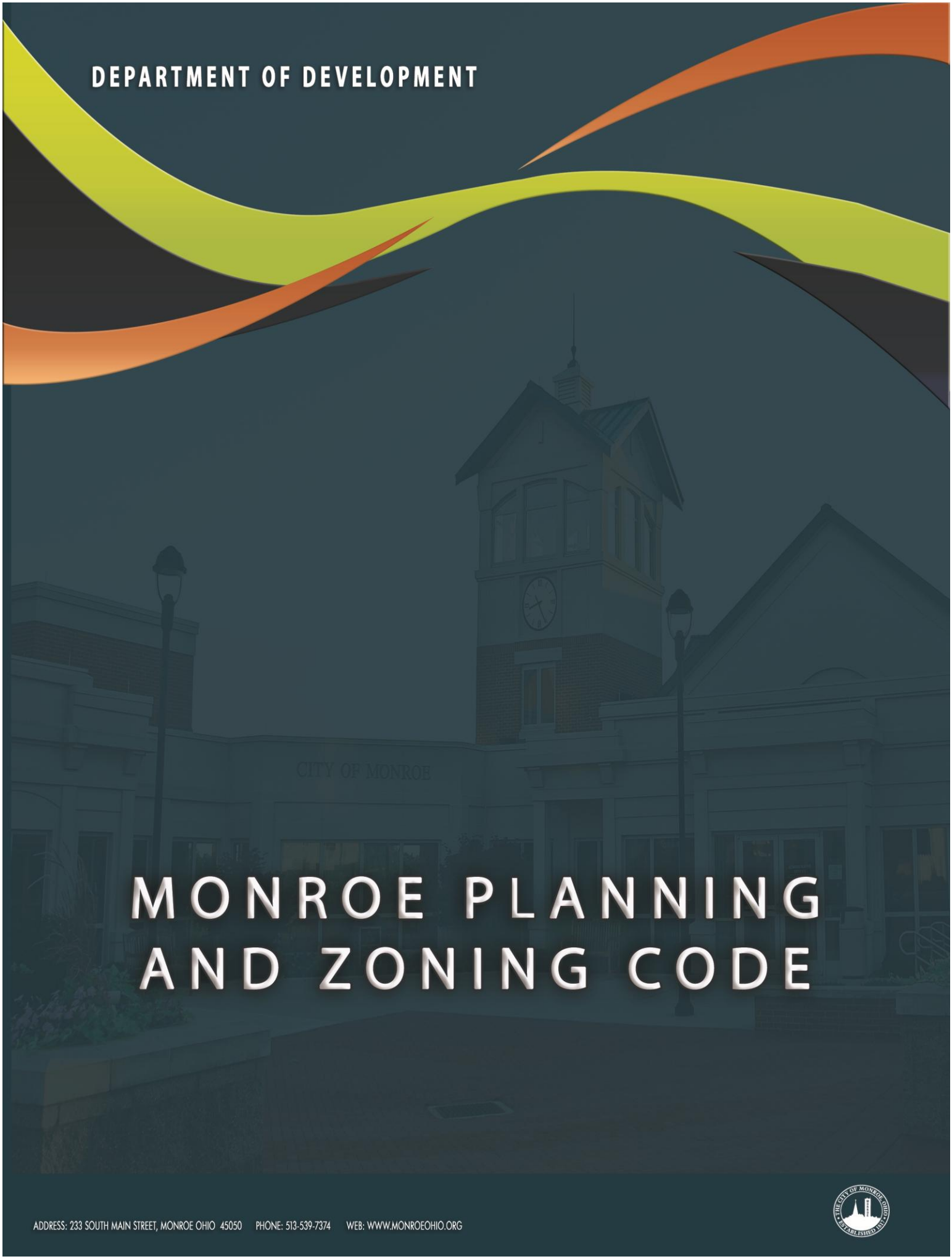
DEPARTMENT OF DEVELOPMENT



MONROE PLANNING AND ZONING CODE

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Chapter 1201: General Provisions

1201.01 Purpose

This code is adopted to secure and provide the following objectives for the City of Monroe:

(A) To maintain and enhance the community's distinct character;

(B) To promote the public health, safety, comfort, and welfare of the residents of the City;

(C) To create residential areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs in close proximity;

(D) To preserve the character and quality of residential neighborhoods;

(E) To provide for the expansion and diversification of the economic base to assure a strong economy;

(F) To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;

(G) To promote orderly, efficient, and appropriate development of land;

(H) To ensure compatibility between different types of development and land uses;

(I) To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality development;

(J) To facilitate the provision of public utilities and public services;

(K) To provide for the proper arrangement of streets or highways including the improvement and promotion of connectivity to better serve residents and businesses;

(L) To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;

(M) To manage traffic access and circulation;

(N) To allow freedom of speech and expression in accordance with the laws of the state and nation;

(O) To ensure adequate provision of open space for light, air, and fire safety;

(P) To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development; and

(Q) To require the adequate and safe provision of transportation, water, sewage, and drainage in the City.

1201.02 Title

These regulations shall be known and may be cited as the "City of Monroe Planning and Zoning Code", or referred to as the "planning and zoning code" or the "code".

1201.03 Repeal of Existing Code

This code and the referenced Official Zoning Map hereby replace Title Two – Planning, Title Four – Subdivision Regulations, and Title Six - Zoning, of the Codified Ordinances of Monroe, in place prior to the effective date of this code.

1201.04 Authority

(A) GENERAL AUTHORITY

The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land, and by the Charter of the City of Monroe.

(B) REFERENCE TO THE OHIO REVISED CODE

Whenever any provision of this code refers to or cites a section of the Ohio Revised Code (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to said amended section or the section that most nearly corresponds to the superseded section.

1201.05 Jurisdiction

The provisions of this code shall apply to the entire incorporated land areas of the City of Monroe of Butler and Warren Counties, in the State of Ohio.

1201.06 Effective Date

This code was adopted by City Council on October 22nd, 2013. This code shall become effective 30 days after the approval by City Council.

1201.07 Compliance Required

(A) No building or structure shall be erected, constructed, enlarged, moved, or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure, nor shall any land, building, or structure be used, subdivided, or changed, except in compliance with all of the applicable regulations established by this code.

(B) Any new lots created after the effective date of this code must conform to the applicable requirements of this code unless allowed by Section 1201.15: Transitional Rules.

(C) No yard or lot existing upon the effective date of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established herein.

(D) No permits required for any work in connection with any subdivision shall be issued until the preliminary plat and final construction drawings have been approved as established herein.

(E) No improvements, such as water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, major grading operation, paving or surfacing of any street, shall be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or by their agent, until the preliminary plats for the subdivision and also the final construction drawings for the improvements have been approved by the City as established herein.

1201.08 Comprehensive Plan

The administration, enforcement, and amendment of this code should be consistent with the City of Monroe Comprehensive Plan, as amended and herein referred to as the "Comprehensive Plan". Amendments to this code should maintain and enhance the consistency between this code and the Comprehensive Plan.

1201.09 Interpretation and Conflicts

(A) For purposes of interpretation and application, the provisions of this code shall be held to be the minimum requirements necessary to promote the purpose of this code.

(B) When provisions of this code are inconsistent with one another or with the provisions found in another adopted code, the more restrictive provisions shall govern.

(C) Where this code imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of this code shall control.

1201.10 Relationship with Other Laws and Agreements

(A) **CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS**

This code is intended to complement other city, state, and federal regulations that affect land use and division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

(B) **CONFLICT WITH PRIVATE THIRD-PARTY AGREEMENTS**

(1) This code is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern unless specifically approved by the City.

(2) Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code. In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the City is a party to the agreement.

1201.11 Permits Required

(A) Permits or certificates issued on the basis of plans and applications approved by the agency having jurisdiction authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement, or construction. Any other use, arrangement or construction, or failure to obtain an appropriate permit, certificate, or inspection, shall be deemed to be a violation of this code, punishable under Chapter 1216: Enforcement and Penalties.

(B) Failure to construct in accordance with approved plans shall be deemed to be a violation of this code, punishable under Chapter 1216: Enforcement and Penalties.

(C) All departments, officials and employees who are vested with the duty or authority to issue permits, shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this code.

1201.12 Severability

(A) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.

(B) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

(C) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

(D) Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this code, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

1201.13 Sale of Land in a Subdivision

No lot, tract or parcel of land within any subdivision or any development constituting a subdivision under ORC Chapter 711 shall be offered for sale, nor shall any sale or contract for sale which is intended to be recorded with the applicable county have any validity, until such subdivision, together with the plans for the improvements thereto, has been properly reviewed and officially approved by the City. This regulation is not intended to prohibit the sale of unplatted land for purposes of ownership changes or new developer acquisition.

1201.14 Restoration of Unsafe Buildings

Except as provided in Chapter 1207: Nonconformities, nothing contained in this code shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the proper authority.

1201.15 Transitional Rules

(A) PURPOSE

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code.

(B) VIOLATIONS CONTINUE

(1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under Chapter 1216: Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this code.

(2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

(C) NONCONFORMITIES CONTINUE

(1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by Chapter 1207: Nonconformities.

(2) If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this code, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(D) PROCESSING OF APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS REGULATIONS

(1) Pending Projects

a) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.

b) If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire immediately upon adoption of the new code and subsequent applications shall be subject to the requirements of this code.

c) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

d) An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request for review under the provisions of this code.

(2) Approved Projects

a) Approved preliminary plats, construction drawings, final plats, planned unit developments, variances, conditional uses, zoning permits, right-of-way permits, or other approved plats, plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.

b) Any building or development for which a permit was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.

c) If the development for which the permit is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

d) After the date of enactment of this code, no plat of any subdivision shall be permitted to be recorded with the Clerk of Council or the applicable county recorder unless, at minimum, has received preliminary plat approval and is not expired under the previous code. No new plat of any subdivision shall have any validity, until it is submitted and approved in the proper manner as prescribed by this code.

e) Any subdivision that has received final approval by the City Council prior to the adoption of this code shall be considered an approved final subdivision. If the approved final plat is not recorded within 90 days after the date of the City Council's approval, such approval shall be termed null and void. In the event a plat is considered invalid, the plat shall then be resubmitted as a preliminary plat and shall meet all requirements of this code.

(E) VESTED RIGHTS

The transitional rule provisions of this section are subject to Ohio's laws related to vested rights.

1201.16 Use of Graphics, Illustrations, Figures, and Cross-References

(A) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(B) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

1201.17 Burden of Proof

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.

Chapter 1202: Administrative Roles and Authority

1202.01 Purpose

The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures as established in Chapter 1203: Development Review Procedures.

1202.02 Summary of Review Bodies

(A) Table 1202-1: Summary Table of Review Bodies, summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Chapter 1203: Development Review Procedures. Other duties and responsibilities of the entities are set forth in subsequent sections of this chapter.

(B) Even though not referenced in this chapter, other boards, commissions, government agencies, and non-government agencies may be asked by the Code Enforcement Officer, the Monroe Planning Commission, the Monroe Board of Zoning Appeals, or the Monroe City Council, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, subdivisions, appeals, variances, conditional uses, site plans, and planned unit developments.

TABLE 1202-1: SUMMARY TABLE OF REVIEW BODIES

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION			D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)			
PROCEDURE	**SEE SECTION:**	**CITY COUNCIL**	**PLANNING COMMISSION**	**BOARD ZONING OF APPEALS (BZA)**	**CITY ENGINEER**	**CODE ENFORCEMENT OFFICER**
Code Text or Map Amendment	1203.03	H-D	H-R			R
Planned Unit Development – Preliminary Plan	1206.04	H-D	H-R		R	R
Planned Unit Development – Final Plan	1206.04		M-D		R	R
Minor Subdivision	1203.04		A		R	D
Major Subdivision – Preliminary Plat	1203.05	A [1]	M-D		R	R
Major Subdivision – Improvement Plan	1203.05				D	R
Major Subdivision – Final Plat	1203.05	M-D	M-R		R	R
Variance of Subdivision Design or Improvement Standards	1203.05(P)		H-D		R	R
Site Plan Review	1203.06		M-D	A		R
Conditional Use Permit	1203.07		H-D	A		R
Variance (other than to Subdivision or Improvement Standards)	1203.08			H-D		R
Administrative Waivers	1203.09		R[2]	A		D
Alternative Equivalence Compliance	1203.10		M-D		R-D	R
Appeals	1203.11			H-D		[3]
Zoning Permit	1203.12			A		D

NOTES:
[1] The procedure for appealing a decision by Planning Commission on a major subdivision is established in Section 1203.05(O): Appeals.
[2] The Code Enforcement Officer may request a recommendation from the Planning Commission in evaluating a request for an administrative waiver.
[3] The Code Enforcement Officer shall forward all records of their decisions to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

1202.03 City Council

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

(A) Initiate, hear, review, and make decisions related to amendments to this code;

(B) Initiate, hear, review, and make decisions related to amendments to the zoning map;

(C) Hear, review, and make decisions related to planned unit development preliminary plan approval applications;

(D) Hear, review, and confirm decisions on final plats and acceptance of public improvements as part of major subdivisions;

(E) Hear, review, and make decisions on an appeal of the decision of the Planning Commission on major subdivision preliminary plats;

(F) Appoint members of the Planning Commission;

(G) Appoint members of the Board of Zoning Appeals (BZA); and

(H) Establish fees for development review applications and permits.

1202.04 Planning Commission

(A) ESTABLISHMENT

The City of Monroe Planning Commission shall be established pursuant to the Charter of the City of Monroe.

(B) MEMBERSHIP

The membership of the Planning Commission shall be as follows in accordance with the Charter:

(1) The City Council shall appoint members of the Planning Commission. The Planning Commission shall be composed of five members. One member of City Council shall be selected by City Council to serve on the Planning Commission. The other four Planning Commission members shall consist of electors of the municipality not holding other municipal offices.

(2) Members shall serve four-year terms with the term of one member expiring each year.

(3) Members of the Planning Commission shall be removable for misfeasance, malfeasance or nonfeasance by City Council.

(4) A vacancy occurring during the term of any member of Planning Commission shall be filled for the unexpired term in a manner authorized for the original appointment.

(C) POWERS AND DUTIES

The Planning Commission shall have the following powers and duties under this code:

(1) Interpret the provisions of this code in such a way as to carry out the intent and purpose of the Comprehensive Plan;

(2) Hear, initiate, review, and make recommendations related to amendments to this code;

(3) Hear, initiate, review, and make recommendations related to amendments to the zoning map;

(4) Review and make recommendations and decisions related to planned unit developments as established in Section 1206.04: Review Procedure and Criteria;

(5) Review and make decisions on major subdivision preliminary plats;

(6) Review and make recommendations on major subdivision final plats;

(7) Hear, review, and make decisions on requests to vary from the subdivision design and improvement standards;

(8) Hear, review, and make decisions on an appeal of the decision of the Code Enforcement Officer on a minor subdivision;

(9) Review and make a decision on site plan review applications;

(10) Make recommendations to the Code Enforcement Officer on applications for administrative waivers upon referral by the Code Enforcement Officer;

(11) Review and make decisions on alternative equivalence compliance applications as part of the site plan review process; and

(12) Perform all other duties as provided by the Charter or other ordinances of the municipality.

(D) BYLAWS

The Planning Commission may, by a majority vote of its entire membership, adopt bylaws for its own governance provided they are consistent with state law or with any other ordinances of the City.

(E) MEETINGS

(1) At the first meeting of each year, the Planning Commission shall elect a chairperson, a vice-chairperson, and a secretary, who shall serve for one year. These officers shall be elected from among the members of the Planning Commission.

(2) Meetings shall be held at the call of the chairperson, or the acting chairperson, and at such other times as the Planning Commission may determine.

(3) All meetings shall be open to the public, except as exempted by law.

(4) The Planning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and shall be filed in the office of the Development Department.

(5) The Planning Commission may call upon any city department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Planning Commission as may reasonably be required

(F) QUORUM AND DECISIONS

(1) Any combination of three or more regular or alternate members of the Planning Commission shall constitute a quorum.

(2) The Planning Commission shall act when at least three members concur.

(3) Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

1202.05 Board of Zoning Appeals

(A) ESTABLISHMENT

The City of Monroe Board of Zoning Appeals, hereafter referred to as the BZA, shall be established pursuant to the Charter of the City of Monroe.

(B) MEMBERSHIP

The membership of the BZA shall be as follows in accordance with the City Charter:

(1) The City Council shall appoint members of the BZA. The BZA shall be composed of five members, who shall be electors of the City and hold no compensated position with the City.

(2) Members shall serve five-year terms with the term of one member expiring each year.

(3) Members of the BZA shall be removable for misfeasance, malfeasance or nonfeasance by City Council.

(4) A vacancy occurring during the term of any member of the BZA shall be filled by appointment by City Council for the unexpired term.

(C) POWERS AND DUTIES

The BZA shall have the following powers and duties under this code:

(1) Hear, review and make decisions on appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Planning Commission in the interpretation or enforcement of the provisions of this code related to a major site plan review or conditional use permit;

(2) Hear and decide on any questions related to interpretation of the code text or the zoning map and zoning district boundaries;

(3) Interpret the provisions of this code in such a way as to carry out the intent and purpose of the Comprehensive Plan;

(4) Hear, review and make decisions on applications to vary the terms of this code, unless otherwise specified, and excepting requests to vary subdivision design and improvement standards, when such variances from the provisions or requirements of this code will not be contrary to the public interest so that the spirit of the code shall be observed and substantial justice done;

(5) Hear, review and make decisions on appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Code Enforcement Officer or other development applications where it is the established role of the BZA to hear such appeals; and

(6) Review and make a decision on a request for the reconstruction of a nonconforming building in compliance with Chapter 1207: Nonconformities.

(D) BYLAWS

The BZA may, by a majority vote of its entire membership, adopt bylaws for its own governance provided they are consistent with state law or with any other ordinances of the City.

(E) MEETINGS

(1) At the first meeting of each year, the BZA shall elect a chairperson, a vice-chairperson, and a secretary, who shall serve for one year. These officers shall be elected from among the members of the BZA.

(2) Meetings of the BZA shall be held at the call of the chairperson, or the acting chairperson, and at such other times as the BZA may determine.

(3) The chairperson, or in their absence, the acting chairperson, may administer oaths and the BZA may compel the attendance of witnesses.

(4) All meetings of the BZA shall be open to the public, except as exempted by law.

(5) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Development Department and shall be a public record, unless exempted by law.

(6) The BZA may call upon any city department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(F) QUORUM AND DECISIONS

(1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.

(2) The BZA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

(3) Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

1202.06 City Engineer

(A) ESTABLISHMENT

The City of Monroe Department of Engineering is established by the Charter of the City of Monroe. As part of that department, the City Engineer shall aid in the administration and enforcement of this code as defined herein.

(B) POWERS AND DUTIES

The City Engineer shall have the following powers and duties:

(1) Review and make recommendations to the Code Enforcement Officer on minor subdivisions;

(2) Review, coordinate with other review agencies, and make recommendations to the Planning Commission on preliminary plats;

(3) Review final subdivision plats and check their compliance with approved preliminary plats, and make recommendations to the Planning Commission and City Council on final subdivision plats;

(4) Review and make decisions on subdivision construction drawings;

(5) Inspect construction of improvements in subdivisions as specified in this code, issue reports on such inspections as necessary, and make recommendations to City Council on the acceptance of improvements;

(6) Review and make recommendations to the Planning Commission on requests to vary from the subdivision design and improvement standards;

(7) Review and make recommendations to the Planning Commission on alternative equivalence compliance applications;

(8) Review and make decisions on alternative equivalence compliance applications for which the City Engineer has authority;

(9) Review traffic impact studies required in accordance with this code and make decisions upon the necessity of improvements based on such review; and

(10) Maintain permanent and current records of all inspections, and subdivision design and improvement standards applicable to this code.

1202.07 Code Enforcement Officer

(A) ESTABLISHMENT

The position of Code Enforcement Officer shall be established to aid in the administration and enforcement of this code. The Code Enforcement Officer shall be appointed by the City Manager pursuant to the Charter of the City of Monroe.

(B) POWERS AND DUTIES

(1) The Code Enforcement Officer shall have the following powers and duties:

a) Enforce the provisions of this code. All officials and employees of the City shall assist the Code Enforcement Officer by reporting to the Code Enforcement Officer new construction, reconstruction, land uses, or violations that are observed;

b) Review and make recommendations on applications for text and zoning map amendments;

c) Review and make recommendations on application for planned unit developments;

d) Review and make decisions on minor subdivisions;

e) Review, assimilate recommendations from other review agencies, and make recommendations to the Planning Commission and City Council on major subdivision applications;

f) Review and make recommendations to the Planning Commission on requests to vary from the subdivision design and improvement standards;

g) Review and make recommendations to the Planning Commission on site plan review applications and conditional use permit applications;

h) Review and make recommendations to the BZA on applications to vary the terms of this code other than subdivision design and improvement standards;

i) Review and make decisions on applications for administrative waivers;

j) Review and make decisions on applications for zoning permits to ensure compliance with this code;

k) Issue a zoning permit, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this code, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this code;

l) Review, inspect property, and make decisions on applications for zoning compliance permits to ensure compliance with this code;

m) Refer requests for appeals of decisions to the appropriate decision-making body pursuant to the procedures set forth in Chapter 1203: Development Review Procedures;

n) Maintain permanent and current records of all amendments to this code, all subdivision plans and plats, and all applications and decisions on said applications;

o) Prescribe such rules and forms deemed necessary for the execution of these duties;

p) Investigate complaints and issue citations for any notices of violation and keep adequate records of all violations; and

q) Revoke a zoning permit or approval issued contrary to this code or based on a false statement or misrepresentation on the application.

(C) DECISIONS

(1) A decision of the Code Enforcement Officer may be appealed to the BZA, unless appeal is assigned to another review body.

(2) The Code Enforcement Officer shall have appropriate forms for appeal available at the time of denial.

Chapter 1203: Development Review Procedures

1203.01 Purpose

The purpose of this chapter is to identify the development review procedures used in the administration of this code.

1203.02 Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review under this code, unless otherwise stated.

(A) Authority to File Applications

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

a) The owner of the property that is subject of the application; or

b) An agent authorized by the owner, which may include a lessee of the property.

(2) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.

(3) The Planning Commission and City Council may initiate text and zoning map amendments under this code with or without an application from the property owner who may be affected.

(B) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearing of the review bodies shall be established by the Development Department and made available to the public.

(C) Application Contents

(1) Applications required under this code shall be submitted in a form and in such numbers as established by the Development Department and made available to the public.

(2) Applications shall be accompanied by a fee as established by City Council, in a separate ordinance, and pursuant to Subsection 1203.02(F): Fees.

(3) Digital copies of application materials, including plans, plats and other images or drawings, shall be submitted in a format as established by the Development Department. Once an application is approved, digital copies of final versions of plans and plats shall be provided if revisions are made during the application review process.

(4) Complete Application Determination

a) The Code Enforcement Officer shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.

b) The Code Enforcement Officer shall make a determination of application completeness within five business days of the application filing.

c) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this code.

d) If an application is determined to be incomplete, the Code Enforcement Officer shall provide written or digital notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.

e) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Code Enforcement Officer pursuant to Subsection 1203.02(C)(4)d), unless an extension is granted in writing or digitally by the Code Enforcement Officer, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn.

f) No reconsideration of an incomplete application shall occur after expiration of the 60 day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of 1203.02(C): Application Contents, submit a new application and filing fee.

g) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete and any associated fees will be forfeited.

(D) SIMULTANEOUS PROCESSING OF APPLICATIONS

Whenever two or more forms of review and approval are required under this code, the Code Enforcement Officer shall determine the order and timing of review. The Code Enforcement Officer may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

(E) EFFECT OF PRE-APPLICATION CONFERENCES OR MEETINGS

Discussions that occur during any informal meetings with city staff, boards, or during pre-application conferences or meetings are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(F) FEES

(1) Determination of Fees

a) City Council shall approve the fees to accompany applications submitted under this code through the adoption of a fee schedule. City Council may adjust the fees from time-to-time.

b) If the City determines that the costs on a particular application are extremely high as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Code Enforcement Officer is authorized to collect such additional costs from the applicant.

(2) Fees to be Paid

No application shall be processed or determined to be complete until the established fee has been paid.

(3) Refund of Fees

Application fees are not refundable, except where the Development Department determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(G) WITHDRAWAL OF APPLICATION

Any request for withdrawal of an application shall be either submitted in writing to the Code Enforcement Officer or made through a verbal request by the applicant prior to action by the review or decision-making body.

(1) The Code Enforcement Officer shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.

(2) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

(3) In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

(H) PUBLIC NOTIFICATION FOR PUBLIC HEARINGS

Applications for development approval that require public hearings shall comply with all applicable ORC requirements and the provisions of this chapter with regard to public notification.

(1) Content

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

a) Identify the address or location of the property subject to the application and the name and address of the applicant or the applicant's agent;

b) Indicate the date, time, and place of the public hearing;

c) Describe the land involved by street address, or by legal description and the nearest cross street, and project area (size);

d) Describe the nature, scope, and purpose of the application or proposal;

e) Identify the location (e.g., the offices of the Development Department) where the public may view the application and related documents;

f) Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and

g) Include a statement describing where written comments will be received prior to the public hearing.

(2) Notice Requirements

Published and mailed notice for public hearings shall be provided as defined in Table 1203-1: Notice Requirements.

TABLE 1203-1: NOTICE REQUIREMENTS

DEVELOPMENT REVIEW PROCEDURE	AGENCY RESPONSIBLE FOR NOTIFICATION	PUBLISHED NOTICE	MAILED NOTICE
Code Text or Map Amendment	Clerk of Council or Development Department [1]	Published notice required a minimum of 15 days before a public hearing	Written notice shall be required a minimum of 15 days before a public hearing only if a zoning map amendment will affect 10 or fewer properties. Written notice shall be provided to the applicant and all property owners within, contiguous, and directly across the street of the subject property. No written notice is required for a text amendment.
Variance of Subdivision Design or Improvement Standards	Clerk of Council or Development Department [1]	Published notice required a minimum of 15 days before a public hearing	Written notice to the applicant and all property owners within, contiguous, and directly across the street of the subject property shall be required a minimum of 15 days prior to the hearing.
Conditional Use Permit			
Appeals			
Variance			
NOTES: [1] The Clerk of Council is responsible for sending notices for hearings by City Council. The Development Department is responsible for sending notices for Planning Commission or BZA.			

(3) Published Notice

a) When the provisions of this code require that notice be published for City Council, the Clerk of Council shall prepare the content of the notice and publish the notice in a newspaper of general circulation.

b) When the provisions of this code require that notice be published for Planning Commission or BZA, the Development Department shall prepare the content of the notice and publish the notice in a newspaper of general circulation.

c) The content and form of the published notice shall be consistent with the requirements of Subsection 1203.02(H)(1): Content and state law.

(4) Written (Mailed) Notice

a) When the provisions of this code require that written or mailed notice be provided, the Development Department shall be responsible for preparing and mailing the written notice as established in Table 1203-1: Notice Requirements.

b) The notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the Planning Commission or BZA.

c) Written notice shall be postmarked no later than amount of days specified in Table 1203-1: Notice Requirements, prior to the hearing date at which the item will be considered.

(5) Constructive Notice

a) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.

b) When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(I) CONDUCT OF PUBLIC HEARING

(1) Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(2) Continuance of a Public Hearing or Deferral of Application Review

a) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Code Enforcement Officer prior to the publication of notice as may be required by this code. The Code Enforcement Officer may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

b) A request for deferral of consideration of an application received by the Development Department after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.

c) The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

(J) EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENT

Documents and/or records may be inspected and/or copied as provided for by state law.

(K) COMPUTATION OF TIME

(1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by the City of Monroe where the City administrative offices are closed for the entire day.

a) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Monroe in which the City administrative offices are closed for the entire day.

(2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days). When the period of time prescribed is more than seven days, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation.

1203.03 Zoning Text and Map Amendments

(A) Purpose

City Council may amend the text of this code or the zoning map pursuant to the procedure set forth in this section. The purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the comprehensive plan, or that are necessary to advance the health, safety, and general welfare of the City.

(B) Applicability

This section shall apply to requests to amend the text of this code or the Official Zoning Map of the City of Monroe, hereafter referred to as the "zoning map".

(C) Initiation

(1) Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for amendment;

(2) The Planning Commission may make a motion to initiate a text or zoning map amendment; or

(3) City Council may initiate a text or zoning map amendment by recommendation or referral to the Planning Commission.

(D) Procedure

The review procedure for a text or zoning map amendment shall be as follows:

Figure 1203-A: Zoning Text and Map Amendment Procedure Flow Chart

(1) Step 1 – Pre-application Conference

a) If the amendment is initiated by the property owners, the applicant shall meet with the Code Enforcement Officer for a pre-application conference before submitting an application for an amendment to the zoning map or text, unless waived by the Code Enforcement Officer.

b) The applicant shall supply preliminary information to the Code Enforcement Officer in a form established by the Development Department. Such information shall be submitted at least three business days prior to the pre-application conference.

c) The purpose of the pre-application conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Plan prior to the submission of an application.

(2) Step 2 – Application

a) The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.

b) If the applicant fails to submit an application within 180 days of the pre-application conference (Step 1), the applicant shall be required to begin the review procedure again from the pre-application conference (Step 1).

c) Amendments initiated by City Council through legislation shall be referred to the Planning Commission for review.

(3) Step 3 – Staff Review and Staff Report

a) Upon determination that a text or zoning map amendment application is complete, the Code Enforcement Officer shall refer the application to the Planning Commission and shall schedule a public hearing.

b) Prior to the Planning Commission hearing at which the text or map amendment is scheduled for review, the Code Enforcement Officer shall review the application and prepare a staff report.

(4) Step 4 – Planning Commission Review and Recommendation

a) The Planning Commission shall review a text or zoning map amendment application during a public hearing, and shall consider the staff report from the Code Enforcement Officer and the review criteria of this section.

b) Within 60 days of referral of the application, the Planning Commission shall submit a written recommendation to City Council. The Planning Commission shall recommend approval, approval with some modification, or disapproval.

(5) Step 5 – City Council Review and Decision

a) Following receipt of the recommendation from the Planning Commission (Step 4), City Council shall set a time for a public hearing on the proposed amendment.

b) After the public hearing, City Council shall either adopt or deny the recommendations of the Planning Commission, or adopt some modification thereof.

c) In the event City Council modifies or denies the recommendations of the Planning Commission, a vote of not less than five City Council members shall be required.

(E) REVIEW CRITERIA

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

a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;

b) Whether the proposed amendment is consistent with the comprehensive plan or other applicable city plans;

c) Whether the proposed amendment is consistent with the purpose of this code;

d) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;

e) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;

f) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation;

g) Whether the proposed amendment will ensure efficient development within the City; and

h) Whether the proposed amendment will result in a logical and orderly development pattern.

(F) PLANNED UNIT DEVELOPMENTS

Planned Unit Developments (PUDs) shall be subject to the review procedure established in Chapter 1206: Planned Unit Developments.

1203.04 Minor Subdivisions

(A) PURPOSE

The purpose of the minor subdivision review process is to ensure compliance with this code while allowing for small-scale subdivisions that will not result in new roads or major extensions of infrastructure.

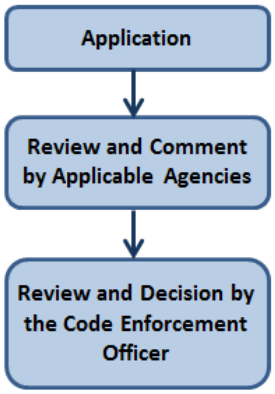


Figure 1203-B: Minor Subdivision Procedure Flow Chart

(B) MINOR SUBDIVISION DETERMINATION AND APPLICABILITY

The Code Enforcement Officer shall make a determination that a proposed subdivision is a minor subdivision if the proposed subdivision meets all of the following conditions:

(1) The subdivision will result in no more than five lots after the original tract has been completely subdivided;

(2) The subdivision will occur along an existing public street;

(3) The subdivision will not result in the creation, widening, or extension of any street or road; and

(4) The proposed subdivision will not be contrary to the applicable provisions of this code.

(C) REPLATS

(1) Any minor subdivision that involves the consolidation of lots or the adjustment of boundaries between lots that are situated within existing platted subdivisions shall be subject to the review and approval of the Code Enforcement Officer.

(2) Any subdivision of land within a previously platted subdivision which results in one to five additional conforming lots shall be subject to the review and approval of the Code Enforcement Officer.

(3) Any subdivision of land within a previously platted subdivision which results in six or more additional lots shall adhere to the procedures for an amendment to a major subdivision, as applicable, as set forth in Section 1203.05(L): Amendments .

(D) INITIATION

Any person having authority to file applications pursuant to Section 1203.02(A): Authority to File Applications may initiate an application for a minor subdivision.

(E) PROCEDURE

The review procedure for a minor subdivision shall be as follows:

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements.

(2) Step 2 – Review and Comment by Applicable Agencies

a) Upon determination that the application for a minor subdivision is complete, the Code Enforcement Officer may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and the agencies having jurisdiction over sanitary sewer or water.

b) Such agencies may supply comments, recommendations, and approvals as applicable, to the Code Enforcement Officer for consideration prior to the Code Enforcement Officer's decision (Step 3).

(3) Step 3 – Review and Decision by the Code Enforcement Officer

a) Within 10 days of the determination that the application (Step 1) is complete, the Code Enforcement Officer shall review the application and approve or deny the application for a minor subdivision based on the review criteria established in Section1203.04(F): Review Criteria, below.

b) If the Code Enforcement Officer denies an application for a minor subdivision, the Code Enforcement Officer shall provide the applicant with written finding for the denial.

c) If the application is approved, the Code Enforcement Officer shall be required to sign the minor subdivision.

(F) REVIEW CRITERIA

In order to approve a minor subdivision, the Code Enforcement Officer shall determine the following:

(1) That the minor subdivision complies with all applicable provisions of this code;

(2) That the minor subdivision does not conflict with other regulations, plans, or policies of the City;

(3) That applicable review agencies have no objections that cannot be resolved by the applicant; and

(4) That the minor subdivision is not otherwise contrary to the interest of the City.

(G) RECORDING

(1) If the Code Enforcement Officer approves the minor subdivision without a plat, the conveyance shall be stamped with "Approved by City of Monroe Development Department: No Plat Required".

(2) The Code Enforcement Officer shall sign and date the conveyance.

(H) VARIANCES AND APPEALS

(1) The Code Enforcement Officer may not grant variances to code regulations. If a variance is necessary for a minor subdivision such approval shall be obtained by the appropriate approval body prior to a decision by the Code Enforcement Officer.

(2) If the Code Enforcement Officer denies the application for a minor subdivision, the applicant may appeal the decision to the Planning Commission within 30 days of the Code Enforcement Officer's decision.

(3) An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision.

(4) The applicant shall submit an application in accordance Section 1203.02: Common Review Requirements.

(5) Upon receiving the written appeal of the Code Enforcement Officer's decision on a minor subdivision, the Development Department shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Planning Commission. This material shall constitute the record of the appeal.

(6) The Planning Commission shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section 1203.02(H): Public Notification for Public Hearings.

(7) Any person affected by the appeal may appear at the public hearing and testify in person, or by attorney or agent.

(8) The Planning Commission shall render a decision on the appeal without unreasonable delay. The Code Enforcement Officer shall notify the appellant in writing of the decision of the Planning Commission.

(9) A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(I) APPROVAL TIME LIMIT

Approval of the minor subdivision will become void if the recording in applicable county recorder's office is not made within 180 days after the approval date by the Code Enforcement Officer. If voided, resubmission of the minor subdivision is required pursuant to Section 1203.04(E): Procedure.

1203.05 Major Subdivisions

(A) PURPOSE

The purpose of the major subdivision review process is to ensure compliance with this code while promoting the appropriate development of the City as provided for in the purpose of this code.

(B) MAJOR SUBDIVISION DETERMINATION AND APPLICABILITY

A major subdivision shall include any subdivision that includes the construction of a public roadway, that does not meet the requirements of a minor subdivision (See Section 1203.04: Minor Subdivisions.), or that includes the improvement of one or more parcels of land for residential, commercial, or industrial structures, or groups of structures which ultimately are to be jointly owned under a recorded condominium property declaration under the provisions of ORC Chapter 5311.

(C) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a major subdivision.

(D) PROCEDURE

The review procedure for a major subdivision shall be as follows:

(1) Step 1 – Pre-application Conference

a) The applicant shall meet with the Code Enforcement Officer for a pre-application conference before submitting an application for a major subdivision.

b) The applicant shall supply preliminary information to the Code Enforcement Officer in a form established by the Development Department.

c) The purpose of the pre-application conference shall be to discuss the proposed subdivision, review submittal requirements, and discuss compliance with the provisions of this code prior to the submission of an application.

d) Subsequent to the pre-application conference with the Code Enforcement Officer, the applicant may consult with, at a minimum, the City Engineer, fire department and the County Soil and Water Conservation District. The applicant shall also consult with the agencies having jurisdiction for sanitary sewer or water, where applicable.

(2) Step 2 – Application and Official Filing of the Preliminary Plat

a) The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.

b) The preliminary plat shall be submitted as part of the initial application.

c) Upon determination by the Code Enforcement Officer that the application is complete, the preliminary plat shall be accepted as being officially filed.

d) The application and the official filing of the preliminary plat shall be in accordance with the applicable submittal deadlines of the Planning Commission.

e) If the applicant fails to submit a complete application and preliminary plat within 180 days of the pre-application conference (Step 1), the applicant shall be required to begin the review procedure again from the pre-application conference.

(3) Step 3 – Staff Review and Staff Report on the Preliminary Plat

a) Upon determination that the application for a major subdivision is complete, the Code Enforcement Officer shall transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, fire department, agencies having jurisdiction for water and/or sanitary sewer, or other agencies the Code Enforcement Officer deems appropriate.

b) Such agencies shall supply comments and recommendations to the Code Enforcement Officer prior to the regularly scheduled Planning Commission meeting where the preliminary plat will be reviewed.

c) Prior to the Planning Commission meeting where the preliminary plat is scheduled for review, the Code Enforcement Officer shall review the preliminary plat and prepare a staff report.

(4) Step 4 – Review and Decision on the Preliminary Plat by the Planning Commission

a) The Planning Commission shall not consider a major subdivision unless the preliminary plat is officially filed (Step 2).

b) The Planning Commission shall hold a public meeting to review and decide on the preliminary plat. The Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

c) If the Planning Commission denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Planning Commission, or an appeal is granted by City Council.

d) Appeal of a Decision by Planning Commission to Court of Common Pleas

i) If the Planning Commission denies the application for a preliminary plat, the applicant may appeal the decision to the applicable court of common pleas within 30 days of the Planning Commission's decision.

ii) An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision with the Code Enforcement Officer.

iii) The applicant shall submit an application in accordance Section 1203.02: Common Review Requirements.

iv) Upon receiving the written appeal of the Planning Commission's decision on a preliminary plat, the Development Department shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Clerk of Council. This material shall constitute the record of the appeal.

v) The City Council shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section 1203.02(H): Public Notification for Public Hearings.

vi) Any person affected by the appeal may appear at the public hearing and testify in person, or by attorney or agent.

vii) The City Council shall render a decision on the appeal without unreasonable delay. The Clerk of Council shall notify the appellant in writing of the decision of the City Council.

viii) A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(5) Step 5 – Submission of the Construction Drawings

i) The applicant's engineer shall prepare construction drawings, which shall conform to the approved preliminary plat and include all work to be performed. In cases where the applicant proposes to develop the subdivision in phases, construction drawings shall be submitted for each individual phase.

ii) The applicant shall supply the construction drawings to the Code Enforcement Officer in a form and number established by the Development Department.

iii) If the applicant finds, in the process of preparing construction drawings, that the approved preliminary plat is not workable and changes in layout are required, the applicant shall inform the Code Enforcement Officer and City Engineer. The Code Enforcement Officer may require that a revised preliminary plan be submitted for re-approval following Steps 2 through 4 above.

iv) The City Engineer shall accept performance bonds pursuant to Section 1203.05(I): Bonding Requirements.

(6) Step 6 – Staff Review and Decision on the Construction Drawings

a) The Code Enforcement Officer shall distribute copies of the construction drawings to the City Engineer and, where applicable, the applicant shall submit the construction drawings to the agencies having jurisdiction for sanitary sewer or water, the Ohio Environmental Protection Agency, and any other applicable agencies.

b) The review agencies shall provide comments and recommendations on the construction drawings to the Code Enforcement Officer.

c) A copy of the construction drawings shall be marked and returned to the applicant's engineer for corrections, if necessary.

d) If found to be satisfactory by the City Engineer, the original tracing shall be submitted for approval signature by the Code Enforcement Officer, City Engineer, and the agencies having jurisdiction over sanitary sewer or water (where applicable).

e) Improvements shall not be constructed until such time as the City has accepted the performance bond, and the City and other applicable agencies have approved the construction drawings. The applicant is required to participate in a pre-construction meeting and file all bond documents with the City Engineer prior to commencing construction of improvements.

(7) Step 7 –Filing of the Final Plat

i) The applicant shall submit the final plat in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.

ii) Upon determination by the Code Enforcement Officer that the final plat has been properly submitted, the final plat shall be accepted as being filed.

iii) The application and the official filing of the final plat shall be in accordance with the applicable submittal deadlines of the Planning Commission.

iv) The final plat submission shall include the submission of construction drawings for the corresponding phase of development.

(8) Step 8 – Staff Review and Staff Report on the Final Plat

a) Upon determination that the application for a final plat is complete, the Code Enforcement Officer shall transmit copies of the application for review by the City Engineer and other applicable agencies the Code Enforcement Officer deems appropriate.

b) The City Engineer and agencies shall supply comments and recommendations to the Code Enforcement Officer prior to the regularly scheduled Planning Commission meeting where the final plat will be reviewed.

c) Prior to the Planning Commission meeting where the final plat is scheduled for review, the Code Enforcement Officer shall review the final plat and prepare a staff report.

(9) Step 9 – Review and Recommendation on the Final Plat by the Planning Commission

a) The Planning Commission shall hold a public meeting to review and make a recommendation on the final plat. The Planning Commission shall take one of the following actions:

i) The Planning Commission shall give a favorable recommendation on the final plat authorizing its secretary, or any other officer of the Planning Commission, to indicate such approval and the date on the tracing of the final plat.

ii) If the construction drawings have not been approved by the City Engineer (Step 6) by the time of the Planning Commission's scheduled meeting, the final plat may be placed on the agenda for the next Planning Commission meeting for action.

iii) Should the Planning Commission deny the final plat, written notice of such action, including reference to the regulation or regulations not complied with by the plat, shall be given to the applicant and the applicant's engineer and/or surveyor. The action shall also be entered on the official records of the Planning Commission.

b) The chairperson of the Planning Commission shall certify the final plat by signing and dating the final plat upon recommendation of approval from the Planning Commission.

c) Upon making a favorable or unfavorable recommendation, with or without conditions, the final plat shall be forwarded to City Council for review and decision.

(10) Step 10 – Review and Decision on the Final Plat by the City Council

a) After full compliance with this section, the Development Department shall request the Clerk of Council to prepare the necessary legislation for City Council for introduction no later than 60 days of the recommendation of Planning Commission.

b) Council shall review the final plat with access to the files of the Planning Commission.

c) If approval is given, the plat and any appropriate documents shall be signed by the Mayor and Clerk of Council upon passage of the acceptance legislation by City Council.

d) All drawings shall be returned to the Development Department after approval by City Council. The Code Enforcement Officer shall notify the applicant of the action by City Council by mail or digitally within five days after the action by City Council. The original tracing shall be returned to the applicant for recording in the applicable county recorder's office.

(E) REVIEW CRITERIA

In order to approve a major subdivision, the Planning Commission and City Council, as appropriate, shall determine the following:

(1) That the major subdivision complies with all applicable provisions of this code;

(2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;

(3) That applicable review agencies have no objections that cannot be resolved by the applicant; and

(4) That the major subdivision is not otherwise contrary to the interest of the City.

(F) GENERAL COMPLIANCE

(1) All improvement standards set forth in this chapter shall apply unless otherwise waived or varied by the City in accordance with the procedures of Section 1203.04(H): Variances and Appeals, Section 1203.05(P): Variance of Subdivision Design and Improvement Standards, Section 1203.09: Administrative Waivers or Section 1203.10: Alternative Equivalent Compliance, as applicable.

(2) Where a tract of land is proposed to be subdivided in several stages or phases over a period of years, the applicant shall be required to submit a preliminary plat for the entire tract (subdivision) to be eventually developed. Such preliminary plat shall illustrate appropriate sectioning or phasing adequate to demonstrate to the Planning Commission that the total design as proposed for the entire subdivision is acceptable under the terms of this code including conformance with the thoroughfare plan, applicable county plan, and or Comprehensive Plan, as determined by the City Engineer. The Planning Commission shall review and decide on the preliminary plat for the entire subdivision. The Planning Commission, City Engineer, and City Council, as applicable, may review and make decisions on the final plat and improvements plan for each individual section or phase.

(3) The city shall withhold all public improvements, including the maintenance of streets and the furnishing of water service, to all subdivisions that have not been approved and to all areas dedicated to the public that have not been accepted by the Planning Commission and City Council in the manner prescribed in this code.

(4) The subdivision plat shall conform to design standards that will encourage good development patterns and particularly to the principles, standards, policies and proposals which are specified in the Comprehensive Plan. Therefore, the thoroughfare plan, drainage rights-of-way, school sites, public parks and recreation sites and other public buildings and facilities shown on the officially adopted Comprehensive Plan shall be considered in the decision to approve or disapprove subdivision plats. Each subdivision design shall be in accordance with all applicable sections of the this code, as amended. The City Engineer, at any time during design or construction or even after the recording of the final plat, shall have the authority to modify any engineering or construction detail, whenever required for the protection of the public interest, health, safety or welfare.

(5) No construction shall take place until a bond, as required by this code, is received and approved by the City Engineer.

(G) TIMING OF APPROVALS

(1) Effect of Preliminary Plat Approval

a) An approved preliminary plat is to be used as a guide for the preparation of construction drawings and the final plat for final approval and recording upon fulfillment of all conditions of the preliminary plat approval and all provisions of this code.

b) Approval of a preliminary plat shall be valid for a period of up to five years from the date of approval unless construction is completed in phases and accordingly approved. If the site is to be developed in phases, the construction of each phase must be complete within three years of the completion of the previous phase. In all cases, a platted development should be completed within ten years.

c) Upon expiration of a preliminary plat approval, no approval of a final plat shall be given until the preliminary plat has been resubmitted and approved pursuant to Section 1203.05(D): Procedure.

(2) Effect of Final Plat Approval

a) Recommendation of approval of a final plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, highway, or other public way or open space upon the plat, until such acceptance is also endorsed by the City Council upon the tracing of the final plat.

b) The Planning Commission's recommendation of approval shall expire if the final plat is not presented to the City Council for approval within one year of the Planning Commission's preliminary plat approval.

c) Approval of the final plat by City Council will become void if the final plat is not recorded with the applicable county within six months of the approval by City Council. If voided, resubmission of the final plat is required pursuant to Section 1203.05(D): Procedure.

(3) Liability

The approval of plans by the City shall not relieve the owner, developer or his or her engineer of any liabilities, damages or legal action which may result from faulty, careless or negligent design or construction observed within the guarantee period.

(H) ESTIMATED COST

Upon approval of the construction drawings by the City Engineer, and before starting any construction work, the developer's engineer shall prepare and submit to the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), an independent estimate of costs, by item, for construction surveying; construction of roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems; drainage structures; erosion control, storm water management basins, restoration of land and site clean-up; and other related items. The total estimated cost, including labor, shall be prepared and signed by the developer's engineer. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may add to the developer's estimate an amount to cover contingencies, including permit and inspection costs, to arrive at the total estimated cost. The approved total of estimated costs shall be the basis for the establishment of the performance bond amount.

(I) BONDING REQUIREMENTS

(1) Public Improvement Bonds shall be required for all private projects involving the installation of public utilities, and/or roadways.

a) For developments involving dedication of Right-of-Way, prior to the approval of a Final Plat by the City of Monroe the developer shall post public improvement bonds in the amount of 130% of the estimated cost of the public improvements, as approved by the City of Monroe, to secure the performance and construction of the uncompleted and unapproved public improvements. The bonding forms, as determined by the City Engineer, shall be used when submitting bonds.

b) For development not involving the dedication of Right-of-Way, prior to the final approval of the construction drawings by the City of Monroe and prior to the start of construction, the developer shall post public improvement bonds in the amount of 130% of the estimated cost of the public improvements, as approved by the City of Monroe, to secure the performance and construction of the uncompleted and unapproved public improvements. The bonding forms, as determined by the City Engineer, shall be used when submitting bonds.

(2) All developments shall post bonds for erosion and sedimentation control and stormwater detention and quality.

(3) Prior to the Developer securing bonds, line item estimates for all items to be bonded shall be submitted to the City Engineer for approval of the bonding amounts.

a) The estimates shall indicate the item of work, the item unit, number of units, unit price, and total cost for each item to be bonded as detailed in Section 1203.05(H) Estimated Cost. Lump sum estimates shall not be submitted.

b) After preliminary acceptance of the constructed improvements and a complete set of As-Built plans have been received and approved by the City of Monroe in hard copy and digital format, the public improvement bond may be reduced to an amount determined by the City of Monroe, but shall be no less than 130% of all non-completed items. A maintenance bond will be held for a period of 12 months beyond the approval date of the improvements and after the top course of asphalt has been applied, to cover any defects in construction of the improvement to be determined by the City of Monroe. After this period and after the final inspection and completion of any punchlist items, the maintenance responsibility of the developer may be released. A bond covering the completion of any outstanding items, i.e. sidewalks and erosion control, shall be held until home or building construction or lots developed in the section bonded has reached 80% and all other improvements have been completed to the satisfaction of the City.

i) Approval of improvements shall not be granted until a punch list has been completed by the City of Monroe and all items have been satisfactorily completed.

(4) Erosion and Sedimentation Control Bonds shall be required for all private developments that meet the requirements as determined by the City Engineer. Bonds shall be provided in the amount of 130% of the estimated cost of the sedimentation and erosion control measures for the site, as approved by the City of Monroe.

a) Erosion and Sedimentation Control Bonds may be reduced upon approval of the site by the City Engineer. Prior to approval, the site shall have been permanently stabilized.

(5) The City of Monroe will accept security in any of four separate forms. The developer may select the form of security as best suits their situation. The four forms of acceptable security are as follows:

a) Original Letter of Credit in favor of the City of Monroe.

i) The Letter of Credit must include the following language for automatic renewal and notice to the City of Monroe, Ohio in case of non-renewal: "It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for successive one year periods from its present or any future expiration date unless at least sixty (60) days before any such expiration date we notify the City Engineer of the City of Monroe, at the address listed above, in writing by certified or registered mail, that we elect not to consider this letter of credit renewed for any such additional period, at such time the City of Monroe, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit."

ii) If the Letter of Credit contains a draft presentment deadline, it is mandatory that the Letter of Credit include the following language: "The draft presentment deadline set forth in this letter of credit shall automatically be extended for one year periods unless at least sixty (60) days prior to any draft presentment deadline, or any prior extension thereof, the (name of financial institution) Bank notifies the City Engineer of the City of Monroe, Ohio, 233 S. Main Street, Monroe, Ohio 45050, that the draft presentment deadline shall not be extended for a successive one year period, at such time the City of Monroe, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit."

iii) The Letter of Credit must also contain the following language: "The Security Agreement referenced by this Letter of Credit and all its terms and conditions, is attached hereto, made a part hereof, and fully incorporated herein, as if fully rewritten".

iv) Payment pursuant to the Letter of Credit shall not be conditioned except upon notification by the City Engineer to the issuing financial institution that the developer is in default of the installation and/or maintenance of improvements within the subject development.

v) The Letter of Credit must state that it is being issued in connection with the installation of improvements in a particular development being developed by a certain developer. This reference must be specific and identify the development and section or phase thereof as may be applicable. Additional reference must be made that the letter of credit is being issued in connection with the security agreement between the City and the developer.

b) Original Escrow Letter issued by a financial institution.

i) The following text shall be included: "The Security Agreement referenced by this Original Escrow Letter and all its terms and conditions, is attached hereto, made a part hereof, and fully incorporated herein, as if fully rewritten".

c) Surety Bond issued by a surety company authorized to do business in the State of Ohio. An authorized representative must sign the security agreement which will serve as the bond. A power of attorney from the surety company authorizing the signature on behalf of the surety company must accompany the security agreement.

d) Surety Obligation of National Bank. A national bank may bind itself as surety to indemnify the City should the Developer default in the installation of the development improvements if it has a segregated deposit sufficient to cover the bank's total potential liability. Therefore, an authorized representative of the national bank must sign the security agreement, which signature shall also constitute a certification that the national bank has a segregated deposit sufficient in amount to cover the bank's total potential liability.

e) Irrespective of the type of security selected by the Developer, all security agreements must be signed by the Surety.

f) The term "Surety" as used herein includes a bank, savings and loan or other financial institution where the security provided is a letter of credit, escrow letter or surety obligation of a national bank. The term "Surety" when referring to a bank, savings and loan or other financial institution is not intended to create obligations beyond those provided by the security agreement. In the event that Surety fails to make funds available to the City of Monroe, Ohio in accordance with the security agreement within thirty (30) days after notification of default, then amounts due shall bear interest at eight per cent (8%) per annum.

g) Other than filing in the blanks, no other alterations to the Security Agreements or escrow letter may be made. The security agreements or the escrow letter shall not be retyped and only the forms provided or photocopies thereof are acceptable. Security agreements and escrow letters which have been altered or retyped will not be accepted. The Development name on a Security Agreement must exactly match the name of the Development on the record Development plat with no exceptions. For example, if the name of the Development is Spicewood, the name on the agreement must be spell the same. The City will not accept the spelling of Spice Wood as it is not the same as Spicewood. In addition, if the Development is Section One, referring to as Section 1 is not the same.

h) Upon completion of the Security Agreements by the Developer and the Surety, they must be returned to the Office of the City Engineer.

i) All Security Agreements must be submitted to the City Engineer with the construction drawings. In no circumstances will Security Agreements be approved by the City Engineer until the construction drawings have been approved by that City Engineer.

j) Following performance of improvements in a Development, the Developer may request a reduction in the bond. Such requests may be made in writing to the Office of the City Engineer, and shall be granted in the sole discretion of the City of Monroe, Ohio.

k) Upon release of the performance bond and acceptance of the maintenance bond as determined by the City Engineer, the City shall provide for the removal of snow and ice provided all roadway improvements are complete.

(J) RECORDING

(1) After all required approvals are secured, the final plat shall be returned to the applicant for final recording with the applicable county recorder.

(2) No plat of any subdivision shall be recorded, or have any validity, until it has been approved and processed in the manner prescribed in this section.

(3) In the event that an unapproved plat is recorded, it shall be considered invalid.

(4) Approval of the final plat by City Council will become void if the recording is not made within six months of the approval by City Council.

(5) All costs for recording of the plat shall be borne by the owner and/or developer.

(K) REQUIREMENTS FOR THE START OF CONSTRUCTION OF PUBLIC IMPROVEMENTS

The applicant must comply with the following requirements in order to begin construction on the public improvements pursuant to the approved improvement plan.

(1) The following items must have been approved prior to the commencement of construction:

a) The construction drawings for the subdivision;

b) The estimated construction schedule, showing the starting and completion dates for each phase of the construction work, and a estimated date for the completion of the entire subdivision; and

c) Any bonds required for the project must be filed with the City Engineer.

(2) The contractor must have all necessary permits required for the project prior to the start of construction.

(3) A preconstruction meeting will be held, at which time the owner, the developer and/or his or her representative, the design engineer, the contractor, the City Engineer, the Code Enforcement Officer, any other interested city officials and other agencies, as required, will attend prior to the commencement of any project. At this time, the project will be discussed in regard to the procedure, construction methods, plans, materials, inspections, storm water management, erosion control, etc.

(L) AMENDMENTS

(1) Modifications to an approved preliminary plat are permitted pursuant to Section 1203.09: Administrative Waivers.

(2) No changes, erasures, modifications or revisions shall be made to any construction drawings of a subdivision after approval has been given by the City Engineer and an endorsement is made in writing thereon, unless the improvement plan is first resubmitted and the changes approved by the City Engineer and/or the agencies having jurisdiction over wastewater or water (where applicable).

(3) No changes, erasures, modifications or revisions shall be made to any final plat of a subdivision after recording, except as allowed under Section 1203.04(C): Replats or Section1203.05(F)(4).

(4) If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the subdivider shall inform the Code Enforcement Officer who shall consult with the City Engineer and the agencies having jurisdiction over sanitary sewers or water (where applicable), in writing, of the conditions requiring the modifications. Written authorization from the appropriate review agency to make the required modification must be received before proceeding with the construction of the improvement.

(M) PLAN CHECKING AND FIELD INSPECTION FEES

The applicant shall pay or reimburse the City of Monroe and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), the total cost of plan review and field inspection of the improvements.

(1) The review and inspection fee shall be determined by the City and the agencies having jurisdiction over sanitary sewer or water (where applicable) and will be equal to the fee established in the City's fee schedule.

(2) The applicant is held responsible for all city plan review and inspection fees which will be payable upon invoice.

(3) Failure to pay fees shall result in the City not issuing permits until all fees are paid in full.

(4) The performance bond posted by the applicant guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

(N) FINAL DRAWINGS

Within 30 days of the completion of the construction, and before acceptance, the subdivider's engineer shall update the original plans or plats as directed by the City Engineer and the agencies having jurisdiction over sanitary sewer or water (where applicable), showing the locations, sizes and elevations of all improvements as constructed. A legible mylar reproduction, a digital copy in Portable Document Format (PDF), and a digital copy that is compatible with the City's GIS/CAD systems shall be furnished to the City and agencies having jurisdiction over sanitary sewer or water (where applicable). The original plans or plats shall remain with the Development Department.

(O) APPEALS

(1) Whenever the Planning Commission has rendered a decision on a preliminary plat which is adverse to the request of the applicant, the aggrieved applicant may make an appeal to City Council.

a) The appeal shall be submitted to City Council within 30 days following the Planning Commission decision, and a copy of said appeal shall be filed with the Planning Commission and Development Department.

b) The appeal shall state, in full, the reasons it is being filed and the facts surrounding the same. Any facts and/or information not previously available to the Planning Commission, the inclusion of which at the time of the appeal would substantially alter the facts and information submitted to the Planning Commission prior to its original decision concerning the matter, shall be cause for resubmission of such matter to the Planning Commission, together with new facts and information, for its reconsideration.

c) City Council shall, upon receipt of an appeal, request a statement from the Planning Commission setting out the reasons for the decision being appealed, so as to properly advise City Council as to the considerations and regulations upon which the original decision was based.

d) The Clerk of Council shall notify the Planning Commission, applicant, owner of the subject property, and contiguous property owners of the time and place of City Council's public meeting to consider such appeal. All parties shall be heard and final judgment rendered by a two-thirds vote of City Council. Such decision shall be in writing, with the original being sent to the appellant and a copy to the Planning Commission.

(2) Whenever an applicant presenting a final plat for a major subdivision to the City Council has been rendered a decision from the City Council which is adverse to the request of the applicant, the aggrieved applicant may appeal the decision to the applicable court of common pleas within the number of days specified by law after the original decision from City Council.

(P) VARIANCE OF SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

(1) The Planning Commission may consider and grant variances from the standards identified in Chapter 1208: Subdivision Design Standards, where unusual or exceptional factors or conditions require such modification, provided that the Planning Commission shall:

a) Determine that the size, shape, location or surroundings of the property are unusual and that unusual topographical or physical conditions or other conditions inherent in the land exist;

b) Determine that a strict compliance with the provision would create an extraordinary and unnecessary hardship in the face of the exceptional conditions;

c) Permit any variance of a provision only to the extent necessary to equitably remove the hardship so that substantial justice is done;

d) Determine that any modification granted will not be detrimental to the public interest nor in conflict with the spirit, intent, and purpose of Chapter 1208: Subdivision Design Standards;

e) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of this code, when modified; and

f) Determine that a strict compliance with the provision would deprive the property of privileges enjoyed by similar properties in the vicinity.

(2) In making its determinations, the Planning Commission may also consider:

a) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

b) Whether the essential character of the neighborhood will be altered or whether adjoining properties would be adversely affected as a result of the variance;

c) Whether the variance would adversely affect the delivery of governmental services; and

d) The recommendation of the City Engineer and Code Enforcement Officer.

(3) Cul-de-sacs shall be discouraged if future roadway connections can be made. Planning Commission shall have the right to deny cul-de-sacs based on development design and service-related functions. Where a subdivision includes a cul-de-sac that requires a variance because the cul-de-sac is in excess of the maximum permitted length, the Planning Commission may also consider the number and size of lots served by the cul-de-sac, and the availability of central water service, to determine if the variance will permit appropriate development of the land without unduly affecting the public safety. The Planning Commission may also consider the opinions of local city officials.

(4) The City Council may support variances affecting required improvements upon approval by the Planning Commission. Such recommendations shall be based on the findings listed in this section.

1203.06 Site Plan Review

(A) Purpose

The purpose of site plan review is to provide a process for the evaluation and approval of site plans and building designs by the City. These procedures are established in the interest of encouraging quality development, establishing compatibility of designs, establishing a sense of place and identity for the community, ensuring proper design of sites for the effective use of land, and promoting high standards in the layout, design, landscaping and construction of development. Site plan review is intended to control site and building design only to the extent necessary to promote these objectives, while allowing flexibility and creativity in the design of individual sites.

(B) Applicability

(1) No use or construction for which site plan review is required shall be established or commenced, and no permit shall be issued, without first obtaining a site plan approval pursuant to this section, except as specifically exempted herein.

(2) Site plan review is required for:

a) All development where there is an application for alternative equivalent compliance as established in Section 1203.10: Alternative Equivalent Compliance;

b) All applications for a conditional use permit; and

c) All development, changes in a site, or changes in use that are not exempt from site plan review by Section 1203.06(B)(3) below.

(3) Exemptions

The following shall be exempted from site plan review by Planning Commission. However, a zoning permit and related site plan review by the Code Enforcement Officer is required pursuant to Section 1203.12 Zoning Permit:

a) New single-family and two-family residential dwellings;

b) The internal construction or change in floor area of a nonresidential development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this code;

c) Expansions of existing nonresidential uses representing an increase in gross floor area of 25% or less of the existing building square feet and the associated increase in parking;

d) A change in use of a nonresidential building;

e) Modifications to the façade of any nonresidential building for compliance with Chapter 1210: Architectural Standards;

f) Modifications to sites involving changes to landscaping, parking or loading without expansions to buildings;

g) Accessory structures and uses;

h) Temporary structures and uses; and

i) All signs.

(C) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a site plan review.

(D) PROCEDURE TO REVIEW SITE PLANS

(1) Step 1 – Pre-application Conference

a) The applicant shall meet with the Code Enforcement Officer for a pre-application conference before submitting an application for site plan review.

b) The applicant shall supply preliminary information to the Code Enforcement Officer in a form established by the Development Department.

c) The purpose of the pre-application conference shall be to discuss the proposed site plan, submittal requirements, and compliance with the provisions of this code prior to the submission of an application.

d) The Code Enforcement Officer may invite other city departments to attend and provide comments on the site plan, and to advise the applicant of amendments, deficiencies or additional information necessary to prepare the site plan.

(2) Step 2 – Application and Site Plan

a) The applicant shall submit an application in accordance with 1203.02: Common Review Requirements.

b) A site plan shall be prepared and submitted with the application and appropriate fee.

(3) Step 3 – Staff Review and Staff Report

a) The Code Enforcement Officer shall review the site plan submission for completeness and shall distribute the site plan to other city departments as appropriate for review and comment.

b) The other city departments shall provide comments on the final site plans to the Code Enforcement Officer.

c) The Code Enforcement Officer shall review the site plan and the comments from other city departments, and make a recommendation to the Planning Commission to approve, approve with conditions, or deny the site plan. The Code Enforcement Officer may also recommend the continuance of the matter to allow for further review.

(4) Step 4 – Planning Commission Review and Decision

a) The Planning Commission shall review the site plan at a regular meeting. No special public notice shall be required for Planning Commission review or action on the site plan except for the general notice required for Planning Commission's meeting as required by state law.

b) The Planning Commission shall either approve, approve with conditions, deny, or table the review of the application and site plan within 60 days of the determination of receipt of a complete site plan application by the Code Enforcement Officer.

c) Within the 60 day time period, the Planning Commission, by a majority vote of the members present at the meeting, may extend the period of review for not more than 60 additional days.

d) If the site plan is denied, the Planning Commission shall make a finding, in writing, justifying the denial of the plan and provide a copy of the findings to the applicant.

e) The Planning Commission may attach conditions to the approval of a site plan as may be reasonably required to promote the public health, safety, and welfare.

f) Approval of the site plan shall be indicated by a letter from the Code Enforcement Officer. The approved plan will be stamped "Approved" and dated.

(E) SITE PLAN REVIEW CRITERIA

Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

(1) That the proposed development is consistent with all the requirements of this code;

(2) That the proposed development is in compliance with the applicable zoning district;

(3) That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g. PUD or administrative waivers);

(4) Whether the proposed improvements preserve the character and nature of the surrounding area, including the natural characteristics of the area;

(5) Whether the proposed improvements are constructed of unsightly, improper, or unsuitable materials;

(6) Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties; and

(7) Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding area.

(F) EFFECT OF A SITE PLAN APPROVAL

(1) Approving a site plan does not exempt the applicant from complying with all of the requirements of this code, the building code, and other regulations of the City.

(2) Approvals granted under a site plan review shall run with the land and shall not be affected by a change in ownership.

(G) SUBSEQUENT DEVELOPMENT

Development authorized by a site plan approval shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City. The approval of a site plan shall not ensure subsequent approvals unless the relevant portions of this code or other applicable provisions are met.

(H) EXPIRATION

(1) If construction has not started within one year of a site plan approval, the site plan approval shall be voided unless the Planning Commission authorizes a different time limit as a condition of the approval. Construction is deemed to have begun when all necessary excavation and piers or footings of a principal building have been completed.

(2) If a site plan becomes void, the applicant shall be required to obtain a new site plan approval pursuant to this section.

(3) Upon written request, Planning Commission may grant an extension if the applicant can show good cause.

(I) AMENDMENTS OF AN APPROVED SITE PLAN

(1) The Code Enforcement Officer may approve amendments to an approved plan if such amendments do not violate any requirements for the code or conflict with any conditions of approval specified by the Planning Commission. The Code Enforcement Officer may refer the request to the Planning Commission for review and determination pursuant to Section 1203.06(D): Procedure to Review Site Plans.

(2) Amendments to an approved site plan are subject to the same limitations and requirements as those under which such plans were originally approved, or as permitted pursuant to Section 1203.09: Administrative Waivers.

(J) APPEALS

A decision by the Planning Commission on a site plan review application may be appealed to the applicable court of common pleas in accordance with the procedures in Section 1203.11: Appeals.

(K) CONTROL OF OTHER PERMITS

(1) An approved site plan shall control the issuance of all zoning permits and shall restrict the nature, location and design of all uses within the area described in the approved site plan.

(2) No zoning compliance inspection approval shall be granted by the Code Enforcement Officer until all improvements shown on an approved site plan have been completed in accordance with the approved site plan, provided, however, that the Code Enforcement Officer may issue zoning compliance inspection approval for developments which are to be staged in accordance with conditions established upon the approved site plan.

1203.07 Conditional Use Permit

(A) PURPOSE

The characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods of operation, intensity of use, public facilities requirements and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of this section.

(B) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a conditional use permit.

(C) PROCEDURE

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements.

(2) Step 2 – Staff Review and Staff Report

The Code Enforcement Officer shall review the application for a conditional use permit and make a recommendation to the Planning Commission to approve, approve with conditions, or deny the conditional use. The Code Enforcement Officer may also recommend the continuance of the matter to allow for further review.

(3) Step 3 – Planning Commission Review and Decision

a) The Planning Commission shall hold a public hearing within 60 days of the filing of the complete application for a conditional use permit.

b) Within 60 days of the closing of the public hearing the Planning Commission shall either approve, approve with conditions, deny, or table the request for a conditional use permit. The Planning Commission, by a majority vote of the members present at the meeting, may extend the period of review.

c) If the conditional use permit is denied, the Planning Commission shall make a finding, in writing, justifying the denial of the conditional use permit and provide a copy of the findings to the applicant.

d) In granting approval, the Planning Commission may prescribe appropriate conditions and safeguards in conformance with the intent and purposes of this code for the protection of nearby property and the public health, safety and general welfare. The Planning Commission shall authorize the Code Enforcement Officer to issue the conditional use permit with notation of conditions thereon or attached thereto.

(D) REVIEW CRITERIA

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

(1) The conditional use is consistent with the spirit, purpose and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

(3) The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of this chapter.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

(9) The proposed use will not be detrimental to the economic welfare of the community.

(10) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.

(11) The proposed use will not be detrimental to property values in the immediate vicinity.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(E) EFFECT OF CONDITIONAL USE PERMIT

(1) Approvals granted under a conditional use permit shall run with the land and shall not be affected by a change in ownership.

(2) Only the approved conditional use or similar uses as determined by the Code Enforcement Officer shall be permitted on the subject site. Any change in a conditional use, including an expansion, shall require a new application and review pursuant to this section.

(3) The breach by the applicant of any condition, safeguard, or requirement expressed or referred to on the conditional use permit shall render the permit void and shall constitute a violation of this code.

(F) SUBSEQUENT DEVELOPMENT

Development authorized by a conditional use permit shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City. The approval of a conditional use permit shall not ensure that the development approved as a conditional use shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this code or other applicable provisions are met.

(G) TIME LIMITS

(1) The conditional use permit shall automatically expire if the use as authorized ceases by discontinuance or abandonment for a period of more than six months.

(2) The applicant shall have one year from the date of approval of the conditional use to receive approval through a zoning compliance inspection or the conditional use shall be deemed null and void. An applicant may request an extension of six months from the Planning Commission.

(H) AMENDMENT

A conditional use permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this section.

(I) APPEALS

A decision by the Planning Commission on a conditional use permit application may be appealed to the applicable court of common pleas in accordance with the procedures in Section 1203.11: Appeals.

1203.08 Variances

(A) PURPOSE

A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code. This section sets out the procedure to follow for applications for area, dimensional, and use variances.

(B) INITIATION

Pursuant to Subsection Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a variance.

(C) PROCEDURE

(1) Step 1 – Application

The applicant shall submit an application in accordance Section 1203.02: Common Review Requirements.

(2) Step 2 – Staff Review and Staff Report

The Code Enforcement Officer shall process the variance request and prepare a staff report to the BZA.

(3) Step 3 – BZA Hearing and Decision on a Variance

a) The BZA shall hold a public hearing for the variance application within 60 days of the complete application and give public notice in accordance with Section 1203.02(H): Public Notification for Public Hearings.

b) The BZA shall approve, approve with conditions, or deny the variance within 60 days of closing of the public hearing.

c) In approving a variance, the BZA may impose conditions on the approval, the proposed use, and the premises to be developed or used as it determines are required to be ensure compliance with the standards of this section. The conditions shall be identified in the variance approval.

(4) Review Criteria

a) Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance.

b) Area/Dimensional Variance

i) The following factors shall be considered and weighed by the BZA to determine practical difficulty:

A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions.

B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, refuse pickup.

F. Whether special conditions or circumstances exist as a result of actions of the owner.

G. Whether the property owner's predicament can feasibly be removed through some method other than a variance.

H. Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.

I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

ii) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

c) Use Variance

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

i) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

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

iii) The variance requested cannot otherwise be resolved by a zoning map amendment;

iv) That there is an existing structure that cannot be reasonably used for a use permitted within the applicable zoning district;

v) The hardship condition is not created by actions of the applicant;

vi) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

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

viii) The variance will be consistent with the general spirit and intent of this code; and

ix) The variance sought is the minimum that will afford relief to the applicant.

(D) EFFECT OF A VARIANCE

(1) The issuance of a variance shall authorize only the particular variation that is approved.

(2) A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(E) SUBSEQUENT DEVELOPMENT

Development authorized by the variance shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City. A variance shall not ensure that the development with an approved variance shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this code or other applicable provisions are met.

(F) TIME LIMIT

No variance shall be valid for a period longer than one year from the date of variance approval unless the applicant receives approval through a zoning compliance inspection, if a zoning compliance inspection is required for the action subject to the variance.

(G) AMENDMENT OF A VARIANCE AFTER A DECISION

When an amendment is requested that would increase the extent or severity of the variance, the variance shall be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. An amendment that reduces the extent or severity of the approved variance may be approved by the Code Enforcement Officer (for example, if the original variance grants a 10-foot variance on a 20-foot setback, the Code Enforcement Officer may approve an amendment if the applicant only needs a five-foot variance).

(H) APPEALS OF BZA DECISIONS

The decision of the BZA may be reviewed by the applicable court of common pleas as provided in ORC Chapters 2505 and 2506.

1203.09 Administrative Waivers

(A) PURPOSE

This section sets out the procedures to follow when an applicant requests an administrative waiver by the Code Enforcement Officer from the standards of this code.

(B) APPLICABILITY

The Code Enforcement Officer may grant administrative waivers for any area, landscaping, parking, or dimensional regulation not to exceed 20 percent of the applicable maximum or minimum regulation.

(C) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for an administrative waiver.

(D) PROCEDURE

The Code Enforcement Officer shall have the authority to review and make decisions on applications for administrative waivers.

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements.

(2) Step 2 – Code Enforcement Officer Review and Decision

a) Within 60 days after the application (Step 1) is determined to be complete, the Code Enforcement Officer shall review the application and provide the applicant with comments on the site plan's compliance with this code.

b) If the Code Enforcement Officer finds that the application and site plan complies with this code and the review criteria established in Subsection 1203.09(E): Review Criteria, the Code Enforcement Officer shall approve the administrative waiver and the applicant may then apply for the appropriate zoning permits.

c) The Code Enforcement Officer may refer the administrative waiver to the Planning Commission to request assistance in determining the reasonableness of an administrative waiver request.

(E) REVIEW CRITERIA

Decisions on an administrative waiver shall be based on consideration of the following criteria:

(1) The waiver will not impair the essential character of the surrounding area or any objective contained within the comprehensive plan.

(2) The surrounding properties will be properly protected.

(3) The waiver request is minor in nature and does not substantially deviate from prior issuances of BZA variances (if applicable).

(4) The waiver request does not deviate from the overall intent and objective of the original regulation, the approved site plan or preliminary plat.

(F) SUBSEQUENT DEVELOPMENT

Development authorized by an administrative waiver shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City. An administrative waiver shall not ensure subsequent approval for other applications for development approval unless the relevant portions of this code or other applicable provisions are met.

(G) EFFECT OF AN ADMINISTRATIVE WAIVER

(1) The issuance of an administrative waive shall authorize only the particular modification approved in the application.

(2) An administrative waiver, including conditions, shall run with the land and shall not be affected by change in ownership.

(H) TIME LIMIT

The applicant shall have one year from the date of approval of the administrative waiver to complete construction or the administrative waiver shall be deemed null and void.

(I) AMENDMENT OF AN ADMINISTRATIVE WAIVER AFTER A DECISION

An administrative waiver may be amended, extended or modified only in accordance with the procedures and standards established for its original approval. A request for a change in conditions of approval of an administrative waiver shall be considered to be an amendment.

(J) APPEALS

An applicant for an administrative waiver that is not approved may seek a variance in accordance with the procedures in Section 1203.08: Variances.

1203.10 Alternative Equivalent Compliance

(A) PURPOSE

Alternative equivalent compliance is a procedure that allows applicants to propose unique design options as an alternative to an development standard established in this code provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code.

(B) APPLICABILITY

A request for alternative equivalent compliance shall be made concurrently with a preliminary plat or site plan review application. The alternative equivalent compliance procedure shall be available only for the following sections of this code:

(1) Chapter 1208: Subdivision Design Standards

(2) Section 1209.04: Outdoor Lighting Standards

(3) Chapter 1210: Architectural Standards

(4) Chapter 1211: Parking, Loading, and Circulation

(5) Chapter 1212: Landscaping and Buffering Standards

(6) Chapter 1213: Open Space Standards

(C) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for an alternative equivalent compliance.

(D) PROCEDURE

An application for alternative equivalent compliance shall be considered as part of a major subdivision review (See 1203.05Major Subdivision) or as part of a site plan review (See Section1203.06: Site Plan Review.).

(E) REVIEW CRITERIA

Decisions on an alternative equivalent compliance application shall be based on consideration of the following criteria:

(1) The proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;

(2) The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;

(3) The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and

(4) The proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

(F) CONDITIONS

The reviewing authority may impose conditions on an approval for alternative equivalent compliance provided such conditions are related to ensuring the performance of the alternative equivalent compliance to meet or exceed the subject standard. Such conditions may include performance guarantees, required timeframes, or the ability to revoke an approval for alternative equivalent compliance.

(G) EFFECT OF APPROVAL

(1) Alternative equivalent compliance approval shall apply only to the specific site and specific application for which it is requested and shall not establish a precedent for approval of other requests.

(2) An alternative equivalent compliance, including conditions, shall run with the land and shall not be affected by change in ownership.

(3) An approval of an alternative equivalent compliance application shall expire if the site plan to which it applies expires.

1203.11 Appeals

(A) PURPOSE

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the enforcement of this code.

(B) INITIATION

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

(C) PROCEDURE

(1) Step 1 – Application

a) An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision or determination within 30 days of the date of the order, decision, determination, or interpretation with the Code Enforcement Officer.

b) The applicant shall submit an application in accordance Section 1203.02: Common Review Requirements.

(2) Step 2 – Forwarding of the Record to the BZA

Upon receiving the written appeal of an administrative decision or determination, the Development Department shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the BZA. This material shall constitute the record of the appeal.

(3) Step 3 – BZA Review and Decision

a) The BZA shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section 1203.02(H): Public Notification for Public Hearings.

b) Any person affected by the appeal may appear at the public hearing and testify in person, or by attorney or agent.

c) The BZA shall render a decision on the appeal without unreasonable delay. The Code Enforcement Officer shall notify the appellant in writing of the decision of the BZA.

(D) REVIEW CRITERIA

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(E) STAY

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Code Enforcement Officer certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA for good cause shown.

(F) APPEALS OF BZA DECISIONS

The decision of the BZA may be reviewed by the applicable court of common pleas as provided in ORC Chapters 2505 and 2506.

1203.12 Zoning Permit

(A) PURPOSE

A zoning permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this code, and to otherwise protect the public health, safety, and general welfare of the citizens of the City.

(B) APPLICABILITY

(1) No land shall be used nor shall any building or structure be used, changed in use, established, constructed, enlarged, moved, or modified without first obtaining a zoning permit.

(2) Zoning permits shall be issued only in conformity with the provisions of this code unless the Code Enforcement Officer receives a written order from the BZA deciding an appeal or variance, or approval from the Planning Commission for a conditional use permit, site plan or planned unit development as provided in this code, or an administrative waiver is authorized by the Code Enforcement Officer.

(3) Buildings otherwise not regulated by this code that are incidental to permitted agricultural operations are exempt from this section.

(4) Zoning permits shall be required for signs, except as specified in Section 1214.07 :Signs Not Requiring a Permit.

(5) A zoning compliance inspection is required prior to occupancy, use or change of use pursuant to Section 1203.12(D)(3) below.

(C) INITIATION

Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a zoning permit.

(D) PROCEDURE

(1) Step 1 – Application

a) The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements.

b) Construction shall not begin until a zoning permit has been issued.

(2) Step 2 – Staff Review and Decision

a) The Code Enforcement Officer shall review each complete application and either approve and issue the zoning permit or deny the application within 30 days of the application (Step 1).

b) The City Engineer may provide review comments and identify the need for revisions to proposed applications and plans in order to ensure compliance with this code.

c) Zoning permit applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place, except as may be authorized by the legislation establishing the moratorium.

d) Upon approval, the Code Enforcement Officer shall issue a signed zoning permit and maintain a copy of the application for city records.

e) If the Code Enforcement Officer denies an application, the Code Enforcement Officer shall state in writing the reasons for the action taken.

f) If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with Section 1203.11: Appeals of this code.

(3) Step 3 - Zoning Compliance Inspection

a) A zoning compliance inspection shall be required after completion of the work authorized by the zoning permit. A zoning compliance inspection shall not be required for agricultural uses. A zoning compliance inspection shall be required for any of the following:

i) Occupancy of a new nonresidential building or structure after completion of construction.

ii) Occupancy or change of occupancy of an existing nonresidential building or structure.

iii) Change of use in any nonresidential building.

b) The Code Enforcement Officer shall conduct a zoning compliance inspection to ensure that the project has been completed according to the approved zoning permit and plans.

c) The zoning compliance inspection shall be scheduled at least two weeks prior to expected occupancy and/or opening for business.

d) The Code Enforcement Officer shall provide the applicant with findings from the zoning compliance inspection within three business days of the initial inspection.

e) The applicant shall notify the Code Enforcement Officer when corrections, if needed, have been made based on the initial inspection. Additional inspections shall be scheduled if deemed necessary by the Code Enforcement Officer.

f) Upon passing the zoning compliance inspection, the Code Enforcement Officer shall notify the applicant and the chief building official of inspection passage so that the zoning compliance inspection can be completed when all other approvals and inspections are complete (i.e. building code, health department, water, sanitary sewer, and City Engineer, etc.).

g) No zoning compliance inspection shall be approved by the Code Enforcement Officer for the occupancy of any building, structure or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all subdivision plans have been approved, the final plat recorded, the zoning requirements met, and the performance bond posted to guarantee installation of all the required improvements.

(E) REVIEW CRITERIA

In order to approve a zoning permit, the Code Enforcement Officer shall determine the following:

(1) The application complies with all applicable provisions of this code and the applicable zoning district; and

(2) The application complies with all approved plans or other development approvals.

(F) EFFECT OF A ZONING PERMIT

(1) The issuance of a zoning permit shall authorize only the particular plans that are approved in the application for the zoning permit.

(2) The zoning permit shall be posted in a prominent place on the premises prior to and during the period of work authorized by the zoning permit.

(G) SUBSEQUENT DEVELOPMENT

Development authorized by the zoning permit shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City. A zoning permit shall not ensure that the development shall receive subsequent approvals unless the relevant portions of this code or other applicable provisions are met.

(H) FAILURE TO OBTAIN

(1) Failure to obtain a zoning permit and/or comply with the approved plans shall be a violation of this code and punishable under Chapter 1216: Enforcement and Penalties.

(2) It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, changed, converted or enlarged, in whole or in part, until a zoning compliance inspection is completed and approved.

(3) If a building or structure is erected, constructed, reconstructed, altered or converted, or if any building, structure or land is used in violation of this code, the Code Enforcement Officer may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use.

(I) TIME LIMIT

(1) Zoning permits shall expire if a building permit has not been obtained within 180 days from the date of issuance of the zoning permit, except as specifically provided herein. The Code Enforcement Officer shall cancel the zoning permit and a building permit shall not be obtainable until a new zoning permit has been obtained.

(2) If the activity authorized by the zoning permit does not require a building permit such activity shall have been fully accomplished within 180 days of the date of issuance of said zoning permit or said permit shall expire.

(3) If a building permit is obtained and subsequently expires prior to project completion, then the zoning permit shall also expire on the same date as the building permit.

(4) Temporary use permits shall include an expiration date for the approved use.

(5) Zoning permits and temporary use permits may be renewed or extended by the Code Enforcement Officer if just cause is shown.

(J) TEMPORARY USE PERMITS

(1) Applications for temporary use permits shall follow the same review procedure outlined in Section 1203.12(D): Procedure, above, but shall be submitted at least seven days before the start of such temporary use.

(2) An application for a temporary use permit shall be made to the Code Enforcement Officer and shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the setbacks, parking and sanitary facility requirements for the proposed temporary use, and any other information required to process the permit.

(3) The Code Enforcement Officer may waive the requirements for site plans for temporary permits based on specific circumstances.

Chapter 1204: Zoning Districts and Use Regulations

1204.01 Establishment of Zoning Districts

(A) Districts Established

For the purpose of this code, all land falling within the incorporated territory of Monroe, Ohio, is hereby divided into the districts established in Table 1204-1: Zoning Districts.

TABLE 1204-1: ZONING DISTRICTS	
ABBREVIATION	**DISTRICT NAME**
RESIDENTIAL ZONING DISTRICTS	
A-1	Large-Scale Agricultural District
A-2	Small-Scale Agricultural District
R-1	Single-Family Residential Infill District **[Obsolete] [1]**
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Multi-Family Residential Distract
BUSINESS ZONING DISTRICTS	
C-1	Highway Commercial District
C-2	General Commercial District
C-3	Downtown Commercial District
C-4	Gateway Commercial District
B-P	Business Park District
L-1	Light Industrial District
H-1	Heavy Industrial District
OVERLAY ZONING DISTRICTS	
DWP-O	Delineated Wellhead Protection Overlay District
WPB-O	Wellhead Protection Buffer Overlay District
PUD-O	Planned Unit Development District
NOTES: **[1]** A discontinued district is a district that is currently located on the zoning map but no new areas may be rezoned to the district after the effective date of this code.	

(B) Relationship of Overlay Districts

(1) Where land is classified into an overlay zoning district as well as a underlying base zoning district, the regulations governing development in the overlay zoning district shall apply in addition to the regulations governing the underlying base district.

(2) In the event of an express conflict between the standards of the overlay zoning district and the underlying base zoning district, the standards governing the overlay district shall control.

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

(C) References to Previous Zoning Districts

Some of the district classifications and names established within this code differ from previous versions of this code. In instances where there may be references to the previous zoning district nomenclature, Table 1204-2: Zoning District Transition Table, identifies how each of the previous district classifications was renamed for this code. This section shall only be used for comparison purposes only.

Table 1204-2: Zoning District Transition Table

Zoning Districts in the Planning and Zoning Code Effective Prior to November 21st, 2013		Zoning Districts in the Planning and Zoning Code Effective On and After November 21st, 2013	
Abbreviation	**District Name**	**Abbreviation**	**District Name**
Residential Zoning Districts			
A-1	Agricultural Zoning District	A-1	Large-Scale Agricultural District
R-1	Single Family Residential Zoning District		
---	No Existing District	A-2	Small-Scale Agricultural District
R-2	Single Family Residential Zoning District	R-1	Single-Family Residential Infill District
R-3	Single Family Residential Zoning District	R-2	Single-Family Residential District
R-4	Two-Family Residential Zoning District	R-3	Two-Family Residential District
R-5	Multi-Family Residential Zoning District	R-4	Multi-Family Residential Distract
Business Zoning Districts			
---	No Existing District	C-1	Highway Commercial District
C-1	Neighborhood Commercial Zoning District	C-2	General Commercial District
C-2	General Commercial Zoning District		
C-3	Downtown Commercial Zoning District	C-3	Downtown Commercial District
---	No Existing District	C-4	Gateway Commercial District
B-P	Business Park Zoning District	B-P	Business Park District
L-1	Light Industrial Zoning District	L-1	Light Industrial District
H-1	Heavy Industrial Zoning District	H-1	Heavy Industrial District
Special Zoning Districts			
PUD	Planned Unit Development District	PUD	Planned Unit Development District
---	Delineated Wellhead Protection Area Overlay District	DWP-O	Delineated Wellhead Protection Overlay District
---	Wellhead Protection Area Buffer Zone Overlay District	WPB-O	Wellhead Protection Buffer Overlay District

(D) Official Zoning Map

The districts established in Section 1204.01: Establishment of Zoning Districts, are shown on the Official Zoning Map or here after referred to "zoning map", which, together with all the explanatory matters therein, is hereby adopted as part of this code and is hereby incorporated by reference into this code. The Official Zoning Map and any amendments, properly attested, shall remain on file in the office of the Clerk of Council.

(E) Vacated or Annexed Areas

(1) Unzoned lands which may hereafter become incorporated areas of the City shall be included in the A-1 Agricultural District until changed by amendment of this code.

(2) All territory which may hereafter become incorporated areas of the City by virtue of annexation shall be rezoned to the zoning district most similar to the previous zoning of the territory.

(F) INTERPRETATION OF ZONING MAP

Where uncertainty exists with respect to the boundaries of any of the zoning districts, as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, these center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, township lines, section lines, one-half section lines, one-quarter section lines and one-eighth section lines, such lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.

(5) If the above rules do not clarify the subject zoning district boundary, the BZA shall have the authority to review and interpret the disputed boundary. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the City and to submit technical evidence if so desired pursuant to the appeals process as established in Section 1203.11: Appeals.

1204.02 Zoning District Regulations

(A) GENERAL REGULATIONS

(1) Unless otherwise modified in an overlay district or as part of Planned Unit Development (PUD), Section 1204.03: Principally Permitted Uses identifies a list of principal uses permitted within each of the applicable zoning districts.

(2) Unless otherwise modified in an overlay district or as part of Planned Unit Development (PUD), Section 1204.05: Site Development Standards, identifies the applicable site development standards (e.g., minimum lot area, minimum setbacks, maximum height, etc.) that apply to each zoning district.

(3) Regulations for PUDs are established in Chapter 1206: Planned Unit Developments.

(4) Regulations for accessory uses and temporary uses are established in Chapter 1205: Accessory and Temporary Uses.

(5) In addition to the standards established in this chapter, all uses and development may be subject to additional development standards found within this code as established broadly in Chapter 1201: General Provisions or as may also be established within individual chapters.

(6) The architectural standards of Chapter 1210: Architectural Standards, apply to development in all zoning districts including to new single-family dwellings.

(7) It is the intent of these regulations not to create new brownfields through the allowance for uses that pose a high risk of pollution.

(B) BASE ZONING DISTRICTS

The following are purpose statements for each of the City's underlying base zoning districts.

(1) Large-Scale Agricultural District (A-1)

The purpose of the A-1 Large-Scale Agricultural District is to create areas within the City exclusively reserved for large-scale agricultural purposes including farming, raising of animals, farm houses, and residential development developed in a manner to conserve agricultural and natural resources, until such time as it is proven that the area is suitable for higher density development. Once suitable for development, lands zoned A-1 should be developed as to conserve, to the best ability, the existing rural character and natural resources of these agricultural areas in accordance with the recommendations of the Monroe Comprehensive Plan.

(2) Small-Scale Agricultural District (A-2)

The purpose of the A-2 Agricultural District is to create areas within the City exclusively reserved for small-scale agricultural purposes including farming, raising of animals, farm houses, and residential development that have historically been used for such purposes. Furthermore, any development in this area should be accomplished in a manner that will conserve agricultural and natural resources, until such time as it is proven that the area is suitable for higher density development. Once suitable for development, lands zoned A-2 should be developed as to conserve, to the best ability, the existing rural character and natural resources of these agricultural areas in accordance with the recommendations of the Monroe Comprehensive Plan.

(3) Single-Family Residential Infill District (R-1)

a) Purpose

The purpose of the R-1 Single Family Residential Infill District is to maintain and protect areas of moderate density single-family residential development developed prior to the effective date of this code. Furthermore, the purpose of this district is to allow for infill development within this district that retains the same general character and quality of housing in the surrounding neighborhood.

b) Discontinued District

The R-1 district is a discontinued district and is maintained in this code to minimize the creation of nonconformities. Applications for amendments to the zoning map to create additional R-1 district areas shall be prohibited after the effective date of this code.

(4) Single-Family Residential District (R-2)

The purpose of the R-2 Single Family Residential District is to create areas in Monroe that are exclusively reserved for single-family residential developments. The zoning districts designated on the zoning map and the applicable district development standards are intended to ensure future residential development of the same general character of the most recent quality of housing in the City.

(5) Two-Family Residential District (R-3)

The purpose of the R-3 Two-Family Residential District is to create areas in Monroe where two-family residential uses can be accommodated. Areas designated as R-3 on the zoning map may be developed at moderate densities but must be compatible with nearby single family development.

(6) Multi-Family Residential District (R-4)

The purpose of the R-4 Multi-Family Residential District is to create areas in Monroe where attached residential uses can be accommodated. Areas designated as R-4 on the zoning map may be developed to accommodate moderate to high population concentrations but the type of development should be compatible with surrounding residential development.

(7) Highway Commercial District (C-1)

The purpose of the C-1 Highway Commercial District is to provide areas for high intensity commercial uses located centrally around the State Route 63 and Interstate 75 interchange. Furthermore, it is also the purpose of this district to concentrate commercial uses that cater primarily to regional destinations and interstate traffic, and to encourage high quality design standards in accordance with the recommendations of the Monroe Comprehensive Plan.

(8) General Commercial District (C-2)

The purpose of the C-2 General Commercial District is to provide areas for business uses catering primarily to major roadway associated demands. It is the intent that the C-2 General Commercial District not be encroached upon by residential, other commercial or industrial uses which are not compatible with the existing and future retail businesses located within this district.

(9) Downtown Commercial District (C-3)

The purpose of the C-3 Downtown District Commercial District is to provide an area that will contain high density and high intensity commercial, cultural, financial, mixed use, and civic uses serving the entire community that is centrally located in the downtown area of Monroe. It is the intent that the C-3 Downtown Commercial District not be encroached upon by other commercial, industrial, or residential uses that are not compatible in scale or character with other businesses and structure in this district.

(10) Gateway Commercial District (C-4)

The purpose of the C-4 Gateway Commercial District is to provide for a high-quality area of business development around the major gateway entrance into the City at the intersection of State Routes 4 and 63. It is the intent of the C-4 Gateway Commercial District to allow a mix of commercial and office uses with appropriate buffering from the surrounding residential and natural areas.

(11) Business Park District (B-P)

The purpose of the B-P Business Park District is to provide space for the development of intensive office and research facilities. This district is also created to provide areas for larger employment centers with reduced traffic congestion; to provide for limited industrial activities which are compatible with intensive office development; and for certain community facilities. Developments within this district should maintain large, open settings with adequate access to a primary thoroughfare.

(12) Light Industrial District (L-1)

The purpose of the L-1 Light Industrial District is to provide areas for industry, wholesaling, manufacturing, processing and related operations that have a non-objectionable effect on the surrounding area and the community as a whole. It is the intent of this code that these areas be reserved exclusively for industrial and related purposes.

(13) Heavy Industrial District (H-1)

The purpose of the H-1 Heavy Industrial District is to provide areas within the City to be used exclusively for industry, manufacturing, processing and related operations that normally require larger land area, create greater traffic volumes, and create other conditions that are incompatible with other types of uses. It is the intent of this code that these areas be reserved exclusively for industrial and related purposes.

(C) OVERLAY ZONING DISTRICTS

(1) Delineated Wellhead Protection Overlay District (DWP-O)

a) Purpose

The purpose of the Delineated Wellhead Protection Overlay District (DWP-O) is to safeguard the health, safety, and welfare of persons and property in the City of Monroe by protecting the groundwater supply of Monroe from degradation resulting from the improper storage, handling, or discharge of regulated substances in and around existing and future wellfields and their applicable recharge areas. The DWP-O is intended to monitor such storage, handling, and discharge of regulated substances in and around existing and future wellheads.

b) General Applicability

The DWP-O regulations apply to any structure, storage, use, practice or operation within the DWP-O as defined on the zoning map or other supplemental supporting documentation adopted by Monroe. Whenever any property is proposed to be used or occupied or a building is to be erected, moved or altered, it must be in conformity with the regulations of this chapter. The DWP-O sets forth a process of review of proposed development within the DWP-O to determine whether adequate protective measures are installed to prevent potential impacts to Monroe's water supply. Property owners and facility operators subject to regulation in the DWP-O district must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this code. Where federal, state, or local rules differ from the provisions of the DWP-O district, the more restrictive provision shall apply.

c) Permitted Uses

i) All uses in the DWP-O shall be prohibited unless approved by the Code Enforcement Officer, who shall review the proposed use in accordance with the standards of this overlay district and other applicable standards of this code. Appeals of the Code Enforcement Officer's decision related to permitted uses in the DWP-O shall be heard by the Planning Commission through the conditional use permit process established in Section 1203.07: Conditional Use Permit.

ii) Uses that are prohibited in the underlying base zoning district are also prohibited in the DWP-O.

iii) Some uses and activities are specifically prohibited at all existing or new facilities in the DWP-O, regardless if permitted in the underlying base zoning district, due the potential impact on Monroe's water supply. Such prohibited uses and activities shall include:

A. Uses on the established list of prohibited uses in Section 1204.03(D): Prohibited Uses;

B. The storage, handling, or other use of regulated substances in violation of any federal, state or local regulations or any part of this code;

C. On-site disposal and/or unauthorized discharge of regulated substances or process wastes other than sanitary wastes;

D. Commercial motor vehicle repair/service shops and body shops;

E. Animal feedlots;

F. Metal manufacturing, plating, and/or polishing;

G. Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, rodenticides, and other industry-related chemicals for commercial application;

H. Permanent or temporary storage of regulated substances in tankers not meeting current U.S. Department of Transportation standards for the transportation of regulated substances;

I. Permanent aggregate aboveground storage of more than 2,000 gallons or 12,000 pounds, whichever is less, of regulated substances;

J. Temporary aggregate storage of more than 1,000 gallons or 6,000 pounds of regulated substances, or any prescribed limit established by the Ohio State Fire Marshal, Ohio EPA, Occupational Safety and Health Administration (OSHA), or local fire department, whichever is lower; and

K. Use of petroleum products for dust suppression.

iv) All uses shall be subject to the procedure and requirements of Section 1203.06: Site Plan Review, or if applicable, Section 1203.07: Conditional Use Permit. The applicant may be required to submit additional inventory information required by the City in accordance with this section on the DWP-O.

d) Regulation of Aboveground Storage Tanks (ASTs)

i) All containers and aboveground storage tanks used for the storage of regulated substances at new and existing facilities subject to regulation under this chapter must be:

A. Product-tight and free of any defects which may result in a release of the contained substance;

B. Made of or lined with materials which will not react with and are otherwise compatible with the regulated substance stored;

C. Individually labeled with the contents in accordance with federal, state and local labeling requirements;

D. Stored on or above an impervious surface at all times. All ASTs should have a secondary containment system. Such system could include a double walled tank or the berming of an impervious surface around the tank that could hold 110 percent of the AST volume; and

E. Visually inspected monthly for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into the storage unit. Aisle space between containers must be adequate to allow for inspections. Leak detection systems, cathodic protection, monitoring equipment, and other monitoring and warning systems associated with an AST also must be inspected on a weekly basis. A weekly record of inspections and the findings of those inspections must be maintained and made available on request by the Code Enforcement Officer or other representative from the City of Monroe.

ii) Defective storage containers shall be removed from service immediately and repaired, replaced, or decontaminated and disposed of in accordance with federal, state, and local waste management standards. Any person handling or otherwise using regulated substances at a facility in the DWP-O must handle such substances in accordance with all applicable safe handling practices so as to minimize the potential for a release due to mishandling.

e) Underground Storage Tank (UST) Regulations

The following regulations shall apply to underground storage tanks (USTs) proposed to be located, installed or constructed within the DWP-O.

i) No new UST system may be installed within the DWP-O.

ii) No existing UST system located in the DWP-O used for the storage of vehicle fuel, vehicle lubricants, and building and/or process heating fuel can be converted either temporarily or permanently to the storage of hazardous materials or hazardous wastes.

f) Review of Development

i) Application for construction, or reconstruction of any property within the DWP-O shall be made to the Code Enforcement Officer following the same procedures as required for site plan review (See Section 1203.06: Site Plan Review.).

ii) In addition to the information required by the zoning application, the applicant shall provide an inventory of regulated substances to be stored, processed, manufactured or handled on the site. This list shall be provided to allow Monroe to evaluate the need for on-site regulatory measures for such substances. The Code Enforcement Officer, or other designated official, shall keep a record of the substances as submitted by the applicant. The applicant shall provide any other information as requested by the Code Enforcement Officer or Planning Commission that will be necessary for the evaluation of the proposed use within the protection area.

A. As part of the use review, the list of regulated substances shall be transmitted to all applicable city departments (including the Fire Department and Public Works Department) for review and report on the proposed materials to be located within the proposed development. Upon receipt of the report by each department, the Code Enforcement Officer shall consider their recommendations in accordance with this section.

B. The Code Enforcement Officer shall review the proposed zoning application to determine conformance with the regulations of this section. The Code Enforcement Officer may enlist the assistance of a professional consultant to review and report on the application, and this cost may be passed on to the applicant. Following review of the application, the Code Enforcement Officer shall make a determination of whether or not the proposed development conforms to the requirements of this chapter. If the application is in conformance, the applicant may proceed with the site plan review process.

iii) If the application is found to be in nonconformance with this section, the Code Enforcement Officer shall notify the applicant of the nonconforming aspects of the application in writing or digitally, and no site plan shall be accepted. The application for site plan review shall be denied unless the applicant appeals the decision to the Planning Commission in compliance with Section 1203.07: Conditional Use Permit.

g) Development Standards

i) The site development standards as established in the underlying base zoning district in Section 1204.04(E)(1): Automotive Body and Major Repair, and other applicable sections of this code, shall be the minimum requirements for uses, buildings and structures within the DWP-O. The Planning Commission may increase the regulations by up to 25 percent over the underlying base zoning district regulation if a finding is made that such increase is needed to achieve the purpose and intent of this section.

ii) In addition to the standards established for the DWP-O district in this section, all development shall be subject to all other applicable standards of this code.

(2) Wellhead Protection Buffer Overlay District (WPB-O)

a) Purpose

The purpose of the Wellhead Protection Buffer Overlay District (WPB-O) is to safeguard the health, safety, and welfare of persons and property in the City of Monroe by protecting the groundwater supply of Monroe from degradation resulting from the improper storage, handling, or discharge of regulated substances in and around existing and future wellfields. The WPB-O is intended to monitor the storage, handling, and discharge of regulated substances in and around existing and future wellheads.

b) General Applicability

i) The WPB-O regulations apply to any person owning or operating any real property or business within the WPB-O as defined by the zoning map or other supplemental supporting documentation. The buffer zone is established as any property as delineated on the Official Zoning map surrounding the boundary of the DWP-O district and includes all of the property if any part of the parcel falls within the buffer area. Whenever any property is proposed to be used or occupied or a building to be erected, moved or altered, it must be in conformity with the regulations of this section. The overlay district sets forth a process of review of proposed development within the WPB-O to determine whether adequate protective measures are installed to prevent potential impacts to the water supply of Monroe.

ii) Property owners and facility operators subject to regulation under this section must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this code. Where federal, state, or local rules differ from the provisions of this section, the more strict provision shall apply.

c) Permitted Uses

i) All uses in the WPB-O shall be prohibited unless the use is approved by the Code Enforcement Officer who shall review the proposed use in accordance with the standards of this overlay district and other applicable standards of this code. Appeals of the Code Enforcement Officer's decision related to permitted uses in the DWP-O shall be heard by the Planning Commission through the conditional use permit process established in Section 1203.07: Conditional Use Permit.

ii) Uses that are prohibited in the underlying base zoning district are also prohibited in the WPB-O.

iii) All uses shall be subject to the procedure and requirements of Section 1203.06: Site Plan Review, or if applicable, Section 1203.07: Conditional Use Permit and. The applicant may be required to submit additional inventory information required by the City in accordance with this section on the WPB-O.

d) Prohibited Uses

The uses identified as Section 1204.02(C)(1)c)iii), shall only be permitted if a finding is made by the Code Enforcement Officer that adequate protective measures will be installed by the property owner/developer to alleviate a threat of contamination to the Monroe wellfield. The Code Enforcement Officer may enlist the aid and assistance of a professional consultant to review such plans and provide expert opinion on the proposal to ensure that the preventative measures will protect the municipal water supply, and the cost of the consultant may be passed on to the applicant.

e) Regulation of Aboveground Storage Tanks (ASTs)

All containers and aboveground storage tanks used for the storage of regulated substances shall be regulated in accordance with Section 1204.02(C)(1)d): Regulation of Aboveground Storage Tanks (ASTs).

f) Underground Storage Tank (UST) Regulations

All underground storage tanks (USTs) proposed to be located, installed or constructed within the WPB-O shall be regulated in accordance with Section 1204.02(C)(1)e): Underground Storage Tank (UST) Regulations.

g) Review of Development

Applications for the use, construction, or reconstruction of any property within the WPB-O shall be made and reviewed in the same manner as the DWP-O in accordance with Section 1204.02(C)(1)f): Review of Development.

h) Development Standards

i) The site development standards as established in the underlying base zoning district in other applicable sections of this code, shall be the minimum requirements for uses, buildings and structures within the WPB-O. The Planning Commission may increase the regulations by up to 25 percent over the underlying base zoning district regulation if a finding is made that such increase is needed to achieve the purpose and intent of this section.

ii) In addition to the standards established for the WPB-O district in this section, all development shall be subject to all other applicable standards of this code.

(3) Planned Unit Development (PUD) Overlay District

See Chapter 1206: Planned Unit Developments for the purpose statement, procedure, and development standards for PUD overlay districts.

1204.03 Principally Permitted Uses

(A) General Provisions

(1) Table 1204-3: Principally Permitted Uses, lists the principal uses allowed within all zoning districts except for the overlay zoning districts and planned unit developments (See Chapter 1206: Planned Unit Developments.).

(2) The requirements of the DWP-O or WPB-O may alter how a principal use may be permitted, reviewed, or may prohibit a use that is otherwise permitted in the underlying base zoning district.

(B) Explanation of Table of Permitted Uses

(1) Permitted Uses

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

b) Permitted uses are approved by the Planning Commission when a site plan review is required. See Section 1203.06 Site Plan Review.

(2) Permitted Uses with Standards

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

b) Uses permitted with additional standards are approved by the Planning Commission when a site plan review is required. See Section 1203.06 Site Plan Review.

(3) Conditional Uses

a) A "C" in a cell indicates that a use may be permitted if approved through conditional use permit review (See Section 1203.07: Conditional Use Permit.). Conditional uses may be subject to use-specific standards as identified in the last column of Table 1204-3: Principally Permitted Uses. Conditional uses are subject to all other applicable regulations of this code.

b) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in Section 1203.07: Conditional Use Permit.

(4) Prohibited Uses

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

(5) Numerical References

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

(6) Use Determination and Unlisted Uses

a) The Code Enforcement Officer shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section and chapter.

b) The Code Enforcement Officer may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in Table 1204-3: Principally Permitted Uses, based on the proposed use activities, character of the business, similarity to existing uses within the City, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the Code Enforcement Officer finds that the proposed use is substantially similar to a use established in Table 1204-3: Principally Permitted Uses, the application shall be processed in the same manner as the similar use.

c) If the Code Enforcement Officer makes the determination that a use is prohibited, Code Enforcement Officer shall notify the applicant in writing or digitally of the denial and all fees shall be forfeited.

d) If the applicant disagrees with the Code Enforcement Officer's determination regarding the proposed use, the applicant may choose to take one of the following actions:

i) The applicant may appeal the determination of the Code Enforcement Officer to the BZA pursuant to Section 1203.11: Appeals;

ii) The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant Section 1203.03: Zoning Text and Map Amendments; or

iii) The applicant may present their case to the Planning Commission and/or City Council to request that the City initiate a text amendment to address the proposed use and applicable standards.

(C) 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)
Nursing or Convalescent Homes					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	PS	PS	PS	PS	PS	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				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			
Nursery Schools or Day Care Centers (Children or Adult)						C		PS	PS	PS	PS	PS		1204.04(C)(4)
Parking Garages							PS	PS	PS	PS	PS	PS	PS	1204.04(C)(5)
Parking Lots											P	P	P	
Park-and-Ride Facility							PS	PS	PS	PS	PS	PS	PS	1205.04(C)(6)
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)(6)
Solar Farms	PS	PS												

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
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	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1204.04(C)(8)
COMMERCIAL USE CLASSIFICATION														
Assembly Halls and Conference Centers							PS	PS	PS	PS	PS			1204.04(D)(1)
Automotive Sales or Leasing							PS	P						1204.04(D)(2)
Automotive Service Station and Parts Sales							PS	PS		PS				1204.04(D)(3)
Bed and Breakfast Establishments	C	C	C	C	C	C								1204.04(D)(4)
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)(5)
Convenience Stores							P	P	P	P				
Drive-In Restaurants								PS		PS				1204.04(D)(6)
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)(7)
Entertainment Device Arcades								C						1204.04(D)(8)
Equipment Sales and Leasing								P		P		P	P	
Financial Institutions							P	P	P	P	P	P	P	
Flea Markets							C							1204.04(D)(9)
Funeral Homes						C		P	P	P				
Hotels and Motels							P	P		P	P			
Kennels	PS							C		C				1204.04(D)(10)
Medical or Dental Clinics or Offices							P	P	P	P	P			
Mixed Use Building							PS		PS	PS				1204.04(D)(11)
Offices							P	P	P	P	P	P	P	
Personal Service Establishments							P	P	P	P	PS	PS		1204.04(D)(7)
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)(12)
Retail and Service Commercial Uses (75,000 SF and above)							PS	PS	PS	PS	PS	PS	PS	1204.04(D)(12)
Retail Fuel Sales								PS		PS				1204.04(D)(13)
Self-Storage Facilities												C	C	1204.04(D)(14)
Sexually Oriented Businesses								PS						1204.04(D)(15)
Theaters							P	P		P				
Vehicle Washing Establishment								C						1204.04(D)(15)
Veterinarian Offices or Animal Grooming (No Boarding)							P	P	P	P		P	P	

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
Video Lottery Terminals (VLT)							P	PS				PS	PS	1204.04(D)(16)
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)
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	
Warehouses and Distribution Centers												P	P	
Wholesale Businesses												P	P	

(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 1204-3: 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 demolition 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;

(9) Exotic animals,

1204.04 Use-Specific Standards

(A) AGRICULTURAL USE CLASSIFICATION

(1) Agriculture – Raising of Crops

a) The minimum lot(s) area shall be 10 consecutive acres.

b) Agricultural Buildings are not permitted as the principal or accessory use.

(2) Agriculture Raising of Livestock

a) Domestic pets not being raised as a commercial venture shall be permitted in the agricultural district and are not subject to the following provisions.

b) All activity areas, including pasturing areas, shall be permitted in all yards and adjacent to all lot lines provided a fence, or other barrier that prevents access to the animals, is constructed.

c) In the A-2 district, all activity areas, including pasturing areas, shall be permitted in the rear and side yards provided a fence, or other barrier that prevents access to the animals is constructed. If directly adjacent to a Residential "R" Zone, the minimum setback for all livestock uses, such as agricultural livestock buildings or pasturing areas shall be 50 feet.

d) The raising or keeping of exotic animals shall be prohibited.

e) The breeding or raising of domestic animals as a commercial venture shall not be exempt from the use-specific standards for kennels as found in Section 1204.04(D)(10): Kennels.

f) Contiguous lots under the same ownership may be considered as one raising of livestock use area for purposes of minimum lot size, setbacks, and fence requirements as determined by the Code Enforcement Officer (i.e. each lot will not be required a 200 sq. ft front yard setback).

g) The provisions of Chapter 618 of the General Offenses Code shall apply in all cases.

(3) Conservation Subdivisions

a) Purpose and Intent

Conservation subdivisions provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural and built environment. The development of conservation subdivisions is encouraged within the Monroe Comprehensive Plan to conserve and protect the natural environment.

b) Property Requirements

i) The applicant must own in fee simple or have an option to purchase all lands within the conservation subdivision. Any lawful ownership arrangement including, but not limited to fee simple lots or condominiums is permitted in a conservation subdivision.

ii) The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this section, and shall comply with all applicable subdivision requirements.

iii) The minimum size for a conservation subdivision is 10 acres.

c) Permitted Density

The maximum number of dwelling units permitted in a conservation subdivision is determined using the minimum lot area required in a zoning district and the formula in Table 1204-4: Permitted Gross Density Formula:

TABLE 1204-4: PERMITTED GROSS DENSITY FORMULA
(TSA/MLA) x 90%
TSA = Total Site Area, in acres, excluding any areas within public rights-of-way existing prior to development, land that is subject to an existing conservation easement, or land located in a floodway. The Total Site Area also does not include any area occupied by existing lakes or ponds that are greater than one acre in size.
MLA = Minimum lot area, in acres, required in a given zoning district.
90% is the reduction factor used to account for public or private right-of-ways in a development. When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.
Example for Illustrative Purposes Only: If the project contains 20 acres outside of any existing rights-of-way, then the TSA = 20 acres. In the R-2 district, the minimum lot area is 15,000 square feet. To determine the maximum number of dwelling units for this example, you divide 871,200 (20 acres converted to square feet) by 15,000 (MLA in the R-2 district) to get 58.08 units. You then multiple 58.08 by 0.9 (90%) to get 52.272, rounded to 52 (nearest whole number) as the maximum number of dwelling units. These 52 dwelling units can then be sited on lots as small as 7,500 square feet pursuant to the regulations below provided the development meets all the other requirements of a conservation subdivision.

d) Allowable Uses

i) Single-family dwellings may be permitted within conservation subdivisions in accordance with the provisions of this section, regardless of the applicable zoning district.

ii) Other uses permitted in the applicable zoning district may be permitted on platted lots in a conservation subdivision in accordance with the applicable requirements for such use.

e) Modifications to Area and Height Regulations

The minimum lot area, setback, and yard requirements contained in the applicable zoning district are modified for a conservation subdivision to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

f) Lot Area Requirements:

i) A-1: The minimum lot area for a dwelling unit is 2 acres.

ii) R-2: The minimum lot area for a dwelling unit is 7,500 square feet.

g) Minimum Yard Depths

i) Individual buildings in a proposed development shall be set back a minimum of 40 feet from an existing or proposed public or private road pavement.

ii) Individual buildings shall be set back a minimum of 60 feet from lot line that represents the boundary of the development.

iii) There shall be a minimum setback between free-standing principal buildings of 20 feet, or a distance equal to the height of the tallest vertical wall that is most closely parallel with an adjoining structure, whichever is greater.

h) General Design Standards

To the maximum extent feasible, conservation subdivisions should be designed to meet the following standards in order to further enhance and protect the existing character of Monroe and the surrounding development:

i) Lots shall be located to the rear of the development site, away from existing roadways and adjacent development to protect the rural character along roads.

ii) Lots shall be located in areas that are least likely to block any scenic views of hills, roadway corridors, waterways, natural areas, or wetlands.

iii) Developers shall use the natural resources to buffer the visibility of homes by maintaining existing trees between the proposed development area and any roads.

iv) Lots shall be grouped into several clusters of homes within a single development to break up the concentration of housing in a single area.

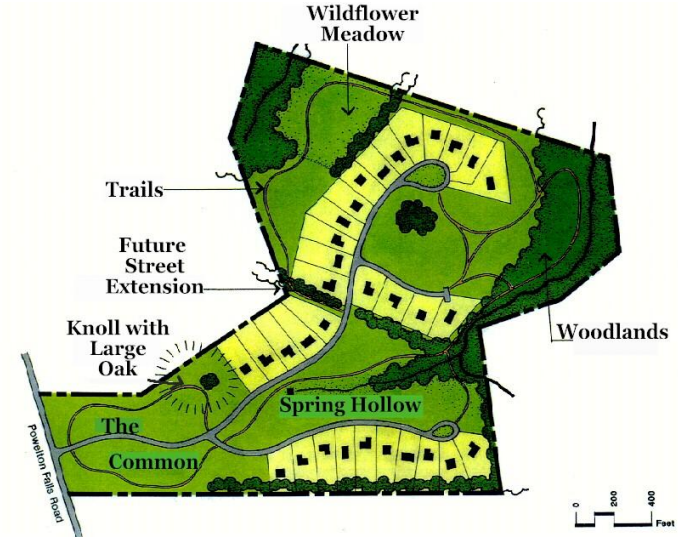


Figure 1204-A: Example of a conservation subdivision

i) Sewage Disposal

Conservation subdivisions shall only be approved if served by centralized sewer.

j) Minimum Required Open Space

i) All conservation subdivisions shall include 50 percent of the total site acreage as required open space.

ii) All required open space shall meet the standards Chapter 1213: Open Space Standards.

iii) Parking shall not be counted towards the minimum required open space.

k) Development Plan Submission Requirements

i) All proposed conservation subdivisions shall be required to provide a site analysis and a development plan to document compliance with all requirements of this section as part of the preliminary plat application. See Section 1203.05: Major Subdivisions.

ii) The site analysis and development plan, together with any required application forms, shall be transmitted to and reviewed by the Code Enforcement Officer in the manner described herein.

l) Review of Conservation Subdivision

i) The conservation subdivision will be reviewed as part of the subdivision process.

ii) As part of the review, the Code Enforcement Officer may distribute copies of submitted materials to other appropriate city departments, and to such other regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including, but not limited to, the applicable county health department, county engineer, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, or consultants retained by the City.

iii) All development on the individual lots after the final subdivision plat is approved shall require a site plan review and/or zoning permit approval prior to construction in accordance with Chapter 1203: Development Review Procedures and all other applicable parts of this code.

m) Amendments

After a conservation subdivision has been approved, adjustments, or rearrangements of buildings, vehicular use areas, entrances, heights, or yards may be requested and shall be reviewed and approved by the Code Enforcement Officer. Revisions shall be subject to the same review procedure and standards as established in this section.

(4) Solar Farm

a) The minimum lot area shall be 5 acres

b) The maximum height of all structures shall be 30 feet.

c) Due to the nature of the support structures for solar panel arrays, the 20% lot coverage maximum shall be exempt. Proper drainage for detention or retention shall be approved by the City Engineer.

d) Solar farm structures shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and lots with existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the site plan review process.

e) Screening/Buffer Areas shall be the same as required for "Any use in the Commercial Use Classification with 20,000 square feet or less in gross floor area" regulated in 1212.10(B)(1) Required Buffer Area.

f) An appropriate security fence (height and material to be established through the site plan permit process) shall be placed around the perimeter of the solar farm.

g) Appropriate warning signage (height, area, and material to be established through the site plan permit process) shall be placed at the entrance and perimeter of the solar farm project.

h) No operating solar power plant shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.

i) Fifty dBA, as measured at the property line of any neighboring residentially zoned lot

ii) Sixty dBA, as measured at the property lines of the project boundary

i) Any solar farm which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

i) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

iii) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

iv) Absent notice of a proposed date of decommissioning, the solar farm shall be considered abandoned when it fails to operate for two years without the extension approval of the Planning Commission.

(B) RESIDENTIAL USE CLASSIFICATION

(1) Adult Group Homes or Large Residential Facilities

a) The minimum lot area shall be 30,000 square feet.

b) All structures and activity areas, except off-street parking, shall be located set back a minimum of 35 feet from all lot lines.

c) Each individual home shall have a person or persons maintaining permanent residence in the unit to avoid shift changes and to provide the same type of use and activities otherwise typical in residences in the area.

d) In order to prevent the creation of a defacto social service district and to avoid impacting a residential block or neighborhood, the Planning Commission shall not grant a conditional use which would permit more than one adult group home within the same block or within a 500 foot radius of another adult group home.

e) The residential character of all structures shall be maintained.

f) An adult group home shall not be permitted to be constructed or operated until the agency, organization or institute supervising such home satisfies the Planning Commission that the home and its operation will comply with all licensing or certification requirements of the appropriate state or local agency, pursuant to law.

g) No exterior sign shall be permitted except as specifically allowed by the Planning Commission.

h) A conditional use shall be granted for a specific type of group home. The type of home shall be defined as and by the specific nature of the individuals being treated or rehabilitated. Any change in the type of adult group home shall require a new conditional use permit.

(2) Conservation Subdivisions

See Section 1204.04(A)(3): Conservation Subdivisions.

(3) Multi-Family Dwellings

a) The dwelling units shall be attached by a common wall.

b) Each unit shall have a separate exterior entrance.

c) There shall be a maximum of eight units per structure.

d) The units shall meet the architectural standards established in Section 1210.04(B) Architectural Standards for Multi-Family Dwellings

(4) Nursing Homes/Convalescent Homes

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.

(C) PUBLIC AND INSTITUTIONAL USE CLASSIFICATION

(1) Active Parks, Playgrounds, and Recreational Facilities

a) All structures and activity areas, except off-street parking, shall be set back a minimum of 75 feet from all lot lines.

b) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands and concession stands.

(2) Cemeteries

a) The minimum lot area shall be 20 acres.

b) There shall be no more than two ingress/egress drives onto the property. No drive shall exceed 35 feet in width.

(3) Educational Institutions

a) The minimum lot area shall be five acres for elementary schools, 25 acres for junior high schools and 40 acres for senior high schools.

b) All structures and activity areas, except off-street parking, shall be set back a minimum of 40 feet from the front lot line and a minimum of 100 feet from all other lot lines.

(4) Nursery Schools/Day Care Facilities (Children or Adults)

a) The minimum lot area shall be 10,000 square feet.

b) All structures and activity areas, except off-street parking, shall be set back a minimum of 50 feet from the front lot line and a minimum of 40 feet from all other lot lines.

c) Outdoor play areas shall be permitted in the side and rear yards only and shall be enclosed with a fence or wall that is a minimum of five feet in height. Such outdoor play areas shall not be subject to the setback requirements of Paragraph (b) above.

d) Unloading and loading of children from vehicles shall only be permitted in the approved vehicular use area of the facilities. An on-site drop off area sufficient to accommodate four vehicles shall be provided and shall be located in a manner not to obstruct movement in and out of established parking spaces.

(5) Parking Garages

a) Below-grade parking garages are encouraged over above-grade.

b) Above grade parking garages are subject to the following architectural standards:

i) Parking garages shall meet the architectural standards established for the applicable zoning district.

ii) Parking garages shall be constructed of materials of similar or better quality to surrounding principal structures.

iii) The facades of parking garages that face public streets and are not occupied by commercial, office, institutional, public uses, or civic uses shall be articulated through the use of three or more of the following architectural features to make the parking garage appear similar in character to an occupied building:

iv) Windows or window-shaped openings with decorative mesh or similar features as approved by the City;

v) Masonry columns;

vi) Decorative wall insets or projections;

vii) Awnings;

viii) Changes in color or texture of materials;

ix) Approved public art;

x) Integrated landscape planters; or

xi) Other similar features approved by the City.

c) Vehicle entries to off-street parking garages shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking garages shall have user vehicles access from locations that minimize conflicts with pedestrian circulation.

(6) Parking Lots

a) No more than 85% of the parcel can be parking lot or impervious area.

b) The ingress and egress drives shall be fully landscaped in addition to the perimeter and interior landscaping required in Chapter 1212: Landscaping and Buffering Standards.

c) The landscaping requirements set forth in Section 1212.07: Landscaping for Vehicular Use Areas, shall be increased by 25% in situations where the parking lot is the principle use of the site.

d) No auctions, sales, service or repair activities shall be conducted on the premises.

(7) Religious Places of Worship

The height of the main structure of a religious place of worship or any other building shall comply with restrictions of the applicable district with the exception of a steeple or tower, which may not exceed 75 feet in height.

(8) Wireless Telecommunication Facilities

a) Severability

Any conditional use permit issued for a wireless telecommunication facility shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the City.

b) Overall Policy and Desired Goals

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

i) To establish a policy for examining a conditional use permit application for and issuing a conditional use permit for wireless telecommunications facilities that is both fair and consistent;

ii) To establish regulations that promote and encourage, to the maximum extent feasible, the sharing and/or co-location of wireless telecommunications facilities among service providers; and

iii) To establish regulations that promote and encourage, to the maximum extent feasible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

c) Location of Wireless Telecommunication Facilities

i) Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, with paragraph (A) being the highest priority and paragraph (E) being the lowest priority.

A. On existing towers or other structures without increasing the height of the tower or structure;

B. On city-owned properties located in any zoning district;

C. On properties in areas zoned for heavy industrial use;

D. On properties in areas zoned for light industrial use; or

E. All other sites.

ii) Should an applicant by-pass sites of higher priority, the applicant shall provide documentation showing substantial evidence that the higher priority option is not a commercially viable or technically feasible option.

iii) Notwithstanding the above, the Code Enforcement Officer or, if applicable, the Planning Commission, may approve any site located within an area in the above list of priorities, provided that it finds that the proposed site is not injurious to the best interest of the health, safety and welfare of the City and its inhabitants and will not have an adverse effect on the nature and character of the community and neighborhood.

iv) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may deny an application for any of the following reasons:

A. Conflict with safety and safety-related codes and requirements;

B. The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning district;

C. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers; or

D. Conflicts with the provisions of this section.

d) Shared Use of Wireless Telecommunications Facilities and Other Structures

i) The city prefers the location of wireless telecommunication antennas on existing towers without increasing the height, as opposed to the unneeded construction of a new tower, before issuing a conditional use permit for a new tower.

ii) No transmittal equipment of any kind may be installed on any structure below 10 meters from the surface level without approval from the Code Enforcement Officer.

iii) An applicant submitting an application for a co-location of an antenna on existing wireless telecommunication tower that does not increase the height of such tower shall only be required to submit an application for a zoning permit.

iv) Any new wireless telecommunications facilities that is not a co-location as described above must be reviewed and approved through the conditional use permit procedure as established in Section 1203.07: Conditional Use Permit, and subject to the standards and conditions of this section.

e) Conditional Use Permit Application and Review Requirements

i) There shall be a pre-application meeting. The purpose of the pre-application meeting is to address issues which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

ii) Any and all representations made by the applicant to the City on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the City.

iii) An applicant shall submit to the City the number of completed applications determined to be needed during the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities.

iv) The Planning Commission is the officially designated agency or body to whom applications for wireless telecommunications facilities (excluding co-location on existing facilities) must be made. Planning Commission is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking conditional use permits for wireless telecommunications facilities.

v) An application for a conditional use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the City, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.

vi) Where a certification is called for, such certification shall bear the signature and seal of a professional engineer licensed in the State.

vii) The applicant shall include a statement in writing:

A. That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the conditional use permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations; and

B. That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the state.

C. The tower shall be structurally designed to accommodate at least five additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant demonstrates, in writing, that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

D. The foreseeable number of FCC licenses available for the area;

E. The kind of wireless telecommunications facilities site and structure proposed;

F. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites; or

G. Available space on existing and approved towers.

viii) No tower owner or manager shall be permitted to submit an application for a conditional use permit for a tower if the tower owner does not have a signed agreement committing a commercial service provider to occupy space on the tower.

ix) In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the application, along with any letters of rejection, stating the reason for rejection.

x) The applicant shall certify that the telecommunication facility, foundation and attachments are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.

xi) The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property, and installed with appropriate surge protectors.

xii) The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.

xiii) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided in a timely manner.

f) Exceptions from a Conditional Use Permit

i) Notwithstanding anything to the contrary in this section, no conditional use permit shall be required for those non-commercial exceptions noted in the definition of wireless telecommunications facilities.

ii) All wireless telecommunications facilities existing on or before the effective date of this chapter shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility must comply with this section.

g) Public Hearing and Notification Requirements

i) In the case of a new telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a balloon test. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a 3-foot in diameter brightly colored balloon at the maximum height of the proposed new tower.

ii) The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant 7 to 14 days in advance of the first test date in a newspaper with a general circulation in the City and posted on a sign posted on the site and visible from the road (with a minimum sign area of 16 square feet). The applicant shall inform the City, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

iii) The applicant shall provide photographic evidence of the balloon test as part of the application prior to the hearing.

iv) Prior to the review and decision on any application for a conditional use permit for wireless telecommunications facilities, a public hearing before the Planning Commission shall be held by the City, notice of which shall be published in accordance with Section 1203.02(H): Public Notification for Public Hearings. So that the City may notify nearby landowners, the application shall contain the names and addresses of all landowners whose property is located within 1,500 feet of any property line of the lot or parcel on which the new wireless telecommunications facilities are proposed to be located.

h) Retention of Expert Assistance and Reimbursement by Applicant

The city may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application, including the construction and modification of the site, once permitted. Such costs shall be paid by the applicant, as needed, and shall not exceed $2,500 unless written notice is provided to the applicant in advance with the cost of hiring the consultant or expert.

i) Permit Holder Responsibilities

i) A person who holds a conditional use permit for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, state, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include but are not limited to construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

ii) A holder of a conditional use permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

iii) The holder of a conditional use permit shall notify the City of any intended modification of a wireless telecommunication facility and shall apply to the City to modify, relocate or rebuild a wireless telecommunications facility.

iv) The owner of the proposed new tower, and his or her successors in interest, shall negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers; and allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges.

v) Failure to abide by the conditions outlined above may be grounds for revocation of the conditional use permit for the tower.

j) Minimum Standards

i) All utilities at the proposed site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code, where appropriate.

ii) The wireless telecommunications facility and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

iii) At a telecommunications site, an access road, turn-around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

k) Height

i) The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

ii) The maximum permitted height of a new tower shall be 140 feet unless varied due to siting constraints or other site factors (i.e. limiting the number of new towers) as conditionally approved by Planning Commission.

l) Appearance and Visibility

i) All wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to be the least visually intrusive reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the wireless telecommunications facility.

ii) As part of a conditional use permit application for a new or expanded wireless telecommunication tower, the applicant shall furnish a visual impact assessment, which shall include:

A. Photographic evidence of balloon test (See Section 1204.04(C)(8)g): Public Hearing and Notification Requirements.) showing representations of before and after views from key viewpoints both inside and outside of the City, as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

B. A visual depiction of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as it relates to the need or appropriateness of screening.

iii) Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.

iv) Towers shall be galvanized and painted with a rust-preventive paint of a non-contrasting gray or similar color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this code.

v) Lights, beacons, or strobes of any kinds shall not be permitted on any tower, antenna, and equipment unless required by the Federal Aviation Administration.

m) Security

All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

i) All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

ii) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

n) Signage

Wireless telecommunications facilities shall contain a sign no smaller than two square feet and no larger than four square feet located near the base of the tower in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name of the owner and operator of the antenna, as well as emergency phone number. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation.

o) Lot Size, Setbacks and Screening Requirements

i) All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from any property line a minimum of a distance equal to the height of the proposed tower or wireless telecommunications facility structure plus 10% of the height of the tower or structure.

ii) Towers and any other wireless telecommunications facility structure shall be set back a minimum of 30 feet from any other non-related buildings situated on the same site. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements set forth in the applicable zoning district for the property on which it is situated.

iii) All equipment related to the operation of a tower and any other wireless telecommunications facility structure located on the ground shall be fully screened with a minimum six-foot high composite material privacy fence with continuous evergreen hedge vegetation, with a minimum initial tree height of five feet. All screening shall be located behind the specified setback lines. The tower or wireless telecommunications facility structure owner/operator is responsible for installing and maintaining said screening. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

p) Performance Security

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at their cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least $75,000.00, and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this chapter and conditions of any conditional use permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the conditional use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original conditional use permit.

q) Indemnification

i) Any application for wireless telecommunication facilities that is proposed for city property pursuant to this section shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

ii) Notwithstanding the requirements noted in division (i) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a conditional use permit for wireless telecommunications facilities.

r) Removal

i) Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of wireless telecommunications facilities:

A. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365-day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall be completed within 90 days.

B. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard.

C. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required conditional use permit, or any other necessary authorization.

ii) If the City makes such a determination as noted in division (i) of this section, then the City shall notify the holder of the conditional use permit for the wireless telecommunications facilities promptly that said wireless telecommunications facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.

iii) The holder of the conditional use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the City. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the City.

iv) If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the permit holder has received notice, then the City may order officials or representatives of the City to remove the wireless telecommunications facilities at the sole expense of the owner or conditional use permit holder.

v) If the City mandates the removal of a wireless telecommunication facility and the owner of the facility does not claim and remove it from the site to a lawful location within 10 days, then the City may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.

vi) Notwithstanding anything in this section to the contrary, the City may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the conditional use permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the conditional use permit and the City. If such a plan is not developed, approved and executed within the 90-day time period, then the City may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.

s) Minor Modification

Any repair, antenna modification, height modification that does not exceed the maximum permitted, ground equipment additions within the screened area as required in 1204.04(C)(8)o)iii), and minor structure additions may be approved by the Code Enforcement Officer and shall be required to submit an application for zoning permit.

(D) COMMERCIAL USE CLASSIFICATION

(1) Assembly Halls and Conference Centers

All structures and activity areas, except off-street parking, shall be set back a minimum of 200 feet from all lot lines abutting a "R" Residential zoning district. All off-street parking shall be set back a minimum of 20 feet from all lot lines abutting a "R" Residential zoning district. All structures and activity areas, shall be set back a minimum of 20 feet from all other lot lines.

(2) Automotive Sales or Leasing

The minimum lot area shall be 2.5 acres.

(3) 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 servicing 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) 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.

(4) Bed and Breakfast Establishments

a) The minimum lot area shall be 30,000 square feet.

b) Central facilities for the collection and disposal of trash shall be provided.

c) The maximum number of employees, other than occupants or owners, shall be two.

d) There shall be a maximum of eight guest bedrooms permitted in a bed and breakfast establishment.

e) Stays shall be short-term in nature and no guest shall be permitted to stay for a period exceed two weeks.

(5) Commercial Recreation Facilities (Outdoors)

All structures and activity areas, except off-street parking, shall be set back a minimum of 200 feet from all lot lines abutting a "R" Residential district and a minimum of 100 feet from all other lot lines.

(6) Drive-In Restaurant

All structures and activity areas, except off-street parking, shall be set back a minimum of 50 feet from all lot lines.

(7) Eating and Drinking Establishments and Personal Service Establishments

Personal service establishments and eating and drinking establishments may be permitted in the B-P district where:

a) The use is within a building containing other principally permitted uses; and

b) The total square footage of all personal service establishments and eating and drinking establishments do not exceed 10 percent of the gross square footage of the principal building.

(8) Entertainment Device Arcades

No establishment that contains entertainment device arcades shall be located within 500 feet of another establishment containing an entertainment device arcade. The measure of distance for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel.

(9) Flea Markets

a) Any outdoor dining, sales, display, or storage shall comply with the applicable requirements in Section 1205.01: Accessory Uses.

b) All vendors shall be subject to zoning permit requirements.

c) A majority of the use's square footage has to be indoors.

(10) Kennels

a) The minimum lot area shall be two acres.

b) All structures and activity areas, except off-street parking, shall be set back a minimum of 500 feet from all lot lines abutting an any "R" Residential district and a minimum of 50 feet from all other lot lines.

c) All exercise areas shall be enclosed by a fence or wall a minimum of five feet in height, except that a minimum of 6 foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screen shall be maintained around all outdoor exercise areas abutting residential property.

d) Rooms which contain animals shall be insulated, or otherwise soundproofed and vented so that animal noises are not audible anywhere beyond the lot.

e) The Code Enforcement Officer shall have the authority to require such additional fencing, screening, and/or other measures it deems necessary to protect the health, safety, and welfare of people adjacent to an animal facility, or to deny a request to locate a facility in such areas, based on health and safety considerations.

f) The Code Enforcement Officer may also impose other conditions and limitations it deems necessary to prevent or mitigate possible nuisances, such as noise and odor, including limiting the number of animals on the premises.

(11) Mixed Use Building

Any residential use in a mixed use building shall only be permitted on the upper floors. Ground floors shall be for commercial or office uses as permitted in the applicable district.

a) Apartments may be permitted on the second or higher floor if a business or vacant commercial space is located on the ground floor within the same structure.

b) Multiple apartments are permitted above the ground floor commercial space.

c) Apartments shall not be located on the ground floor.

d) The minimum total floor area of any apartment shall be 900 square feet plus an additional 150 square feet for each additional sleeping room over one in all new buildings or new apartments constructed after the effective date of this code. There shall be no minimum floor area requirement for apartments established in buildings that existed prior to the effective date of this code.

e) New buildings or structures shall meet the architectural standards established in Section 1210.05(D)Architectural Standards for the C-1, C-2, C-3, C-4, and B-P Districts

(12) Retail and Service Commercial Uses

a) The standards in this division are needed to protect the public health, safety and welfare by requiring large retail establishments to separate commercial and residential generated traffic; diminish the negative impacts of blight caused by vacant commercial structures on adjacent property by increasing reuse opportunities; reduce the impacts on adjacent uses, especially on nearby residential uses, including light and noise; and requiring unique architecture and community spaces and other design elements so that a distinctive visual appearance and ambience is maintained to promote the long-term viability of the community's business districts and quality of life of Monroe residents.

b) Retail and service commercial uses may be permitted in the B-P, L-1, or H-1 districts where:

i) The use is within a building containing other principally permitted uses;

ii) The retail and service commercial use is related to the principally permitted use (e.g., the retail sale of goods manufactured on site); and

iii) The total square footage of all retail and service commercial uses does not exceed 10 percent of the gross square footage of the principal building.

c) Retail and service commercial uses that are 75,000 square feet or larger in total floor area shall also comply with the following:

i) An adaptive re-use concept must be submitted and approved by the Planning Commission. It is intended here that the building be designed to allow for possible future users in space that is divided from the original size user space to demonstrate how the structure can be re-used if a single user ceases normal operations at the establishment. Factors to include in the design shall be future window and door openings, multiple loading and service provisions, and future utilities that may be required by Planning Commission during site plan review.

(13) Retail Fuel Sales

Retail fuel sales shall be subject to the same requirements as an automotive service station as established in Section 1204.04(D)(3): Automotive Service Station.

(14) Self-Storage Facilities

a) No storage structure shall exceed 25 feet in height.

b) All structures and activity areas shall be set back a minimum of 200 feet from all lot lines abutting an A-1 or "R" Residential district or use and a minimum of 20 feet all other lot lines.

c) Lot coverage of all structures shall be limited to the maximum permissible in the district.

d) All one-way driveways shall provide for one 10-foot parking lane and one 15-foot travel lane. Traffic direction and parking shall be designated by signage or driveway painting. All two-way driveways shall provide for one 10-foot parking lane and two 12-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve the storage units.

e) The storage area shall be completely enclosed by walls, fences or buildings, or a combination thereof. All walls and fences shall conform to Section 1204.05(A)(4)e): Obstructions, Fences, Walls and Hedges.

f) Interior landscaping shall be based on 15 square feet of landscaping per parking space required and will be distributed reasonably evenly across the lot area.

g) A 25 foot wide landscaping buffer, parallel to the street frontage, equal to the property frontage, excluding ingress/egress drives, shall be landscaped with trees in the ratio of at least one tree for every 2,000 square feet or fraction thereof of the landscaped area. Landscaping should consist of a variety of hardy evergreen planted material, including trees and low-medium-high profile shrubs, together with suitable ground cover that is either seeded with grass or mulched and maintained in such a manner as not to impair vehicle visibility.

h) No gasoline or other motor vehicle fuel pumps or tanks shall be permitted on the premises.

i) All storage shall be within a closed building except that within the grounds of a self-service storage warehouse where recreational vehicles and motor vehicles may be placed in outdoor storage areas which are separated from view from adjacent streets and property by walls, fences or landscaping. Outdoor storage areas shall not exceed fifteen percent of the gross site area and shall not count toward meeting parking requirements.

j) No auctions, sales, service or repair activities or anything other than dead storage and the rental and supervision of storage units shall be conducted on the premises.

(15) Sexually Oriented Businesses

A permitted use by sexually oriented businesses in this district shall comply with the following requirements:

a) Sexually oriented businesses, as defined in this code shall be permitted, provided the proposed location of such use is set back a minimum of 1,000 feet from all the following uses:

i) Any "R" residential district as established by this code or of any adjacent political subdivision;

ii) Any permanently established religious place of worship, school, library or public playground attended by persons under the age of 18;

iii) Any other recreational facility or amusement park attended by persons under 18 years of age;

iv) Any hotel, motel or bed and breakfast lodging establishment;

v) Any other sexually oriented business;

vi) Any establishment licensed by the State of Ohio for the sale of beer or intoxicating liquor for consumption on the premises;

vii) Pawn shops;

viii) Pool or billiard halls; or

ix) Entertainment device arcades.

b) The measure of distance for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel.

c) The code enforcement shall consider only: (1) whether the sexually oriented business is seeking to locate in a C-2 District; and (2) whether the proposed location of the sexually oriented business is at least 1,000 feet from the uses listed in division (a) of this section. The determination shall be made without a public hearing being held and must be made within 10 days of the effective date of this section or within 10 days of the receipt of a completed application for a zoning permit, whichever is less. An applicant or an aggrieved party may appeal a decision of the Code Enforcement Officer or the Planning Commission to the BZA pursuant to Section 1203.11: Appeals. Such appeal must be made within 30 days of the claimed adverse decision. The BZA shall hear and decide sexually oriented business appeals within 30 days of the filing of the appeal by the applicant or the aggrieved party. Further appeal shall be to a court of competent jurisdiction as provided by law.

d) See Chapter 860 of the Business Regulation and Taxation Code for additional provisions relating to Sexually Oriented Businesses.

(16) Video Lottery Terminals (VLT)

Structures that contain VLTs shall be required to meet the minimum architectural standards established for the C-1 district in Chapter 1210: Architectural Standards.

(E) INDUSTRIAL USE CLASSIFICATION

(1) Automotive Body and Major Repair

An automotive body and major repair establishment shall be subject to the same requirements as an automotive service station as established in Section 1204.04(D)(3): Automotive Service Station.

(2) Building and Lumber Yards and Contractor Yards

a) All structures and activity areas, except off-street parking, shall be set back a minimum of 200 feet from all lot lines.

b) A plan illustrating outdoor storage and how it is to be screened shall be submitted as part of the site plan review process.

1204.05 Site Development Standards

(A) MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

(1) Distance Measurements

Unless otherwise expressly stated, distances specified in this code are to be measured as the length of an imaginary straight line joining those points.

(2) Lot-Area Measurements

a) The area of a lot includes the total horizontal surface area within the lot's boundaries.

b) The area of a panhandle on a panhandle lot shall not count toward the minimum lot area requirement.

(3) Reductions in Area Prohibited

No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code unless approved as part of a PUD or conservation subdivision; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced.

(4) Setbacks and Yards

a) Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code. See Figure 1204-B.

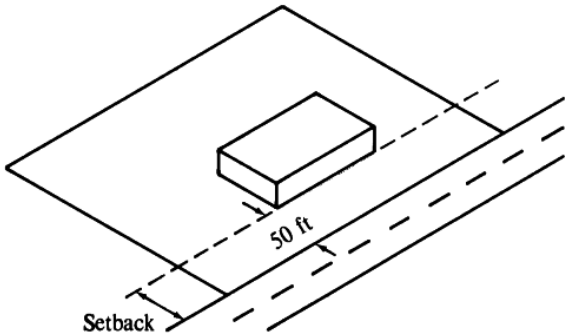


Figure 1204-B: Measurement of front yard setback

b) Yards Required for Buildings

A yard or other open space required for a building shall not be included as part of a yard or other open space for another building.

c) Front Yard Modifications

In any residential district, no front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent to each side, if each of such lots is within the same block and within 100 feet of the principal building. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code. See Figure 1204-C.

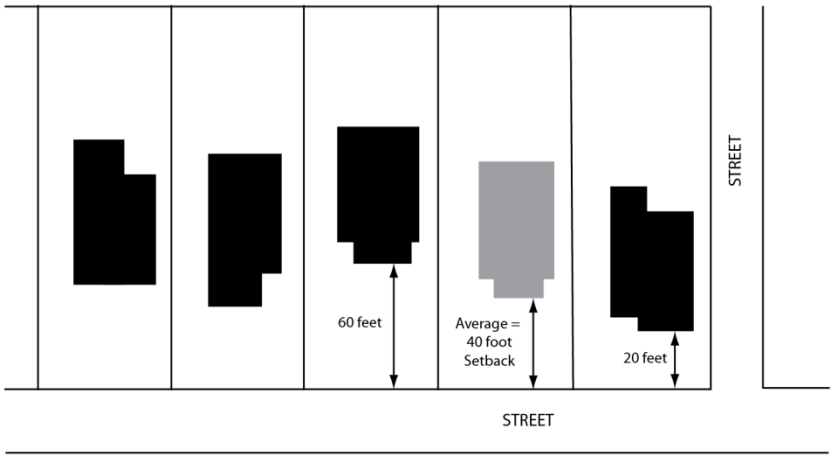


Figure 1204-C: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 50 feet, smaller setbacks may be allowed if the average front yard setbacks are less than 50 feet.

d) Permitted Obstructions in Minimum Required Yards

Certain architectural features may project into required yards as follows:

i) The following architectural features may project into any required front or rear yard:

A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet, six inches. This dimension is measured horizontally from the adjacent exterior wall, and shall include allowance for eave, gutter and any other attachment.

B. Fire escapes may project a distance not exceeding four feet, six inches.

C. An uncovered stair and necessary landing may project a distance not to exceed six feet, provided such stair and landings shall not extend above the front entrance floor of the building except for a railing not exceeding three feet in height or as required by the applicable Building Code.

D. Bay windows, balconies and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

ii) The architectural features identified in paragraph (a) above may project into any required side yard a distance not to exceed one-fifth (1/5) of the required width of such side yard.

e) Obstructions, Fences, Walls and Hedges

i) Every part of a required yard shall be open and unobstructed to the sky, except as may otherwise be allowed in this code. This requirement shall not prevent the construction of fences, walls, or hedges in accordance with this subsection.

ii) Fences, walls, and continuous hedge row may be located in any rear yard provided it does not exceed six feet in height. Fences, walls and continuous hedge row shall not exceed eight feet in height in the rear yard in the L-1, H-1, and B-P districts.

iii) Fences, walls, and continuous hedge row may be located in any side yard of the principle building, provided it does not exceed six feet in height.

iv) Fences and continuous hedge row with a maximum opacity of 50 percent shall be permitted in any front yard area located between the front building line (or other applicable building lines on corner and through lots) not exceeding four in height. Any solid continuous hedge row, fence or wall shall not exceed three feet in the front yard area. The Code Enforcement Officer may grant an exception to the front yard height and opacity on through or corner lots that have two front yards (i.e. State Route 63) for the area that functionally serves as the rear yard subject to any provisions that may be imposed to ensure the surrounding character of the neighboring lots is preserved.

v) Fences shall be constructed of materials that may include cedar, pressure treated lumber, vinyl, wrought iron, aluminum, or similar materials as determined and approved by the Code Enforcement Officer.

vi) The use of barbed wire, razor wire, spikes, nails, electrical or similar type fences shall be prohibited. Barbed wire and electrical fences are permitted in Agricultural districts except along lot lines adjacent to residential zones.

vii) Primarily woven wire fences are prohibited in residential zoning districts and on residential lots with the exception of woven wire temporarily permitted in conjunction with a garden use. Woven wire fencing (not including chain link) is only permitted in residential zoning districts and on residential lots in conjunction with split rail fencing and the wire should be attached to the inside of the fence where practical.

viii) Chain Link fencing is prohibited in the front yard in residential zoning districts or in the front yard of residential lots. Chain link type fences may be used in the rear yard of business and industrial zoning districts provided they are plastic coated and are black in color or as otherwise approved by the Code Enforcement Officer.

ix) All fences and walls must be erected so that the finished side faces outward, and the rough or unfinished side faces interior to the property being enclosed.

x) No fence or wall shall be erected within a drainage easement or designated floodplain where the sole purpose is to allow the flow, detention, or retention of storm water, unless otherwise approved by the City Engineer, Butler County Engineer, or Warren County Engineer's Office, as applicable as determined by the Code Enforcement Officer.

xi) Landscaped mounds may be constructed in lieu of or as part of a fence, wall, or hedge row in accordance with these provisions. In no case shall such mound or combination of mound and fence, wall, or hedge row be constructed to a height that exceeds the maximum permitted height of fence, wall, or hedge row as established in this section unless as approved by the Code Enforcement Officer as required in Chapter 1212: Landscaping and Buffering Standards.

xii) All fences and walls shall be kept in good repair and appearance.

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, or industrial operations when these facilities could pose a security or physical hazard as determined by the Code Enforcement Officer.

f) Interior Lots

i) The required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See Figure 1204-D.

ii) The lot line located directly behind the rear of the structure, as determined by the Code Enforcement Officer, shall be the rear lot line and the rear yard setback shall be applied. See Figure 1204-D.

iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 1204-D.

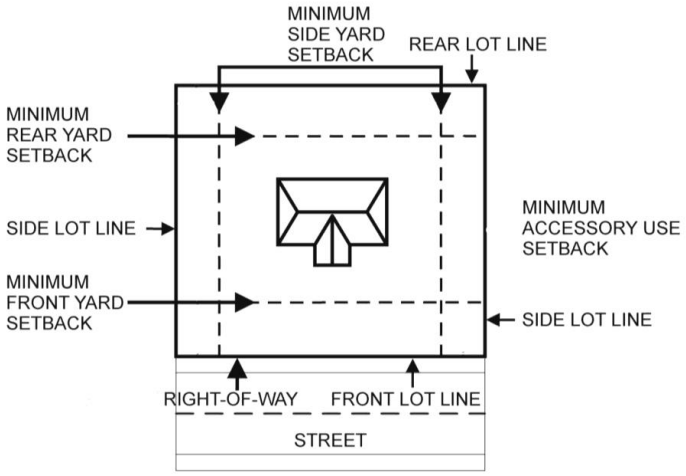


Figure 1204-D: Typical setbacks measurements on an interior lot.

g) Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

i) The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See Figure 1204-E.

ii) The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See Figure 1204-E.

iii) All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See Figure 1204-E.

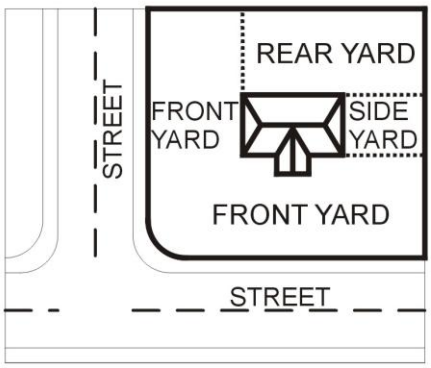


Figure 1204-E: Typical yard locations for a corner lot.

h) Double and Triple Frontage Lots

i) Where a lot is considered a double (through lot) or triple frontage lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 1204-F.

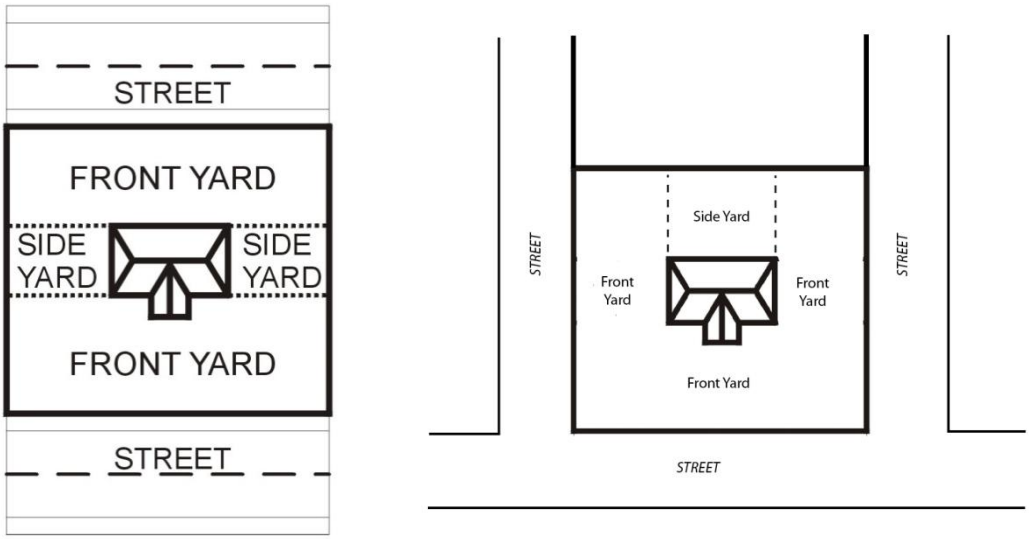


Figure 1204-F: Yard locations on double and triple frontage lots.

ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 1204-F.

iii) For the purposes of allowing accessory uses in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard.

iv) Where alleys exist in the City, any lots that have frontage along the alley shall be not be considered a through lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

i) Panhandle Lots

Panhandle lots shall be discouraged and may only be approved if necessitated by unique topographic features or other special physical conditions. Panhandle lots shall be subject to the following regulations:

i) Flag or panhandle lots shall not be used to avoid the construction of a street.

ii) The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The length of the panhandle portion of a lot shall be a maximum of 300 feet..

iii) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 1204-G.

iv) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

v) The Code Enforcement Officer may provide a waiver of the setback requirements to allow up to a 20 percent reduction in the minimum setback requirement when a dwelling's setback requirement cannot be met due to the unique shape or other developmental constraints (i.e. easement location) of a panhandle lot as indicated on an approved preliminary plat.

vi) When two or more lots share a driveway, the owner of the panhandle lot shall file a shared driveway maintenance agreement with the Development Department.

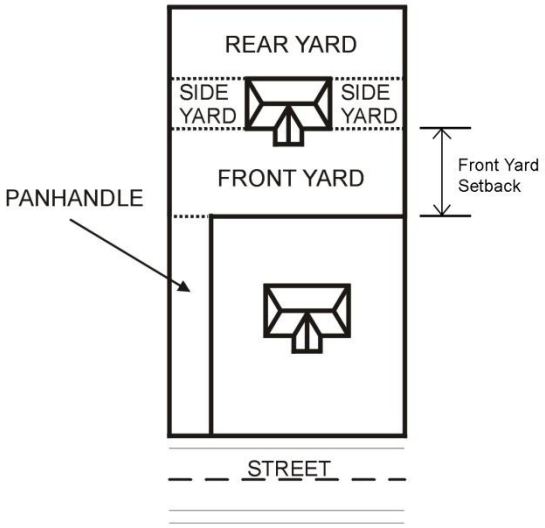


Figure 1204-G: Yard and front yard setback locations on a panhandle lot.

j) Cul-de-Sac or Curved-Street Lot

i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See Figure 1204-H.

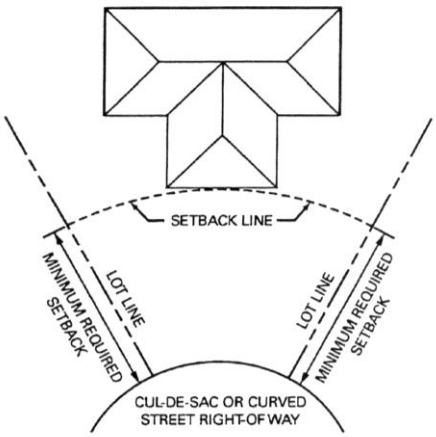


Figure 1204-H: Setback line of a lot with frontage on a curved street or cul-de-sac.

ii) Lots on a cul-de-sac, including panhandle lots, shall be required to have a minimum lot width of 40 feet measured at the right-of-way line.

iii) On a cul-de-sac roadway, knuckle, or eyebrow, the required 40-foot street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

(5) Lot Width and Street Frontage Measurements

Lot width is the distance between the side lot lines measured along the front yard setback line.

(6) Height Measurement and Exceptions

a) Height Measurement

i) Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.

ii) Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to the mid-point between the eaves and the peak line for any sloped roof or to the highest point of a flat roof. See Figure 1204-I.

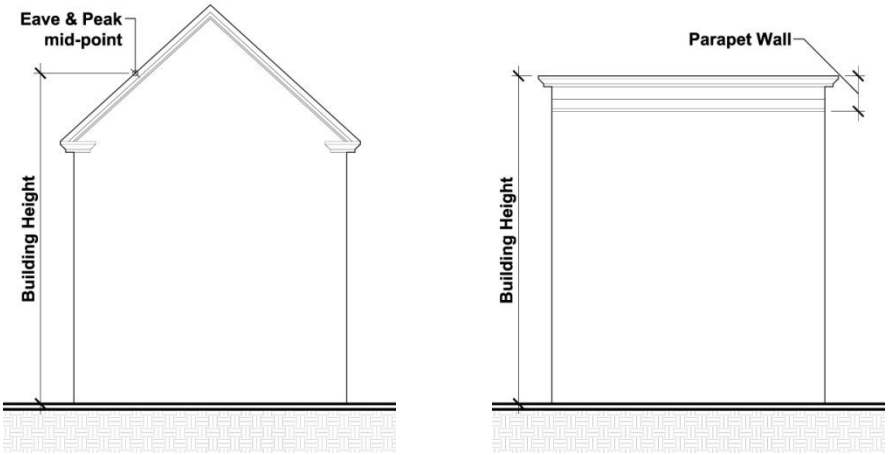


Figure 1204-I: Example of building height measurement for a sloped roof (left) and a flat roof (right).

b) Exceptions to Height Limits

Height limitations stipulated in this code shall not apply to barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; or to parapet walls extending not more than four feet above the limiting height of the building.

(B) General Development Standards

(1) Height Limit at Street Corners (Traffic Safety Visibility Triangle)

Development proposed adjacent to any public or private street, or alley intersection, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

a) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See Figure 1204-J.

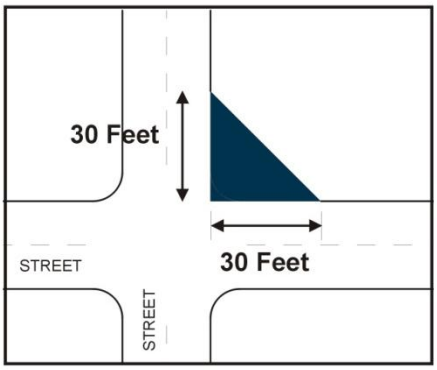


Figure 1204-J: Traffic safety visibility triangle for intersecting streets.

b) For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See Figure 1204-K.

Figure 1204-K: Traffic safety visibility triangle for driveway and street intersections.

c) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Code Enforcement Officer.

d) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

(2) Minimum Floor Area Requirements

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained and occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages, stairs and any attached or detached accessory building or structure shall not be included.

a) In the R-1 and R-2 districts, there shall be a minimum total floor area of 1,800 square feet.

b) In the R-3 and R-4 districts, there shall be a minimum total floor area of 900 square feet plus an additional 150 square feet for each additional sleeping room over one.

(C) SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

(1) Table 1204-5: Site Development Standards for Residential Zoning Districts, establishes the minimum site development standards for residential zoning districts.

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

TABLE 1204-5: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

	Minimum Lot Area [1]	Minimum Lot Width (feet)	Maximum % of Lot Coverage	Minimum Setbacks			Max. Building Height (feet) [2]
				Front Yard (feet)	Side Yard Each Side (feet)	Rear Yard (feet)	
A-1 Large-Scale Agricultural District							
Single-Family Dwellings[3]	5 acres	200	20%	40	25	40	35
Raising of Animals	0	0		0[5]	0[5]	0[5]	
Raising of Crops	0	0		0	0	0	
All Other Permitted Uses	5 acres	200		200	200	200	
A-2 Small-Scale Agricultural District							
Single-Family Dwellings[3]	40,000 sq. ft.	100	20%	40	25	40	35
Raising of Animals	40,000 sq. ft.	100		0[5]	0[5]	0[5]	
Raising of Crops	0	0		0	0	0	
All Other Permitted Uses	2 acres	150		100	50	100	
R-1 Single-Family Residential Infill District							
Single-Family Dwellings	9,000 sq. ft.	75	35%	40	10	30	35
All Other Principal Uses	20,000 sq. ft.	100		40	20	40	
R-2 Single-Family Residential District							
Single-Family Dwellings [3]	15,000 sq. ft.	90	30%	40	10	30	35
All Other Principal Uses	20,000 sq. ft.	100		40	20	40	
R-3 Two-Family Residential District							
Two-Family Dwellings	11,200 sq. ft.	80	35%	40	10	30	35
All Other Principal Uses	50,000 sq. ft.	100		40	20	40	
R-4 Multi-Family Residential District							
Two-Family Dwellings	11,200 sq. ft.	80	40%	40	10	30	35
Multi-Family Dwellings[4]	43,560 sq. ft.	100		40	10	30	
All Other Principal Uses	40,000 sq. ft.	100		40	20	40	

NOTES:
[1] sq. ft. = square feet
[2] Building heights are maximum heights except as provided in Section 1204.05(A)(6): Height Measurement and Exceptions.
[3] The minimum site development standards for conservation subdivision uses may vary from these requirements in accordance with Section 1204.04(A)(3): Conservation Subdivisions.
[4] A minimum of 15% of any lot containing a multi-family dwelling shall remain landscaped or permanently protected as green space.
[5] The minimum setbacks may vary from these requirements in accordance with Section 1204.04(A)(2)

(3) Maximum Amount of Paving Allowed on Single-Family Dwelling Lots

In order to preserve a certain amount of green space and vegetation in residential areas, the following shall apply to all single-family dwelling lots:

a) Paving, which includes items such as asphalt, concrete, bricks, and pavers, shall be limited to no more than 30 percent of the front yard setback areas in order to limit the amount of hardscape paving in these areas.

b) Increases in the maximum amount of allowable hardscape paving may be approved by the Code Enforcement Officer if necessary to provide safe ingress and egress for the site.

(D) SITE DEVELOPMENT STANDARDS FOR BUSINESS ZONING DISTRICTS

(1) Table 1204-6: Site Development Standards for Business Districts establishes the minimum site development standards for business zoning districts.

(2) There can be more than one principal building on an individual lot. 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 spacing and preservation of landscaping areas.

TABLE 1204-6: SITE DEVELOPMENT STANDARDS FOR BUSINESS DISTRICTS

DISTRICTS	MINIMUM SETBACKS [1]				BLDG. HEIGHT (FEET) [2]		MAX. LOT COVERAGE
	FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)	SIDE OR REAR YARD ABUTTING RESIDENTIAL USE	MIN.	MAX.	
C-1 Highway Commercial District	50	None	None	50	20	70	75%
C-2 General Commercial District	50	None	None	50	20	60	75%
C-3 Downtown Commercial District	None	None	None	50	15	40	95%
C-4 Gateway Commercial District	50	None	None	50	15	55	75%
B-P Business Park District	50	None	None	50	20	70	70%
L-1 Light Industrial District	20 [3]	10	10	200	0	70	85%
H-1 Heavy Industrial District	20 [4]	10	10	200	0	70	85%

NOTES:
[1] Additional setback requirements may also be required in Chapter 1211: Parking, Loading, and Circulation or Chapter 1212: Landscaping and Buffering Standards.
[2] The first number in the building height column is the minimum building height (Min.). The second number is the maximum building height (Max.) except as provided in Section 1204.05(A)(6): Height Measurement and Exceptions.
[3] The front yard setback shall be 150 feet when adjacent to a residential district
[3] The front yard setback shall be 200 feet when adjacent to a residential district

Chapter 1205: Accessory and Temporary Uses

1205.01 Accessory Uses

(A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this chapter in order to reduce potentially adverse impacts on surrounding lands.

(B) General Standards for all Accessory Uses and Structures

All accessory uses and accessory structures shall meet the following standards:

(1) Directly serve the principal use or structure;

(2) Be clearly incidental and subordinate to the principal use and structure;

(3) Be owned or operated by the same person or business as the principal use or structure;

(4) Be located on the same lot or parcel as the principal use or structure;

(5) Be located in the rear yard unless specific additional requirements permit other yards;

(6) When considered in conjunction with the principal use or structure, the accessory use or structure shall not violate any provisions of this code; and

(7) May only be constructed after the principal use or building has been established on the lot.

(8) Any accessory structure shall require a zoning permit.

(C) Standards for Accessory Uses and Structures in the A-1, A-2, and All "R" Residential Districts

(1) An accessory use or structure may not exceed 40 feet in height in the A-1or A-2 district. The maximum height of an accessory structure may not exceed 20 feet in height in the residential districts.

(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 floor area of all detached garages, utility/storage sheds, gazebos and above ground swimming pools shall not exceed 50% of the floor area of the principal structure.

(3) Any accessory structure that is enclosed shall be required to meet the architectural standards established in Chapter 1210: Architectural Standards

(4) All accessory structures and uses under 12 feet in height shall be set back a minimum of five feet from the side and rear lot lines. All accessory structures and uses 12 feet in height or taller shall be set back a minimum of 10 feet from the side and rear lot lines.

(5) There shall be no more than three detached accessory structures on a lot. Only one of these accessory structures shall be a detached garage.

(6) Accessory structures that are to house vehicles shall be located so that access can be made to the accessory structure over a paved surface such as a driveway.

(7) Attached and detached decks shall be subject to the setbacks in Section 1204.05: Site Development Standards. Furthermore, enclosed or primarily enclosed structures (including structures with a solid roof) shall meet the setback requirements of the primary dwelling.

(8) The Code Enforcement Officer shall have the authority to determine if a proposed accessory use is of a scale a nature as to be a second principal structure and/or use of the site, subject to all requirements of principal buildings, including the applicable architectural standards.

(D) STANDARDS FOR ACCESSORY USES AND STRUCTURES IN BUSINESS AND INDUSTRIAL DISTRICTS

(1) An accessory use may not exceed 35 feet in height.

(2) A detached accessory building shall not encroach on any required buffer.

(3) There shall be no more than three detached accessory buildings on a lot where the principle building is 200,000 SF or less. One additional accessory building may be permitted for every 100,000 square feet of principal building floor area in excess of 200,000 square feet.

(4) The total of all accessory buildings, structures and uses shall not occupy more than 35% of the area of the rear yard.

(5) For computing the percentage of occupancy of a rear yard, as required in Paragraph (D)(4) of this section, if a detached accessory building is located more than 10 feet from the principal building and is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and shall be included in the computation.

(6) Unless specifically allowed in a front yard, an accessory building may only be permitted in the front yard with a variance. See Table 1205-2: Permitted Accessory Uses and Structures.

(7) The Code Enforcement Officer shall have the authority to determine if a proposed accessory use is of a scale a nature as to be a second principal building and/or use of the site, subject to all requirements of principal buildings, including the applicable architectural standards.

(E) REVIEW PROCEDURE

Where a zoning permit is required in Table 1205-2: Permitted Accessory Uses and Structures, the application for review shall be subject to Section1203.12: Zoning Permit. If the accessory use or structure is a conditional use, such use shall be subject to Section 1203.07: Conditional Use Permit.

(F) TABLE OF PERMITTED ACCESSORY USES AND STRUCTURES

Table 1205-2: Permitted Accessory Uses and Structures, lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 1205-2: Permitted Accessory Uses and Structures.

(1) Permitted Use (P)

A "P" in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this code.

(2) Permitted Use with Use-Specific Standards (PS)

A "PS" in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column. Permitted uses and structures with use-specific standards are also subject to all other applicable regulations of this code.

(3) Conditional Use (C)

A "C" in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to Section 1203.07: Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this code.

(4) Prohibited Uses (Blank Cells)

a) A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

b) Outdoor storage, junk, building materials, parking of inoperative or unlicensed motor vehicles, or similar items of property shall be prohibited on all lots where the principal use is residential unless such storage is in an enclosed structure. The storage of fire wood may be permitted in a rear yard if screened from view from adjacent properties to the maximum extent possible and the right-of-way. Outdoor storage on all other lots shall be classified as "outdoor sales" or "outdoor bulk storage" as regulated in this section.

(5) Zoning Permit Required

The "Zoning Permit Required" column identifies if a zoning certificate is required for the applicable accessory structure or use.

(6) Counts toward Maximum Number of Accessory Structures

This column identifies if the listed accessory use or structure counts towards the maximum number of permitted accessory structures allowed on a single lot as established in Section 1205.01(C) and Section 1205.01(D), above.

(7) Numerical References (Last Column)

The numbers contained in the "Use-Specific Standards" column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

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-I, AND H-I			
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	P	P	P	P	P	P	Yes	Yes	
Detached Storage/Utility Sheds, Gazebos, and Similar Structures	P	P	P	P	P	P	Yes	Yes	
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)

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			
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)
Residential Recreational Facilities	PS	PS	PS				Yes	Yes	1205.01(G)(17)
Roadside Stands	PS						Yes	Yes	1205.01(G)(18)
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	See Sec. 1205.01(G)(21)	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		No	No	1205.01(G)(22)
Other Accessory Uses Not Listed	C	C	C	C	C	C	As determined by the Planning Commission		

(G) SPECIFIC STANDARDS FOR CERTAIN ACCESSORY USES AND STRUCTURES

(1) Accessory Dwelling Units

Accessory dwelling units shall comply with the following conditions:

a) There shall be a minimum lot area of 10,000 square feet.

b) Detached accessory dwelling units shall only be permitted in the rear yard.

c) An accessory dwelling unit may be created by the:

i) Conversion of an attic, basement, secondary garage, or other previously uninhabited portion of a residential structure;

ii) Addition of separate unit onto an existing residential structure; or

iii) Construction of a separate structure on a lot in addition to an existing dwelling or business.

d) A manufactured home, recreational vehicle, or other moveable habitable space that does not comply with the building code shall not be used as a second unit.

e) Only one accessory dwelling unit shall be permitted on a lot.

f) Accessory dwelling units shall not be subject to the minimum lot size requirements or any maximum calculations in the applicable zoning district (e.g., conservation subdivision densities).

g) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.

h) An attached accessory dwelling unit shall have an entrance separate from the primary dwelling or business.

i) An accessory dwelling unit shall not exceed 800 square feet or 25 percent of the floor area of the primary dwelling, whichever is greater.

j) A minimum of one accessible off-street parking space shall be provided for each accessory dwelling unit in addition to the off-street parking spaces required for the primary dwelling in Chapter 1211: Parking, Loading, and Circulation.

k) Detached accessory dwelling units shall meet the minimum architecture standards established in Chapter 1210: Architectural Standards, and shall be constructed of the same building materials, in the same proportions, as the principal building.

(2) Agricultural Buildings

Agricultural Buildings shall comply with the following conditions:

a) In the A-1 and A-2 District, agricultural buildings are permitted only as accessory to the Raising of Livestock or Raising of Crops.

b) In the A-1 District an agricultural building is permitted in any yard, provided it meets the side and rear yard setback requirements and is a minimum of 200 feet from the front yard lot line. If directly adjacent to a Residential "R" Zone, the minimum setback for all livestock uses, such as agricultural livestock buildings or pasturing areas shall be 50 feet.

c) In the A-2 District, agricultural buildings are permitted in the side and rear yard, provided they meet the side and rear yard setback requirements. The minimum front yard setback is 200 feet or in cases of a principal dwelling located on the lot, the agricultural building may be located within the 200 feet provided it is behind the dwelling. If directly adjacent to a Residential "R" Zone, the minimum setback for all livestock uses, such as agricultural livestock buildings or pasturing areas shall be 50 feet. For purposes of multiple lots under single ownership, the Code Enforcement Officer may waive the setback requirements.

(3) Amateur Radio Antennas

Noncommercial amateur radio antenna structures are permitted when in compliance with the following standards:

a) The structure is for use by licensed amateur radio operators.

b) Such tower shall not exceed 100 feet in height, except by conditional use permit.

c) The construction shall be of such type as may be required by the City to form a safe and durable structure.

d) Components of the antenna shall not be permitted to extend across the property line of the property on which the antenna is located.

e) The antenna structure shall be set back a distance equal to the height of the tower plus an additional 20 feet.

(4) Automated Teller Machines

a) ATMs are permitted when they meet the applicable architectural standards and are constructed of the same or better materials as the primary building.

b) No part of an ATM structure shall exceed 15 feet in height unless the ATM is built into the side of the principal building.

c) All structures and activity areas, except off-street parking, shall be set back a minimum of 50 feet from all lot lines abutting a residential zoning district and a minimum of 35 feet from all other lot lines.

d) All ATMs that are built into a drive-through facility shall be subject to the vehicle stacking requirements of Section 1211.03(M): Off-Street Vehicle Stacking Requirements.

e) To the maximum extent feasible, ATMs shall be located in the side or rear yard.

(5) Community Gardens

a) Community gardens are permitted in any yard.

b) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.

c) The Code Enforcement Officer shall have on file the name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules.

d) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.

e) There shall be no retail sales on site, except for produce grown on the site.

f) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems are permitted.

g) Fences and walls shall be subject to the provisions of Section 1204.05(A)(4)e): Obstructions, Fences, Walls and Hedges.

(6) Drive-Through Facilities

a) All points of entrance or exit shall be set back a minimum of 100 feet from the intersection of any streets.

b) Drive-through facilities shall be subject to the vehicle stacking requirements of Section 1211.03(M): Off-Street Vehicle Stacking Requirements.

c) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 300 feet from any residential dwelling unit.

d) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

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

f) A fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.

g) See Section 1214.10(C)(6): Menu Board Signs for regulations addressing signs related to the facility.

h) These standards shall not apply to carry-out restaurants where a user can pick up pre-ordered food either at a window or in the principal use.

(7) Drop-Off Boxes

a) Drop-off boxes shall only be permitted in the side or rear yard.

b) The drop-off box shall be screened on a minimum on three sides to a height that fully screens the use unless otherwise required in this code.

c) Screening shall be accomplished by the use of hedges, wall, or decorative fence that provides full opacity screening.

(8) Electric Charging Stations – Levels 1 and 2

a) An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

b) Level 1 electric charging stations are considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

c) Level 2 electric charging stations are considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.

d) Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the Code Enforcement Officer may authorize variations from these standards, so long as the intent and goal of the standards and this chapter are addressed.

e) Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

f) Each electric vehicle charging station located in a nonresidential or agricultural district shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in subsection F of this section. Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the Development Department.

g) Equipment for electric vehicle charging stations shall comply with the following standards:

i) Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

ii) Charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

iii) Equipment shall be protected by wheel stops or concrete-filled bollards.

h) Notification. The following information shall be posted at all electric vehicle charging stations:

i) Voltage and amperage levels;

ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

iii) Usage fees;

iv) Safety information;

v) Contact information for reporting when the equipment is not operating or other problems.

i) Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces.

j) Electric vehicle charging stations may be located in any yard.

(9) Electric Charging Stations – Level 3 and Battery Exchange

a) An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

b) Level 3 electric vehicle charging stations are considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

c) Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the Code Enforcement Officer may authorize variations from these standards, so long as the intent and goal of the standards and this chapter are addressed.

d) Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

e) Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in subsection F of this section. Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the planning department.

f) Equipment for electric vehicle charging stations shall comply with the following standards:

i) Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

ii) Charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

iii) Equipment shall be protected by wheel stops or concrete-filled bollards.

g) Notification. The following information shall be posted at all electric vehicle charging stations:

i) Voltage and amperage levels;

ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

iii) Usage fees;

iv) Safety information;

v) Contact information for reporting when the equipment is not operating or other problems.

h) Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces.

i) Electric vehicle charging stations may be located in any yard.

(10) Home Occupations

a) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.

b) No more than the equivalent of 25 percent of the gross floor area of any dwelling shall be utilized for a home occupation.

c) Persons utilizing their home office space secondarily to another primary office (e.g., working from home during off-hours or telecommuting) shall not be subject to these home occupation regulations.

d) The nature of home occupation as an accessory use relative to its location and conduct of activity shall be such that the average neighbor, under normal circumstances, would not be aware of its existence. In keeping with this, the external appearance and residential character of the dwelling unit shall not be altered in any manner to identify the presence of a nonresidential use.

e) There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises or commodities that are considered accessory to the services provided (i.e. shampoo in a beauty salon) may be sold on the premises. No display of the products shall be visible from the street.

f) No additional parking burden, due to the home occupation, shall be created.

g) No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.

h) Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.

i) More than one home occupation may be permitted within any single dwelling unit provided that the total of all home occupations complies with the standards of this section.

j) Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty trucks or vans.

k) Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week, except that operation on Sundays is restricted to 12:00 p.m. to 6:00 p.m.

l) No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling, shall be erected or maintained on the premises.

m) The following are examples of permitted home occupations:

i) Clerical and other similar business services;

ii) Instruction in music, dance or other type of teaching with a maximum number of two students at a time;

iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;

iv) Artists, sculptors, photographers, home crafts;

v) Barber shop/beauty salon with a maximum of one chair;

vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or

vii) Any similar use as determined by the Code Enforcement Officer.

(11) Guard Shacks and Related Structures

a) Guard shacks and related structures shall be constructed of complimentary or similar materials to the principle structure.

b) Structures should be located in the side or rear yard. The Code Enforcement Officer may permit the structure to be located in the front yard if the applicant can show cause as to why it cannot be located in the side and rear yards.

c) Structures should be of an appropriate size as is customary for the use.

(12) Outdoor Dining

Outdoor dining areas are permitted when they comply with the following regulations:

a) Outdoor dining areas are permitted in any yard.

b) Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or vehicular use areas to go between the café/food service area and the principal building.

c) Outdoor dining areas wider than four feet shall be surrounded by decorative railings or fencing that separates the eating area from the sidewalks or vehicular traffic.

d) Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.

e) Permanently enclosed outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning permit.

Figure 1205-A: Image of acceptable permanent roof/enclosure

f) Temporary tents covering outdoor dining areas are permitted when they comply with the following regulations:

i) They shall only be permitted for a maximum of six months in a calendar year.

ii) They shall be constructed of black vinyl or other materials as approved by the Code Enforcement Officer.

iii) They must have windows or similar architectural features.

(13) Outdoor Sales/Display

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

a) Outdoor sales/display areas may be permitted provided that the merchandise is displayed on the sidewalk or walkway adjacent to the building in the front yard.

b) Outdoor sales/display areas may also be permitted in the side or rear yard.

c) Outdoor sales/display areas that are not located adjacent to the principal building shall not be located more than 20 feet away from the principal building.

d) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

e) Outdoor sales/display areas may be permitted in the front yard, away from sidewalks and buildings, under the following provisions:

i) The outdoor sales/display area shall not reduce the amount of off-street parking spaces provided to a number below the minimum number of required spaces; and

ii) No more than 2,400 square feet of the front yard (exclusive of display areas on a sidewalk or walkway) shall be dedicated to outdoor sales.

f) Fenced or screened outdoor sales/display areas must incorporate materials, architectural features, and fencing that complements the principle building. See Figure 1205-B.

Figure 1205-B: Image of acceptable fencing and architectural features

(14) Outdoor Bulk Storage

The following regulations shall apply to commercial or industrial outdoor bulk storage (including items such as firewood and mulch):

a) Areas designated for outdoor bulk storage shall only be permitted in the side or rear yard.

b) Outdoor storage shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways.

c) Outdoor storage shall not include the use of banners, pennants, strings of pennants, or similar decorations.

d) Outdoor storage areas shall be required to be fully screened with a solid fence, or wall, not to exceed 14 feet in height. The screening shall be constructed of materials similar or complementary to those materials used on the principal building within the development, unless more specific standards apply. Open fence types may be permitted in combination with landscaping and screening, as determined by Code Enforcement Officer for the material type and height.

e) Outdoor storage locations shall be subject to and approved by the Code Enforcement Officer upon the application of the record owner of the property.

f) Applications for outdoor storage shall be on a form provided by the Code Enforcement Officer and shall be submitted as part of the site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage on the property as a whole.

g) Fenced outdoor storage areas that are visible from a front yard and/or public/private drive shall also have a hedge or similar landscaping.

(15) Porches or Decks

Porches and decks may be permitted in association a principal use subject to the following standards:

a) Porches or decks that are enclosed (with screening or other materials) or have a solid roof shall meet the setback requirements for principal buildings in the applicable zoning district.

b) All other porches may extend into required setbacks in accordance with Section 1205.01(C) and Section 1205.01(D).

c) Porches and decks are permitted in all yards. Porches and decks in the front or side yard shall be required to meet all the setback requirements for principal buildings in the applicable zoning district.

d) Decks shall be set back a minimum of five feet from all lot lines.

(16) Radio and Television Antennas

Radio, television, or other similar receiving dish, antenna, or structure, shall not be located closer to the street than the front building line.

(17) Recreational Facilities and Swimming Pools

Swimming pools, hot tubs, spas, ponds, lakes, and residential recreational facilities such as bathhouses and tennis courts, shall comply with the following conditions and requirements:

a) The facility shall only be permitted in the side or rear yard.

b) The facility or accessory structures adjacent thereto shall not be located in any front yard.

c) No facility or adjacent accessory structure situated in the side yard shall be located closer than 20 feet from the side lot line.

d) No facility or adjacent accessory structure situated in the rear yard shall be located closer than ten feet from any side or rear lot line.

e) A private temporary swimming pool, pond, or lake, containing water 24 inches or less in depth water and less than150 square feet may be located in any yard provided it is not closer than 5 feet to any lot line.

f) A residential recreational facility's fencing may exceed height, type, and location requirements required in Section 1204.05(A)(4)e): Obstructions, Fences, Walls and Hedges as determined by the Code Enforcement Officer when the fencing is necessary for the security and safety of the use.

g) Detention or retention ponds as required for development purposes are exempt from the requirements of this section.

h) Private Swimming Pools

i) A private swimming pool, hot tub, spa, pond, or lake containing water more that 24 inches in depth water shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool to prevent uncontrolled access by children from the street or from adjacent properties. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the fence provisions. If the swimming pool is above grade and exceeds four feet in height, no fence shall be required however, all access ladders shall be removed or secured to prevent access when not in use.

ii) Openings in the fence or barrier shall not allow passage or access. The fence or barrier shall be constructed of one of the following materials:

A. Vertical wooden boards placed close enough together to prohibit access to children, pets, etc.;

B. A decorative metal fencing with slats or poles placed close enough to prohibit access; or

C. Split rail fencing, Kentucky Board or similar type of fencing with woven wire is acceptable provided that the wire is installed on the inside of the fence.

iii) The enclosure around any private swimming pool, hot tub, spa, pond, or lake shall have an access opening or openings, as necessary, that shall have gates that close and latch automatically, and can be locked when not in use.

iv) The entire fence shall be kept in a neat condition and in a state of good repair. The swimming pool, hot tub, spa, shall be maintained in a clean and healthful condition, and no such pool shall be permitted to accumulate foul, stagnant or dirty water.

v) The facilities shall be located on the same lot as the principal building, structure or use;

vi) The private swimming pool, hot tub, spa, pond, or lake is intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

i) Community Pools

i) Exclusive of PUD Districts, community pools shall be set back a minimum of 50 feet all lot lines and 150 feet from all lot lines that abut a single-family dwelling lot.

ii) All pools shall be screened with solid evergreen plantings on all sides and rear property lines.

iii) Community pools shall meet all standards as required for private swimming pools in this section.

iv) Community pools may be subject to the structural and sanitary requirements of the Ohio Department of Health.

j) Exemptions

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

ii) Birdbaths, basketball hoops, fountains, flagpoles, statues are permitted in any yard and do not require a permit.

iii) Trellises less than 10 square feet are permitted in any yard and do not require a permit.

(18) Roadside Stands

a) Roadside stands are permitted in any yard but shall be located outside of any right-of-way.

b) A roadside stand must be operated in association with an existing agricultural use with a minimum lot area of 15 acres, and must be located on the same property as the associated agricultural use or on adjoining property under the same ownership as the agricultural use.

c) The roadside stand may not exceed 1,000 square feet in size and must be located within a permanent structure.

d) A minimum of 51 percent of the product display area must be devoted to a product(s) grown on the associated farm.

e) The roadside stand may include food preparation utilizing products produced on the associated farm.

f) The roadside stand must comply with the applicable building code and permitting requirements as well as all applicable regulations related to the treatment and disposal of wastewater.

g) A minimum area of three parking spaces shall be provided for each produce stand. Such parking spaces may be a driveway or gravel parking area accessed by a driveway.

(19) Satellite Dishes

a) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning permit. To the maximum extent feasible, the dish should be located in the side or rear yard.

b) Any satellite dish that is larger than one meter in diameter shall be subject to the following standards:

i) The dish shall only be permitted in the rear yard and shall be set back 15 feet from the principal dwelling and 10 feet from all lot lines.

ii) The maximum diameter of any dish shall be 10 feet in a residential zoning district and 12 feet in all other zoning districts.

iii) The dish shall not exceed 15 feet in height as measured from the natural grade level.

iv) Fencing or landscaping shall be installed around the dish or the subject property so as to fully screen the dish from view from adjacent properties or street rights-of-way.

(20) Small-Scale Wind Energy Turbines (SWET)

a) SWETs may be located on lots with a minimum lot area of 2.5 acres or more. However, if the proposed turbine is attached to a building and the turbine (to the top of the blades) does not exceed the maximum building height requirement of the applicable zoning district, there shall be no minimum lot area requirement.

b) The maximum height of a stand-alone SWET shall be 150 feet from natural grade to the top of an extended rotor blade.

c) All portions of a SWET support structure must, at a minimum, meet the setback requirements for the applicable zoning district. SWETs must also be set back a minimum distance equal to 110 percent of the height of the SWET, as measured to the top of the rotor blades, from all lot lines.

d) Only a single tower and single turbine shall be permitted on a property. Multiple turbines may be permitted with a conditional use permit if attached to a nonresidential building and if the diameter of the rotor is less than six feet.

e) Climbing access to the tower structure shall be limited by

i) Placing fixed climbing apparatus no lower than 10 feet from the ground; and

ii) Placing a six-foot fence or shielding around the SWET.

f) SWETs shall be of a scale intended for on-site power consumption and shall not be designed to produce energy to sell to electric providers. This regulation shall not prohibit a property owner that is installing a SWET from connecting to the local electric system if mandated by the electric provider for the purposes of safety.

(21) Solar Panels

Solar panels shall be subject to the following standards:

a) Freestanding solar panels shall be limited to a maximum height of 16 feet and shall be located in the rear yard.

b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.

c) Roof-mounted solar panels that do not face a street shall not exceed more than 36 inches in height from the roof plane.

(22) Unenclosed Patios

a) All unenclosed patios shall be set back a minimum of three feet from all lot lines.

b) Unenclosed patios shall be permitted in any yard.

1205.02 Temporary Uses

(A) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(B) TABLE OF ALLOWED TEMPORARY USES AND STRUCTURES

Table 1205-3: Temporary Uses and Structures Table 1205-2: Permitted Accessory Uses and Structures, summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TABLE 1205-3: TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING PERMIT REQUIRED	ADDITIONAL REQUIREMENTS
Construction Dumpster	Until the zoning compliance inspection	No	1205.02(D)(1)
Construction Trailer	Until the zoning compliance inspection	Yes	1205.02(D)(2)
Gravel Surface Parking Lots	Until the zoning compliance inspection	No	1205.02(D)(3)
Real Estate Sales/Model Homes	Until 85 % occupancy of the phase is reached	Yes	1205.02(D)(4)
Seasonal Agricultural Sales	90 days per calendar year	Yes	1205.02(D)(5)
Temporary Special Events	See Section 1205.02(D)(6).	Yes	1205.02(D)(6)
Temporary Storage in a Portable Container	Maximum of 14 consecutive days	Yes	1205.02(D)(7)
Temporary Structure for Institutional Uses	1 year	Yes	1205.02(D)(8)
Tents, Stages, and Seasonal Covers	Maximum of 14 consecutive days	No	1205.02(D)(9)

(C) GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES

Temporary uses or structures shall:

(1) Obtain a zoning permit if required by Table 1205-3: Temporary Uses and Structures;

(2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

(4) Not include permanent alterations to the site;

(5) Not maintain temporary signs associated with the use or structure after the activity ends;

(6) Not violate the applicable conditions of approval that apply to a site or use on the site;

(7) Not interfere with the normal operations of any permanent use located on the property; and

(8) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

(D) SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES AND STRUCTURES

(1) Construction Dumpster

Temporary trash receptacles or dumpsters shall be permitted provided that the use is:

a) Located outside the public right-of-way;

b) Located to the side or the rear of the site, to the maximum extent feasible;

c) Located as far as possible from lots containing existing development;

d) Not located within a floodplain or otherwise obstruct drainage flow; and

e) Not placed within five feet of a fire hydrant or within a required landscaping area or buffer.

(2) Construction Trailer

Construction trailers may be permitted on a construction site provided that the trailer is:

a) Located on the same site or in the same development as the related construction;

b) Not located within a required open space set-aside or landscaping area or buffer; and

c) Associated with development subject to a valid building permit.

(3) Gravel Surface Parking Lot

a) A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved site plan.

b) A solid surface or gravel access drive shall be provided so vehicles may access the parking lot from a public street.

(4) Real Estate Sales Office/Model Home

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

a) Is located on a platted lot;

b) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping;

c) Is operated by a developer or builder active in the same phase or section where the use is located; and

d) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

(5) Seasonal Agricultural Sales

a) Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

i) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.

ii) The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.

iii) The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

iv) The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

b) Only one season agricultural sale activity shall be permitted on any single lot. Farmers markets or other similar temporary activities where more than one person or group is selling seasonal agricultural produce shall only be permitted on city-owned property with approval from the City of Monroe.

c) Seasonal agricultural sales of produce sold on the same property where such produce is grown shall not be subject to these standards. Such sales may be subject to Section 1205.01(G)(18): Roadside Stands, if a structure is to be used for the sale of the produce.

d) There shall be a minimum of four parking spaces available to serve the seasonal agricultural sales.

(6) Temporary Special Events

a) A temporary zoning permit shall be required for temporary special events on privately owned property such as festivals, circuses, concerts, and similar uses when such event meets all of the following criteria:

i) Will last more than one day;

ii) Is designed to attract more than 40 people to the property in a residential district or 100 people to the property in a business district; and

iii) Is open to the public, for free or for a fee.

b) The temporary zoning permit shall be valid for no more than two weeks provided the applicant receives all other applicable permits from the City of Monroe.

c) The application for a temporary zoning permit may be subject to review by the City's police department, fire department, or other staff for the purpose of establishing specific conditions that may be necessary to protect the public health, safety, and welfare (e.g., traffic flow, emergency access, public safety, waste collection and disposal, etc.).

d) The Code Enforcement Officer shall have the authority to deny the application by recommendation of the police department, fire department, or other staff if the event or related impacts will post a threat to the public health, safety, and welfare. The Code Enforcement Officer may allow the applicant to offer mitigating measures to address the City's concerns for approval prior to the formal denial of the application. In denying the application, the Code Enforcement Officer shall provide written reasons for the denial.

(7) Temporary Storage in a Portable Container

Storage containers that are loaded with materials and placed on a property for the purpose of temporarily storing materials are permitted with the following regulations:

a) Portable storage containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the portable storage container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from the Code Enforcement Officer for the placement of the portable storage container prior to its delivery is required.

b) Only one portable storage container shall be placed at any residential property at one time.

c) The Code Enforcement Officer, upon good cause shown, may approve a one-time extension of the temporary zoning permit for an additional 14 days. Portable storage containers shall not be located on any parcel for a period exceeding 28 days per calendar year.

(8) Temporary Structures for Public or Institutional Uses

Temporary structures serving public or institutional uses shall comply with the following standards:

a) The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.

b) The use shall meet all minimum setback requirements and shall not be located within required off-street parking, open space set-aside, or required landscaping areas.

c) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.

d) Parking shall be provided for the temporary structure in conformance with Chapter 1211: Parking, Loading, and Circulation.

e) The use shall not be required to comply with the architectural standards in this code.

f) This use is permitted if approved by the Code Enforcement Officer, and may remain on the site for no more than one year. This period may be renewed for two 365-day periods, for good cause shown, upon approval of a written request, submitted to the Code Enforcement Officer at least 30 days prior to the expiration of the zoning permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than three years.

(9) Tents, Stages, and Seasonal Covers

A temporary tent, stage or seasonal cover may be located in any yard of a lot on a temporary basis under the following regulations:

a) The location of the tent or seasonal cover shall not obstruct visibility nor block the sidewalk.

b) Only one tent or seasonal cover shall be placed at any residential property at one time.

c) The Code Enforcement Officer, upon good cause shown, may approve a one-time extension of the temporary zoning permit for an additional 14 days. Tents and seasonal covers shall not be located on any parcel for a period exceeding 28 days per calendar year.

d) Temporary tents for outdoor sales may be permitted for a 14-day period, once every 90 days.

Chapter 1206: Planned Unit Developments

1206.01 Purpose

The purpose of the Planned Unit Development (PUD) regulations is to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

(A) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;

(B) Allowing greater freedom in selecting the means to provide access, mobility, light, open space, and design amenities;

(C) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site; and

(D) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this code.

1206.02 General Provisions

(A) The applicant must own in fee simple or have an option to purchase all lands within the proposed PUD. The exception to this is if the applicant is the authorized agent for the property owner, in which case, the applicant need not own the lands.

(B) The requirements as set forth in the underlying base zoning district regulations shall prevail except as modified in this chapter or by the Planning Commission. This chapter sets forth the requirements for PUDs and allows for the creation of a PUD overlay district that may overlay one or more underlying base zoning districts.

(C) The permitted uses within the PUD shall be based on the underlying base zoning districts. If an applicant wants to incorporate uses other than those permitted in the underlying base district, the applicant may request a change of the underlying base zoning district in concurrence with the procedure during the preliminary PUD plan review as established in Section 1206.04: Review Procedure and Criteria. No such change in the underlying base zoning district shall be approved until a preliminary PUD plan is approved.

(D) Whenever such a preliminary PUD plan and any subsequent underlying base zoning district changes are approved, the zoning map shall be clearly marked to indicate that all tracts in any PUD are in a Planned Unit Development district overlying the base zoning district.

(E) No zoning or building permits may be issued until the final PUD plan is approved.

1206.03 Development Standards

The following development standards are established to guide and control the planning, development and use of land in a PUD:

(A) **Building and Use Arrangements**

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

(1) That the adjoining property be protected from loss of light, air and view because of the proximity or the bulk or shape of a building or structure within the PUD.

(2) That through skillful design, in PUDs containing residential units, the usability and accessibility of open spaces on adjoining lots be obtained, while privacy be assured within such adjoining dwellings.

(3) That required yards and setbacks should not be excessive so as to prevent the reasonable development of open land for landscape features, recreation or other private or passive use; and

(4) That the latitude in design should also apply to the planning of landscape features such as walls, fences, hedges and other features to create a variety of common open spaces and private areas.

(B) LOCAL CIRCULATION SYSTEM

The vehicular circulation system and parking facilities shall be designed to fully accommodate vehicular traffic with safety and efficiency without allowing the same to dominate and destroy the form of the area. Driveways for group developments and local streets shall be connected to major arterial and collector streets at locations where the traffic can be controlled and operated effectively with minimum interference with the capacity of the major arterial and collector streets. The amount of traffic generated by commercial uses passing through residential areas shall be minimized.

(C) TOPOGRAPHY AND SITE APPEARANCE

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

(D) UTILITY SERVICES

Utility services in a PUD shall be entirely underground.

(E) PRIVATE LAND

In the planning of residential developments in a variety of groups or clusters, private land should be provided adjacent to the units for the private outdoor use of the occupants.

(F) COMMON LAND

The common land shall be readily accessible and of such condition, size, shape and form of ownership as to be usable for recreation or appropriate for undeveloped open spaces. The integrity of the common land shall be guaranteed from further division or other changes through deed restrictions or declarations of covenants by explicit prohibition of other than intended uses. Such deed restrictions and covenants shall be exempt from further amendment except upon prior approval by City Council.

(G) UNIFIED BOUNDARY

The design at the development area boundary shall be unified with the adjoining development. Within the development area, extensive vehicular use areas, commercial areas and other features likely to have an adverse effect on the surrounding property shall be screened against viewing from first stories outside the development. Screening shall also be provided against adverse views from the development against lights, noise or other undesirable conditions on the surrounding areas outside the development.

(H) SURROUNDING AREA

The PUD shall be planned and developed to harmonize with existing and proposed development in the area adjacent to and surrounding the project site and shall be consistent with the Comprehensive Plan.

(I) AREA AND DENSITY REGULATIONS

(1) The residential project area that will be used to determine the permitted number of units shall include all of the area within the PUD minus land located in an existing easement, land located within a floodway, land allocated for existing public rights-of-way, and any additional land which the Planning Commission sees as being undevelopable.

(2) The maximum density of residential development shall be determined by dividing the residential project area, as defined in Paragraph (1) of this section, by the minimum lot area required by the underlying base zoning district.

(3) Where the PUD lies over multiple zoning districts, the number of allowable units must be calculated separately for each of the separate zoning districts.

(4) Lot Area

a) When a developer demonstrates that it is necessary to use lots that contain less than the minimum lot area or have less than the minimum lot width required in the underlying base zoning district, because either one of the following conditions exist:

i) Such use will create a distinctive residential setting that is in harmony with the character of the surrounding developments; or

ii) The land to be developed is of a unique or unusual geographical or topographical condition that restricts the use of lots meeting the minimum lot area or lot width requirement.

b) Then the Planning Commission may approve such use based upon the following conditions:

i) No lot shall be smaller than 8,000 square feet in area.

ii) No lot shall be reduced more than 70% of the minimum lot size required in the applicable base zoning district.

(5) Standards for an Increase in Residential Density

a) The Planning Commission may recommend authorization of an increase in the density of a PUD under the following standards:

i) For undeveloped, natural open space above the minimum amount required, a maximum increase of five percent in the number of dwelling units may be approved.

ii) For improved open space or recreational space above the minimum amount required, a maximum increase of five percent in the number of dwelling units may be approved.

iii) For distinctiveness and excellence in siting, design and landscaping, a maximum increase of five percent in the number of dwelling units may be approved.

b) At the discretion of the Planning Commission, density may be increased up to the maximum amount allowable within each category. However, the density in the PUD may not exceed more than 10 percent of the density which is permitted in Paragraph (I)(2) of this section.

c) Controls on Density Increase

The Planning Commission may limit or deny all increases in development density if it finds any of the following conditions would be created by permitted additional dwelling units:

i) Inconvenient or unsafe access to the PUD;

ii) Traffic congestion in the streets which adjoin the PUD; or

iii) An burden on parks, recreational areas, schools and other public facilities that serve or are proposed to serve the PUD.

(6) Minimum Dwelling Size

The minimum dwelling size shall be as established in the underlying base zoning district. No reduction in the minimum dwelling size shall be permitted.

(J) Required Open Spaces

The PUD will only be approved if the proposed plan meets the open space requirements established in Section Chapter 1213: Open Space Standards. Open space is only required for PUDs that contain residential subdivisions.

(K) Compliance with Other Development Standards

Unless specifically stated, all PUDs plans shall demonstrate compliance with all other applicable standards of this code, including but not limited to, architectural standards, off-street parking, signage, and landscaping.

1206.04 Review Procedure and Criteria

(A) Applicability

The minimum project area for a PUD shall be three acres. The Planning Commission may allow an application for smaller project areas if such land is found to be suitable for a PUD by virtue of its unique historical character, topography, unique use, or other natural features, or by virtue of its qualifying as an isolated problem area.

(B) Development Review

The following review procedure shall apply to all PUD applications:

(1) Step 1 – Pre-Application Conference

a) The applicant shall meet with the Code Enforcement Officer for a pre-application conference before submitting an application for a PUD.

b) The applicant shall supply preliminary information to the Code Enforcement Officer in a form established by the Development Department. Such information shall be submitted at least three business days prior to the pre-application conference.

c) The purpose of the pre-application conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Plan prior to the submission of an application.

(2) Step 2 – Filing of Preliminary PUD Plan and Application

a) The applicant shall submit an application for a preliminary PUD plan review in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.

b) The applicant shall be required to submit a preliminary PUD plan in a form and in such numbers as established by the Development Department and made available to the public.

c) The applicant shall certify that the talents of the following professionals shall be utilized in the planning process for the development and shall identify such professionals at this initial meeting:

i) An architect licensed by any state;

ii) A landscape architect, an urban planner, or similar professional; and

iii) A registered civil engineer or a registered civil engineer and land surveyor, licensed by any state.

One of the professional consultants chosen by the applicant from either division c)i), ii), or iii above shall be designated as the project coordinator, who will be responsible for conferring with the City and shall serve as the City's primary contact related to the project. The project coordinator shall be responsible for presenting the developer's plan in all the broad professional aspects to the Planning Commission.

d) The application and the official filing of the preliminary PUD plan and application shall be in accordance with the applicable submittal deadlines of the Planning Commission.

(3) Step 3 – Staff Review and Staff Report

a) Upon determination that the preliminary PUD plan and application (Step 2) is complete, the Code Enforcement Officer shall refer the application to the Planning Commission and shall schedule a public hearing.

b) Prior to the Planning Commission hearing at which the PUD is scheduled for review, the Code Enforcement Officer shall review the application and prepare a staff report.

(4) Step 4 – Preliminary PUD Plan Approval

a) The preliminary PUD plan approval procedure involves a zoning map amendment to rezone the subject property to a PUD overlay district with an approved preliminary PUD plan.

b) The procedure for this stage shall comply with the requirements of Section 1203.03: Zoning Text and Map Amendments. A pre-application conference shall not be required as part of this step.

c) The Planning Commission shall review the preliminary PUD plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section 1206.04(C): Review Criteria.

d) The Planning Commission may, in its recommendation to City Council, require that the final PUD plan be submitted in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary PUD plan and stage development schedule.

e) The Clerk of Council shall schedule a public hearing for City Council review of the recommendation by Planning Commission of the preliminary PUD plan.

f) City Council shall review the preliminary PUD plan at a public hearing, and shall approve, approve with modifications, or deny the application based on consideration of the recommendations of Planning Commission and evaluation of application using the review criteria in Section 1206.04(C): Review Criteria.

g) The Planning Commission and City Council may, in their recommendation and/or decisions, incorporate conditions or requirements that are specific to the approved plan including a list of "crucial features of the PUD". The crucial features of the PUD are those items or features that the City finds crucial or indispensable to the PUD approval and as such, the City finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD. Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.

(5) Step 5 – Final PUD Plan Approval

a) Within one year after the approval of the preliminary PUD plan, the applicant shall file with the Code Enforcement Officer a final PUD plan for the entire development, or when submission in stages was authorized by the Planning Commission during the preliminary PUD plan review (Step 4), for the first unit of the development. If more than one year passes from the date of approval of the preliminary plan and the final PUD has not been submitted for approval or a request for an extension not to exceed 12 months has been filed with Planning Commission, the preliminary plan shall be deemed expired and the applicant will have to resubmit such plan. In no case shall preliminary plan be valid for more than two years.

b) The final plan shall conform in all respects to the approved preliminary PUD plan. The final PUD plan shall include all information included in the preliminary plan plus the following:

i) The location and size of water, sewerage and drainage facilities;

ii) Detailed building and landscaping plans and elevations;

iii) The character and location of signs; and

iv) Plans for street improvements and grading or earth moving plans.

c) The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the Planning Commission for the dedication or reservation of public facilities, or for the creation of a homeowners' association, shall also be submitted.

d) Upon receipt of the final PUD plan, the plan shall be submitted to the City Engineer and the Code Enforcement Officer for reports regarding water, sewerage and drainage, and street construction drawings. Preliminary plat approval may occur concurrently with final PUD approval.

e) The Planning Commission shall review the final PUD plan at a public meeting to determine whether it conforms to all substantial respects to the previously approved preliminary PUD plan and to all other applicable standards of this code.

i) The Planning Commission may approve or deny the final PUD plan.

ii) In its decision, the Planning Commission may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final PUD plan within 30 days of such action.

(C) REVIEW CRITERIA

(1) It shall be the duty of the Planning Commission and City Council to investigate and determine that the proposed PUD plan complies with the following conditions:

a) The PUD plan is consistent with the intent and purpose of the Comprehensive Plan;

b) The plan is in compliance with the standards of this chapter;

c) The plans are in compliance with the other applicable standards of this code, including but not limited to, architectural standards, off-street parking, signage, and landscaping; and

d) The property adjacent to the area included in the plan will not be adversely affected.

(2) Nothing contained within this chapter shall preclude the Planning Commission or City Council from modifying any regulations, standards or criteria prescribed by this code if City Council determines the regulation, standard or criterion is inapplicable because of the unusual condition of the development area.

(D) LIMITATION ON RE-SUBMISSION

Whenever an application for a PUD has been denied, no application for the same area, or any portion thereof, shall be filed by the same applicant within six months after the date of denial unless the new application is substantially different from the original application as determined by the Code Enforcement Officer.

1206.05 PUD Established by the City

(A) City Council may, on its own initiative or upon the recommendation of the Planning Commission, establish a PUD on properties within the City of Monroe that mandates that any development be reviewed as a PUD. In such case, the PUD overlay zoning district will be in place but the applicant shall be required to go through the entire review procedure established in Section 1206.04: Review Procedure and Criteria, with approval of a preliminary PUD plan and final PUD plan.

(B) City Council may alternatively, on its own initiative or upon the recommendation of the Planning Commission, establish a PUD on properties within the City of Monroe that allows some development by right based on the property's base zoning.

(C) When establishing a PUD, the City will submit general regulations but not be required to submit site plans. Additionally, the City will not be subject to the approval, revocation, or expiration requirements of this chapter.

1206.06 Compliance with Approved Plan and Modifications

(A) The applicant shall agree in writing to be bound, for himself or herself and his or her successors in interest, by the conditions prescribed for approval of a PUD. The approved final PUD plan and stage development schedule shall control the issuance of all zoning and building permits and shall restrict the nature, location and design of all uses.

(B) Minor changes in an approved preliminary or final development plan may be approved by the Code Enforcement Officer if such changes are consistent with the purposes and general character of the approved PUD plans and do not increase density, decrease lot sizes, decrease the total amount of open space, or propose major deviations from other requirements of this code. All other modifications, including extensions or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

1206.07 PUD Plan Revocation and Expiration

(A) In the event of failure to comply with the approved PUD plan or any prescribed condition of approval, including failure to comply with the stage development schedule, City Council may, upon recommendation of the Planning Commission, hold a public hearing with reasonable public notice and take one of the following actions:

(1) Grant a specified amount of time to allow the applicant to bring the development into compliance with the approved plan; or

(2) Revoke the approved PUD plan.

(B) In the event of failure to begin construction of a PUD within one year of the approval of the final PUD plan, after public hearing, City Council, acting upon the recommendation of the Planning Commission, may revoke the PUD plan approval.

(C) If City Council votes to revoke the approved plan, such determination shall become final 30 days after the second reading of such decision.

(D) If a PUD plan is revoked, the applicant may resubmit an application for review under the requirements of Section 1206.04: Review Procedure and Criteria.

(E) Once the PUD plan is revoked, the Planning Commission or City Council may initiate a zoning map amendment to rezone the underlying base zoning district to the previous zoning and/or remove the approved PUD overlay district.

Chapter 1207: Nonconformities

1207.01 Purpose

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

1207.02 General Provisions

(A) Any use, building, structure, land or premises that exists at the time of the effective date of this code that was legally established under a previous code amendment or versions may be continued although such use, building, structure, or use of land does not conform to the provisions of this code.

(B) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.

(C) An applicant for any development review procedure that deals with a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.

1207.03 Determination of Nonconformity Status

(A) At the time of application for a zoning permit, or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Code Enforcement Officer or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

(B) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of, or amendment to, this code, the Code Enforcement Officer shall issue a zoning permit identifying it as a legal nonconformity. A copy of such permit shall be kept on file in the offices of the Development Department.

1207.04 Nonconforming Uses and Variances

(A) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use, nor shall the property be returned to the former nonconforming use.

(B) The granting of a variance for a use that otherwise complies with this code shall not create a nonconforming use when the variance is granted. However, such approved use shall not be changed to any other use other than the one approved through the variance or a use permitted in the applicable zoning district.

(C) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the use, structure, or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.

(D) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use shall still be subject to the provisions of this chapter.

1207.05 Nonconforming Uses

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

(A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of Section 1207.05(E): Expansion of a Nonconforming Use.

(B) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.

(C) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.

(D) CHANGE OR SUBSTITUTION OF NONCONFORMING USE

(1) The lawful use of an existing building or structure can be continued, although such use does not conform to the provisions of this code. If no structural alterations are made that increase the nonconformity, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use (as determined by the Code Enforcement Officer) or to a conforming use.

(2) Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

(3) As a condition of a change or substitution, the Code Enforcement Officer may require compliance with other applicable requirements of this code such as off-street parking, landscaping, signage, etc. if such requirement will bring the site into more compliance with this code.

(E) EXPANSION OF A NONCONFORMING USE

(1) Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming residential use may be increased or improved, regardless of the applicable zoning district, provided the structure continues to be used for residential purposes only and meets all required setbacks.

(2) Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming, nonresidential use, may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.

(3) Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited, except within the C-3 district.

(4) The BZA shall review a request to expand a nonconforming use pursuant to the variance procedure in Section 1203.08: Variances, and shall be subject to the review criteria of this section.

(F) EXISTING USE RECLASSIFIED AS A CONDITIONAL USE

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the Planning Commission in accordance with this chapter and Section 1203.07: Conditional Use Permit. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

(G) TERMINATION OF NONCONFORMING USES

(1) Termination of Use through Discontinuance

When any nonconforming use is discontinued or abandoned for more than six consecutive months, any new use shall conform with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(2) Termination of Use by Damage or Destruction

a) If a nonconforming single-family residential use in a any district is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot. Such reestablishment of the use shall require the issuance of a zoning permit and shall be compatible with the setbacks and architectural criteria of the surrounding neighborhood.

b) If a nonconforming two-family or multi-family residential use in any district is damaged or destroyed to any extent greater than 50% of the principal structure's value, such structure and use may be reestablished on the same lot. Such reestablishment of the use shall require the issuance of a zoning permit and shall be subject to the applicable architectural design criteria established in Section 1210.04: Architectural Standards for Residential Uses, and site design criteria as required for permitted uses in the applicable district.

c) If a nonconforming, nonresidential use in a residential district is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit.

d) If a nonconforming, nonresidential use in a residential district is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished with approval by the BZA after consideration of surrounding uses and the impact of the nonconforming use.

1207.06 Nonconforming Structures and Sites

A nonconforming building or structure may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(A) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.

(B) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

(C) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

(D) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

(E) DAMAGE OR DESTRUCTION OF A NONCONFORMING STRUCTURE CONTAINING A CONFORMING USE

(1) If a nonconforming structure is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided, as stated in Paragraph 1207.06(A), any expansion or change does not increase the nonconformity that existed prior to the damage.

(2) If a nonconforming structure is damaged beyond 50 percent of the principal structure's value, such structure shall only be rebuilt in compliance with the requirements of this code.

(3) If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

1207.07 Nonconforming Lots of Record

A nonconforming lot of record may be used in accordance with this section.

(A) NONCONFORMING LOTS OF RECORD IN RESIDENTIAL DISTRICTS

(1) If an existing lot of record in a residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:

a) The building shall not be enlarged in floor area unless the enlarged section complies with all regulations of this code, with the exception of the lot area and the lot width regulations.

b) The number of dwelling units shall not be increased unless in conformance with this code.

(2) In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record after the effective of this code provided the buildings comply with the following:

a) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.

b) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

c) Notwithstanding the above provision, any construction proposed on an existing lot of record that is a panhandle lot which results in a proposed dwelling unit being constructed behind an existing dwelling shall be reviewed by the BZA. The BZA shall review the placement of the building on the lot and may require screening to protect the privacy of the existing dwelling unit.

(B) NONCONFORMING LOTS OF RECORD IN NONRESIDENTIAL DISTRICTS

In any nonresidential district, a use that is permitted in the applicable district, and its customary accessory uses, may be erected on a vacant single vacant lot of record provided the buildings comply with the following:

(1) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.

(2) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

(3) In no case shall a nonresidential use on a nonconforming lot of record be exempt from the provisions of Chapter 1212: Landscaping and Buffering Standards.

1207.08 Nonconforming Signs

See Section1214.15: Nonconforming Signs, for the regulation of nonconforming signs.

1207.09 Repair and Maintenance

(A) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this article.

(B) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

Chapter 1208: Subdivision Design Standards

1208.01 Purpose

The purpose of this chapter is to protect and provide for the public health, safety, morals, and general welfare of the City and its people, and specifically to achieve the following purposes:

(A) To implement the Comprehensive Plan;

(B) To establish standard requirements, conditions, and procedures for the design and review of subdivisions;

(C) To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;

(D) To encourage the wise use and management of land and natural resources throughout the City;

(E) To ensure that adequate public infrastructure, facilities and services are available concurrent with development;

(F) To require applicants to furnish land, install infrastructure, pay fees, and establish mitigative measures to ensure that development provides its fair share of capital facilities;

(G) To encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;

(H) To prevent problems associated with inappropriately subdivided lands, including excess subdivision, partial or incomplete subdivision, or scattered subdivision;

(I) To assure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community; and

(J) To provide adequate utility systems to support the future needs of the system.

1208.02 Basic Subdivision Regulations

(A) **ZONING COMPLIANCE INSPECTION**

The Code Enforcement Officer shall not give final approval on the zoning compliance inspection for the occupancy of any building, structure or improvement to land or any lot within a subdivision that has been approved for platting or replatting, unless all subdivision plans have been approved, the final plat recorded, the zoning requirements met, and the performance bond posted to guarantee installation of all the required improvements.

(B) **CONSTRUCTION DRAWINGS AND SPECIFICATIONS**

(1) The construction plans shall be prepared by or under the immediate direction of a registered professional engineer, registered in the State of Ohio, and shall be complete, showing all improvements, including storm and sanitary sewers, culverts, water and gas mains, with typical cross-sections of streets, profiles and any necessary special details.

(2) The plans shall in every way equal or exceed the standards as adopted by the City for subdivision improvements.

(3) The plans, when submitted to the City Engineer for review, shall be accompanied with a map showing division of drainage runoff areas and a complete set of storm water calculations determining pipe or ditch channel sizes and detention/retention volumes and routing.

(4) In the preparation of construction or improvement plans, every reasonable effort shall be made to avoid placing utility, storm and sanitary sewer pipe lines (but not including service connections which must necessarily cross the streets) under pavements or curbs.

(5) It shall be the duty of the owner, his agent or engineer to consult with public service and utility companies as to location of all underground conduits, pipe lines, cable and telephone conduit, overhead poles, street lights, wires, etc., and to provide necessary easements for such facilities on the final plat.

(C) As-Built Drawings

The applicant or his engineer shall file with the Public Works Department copies of the "as-built" drawings, corrected to show exact location, grades and necessary elevations and other pertinent data, for all structures or facilities installed under the surface of the ground, including all water and sewer mains and service connections per Section 1208.09: Utilities and Underground Facilities.

(D) Conformance

(1) The applicant shall conform to the principles and standards of land subdivision described in the following sections in the design of each subdivision or portion thereof which has not been officially recorded in the office of the applicable county's recorders office, on or before the date of the enactment of this code, unless a variance, waiver or alternative equivalent compliance is approved in accordance with the provisions in Chapter 1202: Administrative Roles and Authority.

(2) Utility and street improvements shall be provided by the applicant in each new subdivision in accordance with the standards and requirements described in the following sections. All item numbers (e.g. Item 608) that appear below refer to the Ohio Department of Transportation's Construction and Material Specifications, latest edition, unless specifically noted as otherwise.

(E) Energy Conservation Design

Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with the following:

(1) Where feasible, lots shall be largely oriented in an east-west direction.

(2) Proposed lots shall be designed, where feasible, to provide building sites that permit the orientation of structures in east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.

1208.03 General Design Standards

(A) Monuments and Markers

(1) Permanent monuments shall be set at locations required by the City Engineer and the Code Enforcement Officer.

(2) Monuments similar and equal to those required by the Ohio Department of Transportation shall be provided and installed by the applicant.

(3) Markers shall consist of galvanized steel, iron pipe, or steel bars at least 24 inches in length and 5/8-inch in outside diameter.

(4) Monuments and markers shall be provided by the applicant and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

(B) STREET LIGHTING

(1) Provisions shall be made by the applicant for the adequate installation of the lighting of public streets within the subdivision. The proposed street lights shall fully meet all standards and requirements of the City as listed on file in the Public Works Department.

(2) Street lights shall be served by underground wiring.

(3) Decorative street light fixtures shall be chosen from a list of fixtures approved and on file in the Development Department. Upon a detailed request by the applicant, the City Engineer or Code Enforcement Officer may approve street light fixtures not on file with the City on a case-by-case basis. A plan for street lights shall be reflected on and made a part of the construction drawings. All street lights shall be maintained by the power company unless private maintenance is permanently provided as guaranteed by a legally recorded document submitted to and approved by the City Engineer.

(C) STREET NAMES AND SIGNS

(1) Appropriate street signs and names as specified by the City shall be installed by the applicant at all street intersections. The timing of the sign installations shall be directed by the City.

(2) Street signs shall be of the same material, design and color as other street signs in the City unless otherwise permitted by the City Engineer.

(3) Street signs and names shall not be duplicated nor closely approximate any existing street name in the City, except the extension of an existing street.

(4) If duplicate names of streets are found to exist during an annexation process, the renaming of one or both of the streets shall be addressed during the annexation process.

(D) SUBDIVISION NAMES

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or county. The city shall have final authority to designate the name of the subdivision.

(E) PUBLIC USE AREAS

(1) Where sites for parks, schools, playgrounds or other public use areas are located within the subdivision area, the applicant shall be required to designate such areas on the final plat. Within one year after the approval of the final plat, the applicant shall dedicate the land to the City or the applicable authority, or if there is a failure to do so, the City or the applicable authority may commence proceedings to acquire it.

(2) If the City acquires or maintains the public use area due to the failure of the applicant to dedicate the property or where the applicant or homeowners' association becomes defunct, any costs for the maintenance of the subject property shall be billed to the benefiting property owners with the subdivision.

(3) If the City or applicable authority does not acquire and/or accept the public use area, the designated property may only be used for purposes approved by the Planning Commission.

(F) PRIVATELY DEVELOPED FACILITIES

No applicant for a major or minor subdivision shall lay out any private road, street, highway, lane or boulevard, unless the proposed road, street, highway, lane or boulevard is built in compliance with the standards of design and construction applicable to public streets. Where the subdivision is to contain sewers, sewage treatment facilities, water supply systems, park areas or other physical facilities which will not be maintained by existing public agencies, the same shall be designed and built according to the City's, or where applicable, the county's prevailing design standards.

(G) DEBRIS AND WASTE

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(H) TOPOGRAPHY, NATURAL VEGETATION, AND FLOODING

(1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.

(2) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

(3) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.

(4) The subdivision shall be designed to ensure the protection of any floodplain or floodway areas as defined by FEMA.

1208.04 Lot and Block Design Standards

(A) LOTS

(1) All lots shall abut on a dedicated street of right-of-way.

(2) Side lots lines shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but points or very irregular lots shall be avoided. For hillside areas, side lines of lots shall be located as to provide the most suitable building site.

(3) Minimum lot areas, widths and building setback lines shall be as provided in this code for the district in which the subdivision is located. In cases where a water main supply system or a sanitary sewer system is not available, the minimum lot area shall be established by the applicable county's board of health, the Ohio EPA, or the Ohio Department of Health, as applicable, to accommodate a private water supply or sewage disposal system. In such cases, the minimum lot area may be larger than that established in this code.

(4) Typically, panhandle lots, double frontage lots, or triple frontage lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section 1204.05(A)(4): Setbacks and Yards.

(5) However, panhandle, double frontage lots, or triple frontage lots may be approved by the Code Enforcement Officer during minor subdivision if necessitated by unique features.

(B) Blocks

(1) Blocks shall not normally exceed 1,250 feet in length, unless unusual circumstances justify greater length.

(2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way.

(3) No other specific rule is made concerning the shape of blocks, but blocks shall fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.

(4) Within blocks of over 700 feet in length, the Planning Commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping centers, etc.

1208.05 Streets

(A) General Street Requirements

(1) Streets shall be completed in accordance with the plans, profiles, specifications, and cross-sections prepared for the applicant by a registered professional engineer in accordance with sheets one through four of the standard drawings unless a variance, waiver or alternative equivalent compliance is approved in accordance with the provisions in Chapter 1203: Development Review Procedures.

(2) The streets shall be graded, surfaced, and improved to the dimensions required by this code. All streets shall be graded the full width of the right-of-way. Grading for street improvements shall not create soil slopes exceeding a vertical rise of one foot for each three feet of horizontal distance unless otherwise recommended and approved by the City Engineer and Planning Commission.

(3) Gated communities shall only be permitted as part of an approved planned unit development.

(4) Street Layout

a) The street layout shall provide access to all lots and parcels of land within the subdivision.

b) New subdivisions shall be based on a grid or modified grid system to the maximum extent feasible.

c) Local or marginal streets shall be designed by pattern and layout so as to discourage through traffic unless otherwise shown in the thoroughfare plan, applicable county plan, and or Comprehensive Plan, as determined by the City Engineer.

d) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

e) Proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic with adjacent existing or future subdivisions or developed areas.

(5) Street Dedications

A street that is not constructed to city standards will not be accepted by the City for dedication as a public street.

(6) Access

a) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two or more major thoroughfares.

b) Access control at major thoroughfares shall be taken into consideration in the design of the subdivision plat. The city or ODOT has the right to define access along major thoroughfares as shown in the thoroughfare plan, applicable county plan, and or Comprehensive Plan, as determined by the City Engineer.

c) Whenever the subdivision contains or is adjacent to a railroad right-of-way, or a highway designated as a limited access highway by the appropriate highway authorities, provision shall be made for either a marginal access street or a parallel street at a distance adequate to permit use of adjoining land.

d) The city's access management regulations are established in Section 1211.05: Access Management Regulations.

(B) DEAD-END STREETS, STUB STREETS, AND CUL-DE-SAC STREETS (PERMANENT AND TEMPORARY)

(1) Dead-end streets shall be prohibited, except as stub streets.

(2) Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Barricades shall be installed at the end of stub streets and signage may be provided indicating a future street connection. Stub streets shall not exceed 150 feet in length. Where required by the City Engineer, a temporary connection to another street, or a temporary turnaround, shall be provided by the applicant.

(3) Where a stub street has two or more lots fronting thereon ends at a subdivision line for future extension, it shall be provided with a temporary paved turnaround until such extension is completed. The size of the turn-around shall not be less than 60 feet in diameter.

(4) Permanent cul-de-sac streets are discouraged and should only be used where necessary due to topography, configuration of land, existing road layouts or other special circumstances. All cul-de-sacs shall have a pavement width of 86 feet in diameter and circular right-of-way width of 100 feet. Cul-de-sacs shall not exceed 700 feet in length as measured from the centerline of the nearest intersection to the center point of the cul-de-sac.

(5) No parking shall be permitted in a cul-de-sac terminus. The developer shall be required to place "No Parking" signs at the beginning radius, center and ending radius of the cul-de-sac with signs approved by the Ohio Manual of Uniform Traffic Control Devices.

(C) STREET INTERSECTIONS

(1) All street intersections shall be a 90-degree angle of intersection unless special conditions warrant consideration and approval of other design.

(2) At all street intersections, the roadway turning radii shall be adequate to allow all motor vehicles, trucks, and emergency vehicles adequate room to turn into a development in a single movement.

(3) At street intersections, the right-of-way line shall be rounded by an arc, the minimum radius of which shall be 20 feet. Street curb intersection shall be rounded by radii of at least 30 feet.

(4) Street jogs at intersections of less than 125 feet shall be avoided.

(5) Intersection of more than two streets at one point are prohibited.

(D) STREET DESIGN STANDARDS

(1) Materials

a) The surface of all streets shall be of Portland cement concrete or asphaltic cement. All streets shall be constructed in accordance with design characteristics at least equal to the minimum requirements of the City.

b) The City Engineer may require the use of heavy-duty asphalt pavement and/or special consideration of sub-grade construction in locations where large volumes of vehicles or heavyweight vehicles and truck traffic are anticipated.

c) Prior to the construction of street pavements, adequate surface and any necessary subsurface facilities shall be installed by the applicant.

d) Pavements shall be installed with curb and gutter as shown in sheets one through four of the standard drawings. An equivalent concrete section may be considered for industrial and collector streets.

(2) Street Cross-Sections

a) Wherever a dedicated or platted portion of a street or alley exists within the proposed subdivision, the street or alley shall be platted to the prescribed width within the proposed subdivision unless such use is vacated.

b) Widths of interstate highways, major and minor arterials, collector and local street rights-of-way shall conform to the widths specified in Table 1208-1: Street Cross-Section Standards. These widths may be increased or decreased or varied in unusual circumstances by the Planning Commission as recommended by the City Engineer.

i) Additional right-of-way may be required by the City Engineer to accommodate adjacent storm water runoff and drainage.

ii) Pavement width shall be measured from back of curb to back of curb.

TABLE 1208-1: STREET CROSS-SECTION STANDARDS

STREET TYPE	MINIMUM RIGHT-OF-WAY (FEET)	MINIMUM PAVEMENT WIDTH (FEET)	PARKING (FEET)
Interstate Highways	*	*	No parking either side
Major Arterials	80	40	No parking either side
Minor Arterials	70	40	No parking either side
Collector Streets	60	28	No parking either side
Local and Marginal Streets	50	28	Parking to be determined by City Engineer
* Determined by State and Federal agencies			

c) The minimum right-of-way of local streets, including marginal access streets and cul-de-sacs, shall be 50 feet.

d) Subdivisions that include, or border on, existing streets that do not conform to the required widths shall dedicate additional width along either or both sides of such street. The half width of all rights-of-way abutting the proposed subdivision shall be brought to city standards.

e) Alleys shall be permitted in commercial and industrial areas where needed for loading and unloading or access purposes where required. Alleys may only be permitted in residential subdivisions or developments when the proposed subdivision or development is located adjacent to the downtown area, as determined by Planning Commission, or in a mixed-use PUD. Alleys shall be at least 20 feet in width and shall be fully paved.

f) Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the City Engineer.

(3) Visibility and Curvature

a) Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the centerlines as established in Table 1208-2: Visibility and Curvature.

b) Horizontal curvature measured along the center line shall have a minimum radius as established in Table 1208-2: Visibility and Curvature.

c) These requirements may only be reduced where topographic or other conditions warrant, with approval of a variance or waiver is approved in accordance with the provisions in Chapter 1203: Development Review Procedures.

TABLE 1208-2: VISIBILITY AND CURVATURE

STREET TYPE	HORIZONTAL AND VERTICAL VISIBILITY	MINIMUM HORIZONTAL CURVATURE
Major and Minor Arterials	500 Feet	500 Feet
Collector Streets	300 Feet	300 Feet
Local and Marginal Streets	100 Feet	150 Feet

d) All changes in grades shall be connected by vertical curves of sufficient radii to provide smooth transitions and required sight distances.

e) Between reverse curves on major arterial streets there shall be a tangent of not less than 100 feet, and on collector and local streets such tangent shall be not less than 40 feet. For hillside areas between reverse curves on major arterial streets there shall be a tangent of not less than 50 feet, and on collector streets such tangents shall not be less than 20 feet.

(4) Maximum Grade

a) The maximum grades for streets shall not be greater than those established in Table 1208-3: Maximum Grade.

TABLE 1208-3: MAXIMUM GRADE

STREET TYPE	MAXIMUM GRADE
Major Arterials	4 Percent
Minor Arterials	7 Percent
Collector Streets	7 Percent
Local and Marginal Streets	10 Percent
Pedestrian ways or Crosswalks	12 Percent

b) The minimum grade of any street gutter shall not be less than 0.5%.

(5) Parkways and Special Street Types

Where parkways or special types of streets are involved, the City Engineer may apply special standards to be followed in the design of such parkways or streets.

(E) CURBS AND GUTTERS

(1) Concrete curb and gutter shall be provided along the outside edge of all street pavements, except in A-1, L-1 and H-1 Districts where curb and gutter requirements may be modified with approval of a variance or waiver is approved in accordance with the provisions in Chapter 1203: Development Review Procedures.

(2) Curbs and gutters shall be installed by the applicant in compliance with the specifications of the City. Curb construction shall be roll-type curbs on all collector and local streets. Straight curbs shall be required along arterial road pavements, unless modified with approval of a variance or waiver is approved in accordance with the provisions in Chapter 1203: Development Review Procedures.

(3) Curbs shall be concrete and designed and constructed in accordance with the standards established by the Public Works Department.

1208.06 Street Trees

Street trees shall be planted in accordance with Section 1212.06: Street Tree Requirements.

1208.07 Sidewalks

(A) Sidewalks shall be required to be installed on both sides of all residential subdivision streets and all subdivisions in the C-1, C-2, C-3, and C-4 district. Sidewalks shall be required along all portions of a parcel that fronts a public or private street for a new development that requires site plan approval. Sidewalks shall not be required in the Agricultural zoning district. The Planning Commission may waive the requirement for sidewalks on one side of the street in the L-1, H-1, and B-P districts or in any district when safety or connectivity issues are present (i.e. along State Route 63).

(B) The minimum width of a sidewalk shall be five feet.

(C) All sidewalks shall be constructed of concrete, shall meet the specifications set forth in the standards established by the Public Works Department, and shall be given a reasonably smooth float finish.

(D) Where site features prevent the construction of a sidewalk on both sides of the street, the owner or developer may request a variance in accordance with Section 1203.05(P): Variance of Subdivision Design and Improvement Standards.

(E) Subdivisions that abut existing arterials shall provide sidewalks along the arterial for the full distance of the development, unless a variance is granted in accordance with Section 1203.05(P): Variance of Subdivision Design and Improvement Standards.

1208.08 Easements

(A) Easements shall be provided for utilities. Such easements shall have a minimum width of 20 feet, unless otherwise approved by the City Engineer, and where located along interior lot lines, one-half the width shall be taken from each lot.

(B) Before determining the location of the easements, the improvement plan shall be discussed with the local utility companies to assure the proper placing for the installation of services. Slope easements shall be provided when required by the City Engineer.

(C) Easements of adequate width shall be provided for all streams and drainage channels, as determined by the City Engineer.

(D) All underground public utility lines, wires, cables, conduits, vaults, laterals, pipes, mains, valves and other similar distributing equipment shall be placed within easements or dedicated public ways in such a manner so as not to conflict with any other underground service previously installed.

1208.09 Utilities and Underground Facilities

(A) General Requirements for Utilities and Underground Facilities

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

(2) In industrial subdivisions where the electric power provider advises the City that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, cable, and telephone lines may be installed overhead along rear lot lines with the approval by the City Engineer. Should the City Engineer approve an overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers.

(3) Where cable and television service or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.

(4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place and subject to approval by the City Engineer.

(5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping Drains to Stream", or similar, cast into the grate.

(B) Large Scale Utility Structures

Any utility cabinet or structure that is larger than four square feet on any face, other than a principal building, shall be subject to the following requirements:

(1) The utility structure shall be located to the rear or side of lots to the maximum extent feasible.

(2) If the applicant demonstrates to the Planning Commission that the utility structure can only be located in a front yard, the structure shall be landscaped in a manner that will allow access to the unit but otherwise buffer the view of the structure. The applicant shall be required to provide a landscaping plan as part of the installation of such structure, regardless if the utility is exempt from zoning.

(3) Utility structures in the industrial zoning districts shall not be subject to this screening requirement.

(C) Sewage Disposal

(1) Where a public sanitary sewer main is reasonably accessible, in the judgment of the City Engineer, the applicable county's water and sewer departments, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot.

(2) Where a public sanitary sewer main is not reasonably accessible, in the opinion of the City Engineer, the applicable county's water and sewer departments, proper provisions shall be made for the disposal of sanitary wastes.

(3) The applicant shall furnish the City Engineer a complete set of plans and profiles as approved by the various authorities having jurisdiction and shall provide proof of approval by the applicable county's water and sewer departments.

(4) Sanitary sewers shall be constructed in accordance with the standard plans and specifications for sanitary sewers as prepared and adopted by the applicable county's sanitary engineer.

(5) In general, sewerage works and facilities shall be designed in accordance with State Health Department requirements, and all rules and regulations of the applicable county's sanitary engineer, and will be subject to State EPA approval.

(D) WATER SUPPLY

(1) Water mains, service connections and appurtenances shall meet the requirements set forth in "Operation and Regulations of the City of Monroe Water Distribution System," passed by City Council and effective on July 21, 1983, or subsequent amendments.

(2) The developer shall install or cause to be installed a water system for the subdivision by one of the following methods:

a) Public System

i) A complete water main system which shall be connected to a public or other community water supply shall meet the requirements of the State of Ohio or other government authority having jurisdiction, and shall be approved by the City Engineer.

ii) The plans for the complete installation shall show size, location, depth, material and all connections thereto, including fire hydrants and valves.

iii) In all instances, fire hydrants shall be spaced a maximum of 400 feet apart and shall comply with Section 1209.02: Fire Hydrant Location.

iv) No water main shall be less than eight inches in diameter with smaller mains being permitted with the approval of the City Engineer. Larger mains will be required where determined necessary by the City Engineer.

v) A water main shall be required to extend across the complete frontage of the subdivision to facilitate future development.

b) Individual Supply

i) If the developer submits proper evidence to the City Engineer that no other form of water supply is possible or economically feasible, then the City Engineer shall permit an individual water supply on each lot in the subdivision, subject to compliance with all recommended design standards of the applicable county's health department and the State of Ohio.

ii) Such individual systems are not encouraged by the City.

(E) STORM DRAINAGE

The specific requirements for storm drainage shall be as established in a separate Comprehensive Storm Water Management Design Standards document maintained by the Public Works Department outside of this code.

1208.10 Green Infrastructure

(A) GREEN INFRASTRUCTURE TECHNIQUES

(1) The city encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.

(2) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the City Engineer:

a) Narrower pavement widths;

b) Narrower right-of-way widths;

c) Grassy swales and shoulders without curb and gutter;

d) Pedestrian walkways that do not constitute the sidewalks required by Section 1208.07: Sidewalks;

e) Permeable pavements (e.g., pavers, permeable concrete, permeable asphalt pavement);

f) Bioretention swales;

g) Planter boxes;

h) Curb extensions; or

i) Other techniques if the applicant submits documentation that the proposed green infrastructure technique will equal or exceed the function of traditional infrastructure techniques.

(B) CRITERIA FOR GREEN INFRASTRUCTURE WAIVERS

The City Engineer may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

(1) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the City;

(2) The techniques are consistent with best management practices; and

(3) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to the public safety.

1208.11 Certification Forms for Plat Recording

A final plat shall not be entitled to recording until such certificates, as required by law, shall be lettered or printed on the final plat.

(A) DEED OF DEDICATION

Each final plat submitted to the City for approval shall carry a deed of dedication in substantially the following form:

DEED OF DEDICATION

We, the undersigned _____(name)_____, owners of the real estate shown and prescribed herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance this plat.

This subdivision shall be known and designated as _____(name)_____, an addition to _____(name)_____. All streets, alleys, parks and other public lands shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structures unless otherwise expressly permitted by this code.

Witness our Hands and Seals this _____day of _____(Month)_____, (Year)
State of Ohio)
County of Butler or)
County of Warren)
City of Monroe)

Before me, the undersigned Notary Public, in and for the City, County, and State, personally appeared ___(name)___, _____(name)_____, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed; for the purposes therein expressed.

Witness my hand and Notarial Seal this _____day of _____(Month)_____, (Year)

Notary Public _____

(B) SURVEY CERTIFICATION

Each final plat submitted to the City for approval shall carry a certificate signed by a registered professional engineer or land surveyor in substantially the following form:

SURVEY CERTIFICATION

APPROVED
LAND SURVEYOR
(OR PROFESSIONAL ENGINEER)
OF THE STATE OF OHIO

I, _____(name)_____, hereby certify that I am a professional engineer (or a registered land surveyor), licensed in compliance with the laws of the State of Ohio;

That this plat correctly represents a survey completed by me on _____(date)_____; that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown,

(SEAL)
Land Surveyor (or Professional Engineer)

(C) APPROVAL OF CODE ENFORCEMENT OFFICER

Each final plat submitted to the City for approval shall carry a certificate to be signed by the Code Enforcement Officer in substantially the following form:

CODE ENFORCEMENT OFFICER APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
Code Enforcement Officer of the City of Monroe, Ohio

(D) APPROVAL OF CITY ENGINEER

Each final plat submitted to the City for approval shall carry a certificate to be signed by the City Engineer in substantially the following form:

CITY ENGINEER APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
City Engineer of the City of Monroe, Ohio

(E) APPROVAL OF PLANNING COMMISSION

Each final plat submitted to the City for approval shall carry a certificate to be signed by the secretary of the Planning Commission in substantially the following form:

PLANNING COMMISSION APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
Secretary of the Planning Commission of Monroe, Ohio

(F) COUNCIL CERTIFICATION

Each final plat submitted to the City shall carry a certificate to be signed by the City Clerk in substantially the following form:

CITY COUNCIL APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
City Clerk of the City of Monroe, Ohio

(G) APPROVAL OF BUTLER OR WARREN COUNTY SANITARY ENGINEER

Each final plat submitted to the City for approval shall carry a certificate to be signed by the applicable county's sanitary engineer, as applicable, in substantially the following form:

_____COUNTY SANITARY ENGINEER APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
(Butler or Warren) County Sanitary Engineer

(H) COUNTY HEALTH APPROVAL

(1) Each final plat submitted to the City for approval shall carry a certificate to be signed by the appropriate official of the applicable County Health Department in substantially the following form:

COUNTY HEALTH DEPARTMENT APPROVAL

APPROVED

Approved on this _____day of _____(Month)_____, (Year)

(SIGNATURE)
County Health Department Representative

(2) If septic tanks are involved, certification shall be by the applicable county health department.

(I) DEVELOPER PERFORMANCE BOND

Each final record plat submitted to the City for approval shall be accompanied by a performance bond agreement on a form provided by the City Engineer. The performance bond agreement shall be signed by the applicant. (See Section 1203.05(I): Bonding Requirements.).

Chapter 1209: General Development Standards

1209.01 Purpose

The purpose of this chapter is to protect and provide for the public health, safety, morals, and general welfare of the City and its people through the establishment of standards that apply to all development, regardless if the subject application is for new construction, modifications of existing development, or the subdivision of land.

1209.02 Fire Hydrant Location

(A) Unless otherwise approved by the fire chief or designee, non-accessory buildings shall be constructed within 400 feet of a fire hydrant and located on public or private property accessible to vehicular fire equipment. The distance shall be measured by using hard surfaced roadway capable of supporting 40 pounds per square foot and not less than 15 feet in unobstructed width.

(B) Private hydrants shall not be placed into or removed from service until approved by the Fire Chief or designee and shall be subject to annual inspection by the City.

(C) The flow, location and number of fire hydrants shall be recommended by the Fire Chief and approved by the City Engineer.

(D) Any new construction or reconstruction of a public street consisting of three or more lanes shall include the placement of fire hydrants on both sides of the street at a spacing recommended by the Fire Chief and approved by the City Engineer.

(E) All fire hydrants shall be in compliance with the Ohio Fire Code.

1209.03 Soil Erosion And Sediment Control Standards

(A) The specific requirements for storm drainage shall be as established in a separate Comprehensive Storm Water Management Design Standards document maintained by the Public Works Department outside of this code.

1209.04 Outdoor Lighting Standards

(A) **PURPOSE**

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

(B) **OUTDOOR LIGHTING PLAN**

(1) An outdoor lighting plan, including a photometric plan, shall be required for the installation or modification of exterior lights for any project except single-family and two-family dwellings or as otherwise excepted by the Code Enforcement Officer.

(2) The applicant must provide a plan that identifies the location, height, and type of luminaries to show compliance with this chapter.

(C) OUTDOOR LIGHTING STANDARDS

(1) General Standards

a) The placement of light poles within raised curb planting areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.

b) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect.

c) Outdoor lighting shall not be designed or located in such a way as to shine directly into an adjacent dwelling unit, regardless of the applicable zoning district.

d) In all business and industrial districts, all light fixtures within 20 feet of and adjacent residential lot line shall be a full cutoff light fixture. See Figure 1209-A for an illustration of cutoff and non-cutoff fixtures.

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

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

g) Exterior lighting, both building lighting and site lighting, shall minimize the impact of ambient light on the surrounding community.

h) All fixtures shall be decorative and incorporated into the overall design of the development.

i) In the event a business is to be opened between the hours of 11:00 p.m. and 6:00 a.m., a minimum amount of lighting necessary for security and safety, which shall be identified by the lighting plan, shall be permitted to remain on during those hours.

(2) Height of Lighting

a) The maximum height of a light fixture, either mounted on a pole or on a structure, is established in Table 1209-1: Maximum Height of a Light Fixture.

b) In no case shall a light fixture mounted on a structure be mounted at a height where the fixture will exceed the height of the roofline.

c) Wall pack fixtures on buildings are permitted but shall be restricted to cutoff fixture types to direct the light vertically downward.

TABLE 1209-1: MAXIMUM HEIGHT OF A LIGHT FIXTURE

DISTRICT	MAXIMUM HEIGHT OF NON-CUTOFF LIGHTING (SEE FIGURE 1209-A.)	MAXIMUM HEIGHT OF 90 DEGREE CUTOFF LIGHTING (SEE FIGURE 1209-A.)
All Residential Zoning Districts	8 feet	12 feet [1]
All Business Zoning Districts	8 feet	32 feet

NOTES:
[1] When the bulb, lamp, or light source is completely recessed and/or shielded from view by an observer at five feet above grade, the maximum height may be increased to 15 feet.

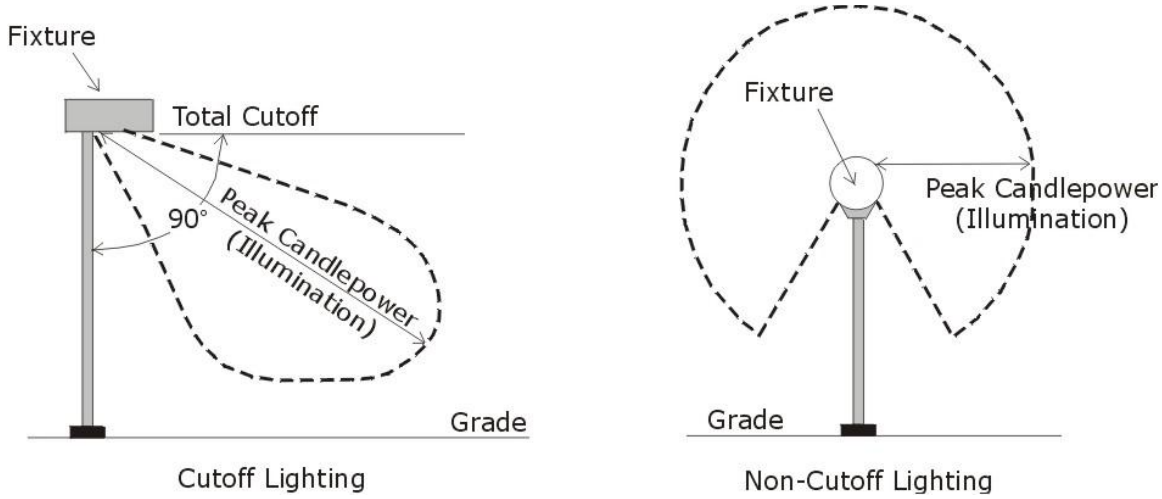


Figure 1209-A: Cutoff and non-cutoff lighting.

(3) Illumination Standards

a) The maximum illumination permitted in each district type, as demonstrated by a photometric drawing, shall be as established in Table 1209-3: Maximum Illumination Level at the Property Line.

b) At a height of five feet above the property line of the subject property, illumination from light fixtures shall not exceed the maximum permitted in a vertical plane on the adjacent property.

c) Illumination is required consistently across the site shall be designed so as not to create dark spots that may create safety issues in such areas as vehicular use areas and connecting pedestrian paths. Lighting shall be maintained so as to achieve not less than eighty (80%) percent of the minimum and average illumination levels. Specific illumination use standards are required as established in Table 1209-2: Minimum Illumination Standards.

TABLE 1209-2: MINIMUM ILLUMINATION STANDARDS

USE	MINIMUM ILLUMINATION (FOOTCANDLES)*
Parking Areas and Access Drives	0.3
Loading and Unloading Areas	0.4
Walkways	0.2
Building/Development Entrances - Frequent Use	1.0
Building/Development Entrances – Infrequent Use	0.2
*The minimum light measured in footcandles at the point of least illumination when measured at ground level	

d) Non-cutoff lighting in business districts may only be used for decorative purposes adjacent to the building.

e) Lighting located under canopies shall be mounted flush with or recessed within the canopy ceiling.

TABLE 1209-3: MAXIMUM ILLUMINATION LEVEL AT THE PROPERTY LINE	
DISTRICT	MAXIMUM ILLUMINATION AT THE PROPERTY LINE (FOOTCANDLES)
All Residential Zoning Districts	0.5
All Business Zoning Districts	0.5 when adjacent to a residential use or 2.5 when adjacent to lot in another commercial or industrial zoning district

(D) NONCONFORMING OUTDOOR LIGHTING

(1) The nonconforming use of lighting may continue until the luminaire (total fixture, not just the bulb) is replaced, at which point, the lighting shall be subject to all the standards of this subsection with the exception of the maximum height.

(2) When a nonconforming lighting fixture, including the pole or support, is removed, the lighting fixture shall lose its legal nonconforming status and all new lighting shall be subject to all standards of this chapter.

(E) EXEMPTIONS

(1) The following uses are exempt from the provisions of this section:

a) Roadway lighting required by the appropriate public agency for health, safety, and welfare purposes.

b) Holiday lighting fixtures not to exceed 60 calendar days within any 6 month period.

c) Upward-directed architectural, landscaping, and decorative lighting provided direct light emissions are not intended to be visible above the building line roof.

d) Light fixtures used to illuminate flags, statues, and any other objects mounted on a pole, pedestal, or platform provided that provided they are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.

e) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.

f) All temporary emergency lighting needed by the police, fire department, other emergency services, and public service vehicles.

g) Lighting required by the Federal Aviation Administration or any other federal regulatory authority.

(F) PROHIBITED LIGHTS

(1) Search lights, beacons, laser source lights, or any similar high-intensity or flashing light shall be prohibited, except in emergencies by police, fire, or public works departments.

(G) MAINTENANCE

(1) All light fixtures shall be kept in good repair. Maintenance includes, but is not limited to, replacing non-working bulbs, repainting any worn or chipping paint, repairing broken or malfunctioning fixtures and similar structures.

Chapter 1210: Architectural Standards

1210.01 Purpose

The purpose of this chapter is to encourage development that contributes to the City of Monroe's unique sense of place, reflecting the community's physical character and adding to it in appropriate ways. The architectural design of multi-family dwellings and nonresidential development, particularly large-scale developments, determines much of the character and attractiveness along the thoroughfares of the City, and the gateways to the community.

1210.02 Applicability

All buildings shall be subject to the standards of this chapter including principal buildings and accessory buildings.

1210.03 Architectural Standards for Single-Family Dwellings in the R-1 District

The standards of this section apply to all single-family dwellings and accessory buildings in the R-1 district.

(A) ARCHITECTURAL STANDARDS FOR NEW CONSTRUCTION

(1) New single-family dwelling may be constructed to meet the architectural standards for new dwellings in other residential districts (See Section 1210.04(A): Architectural Standards for New Construction.); or

(2) A new single-family dwelling may be constructed of building materials that are the primary building material on other single-family dwellings along the same block face.

(3) If the existing, individual buildings along the same block face contain a mixture of building materials, the new construction should contain materials that reflect the predominant materials or better materials along the same block face as determined by the Code Enforcement Officer.

(4) No principal dwelling shall be constructed which is more than 20 percent taller or 20 percent shorter than the average height of principal dwellings along the block face. In no case shall the height of a dwelling exceed the maximum height of buildings as allowed in the applicable zoning district.

(5) No principal dwelling shall be constructed where the front facade is more than 20 percent wider or 20 percent narrower than the average width of principal dwellings along the block face.

(6) The roof type shall generally reflect the predominant roof types of the buildings along the same block face (e.g., the building should not have a flat roof where the predominant roof type is a gable).

(7) An applicant shall be responsible for providing date-stamped photographs of all single-family dwellings along the block face as part of their development review application.

(B) ARCHITECTURAL STANDARDS FOR ACCESSORY USES

New accessory buildings shall be constructed of materials similar to the materials used on the principal dwelling or may, in all cases, be constructed of brick, stone, cultured stone, cement siding, wood, stucco and synthetic stucco materials, or other materials on the relevant list of approved building materials approved by the Planning Commission and maintained by the Development Department. Decks, gazebos, pergolas, and similar structures must be constructed from materials that are complementary to the principle structure.

(C) ARCHITECTURAL STANDARDS FOR EXPANSIONS AND ALTERATIONS

Where a principal building or accessory building will be expanded or altered, the expansion or alteration shall meet the following standards for materials:

(1) The expansion or alteration shall be constructed of materials and proportions similar to the façade that is being extended or altered (i.e., if the side façade of a dwelling is constructed of brick and will be extended or altered, the expanded or altered area shall also be constructed of brick).

(2) In all cases, an expansion or alteration may be constructed of materials on the list of approved building materials approved by the Planning Commission and maintained by the Development Department.

(3) Where an existing building is constructed with brick, stone, cultured stone, cement siding, wood, stucco or synthetic stucco material, such materials shall not be removed and replaced with vinyl or aluminum siding. The siding may only be replaced with the same material or materials on the list of approved building materials approved by the Planning Commission and maintained by the Development Department.

(4) Majority glass and similar materials (excluding glass block siding) may be used in building expansions to the rear or side of the existing building.

1210.04 Architectural Standards for Residential Uses

The standards of this section apply to all single-family and two-family residential buildings and accessory buildings except for single-family dwellings in the R-1 district that are subject to Section 1210.03: Architectural Standards for Single-Family Dwellings in the R-1 District.

(A) Architectural Standards for New Construction

(1) The entire exterior of all wall areas (front, rear, sides), including gas fireplace insert cantilevers, gables, overhangs, kitchen and other bays, and other types of protrusions, of each dwelling shall be constructed of the materials on the list of approved building materials approved by the Planning Commission and maintained by the Development Department. Vinyl siding of any type shall be prohibited.

(2) Exceptions to the above requirement include:

a) When the development or subdivision is subject to previously approved development agreements that identify alternative building material requirements; or

b) When portions of a façade are difficult to cover in the approved materials due to locational difficulties or serve strictly as trim, as determined by the Code Enforcement Officer, any building material may be utilized, as determined by the Code Enforcement Officer. See Figure 1210-A and Figure 1210-B for illustrative examples of the acceptable and unacceptable use of vinyl.

Figure 1210-A: Two images of the acceptable use of vinyl as trim in circled areas

Figure 1210-B: Unacceptable use of vinyl in circled areas.

(3) All siding shall be either horizontal or vertical in placement.

(4) A minimum overhang length of twelve inches shall be provided over all faces of the exterior walls of a dwelling.

(5) Flat overhead garage doors are prohibited. All garage doors shall be raised panel doors or have some type of relief feature in their construction so as to not appear as a completely flat surface.

(6) All potential below grade living areas shall be constructed with poured concrete walls.

(7) All dwellings shall be constructed using a minimum 5/12 pitched roof design including the roof area located over the garage. The roof area located over the porch and entrance portions of the dwelling may be constructed using a minimum 4/12 pitch design.

(8) Existing Structure Building Additions

Any expansion or addition of a building that existed at the effective date of this code shall be subject to the standards of Section 1210.03(C): Architectural Standards for Expansions and Alterations.

(B) ARCHITECTURAL STANDARDS FOR MULTI-FAMILY DWELLINGS

(1) Applicability

The standards of this subsection shall apply to all structures that contain three or more dwelling units.

(2) General Standards

All dwellings shall be subject to the same architectural standards of Section 1210.04(A): Architectural Standards for New Construction, in addition to the other standards established in this section and below.

(3) Design of Façades

a) A minimum of 75% of the front façade and 50% of all other facades shall be constructed of brick or stone in combination with wood or other natural material. Vinyl siding is prohibited.

b) Front facades shall incorporate variation in mass through one or more of the following methods every 30 feet of façade frontage:

- **i)** Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
- **ii)** Bay windows;
- **iii)** Façade color changes;
- **iv)** Use of pilasters, columns, or other detailing to articulate the facades; or
- **v)** Roofline changes when coupled with correspondingly aligned façade material changes.

c) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:

- **i)** One or more dormer windows or cupolas;
- **ii)** A recessed entrance;
- **iii)** A covered porch;
- **iv)** Pillars, posts, or pilasters;
- **v)** One or more bay windows with a minimum of 12 inch projection from the façade plane;
- **vi)** Eaves with a minimum of six inch projection from the façade plane;
- **vii)** A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
- **viii)** Multiple windows with a minimum of four inch wide trim.

Figure 1210-C: Illustrative example of acceptable architectural design for multi-family dwellings

Figure 1210-D: Illustrative example of unacceptable architectural design for multi-family dwellings

(4) Roof Penetrations and Equipment

To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section 1210.05(C)(5): Mechanical Equipment and Section 1212.09: Landscaping or Screening for Service Structures.

1210.05 Architectural Design Requirements for Nonresidential Buildings

(A) APPLICABILITY

This section shall apply to:

(1) All public and institutional uses in a residential zoning district;

(2) All nonresidential development in a residential zoning district;

(3) All development in the C-1, C-2, C-4, L-1, and B-P Districts; Any development in H-1 district where the property is visible from State Route 63, State Route 4, or Interstate 75; and

(4) Any accessory structure or use.

(B) GENERAL PRINCIPLES

(1) Architectural style is not restricted, but the evaluation of the project's appearance shall be based on the quality of its design and its relationship to the prevailing design characteristics of the surrounding neighborhood.

(2) Supplemental architectural features, such as colonnades, columns, windows, awnings, pilasters, and cornices shall be on all walls that can be viewed from public or private rights-of-way or circulation areas.

(3) Monotony of design in multiple building projects shall be avoided. Variation in detail shall be used to provide visual interest.

(C) REQUIREMENTS FOR ALL NONRESIDENTIAL BUILDINGS

(1) Buildings shall generally be parallel to the street they front, unless an alternate orientation is consistent with existing adjacent development and is approved by the Planning Commission during site plan review (See Section 1203.06 Site Plan Review).

(2) The primary entrances of buildings shall be oriented:

a) Towards a street along the perimeter of the development or towards a public space, if located adjacent to the proposed project; or

b) Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or

c) As approved by the Code Enforcement Officer or the Planning Commission during site plan review (See Section 1203.06 Site Plan Review).

(3) Building Facades

a) Blank building walls visible from public or private streets (including alleys adjacent to residential or mixed use buildings) are prohibited. These requirements shall not apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.

b) Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public roadway, an adjacent building, a waterway (e.g., the Great Miami River) that are not subject to buffering requirements in Section 1212.10: Buffer Requirements, shall incorporate architectural detailing on all facades that is consistent with the front façade and the requirements of the applicable zoning district.

Figure 1210-E: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.

(4) Building Materials

a) The structural frame of a building shall not be exposed to the exterior of a building.

b) A combination of materials, textures, colors, and finishes shall be utilized to create visual interest. Vinyl siding material shall be prohibited.

c) All rooftop equipment shall match the color of the structure or be visually compatible with the structure.

(5) Mechanical Equipment

a) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view.

b) Mechanical equipment such as transformers and HVAC units shall not be located in front yards.

c) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes.

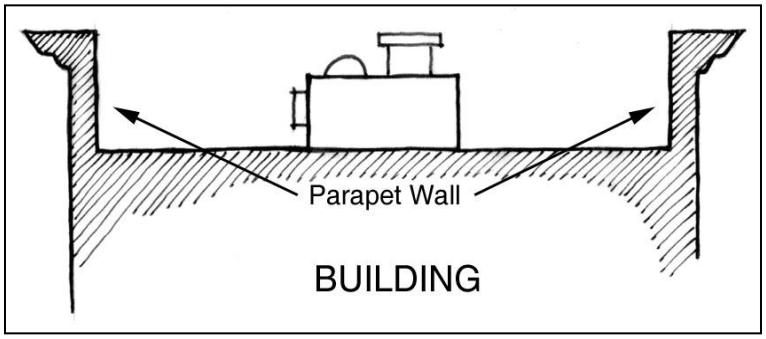


Figure 1210-F: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

d) Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during site plan review (See Section 1203.06 Site Plan Review).

e) The screening of mechanical equipment will be reviewed on a case-by-case basis based upon the following determinations:

i) Site location relative to adjacent properties and public rights-of-way;

ii) Topography of the subject site relative to adjacent properties and public rights-of-way;

iii) Whether the subject screening creates visual inconsistencies with surrounding areas; and

iv) Whether the screening substantially meets the overall intent of these district architectural guidelines.

f) Mechanical equipment is also subject to Section 1212.09 Landscaping or Screening of Service Structures.

(D) ARCHITECTURAL STANDARDS FOR THE C-1, C-2, C-3, C-4, AND B-P DISTRICTS

The following shall apply to all nonresidential buildings or mixed-use buildings in the C-1, C-2, C-3, C-4, and B-P districts unless specifically stated.

(1) Building Design and Mass

a) All architectural elevations of principal buildings shall consist of a base, a body, and a cap (See Figure 1210-G.).

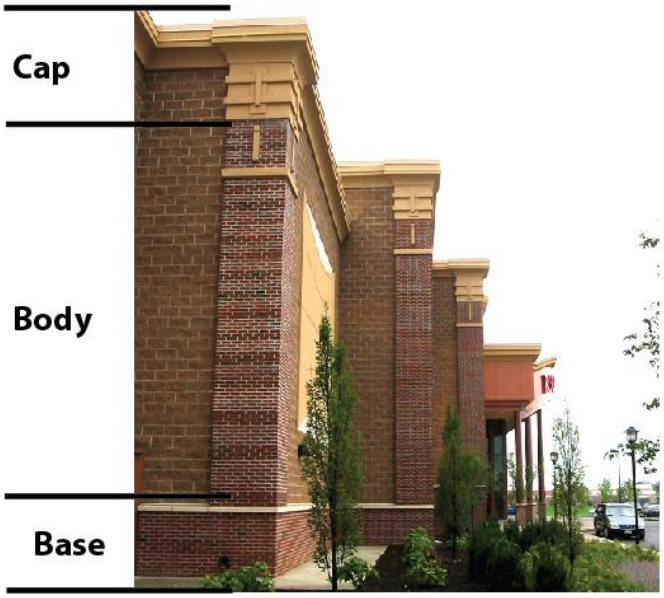


Figure 1210-G: Image of a building with a clear, base, body, and cap.

b) The base shall occupy the lowest portion of the elevation, and shall have a height no less than 8% of the average wall height.

c) The body shall occupy the middle portion of the elevation, and shall have a height no less than 60% of the average wall height.

d) The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than eight percent 8% of the average wall height, not to exceed the height of the base.

e) The cap shall consist of at least one of the following architectural features:

i) A cornice;

ii) A parapet;

iii) An awning;

iv) A canopy; or

v) Eaves.

f) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

(2) Architectural elevations for all new or modified buildings shall include design, massing, materials, shape, and scale that creates a unified design on the premises that is visually compatible with the surrounding buildings. Modified buildings shall include any portion of a building that is significantly expanded or structurally altered.

(3) Exposed metal panels (such as corrugated metal) shall be prohibited in the C-1. C-2, C-3, and C-4 districts. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis.

(4) Façade Massing

a) Offset Required

Facades that are visible from a public street and that are 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 1210-H.

b) Offset Alternative

The following alternatives can be used in place of the required front façade offsets (See Figure 1210-H.):

i) Façade material changes following the same dimensional standards as the offset requirements; or

ii) Pilasters having a minimum depth of one foot, minimum width of one foot, and a minimum height of 80 percent of the facades height

Figure 1210-H: Illustration of façade treatments such as pilasters, projections, and material changes to provide a visual façade offset.

(5) Wall Openings (Doors and Windows)

a) Blank walls, those devoid of openings such as windows and transparent doors, shall be prohibited on the front facade of any building. In no case shall a building have blank walls parallel to a public street or to its tangent, if the street is curved.

b) Building elevations that are visible from a public street should contain windows that occupy at least 25 percent of the total wall surface area. The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.

c) Only 20 percent of the windows that can be seen from all public rights-of-way, excluding alleys, shall be opaque, including spandrel glass.

d) The percent of the wall surface area used for windows that is less than this minimum requirement may be approved during site plan review (See Section 1203.06 Site Plan Review), and/or may be subject to the provisions of Section 1203.10: Alternative Equivalent Compliance, after taking into account the architectural style, general design, arrangement, texture, materials, and color of other structures and premises in the area.

e) Doors and windows should be positioned to create a uniform pattern or visual rhythm along the building elevation.

f) All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes.

g) Doors and windows shall be rectangular in shape and vertical in orientation.

h) The pattern of architectural features, such as windows and doors, shall be placed upon the facade of a building in a pattern that creates a building fenestration that has a constant rhythm, a harmonious appearance, and is proportional to one another and surrounding buildings.

(6) Roof Styles

a) The height of any pitched roof shall not exceed one-half of the overall building height.

b) Roof Line Changes

i) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

ii) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.

Figure 1210-I: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.

c) Flat Roofs

i) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.

ii) Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.

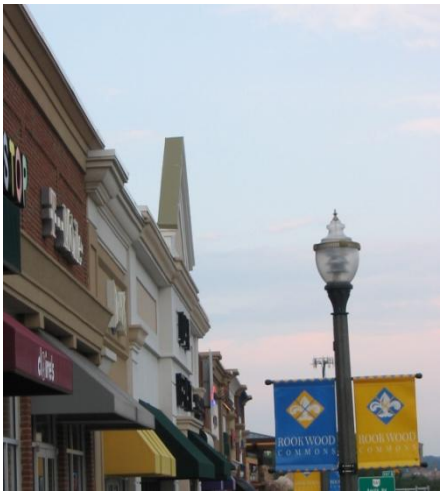


Figure 1210-J: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.

d) Asymmetric or Dynamic Roofs

i) Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.

ii) Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in paragraph 1210.05(D)(6)c) above are met.

iii) Asymmetric or dynamic roof forms are prohibited in the C-3 district.

iv) See Figure 1210-K for examples of buildings with a dynamic or asymmetric roof form.

Figure 1210-K: Examples of dynamic or asymmetric roof lines

(7) Massing of Large-Scale Nonresidential Buildings

This subsection shall apply to any building primarily used for nonresidential uses in the C-1, C-2, C-3, or C-4 districts uses that exceeds 15,000 square feet in gross floor area.

a) Building elevations shall reflect spaces that are either carved out of a mass or multiple masses of varying sizes grouped together. Examples include recesses, arches, courtyards, and both vertical and horizontal offsets.

b) Large scale buildings shall be designed to incorporate architectural elements that will create variety and wall surface relief on wall elevations.

c) To maintain the façade rhythm, building façades that front a street shall incorporate façade variations a minimum of every 50 feet. See Figure 1210-H.

d) Alternatives to using façade variations and reliefs may include:

i) Façade color changes following the same dimensional standards as the offset requirements;

ii) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or

iii) Roofline changes when coupled with correspondingly aligned façade material changes.

e) Buildings shall have clearly-defined, highly visible customer entrances that include no less than three of the following design features (See Figure 1210-L.):

i) Canopies/porticos above the entrance;

ii) Roof overhangs above the entrance;

iii) Entry recesses/projections;

iv) Arcades that are physically integrated with the entrance;

v) Raised corniced parapets above the entrance;

vi) Gabled roof forms or arches above the entrance;

vii) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

viii) Display windows that are directly adjacent to the entrance;

ix) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or

x) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

Figure 1210-L: This large retail center utilized several different design features to articulate the individual facade and customer entrances.

(8) Special Requirements for the C-3 District
The following requirements apply only to the C-3 District.

a) The maximum linear length of an uninterrupted facade plane shall be 35 feet. This shall mean that the building design shall incorporate pilasters, material variations, height variations, awnings, storefronts, or other elements to divide a long façade plane into distinct sections with no individual section exceeding 35 feet in width. See Figure 1210-M.

Figure 1210-M: This image illustrates how existing and new structures divide the entire façade plane into smaller components through the use of pilasters, storefronts, height variation, and material variations.

b) Buildings may be built to the back of the sidewalk. In no case shall a building be set back more than 15 feet from the back of the sidewalk.

c) Buildings shall be aligned parallel to the road with the main entrance facing the street. Corner entrances are an acceptable alternative for corner buildings.

d) Window and door openings shall be rectangular in shape and have a vertical orientation and alignment between floors.

e) Building elevations that are visible from a public street should contain windows that occupy at least 65 percent of the total wall surface area of the first floor. Windows shall occupy at between 35 and 65 percent of each of the upper floors.

f) Blank walls facing streets shall be prohibited.

(E) ARCHITECTURAL STANDARDS FOR THE L-1 AND H-1 DISTRICTS

The following standards apply in the L-1 and H-1 districts:

(1) Foundations shall be composed of concrete, brick, split-faced block, cast stone, or stone;

(2) Exposed metal panels (such as corrugated metal) shall be prohibited in the L-1 and H-1 districts. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis.

(3) Façades fronting arterial or collector streets shall comply with the materials standards for nonresidential uses as established in Section 1210.05(C)(4): Building Materials.

(4) "Tilt-up" and precast concrete panels are permitted as exterior building wall materials provided the panels are scored to provide texture and visual interest.

Chapter 1211: Parking, Loading, and Circulation

1211.01 Purpose

The purpose of this chapter is to regulate the amount and location of vehicle parking, loading areas, access, and mobility in order to promote a more efficient use of land, enhance the development form, encourage the use of alternative modes of transportation, provide for better pedestrian movement, and protect air and water quality. The provisions of this section are intended to:

(A) Prevent and alleviate the congestion of public streets;

(B) Encourage the incorporation of alternative modes of transportation by emphasizing pedestrian circulation and establishing requirements for bicycle parking;

(C) Increase and protect the capacity of the roadway system;

(D) Promote greater safety of passage between highway and land;

(E) Minimize the detrimental effects of vehicular use areas on adjacent properties;

(F) Encourage the reduction of impervious surfaces through effective design and the use of shared parking where practical; and

(G) Promote the health, safety, and public welfare by establishing minimum requirements for off-street parking and loading areas as well as provisions for access control.

1211.02 General Access and Circulation Requirements

(A) The traffic, circulation, and parking generated by any use, whether vehicular or pedestrian, shall be channeled and controlled in a manner that will avoid:

- **(1)** Congestion on the public streets;
- **(2)** Traffic hazards including obstacles to safe pedestrian and bicycle access; and
- **(3)** Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.

(B) Traffic into and out of business areas shall, to the maximum extent possible, be forward moving with no backing into streets.

1211.03 Off-Street Parking, Loading, and Stacking Standards

(A) APPLICABILITY

(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 or use in any district.

(2) Change or Expanded Uses

a) Whenever a building or use created prior to the effective date of this code is expanded or enlarged in floor area, number of units, seating capacity, or otherwise that will create a need for an increase in the number of parking spaces, loading spaces, or vehicle stacking spaces, the additional spaces shall be provided on the basis of the new demand created by the area of the alteration, addition, or change.

b) If the proposed change, expansion or enlargement will increase the floor area, number of dwelling units, seating capacity, or other area to an extent larger than 35 percent of the building or use prior to the effective date of this code, then the entire site shall come into compliance with the requirements of this chapter and Chapter 1212.

c) Any expansion, or enlargement smaller than that established in paragraph (2) above shall comply with the requirements of this chapter for any new parking, loading, or stacking space areas required for the expansion. In cases where these small expansions or enlargements occur over a period of time after the effective date of this code, the site shall come into full compliance with the requirements of this chapter and Chapter 1212 once the total expansion or enlargement of the floor area, number of dwelling units, seating capacity of other area exceed 35 percent of the original size at the time this code became effective.

d) If a vehicular use area is expanded without an expansion of any buildings or structures, the expansion may be reviewed through the zoning permit process.

(3) Change of Use

No change of use shall be authorized unless the new use meets the minimum number of parking spaces required by this chapter.

(4) Existing Uses

The requirements of this chapter shall not apply to buildings and uses legally in existence on the effective date of this code unless modified in the manner stated in Subsections (1) or (2) above. Furthermore, any facilities regulated by this chapter that serve such existing buildings or uses shall not be reduced below the requirements established in this chapter in the future.

(B) GENERAL PROVISIONS

(1) Vehicular Use Area Plan Required

a) A vehicular use area plan shall be submitted with any site plan or zoning permit application to illustrate compliance with the requirements of this chapter.

b) Zoning permit applications for single-family dwellings and two-family dwellings shall be exempt from the requirement of submitting a vehicular use area plan but shall include sufficient information in the zoning permit application to illustrate compliance with the applicable sections of this chapter.

(2) Vehicular Use Areas to be Permanent

All vehicular use areas provided as part of this chapter shall be permanently available, marked, and maintained for the applicable parking, loading, or mobility purposes for the use it is intended to serve. However, an approved temporary use permit (See Section 1203.12(J): Temporary Use Permits) may allow the temporary use of a parking or loading space for other purposes.

(3) Truck Parking in Residential Areas and Lots

a) The parking or storage of motor vehicles over 7,500 pounds gross vehicle weight and eight feet in height, semi-trucks, and semi-trailers shall be prohibited in a residential zoning district or on a residential lot.

b) Exemptions for this standard shall apply when the parking of such vehicle is temporarily parked for loading or unloading of goods or the rendering of a service.

c) Recreational vehicles and pickups are not restricted by the terms of this subsection.

(4) Parking and Storage of Recreational Vehicles and Trailers

a) A combined total of two recreational vehicles and/or trailers may be parked or stored outdoors on each individual residential lot that contains an inhabited dwelling. The location restrictions are as follows:

i) On a year-round basis One recreational vehicle and/or trailer is permitted to be stored in one of the side yards, provided that no recreational vehicle or trailer is stored in any other side yard.

ii) From the period of time beginning one week prior to Memorial Day through one week after Labor Day, one of the recreational vehicles/trailers is permitted in the front yard on the driveway serving the dwelling, provided that the vehicle/trailer does not encroach upon the sidewalk.

iii) Recreational vehicles and/or trailers may be stored in the rear yard.

b) No living quarters shall be maintained nor any business conducted in any recreational vehicle and/or trailer while it is parked or stored. Recreational vehicle and/or trailer shall be free of fixed connections to water, electric, gas, or sanitary sewer facilities. A recreational vehicle and trailers shall not be utilized for storage or warehousing of goods and shall be free of rubbish and debris.

c) All recreational vehicles and trailers shall be parked or stored at least five feet from any adjacent lot line and shall be on a paved surface.

d) The wheels of a recreational vehicle or its transporting devices (e.g., the boat trailer) and/or trailer permitted within a residential district shall not be removed, nor shall any recreational vehicle or trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

e) Independent of the timing restrictions in 1211.03 (B) (4) a), a recreational vehicle belonging to visitors of a resident may be permitted to park in the front yard driveway for a period not to exceed 10 days provided that this recreational vehicle is the only one parked in the front yard.

(5) Inoperable or Abandoned Vehicles

a) The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts except where otherwise specified.

b) The location and duration of temporary parking or storage of an unlicensed or inoperable vehicle shall be approved by the Code Enforcement Officer through the issuance of a zoning permit on the basis of adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent properties or on the area as a whole.

c) In all districts, where not specifically permitted, the repairing, rebuilding, dismantling, or storage of any inoperative vehicle shall be permitted only within a completely enclosed building.

(6) Encroachment into Buffer Requirements

Vehicular use areas shall not encroach upon any buffer required in Chapter 1212: Landscaping and Buffering Standards.

(7) Maintenance

The duty to provide and maintain all such parking and loading areas shall be the responsibility of the property owner for which the vehicular areas are required. Each land use and structure, including a change or expansion of a land use or structure, shall provide suitably marked parking, loading and vehicle parking spaces in compliance with this chapter.

(8) Surface and Drainage

All vehicular use areas shall be subject to the following standards with the exception of agricultural uses:

a) All grading plans relating to the vehicular use areas shall be reviewed and approved by the City Engineer as part of zoning permit review before any work can commence.

b) All vehicular use areas shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.

c) In no instance shall a storm drainage facility be designed to allow the flow of water into abutting property without an approved easement.

d) All vehicular use areas shall be surfaced with a pavement of concrete or asphaltic concrete of sufficient depth to meet the standard engineering practice for the design of pavements for the anticipated traffic load, and shall be so graded and drained to meet the requirements of this code for the disposal of all surface water accumulated within the areas, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of motor vehicles.

e) Off-street parking spaces may be constructed of a pervious surface, as approved by the City Engineer.

f) The following uses may be exempt from the asphaltic or concrete surface material requirements if the Code Enforcement Officer determines that the peculiar nature of said use and site-specific factors would justify a modification of these surface material requirements:

i) Temporary commercial or industrial uses.

ii) Off-street vehicular use areas in commercial and industrial districts providing for the temporary storage or parking of truck trailers and other vehicles not including employee or customer vehicles.

iii) Recreational vehicles, boats, and trailers located in the rear yard pursuant to the requirements set forth in Section 1211.03(B)(4): Parking and Storage of Recreational Vehicles and Trailers.

iv) Residential driveways.

(9) Lighting

Lighting within vehicular use areas shall be regulated pursuant to Section 1209.04: Outdoor Lighting Standards, and shall only be required in vehicular use areas for nonresidential developments.

(C) Location Of Vehicular Use Areas

(1) Off-street vehicular use areas shall be located on the same lot as the use they are intended to serve, except where shared, off-site, or temporary parking is authorized per this chapter. Off-street parking facilities shall be located as hereinafter specified.

(2) No parking shall be allowed in the landscaped areas.

(3) No vehicles shall be parked in the front, rear, and/or street side setback areas other than on a paved driveway.

(4) Residential Parking (Residential Dwellings With Two Units or Less)

Any off-street vehicular use area located in a front, side, or rear yard should be located at least three feet from any lot line and should reflect the typical driveways found in the same block. Front and street side setback areas shall only be used for the temporary parking of motor vehicles. Storage of vehicles in these areas shall not be allowed unless permitted in accordance with the recreational vehicle/trailer provisions in Section 1211.03(B) .

(5) Residential Parking (Residential Dwellings With Three Units or More)

For any residential use or district that permits three or more dwelling units, no vehicular use area shall be located within any front yard or buffer. This restriction shall not apply to driveways providing access from the street to the vehicular use area located outside of the front yard, nor is it intended to prohibit the parking of vehicles on such drive serving a detached dwelling. Any off-street vehicular use area located in a side or rear yard should be located at least 10 feet from any lot line.

(6) Vehicular Use Areas in Business Districts

Vehicular use areas located in business districts shall not encroach into any required landscaping or buffer as established in Chapter 1212: Landscaping and Buffering Standards, with the exception of approved driveways. All vehicular use areas shall be set back a minimum of 20 feet from any lot line adjacent to a residential use. The Planning Commission may require additional setbacks for vehicular uses areas as part of a conditional use review.

(D) RULES FOR COMPUTATIONS

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

(1) On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements except as otherwise provided.

(2) Driveway Space Meeting Parking Requirements

Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family and two-family dwellings where driveways may be used in calculating the amount of off-street parking.

(3) Multiple Uses

Unless otherwise noted or approved, off-street parking lots serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

(4) Area Measurements

a) All square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used in any of the following ways:

- **i)** Storage accessory to the principal use of a building;
- **ii)** Incidental maintenance;
- **iii)** Processing or packaging of merchandise by machinery;
- **iv)** Rest rooms, dressing or fitting rooms;
- **v)** Utilities or other service or maintenance structures; or
- **vi)** Loading and unloading docks.

b) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction one-half or less shall be disregarded and any fraction over one-half shall require one parking space.

(5) Occupancy- or Capacity- Based Standards

a) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift, the typical, or average, enrollment, or the maximum fire-rated capacity, whichever is applicable.

b) In hospitals, bassinets shall not be counted as beds.

c) In the case of benches, pews and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

(6) Parking Areas within a Structure

No parking spaces located within the interior of a structure (excluding parking garages) shall be counted in meeting the off-street parking requirements of this section except when located within a private garage, parking garage, or other facility designed for the parking of cars.

(7) Unlisted Uses

a) Upon receiving an application for a use not specifically listed in the parking schedule in Table 1211-1: Number of Off-Street Parking Space Requirements, the Code Enforcement Officer shall determine the most similar use based on the size and intensity of the use and apply the relevant parking standard .

b) If the Code Enforcement Officer determines that there is no listed use similar to the proposed use, intensity, or size, the Code Enforcement Officer may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

c) The Code Enforcement Officer's decision regarding parking requirements for a specific use is appealable to the BZA as established in Section 1203.11: Appeals.

(8) Accessory and Temporary Uses

Accessory and temporary uses shall be exempt from off-street parking requirements unless specifically required in Chapter 1205: Accessory and Temporary Uses.

(E) SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

(1) Table 1211-1: Number of Off-Street Parking Space Requirements defines the number of parking spaces required for each use within the City.

(2) The applicant may vary from the required number of parking spaces in accordance with Section 1211.03(I): Modification of Required Number of Spaces.

(3) See Section1211.03(H): Bicycle Parking, for off-street parking requirements for bicycles.

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

TABLE 1211-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS

USE		PARKING SPACE REQUIREMENTS
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
Nursing or Convalescent Homes, 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
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		
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
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

TABLE 1211-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS	
USE	**PARKING SPACE REQUIREMENTS**
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).
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).

(F) OFF-STREET STANDARDS FOR SELECTED INDUSTRIAL USES

Uses that reference this Subsection in Table 1211-1: Number of Off-Street Parking Space Requirements, shall provide the minimum number of spaces identified in Table 1211-2: Off-Street Parking Standards for Selected Industrial Uses.

TABLE 1211-2: OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL USES		
USE OR ACTIVITY		**REQUIRED NUMBER OF SPACES**
Office or administrative area		1.0 space per 300 square feet
Indoor sales area and displays of goods manufactured on site		1.0 space per 300 square feet of indoor sales ares
Indoor areas used for storage, warehousing, assembly, vehicular service, or general manufacturing	1-3,000 square feet of floor area	1.0 space per 250 square feet
	3,001-5,000 square feet of floor area	1.0 space per 500 square feet

TABLE 1211-2: OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL USES		
USE OR ACTIVITY		REQUIRED NUMBER OF SPACES
activities	5,001-10,000 square feet of floor area	1.0 space per 750 square feet
	10,001or more square feet of floor area	1.0 space per 1,250 square feet
Outdoor sales, display, or storage area (3,000 square feet or less)		1.0 space per 750 square feet of outdoor space
Outdoor sales, display, or storage area (more than 3,000 square feet)		1.0 space per 1,000 square feet of outdoor space
NOTE: The total number of required spaces is cumulative based on the variety of different functions present in a single use.		

(G) PARKING SPACES FOR THE DISABLED REQUIREMENTS

Parking spaces required for the disabled shall be provided in compliance with all the applicable state and federal requirements. Additionally, all spaces for the disabled shall be located so that:

(1) The spaces provide easy access from the closest parking spaces to the major entrance of the use for which they are provided; and

(2) The disabled individual is not compelled to wheel or walk behind parked cars other than his or her own.

(H) BICYCLE PARKING

(1) Developments are encouraged to include bicycle spaces, bicycle racks, or other bicycle parking (and locking) accommodations for all development.

(2) Any bicycle parking accommodations provided on a site shall be located in an area adjacent to the building and separate from vehicular traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles and bicyclists.

(I) MODIFICATION OF REQUIRED NUMBER OF SPACES

For all uses except single-family and two-family dwellings, the number of parking spaces required in Section 1211.03(E): Schedule of Off-Street Parking Requirements, above may be modified according to the following provisions.

(1) Providing More Parking Spaces than Required

a) An applicant shall provide the number of spaces equal to the number of required spaces or up to 10 percent more as of right.

b) An applicant may provide additional spaces beyond those provided for in paragraph (a) above if approved by the Code Enforcement Officer. The applicant shall be required to provide a parking study demonstrating a need for additional parking.

(2) Providing Fewer Parking Spaces than the Required Number of Spaces

a) An applicant shall provide the number of spaces equal to the number of required spaces or up to 10 percent fewer as of right.

b) The reviewing authority may permit a total reduction of up to a maximum of 50 percent of the required number of spaces upon compliance with the applicable options below (e.g., shadow parking, shared parking, or off-site parking).

c) 10 percent of the spaces required in Section 1211.03(E): Schedule of Off-Street Parking Requirements, may be reduced as of right but the remaining percentage, with a maximum reduction of 50 percent, may be permitted only if the applicant provides off-site parking spaces, shared parking spaces, or shadow parking spaces as provided for in this subsection.

(3) Shadow Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious paving material, as approved by the Code Enforcement Officer and City Engineer, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with Section 1211.03(I): Modification of Required Number of Spaces. See Figure 1211-A.

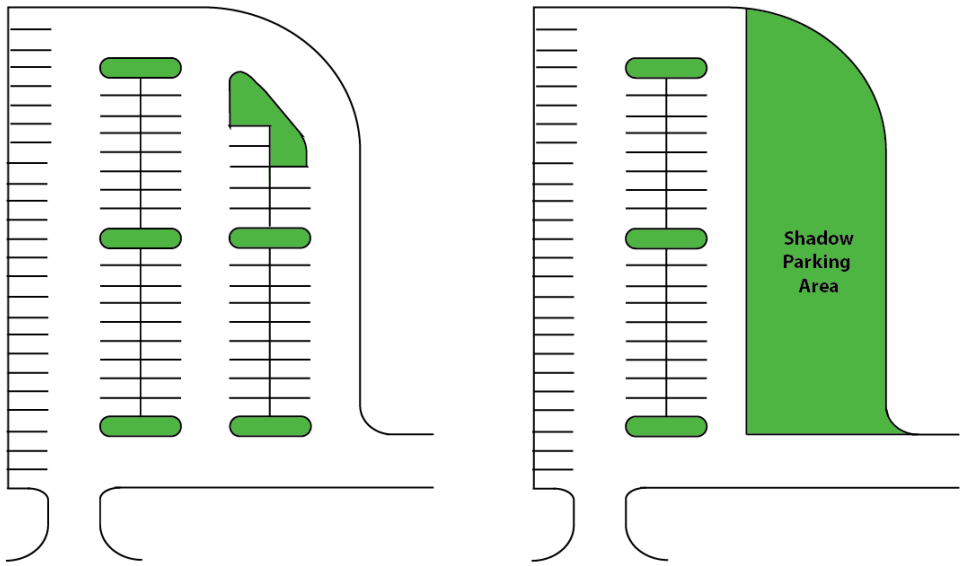


Figure 1211-A: The above example shows a portion of a proposed parking area dedicated as a shadow parking area, to be developed at a later date when there is a parking demand.

a) The vehicular use area plan submitted with the zoning permit or site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the "shadow" parking spaces will be constructed according to these regulations in the event that the Code Enforcement Officer determines at any time that all or any portion of this parking is necessary.

b) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or temporary paved surface with the exception that pervious pavers may be used to provide temporary parking, subject to approved by the Code Enforcement Officer, provided that the pavers allow for grass and other vegetation to grow through the material.

c) At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this chapter.

d) The owner shall initiate construction of the approved "future" parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Code Enforcement Officer, identifying that such parking is determined to be necessary.

(4) Shared Parking

A portion of the required parking spaces may be located on an adjacent lot if the parking area complies with the following standards and is authorized in accordance with Section 1211.03(I): Modification of Required Number of Spaces.

a) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit, can cooperatively establish and operate the facilities.

b) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:

i) A sufficient number of spaces is provided to meet the highest demand of the participating uses.

ii) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the reviewing authority, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

iii) The shared parking spaces will not be located in excess of 500 feet from the further most point of the space to the front door, or other viable building entrance as approved by the reviewing authority, of the use they are intended to serve.

iv) A shared parking agreement is submitted and approved by the Code Enforcement Officer, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

v) The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the appropriate county and recorded in a manner as to encumber all properties involved in the shared parking agreement.

vi) The applicant shall provide proof of recordation of the agreement prior to the zoning compliance inspection.

(5) Off-Site Parking

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards and is authorized in accordance with Section 1211.03(I): Modification of Required Number of Spaces.

a) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, eating or drinking establishments, or uses within the commercial use classification unless such uses have unique operating hours that make off-site parking a reasonable option as determined by the Planning Commission. Required parking spaces reserved for persons with disabilities shall not be located in an off-street vehicular use area.

b) No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

c) If an off-site parking area is located in a different zoning district, the off-site parking areas shall adhere to the regulations of the same or a more restrictive zoning district than that required for the use served.

d) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement shall be required.

e) An off-site parking agreement shall be submitted and approved as to form by the Code Enforcement Officer. This agreement shall include evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

f) The approved off-site parking agreement shall be filed with the application for a zoning permit and shall be filed with the appropriate county and recorded in a manner as to encumber all properties involved in the off-site parking agreement.

g) The applicant shall provide proof of recordation of the agreement prior to the zoning compliance inspection.

(6) The Code Enforcement Officer may permit either on-site or off-site temporary parking arrangements for overflow parking based on the seasonal nature of the business.

(J) OFF-STREET PARKING DESIGN STANDARDS

Each parking space shall meet the minimum dimensional requirements set out in **Error! Reference source not found.**, and illustrated in Figure 1211-B, unless otherwise specified herein. The Code Enforcement Officer shall have discretion to deviate from the strict requirements for the minimum parking stall dimension requirements upon a conclusive showing by the applicant that a smaller stall dimension is warranted for the off-street parking spaces under review. Such waiver of dimensions shall be reviewed in accordance with Section 1203.09: Administrative Waivers.

(1) Aisles and Stall Dimensions

Each parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 1211-3:Parking Stall and Aisle Dimensions illustrated in Figure 1211-B.

TABLE 1211-3: PARKING STALL AND AISLE DIMENSIONS

	A		B	C
PARKING ANGLE	AISLE WIDTH		STALL WIDTH	LENGTH OF STALL
	ONE-WAY	TWO-WAY		
0°/Parallel	12 ft.	18 ft.	10 ft.	22 ft.
45°	13 ft.	20 ft.	10 ft.	18 ft.
60°	18 ft.	22 ft.	10 ft.	18 ft.
90°	22 ft.	24 ft.	10 ft.	18 ft.

a) The requirements of Table 1211-3: Off-Street Loading Requirements, may be reduced or waived by the Planning Commission or the Code Enforcement Officer where applicable during site plan review (See 1203.06 Site Plan Review) for industrial uses based on documentation from the applicant demonstrating that due to the specific use, the dimensions of the parking space are not required (i.e. 9 ft x 18 ft. may be applicable for industrial uses).

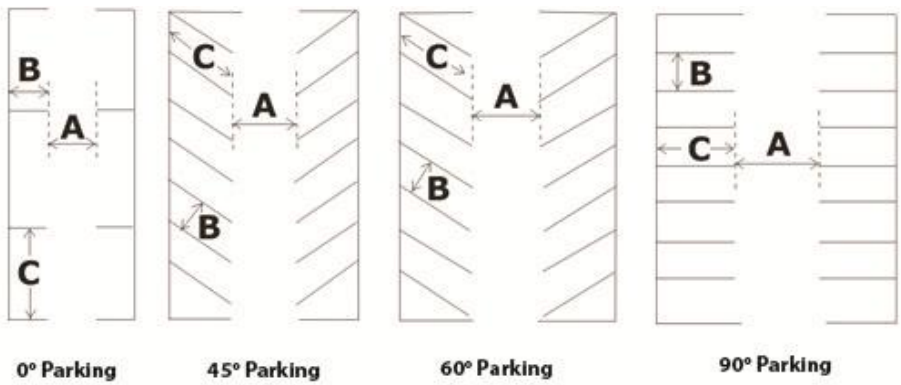


Figure 1211-B: Illustration of parking angles and related dimensional references.

(2) Access and Maneuverability

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

a) All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible.

b) Access drives are traffic lanes in a vehicular use area that provide for vehicular circulation but that do not provide access to individual parking stalls. All access drives shall have a minimum width of 20 feet.

c) No parking spaces shall be located along entry drives within 30 feet of the right-of-way or easement line (and at greater distances as may be required during site plan review (See 1203.06 Site Plan Review) depending on the traffic generation and parking lot size) nor within eight feet of the curb or pavement edge of such restricted entry drive area.

d) Where room permits, parking spaces should be entered and exited along parking aisles and not along main access drives for the purposes of safety and to prevent traffic congestion.

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

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

(3) Striping and Identification

a) Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.

b) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

c) The color of the striping shall be white, yellow, or other color as approved by the Code Enforcement Officer unless required by state law (e.g., parking for the disabled).

(4) Wheel Stops and Continuous Curbs

a) Wheel stops or continuous curbs shall be provided in areas adjacent to sidewalks, walkways, and landscaping areas to protect such areas from damage or encroachment of vehicles and to provide necessary traffic control in the vehicular use area.

b) Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material 5 inches in height, 6 inches in width, and 8 feet in length. Wheel stops shall be securely attached to the ground and may be used only at the end of parking stalls.

c) Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of 6 inches in height and 6 inches in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops. Continuous curbs may be modified or interrupted for the purposes of accommodating stormwater runoff.

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

e) Where continuous curbs are used, the paved area of the parking stall length (Dimension C) required in **Error! Reference source not found.**, may be reduced by two feet as shown in Figure 1211-C, provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length (Dimension C) required in **Error! Reference source not found.**, shall not be reduced.

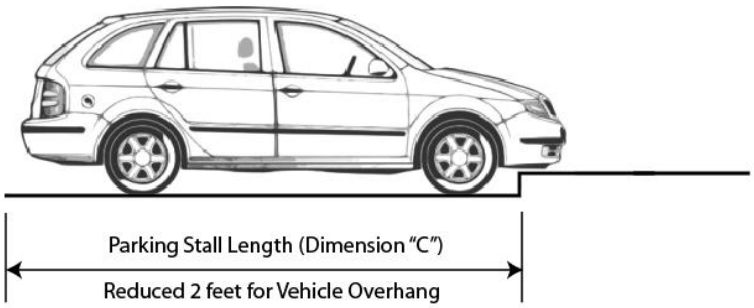


Figure 1211-C: Illustration of vehicle overhang and related reduction in parking stall length pavement.

(5) Slope

No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent. Entry drives or drives that connect adjacent parking lots shall not have a slope in excess of 10 percent.

(K) INTERNAL SIDEWALKS AND PEDESTRIAN ACCESS

(1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a paved pedestrian connection shall be constructed from the building to the sidewalk.

(2) The pedestrian connection shall have a minimum width of five feet.

Figure 1211-D: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

(3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, bricks, scored concrete, or other material approved by the Code Enforcement Officer. See Figure 1211-D.

(4) Sidewalks, at least eight feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting parking lots. At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances and to other internal sidewalks.

(L) OFF-STREET LOADING REQUIREMENTS

(1) Loading Spaces Exemptions and Prohibitions

a) Development in the C-3 district shall be exempt from the requirements of this subsection on off-street loading.

b) Loading spaces are prohibited in all residential zoning districts.

(2) Number of Off-Street Loading Spaces Required

a) Off-street loading spaces shall be provided in accordance with the schedule set forth in Table 1211-4: Off-Street Loading Requirements, and shall not conflict or overlap with any areas used for parking.

TABLE 1211-4: OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA OF STRUCTURE (SQUARE FEET)	NUMBER OF REQUIRED LOADING SPACES
0-10,000	0
10,001-50,000	1
50,001-100,000	2
100,001-200,000	3
200,001-400,000	4
Each additional 200,000	1

b) When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fractions over one-half shall be interpreted as one loading space.

c) The requirements of Table 1211-4: Off-Street Loading Requirements, may be reduced or waived by the Planning Commission during site plan review (See 1203.06 Site Plan Review) based on documentation from the applicant demonstrated that due to the specific uses, the number of loading spaces is not required.

(3) General Design Standards

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

a) All loading spaces shall be set back a minimum of 75 feet from all residential lot lines unless completely enclosed by building walls, a uniformly painted solid fence or wall, or any combination thereof, that has a minimum height of six feet.

b) All loading spaces shall be set back a minimum of 25 feet from the nearest point of intersection of any two streets.

c) Loading spaces shall only be permitted in the side or rear yard except in the L-1 and H-1 district where they may be located in any yard except those that have frontage on an arterial or collector street. The Code Enforcement Officer may waive this requirement through an administrative waiver and where there mounding and vegetation is provided to help screen the loading areas.

d) All open off-street loading spaces shall be improved with a compacted macadam base, not less than seven inches thick and surfaced with not less than two inches of asphalt, concrete, or some comparable all-weather, solid material approved by the Code Enforcement Officer.

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

f) Loading spaces for commercial and office uses shall be no less than 12 feet in width and no less than 45 feet in length and shall have a vertical clearance of no less than 14 feet. See Figure 1211-E.

g) Loading spaces for industrial and warehousing uses shall be no less than 12 feet in width and no less than 50 feet in length and shall have a vertical clearance of no less than 14 feet. See Figure 1211-E.

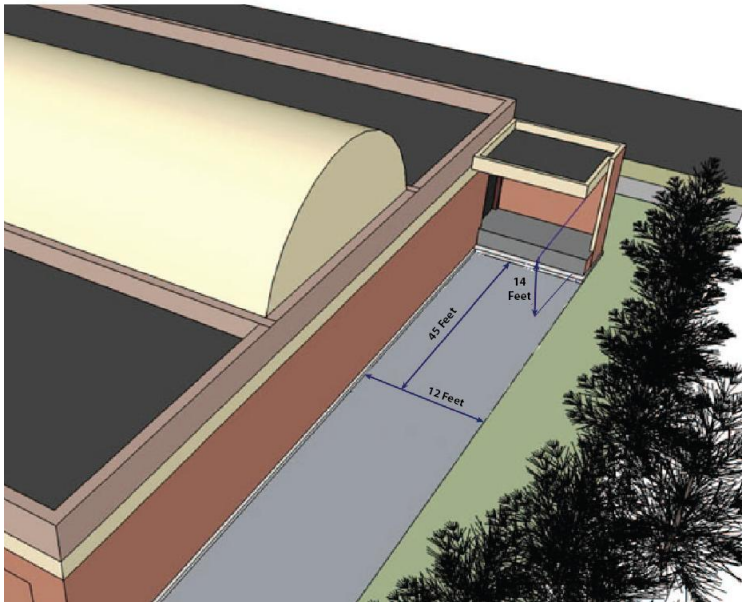


Figure 1211-E: Illustration of off-street loading space. The 45-foot dimension is applicable to commercial and office uses or must be increased to 50 feet for industrial uses.

(4) Maneuvering areas required for access to loading spaces shall be as required during site plan review (See 1203.06 Site Plan Review).

(M) OFF-STREET VEHICLE STACKING REQUIREMENTS

(1) The number of required stacking spaces shall be as provided for in Table 1211-5: Stacking Space Requirements. See Figure 1211-F, for illustration of stacking spaces:

TABLE 1211-5: STACKING SPACE REQUIREMENTS

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Eating or Drinking Establishment with a Drive-Through Facility	6	Pick-Up Window
Full Service Vehicle Washing Establishment	6	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Code Enforcement Officer	

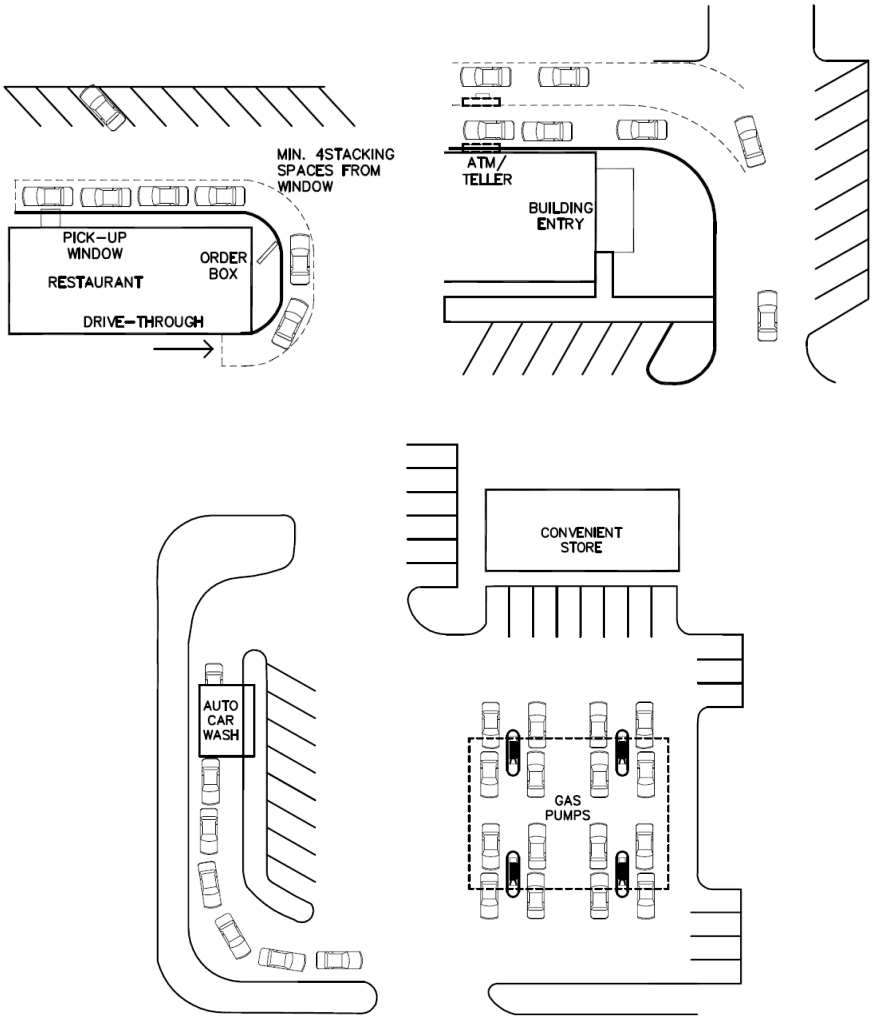


Figure 1211-F: Location of stacking spaces and lanes. Restaurant with drive-through (upper left), financial institution with ATM and drive-through (upper right), car wash and gasoline pump island (bottom).

(2) Stacking lanes shall be provided for any use having a drive-through establishment and shall comply with the following standards:

a) Drive-through stacking lanes shall have a minimum width of 10 feet.

b) Vehicle stacking lanes shall be located on the side and rear of the building.

c) Stacking lanes shall be set back 25 feet from right-of-ways.

d) Vehicle stacking shall not interfere with access to the site and shall not impede traffic on the adjacent street.

1211.04 Traffic Impact Study

(A) PURPOSE

The purpose of a Traffic Impact Study (TIS) is to provide information to the City to allow for an assessment of the impact major development projects will have on the City's transportation network. The study provides guidance for site access, on-site circulation, parking, and off-site improvements necessary to permit the street system to operate at a satisfactory level of service.

(B) APPLICABILITY

(1) To promote efficient access management, a TIS for a proposed development shall be submitted with the site plan, preliminary plat, or preliminary PUD plan when the development meets any of the following criteria:

a) The proposed development generates 100 or more added new peak hour trips to and/or from the site during the adjacent roadway's peak hours or during the development's peak hour, and the proposed development generates more than 1,000 trips daily;

b) The development is expected to reduce the level of service (LOS) on adjacent roadways and/or intersections to below a level of service below C, as determined by the City Engineer;

c) A LOS lower than C already exists on a roadway that is adjacent to the proposed development;

d) The development is within 500 feet of a high-accident (20 or more accidents per year) intersection or section of roadway;

e) One or more of the proposed access drives to the development is within 500 feet of a public roadway intersection or within 250 feet of a drive that is a high traffic volume generator (See Table 1211-6: Traffic Volume Generators.);

f) The traffic generated by the proposed development will increase the average daily traffic (ADT) by 25 percent or more on roadways in adjacent neighborhoods, as determined by the City Engineer;

g) Traffic volumes of 10,000 ADT or higher exist on roadways adjacent to the proposed development; or

h) The City Engineer determines that other conditions exist in the vicinity of the proposed development that may be negatively impacted by the development. Final determination of such conditions shall be determined by the City Engineer.

TABLE 1211-6: TRAFFIC VOLUME GENERATORS

LEVEL	PEAK HOUR TRIP GENERATION (BOTH INGRESS AND EGRESS)	QUALIFIER	ADT - DAILY TRIP GENERATION (BOTH INGRESS AND EGRESS)
Low	Less than 100	AND	Less than 1,000
Medium	Less than 200	AND	Less than 2,000
High	200 or more	OR	2,000 or more

(2) The City Engineer may waive the requirement for a TIS based on his or her initial review of the proposed use and information available on the streets adjacent to the subject property.

(C) TIS Study Area

The minimum study area shall include all proposed and existing site access locations and major intersections (signalized and unsignalized) adjacent to the site. Depending on the overall size of the development, as well as the nature of the development, the City Engineer may require that additional areas be included in the study, based upon, but not limited to, local or site-specific issues, local policy, and impacts that are likely to occur to residential areas. Final determination of the study area shall be determined by the City Engineer.

(D) TIS Submittal Requirements

(1) Traffic impact studies required under this section shall be submitted in a form and in such numbers as established by the Development Department and made available to the public. See additional requirements in Section 1203.02: Common Review Requirements.

(2) A TIS must be prepared by a professional engineer.

(E) Horizon Years

The horizon years are the years for which the TIS is to be characterized. The study shall address traffic conditions:

(1) On opening day of the proposed project;

(2) At the anticipated completion year of the proposed project at full build-out and occupancy; and

(3) At the completion of each major phase, if the project is to occur in phases.

(F) Time Period Analyzed

In order to ensure adequate roadway operation and sufficient driveway, turn lane, and queuing capacity, the TIS shall analyze traffic:

(1) At street peak hours. The peak hours of the highway system are generally a one-hour period between:

- **a)** 7:00 a.m. and 9:00 a.m. on weekdays;
- **b)** 4:00 p.m. and 6:00 p.m. on weekdays; and
- **c)** 12:00 noon and 2:00 p.m. on Saturdays.

(2) Changes in peak hours can occur over time;

(3) At the site directional peak hours;

(4) Hours for which a land use classification promotes the highest trip generation during times other than weekday peak hours. Such land use classifications include, but are not limited to, educational facilities, theaters, religious places of worship, retail and service commercial uses, and offices; and

(5) Other hours deemed necessary by the City Engineer.

(G) Site and Non-Site Analysis

The impacts and transportation infrastructure needs shall be assessed separately for the horizon level of service both with and without site development. The separate studies shall include:

(1) All significant developments within the study area that have been approved or are likely to occur by the specified horizon year.

(2) The impacts of off-site development.

(3) The transportation improvements required for the approximate proportion of the improvements attributable to the traffic generated by the proposed development.

a) Non-site traffic volume estimates for the horizon years in the study. Non-site traffic has neither an origin from, nor destination to, the subject site. The traffic volume conditions of the study area in the horizon years, assuming the proposed site is not developed or redeveloped, must be established.

b) Non-site traffic volumes shall be calculated using the "build-up" method to provide accurate and easily traced results. The "build-up" method is a method of determining peak hour factors for non-site traffic by building the opening day traffic volumes and the horizon year(s) traffic volumes if the site were not developed. This is accomplished by adding, or building, the following items:

i) Existing traffic volumes in the area;

ii) Traffic to be generated by approved and anticipated developments in the study area;

iii) Estimated growth in through traffic generated from outside the study area; and

iv) If the subject site is being redeveloped, existing site-generated traffic shall be subtracted from the total of these items.

(4) Future base conditions to assess the traffic operations and needed improvements in the horizon years without the subject development in place must first be determined.

(H) ON-SITE PLANNING AND PARKING PRINCIPLES

The internal design of the development shall provide sufficient traffic capacity and queuing space, and shall provide for distribution of automobiles to and from parking spaces, pick-up/drop-off points, and drive-through lanes. Such internal design has a direct bearing on the adequacy of site access points. The identification and design of access points between the site and the external roadway system is directly related to both the directional distribution of site traffic and the internal circulation of the facility. Simply providing access to a site by means of curb cuts does not necessarily mean that access to the development has been adequately addressed. The quality of the internal site circulation and design has a direct impact on the quality of traffic flow in and around the site development and on public safety.

(I) JOINT ACCESS AND CROSS ACCESS

Joint access and cross access by two or more properties shall be required, but may be waived by the Code Enforcement Officer due to site-specific factors. Joint access reduces the number of driveway openings and turning movement conflicts. Cross access permits motorists to travel to adjacent properties without first exiting out of one commercial access onto the public roadway and then reentering adjacent commercial access driveways.

(J) SITE TRAFFIC GENERATION

(1) In determining the amount of traffic to be generated by the proposed development, trip generation rates or equations from the latest edition of the Institute of Transportation Engineers' Trip Generation, shall be used. The proposed development shall be categorized by the specific land use classification contained in Trip Generation. If specific trip rates are not available for a particular development or access route, the method of trip rate determination shall be determined by the City Engineer.

(2) Documentation shall be provided to verify the reason for any variation from normally recognized generation rates or equations and for assumptions unique to the development being studied. Trip generation rates must be defensible using a combination of available data and professional judgment.

(3) A table shall be provided in the study report showing the categories and quantities of land uses, with the corresponding trip generation rates or equations and resulting number of trips. The reason for using the rates or equations shall be documented in the report. For large developments that will be phased in over time, the table shall also provide trip generation expected at each significant phase.

(K) SITE TRAFFIC DISTRIBUTION

(1) The impact of the proposed project on intersections and roadways within the study area shall be analyzed by distributing the traffic and assigning it to the roadway. The directions from which traffic will approach and depart the site can vary depending on several factors, including the type and size of the proposed development, the surrounding and/or competing land uses, and the conditions on the surrounding street system. Trip assignments shall be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected and perceived minimum travel times.

(2) An influence area shall be designed to assist in the distribution of traffic. The influence area shall include surrounding communities and roadways from which traffic is expected to be attracted. This is normally determined by a marketing study. If no such study exists, the influence area shall be determined based on reasonable estimates. Existing trip distribution data from similar, developed sites within the immediate vicinity may be used for making assignments.

(3) Many land uses such as eating and drinking establishments with drive-through facilities, automotive service stations, retail commercial uses not only generate new trips, but also attract trips that were already passing by in the traffic stream. The procedure described in the Institute of Transportation Engineers' Trip Generation shall be used to account for these "pass-by" trips.

(L) ANALYSIS AND LEVEL OF SERVICE

(1) Capacity analyses shall be performed on each of the street and site intersections (signalized and unsignalized) in the study area. For each analysis period being studied, projected traffic volumes for site and non-site traffic shall be analyzed and used for capacity analysis for future conditions. The Level of Service (LOS) is the street's ability to carry traffic in terms of average stopped delay per vehicle. The LOS analysis procedure set forth in the most recent issue of the Highway Capacity Manual, published by the Highway Research Board, shall be used to evaluate traffic operating conditions.

(2) The city's goal for the operation of its roadways is to maintain the best level of service possible. An overall LOS of D shall be the minimum acceptable. The level of service for an intersection is computed as a weighted average of the vehicle delay. An intersection may have an overall LOS C or D and have individual movements of LOS E or F. As a result, all movements should be analyzed individually. Recommendations shall include modifications to reduce delay and increase capacity on the critical movements.

(M) HIGHWAY CAPACITY CALCULATIONS

Peak Hour Factors (PHF) shall be calculated based on existing count data for signalized and non-signalized intersections and roadways. For analyzing future conditions, a peak hour factor of .90 shall be used unless agreed upon by the City Engineer. For existing signals that will be analyzed, it is the responsibility of the developer to obtain and use the existing cycle lengths and signal phasing from the City, unless otherwise agreed to by the City Engineer.

(N) MEETING OF CITY ENGINEER AND DEVELOPER

The developer shall meet with the City Engineer, or his or her designated representatives, to discuss the following variables:

(1) Right turn on red assignments;

(2) Grades;

(3) Lane widths;

(4) Percent of trucks;

(5) Pedestrian movements; and

(6) Any deviations from the proscribed procedures described herein, and agreed to by the City Engineer and the developer. Such deviations shall be noted in a memorandum of understanding from the City Engineer to the developer. Unless so noted in such memorandum, the standard practices described herein shall be used.

(O) RECOMMENDATIONS FOR IMPROVEMENTS

The TIS shall include recommendations for improvements to maintain capacity, provide signal capacity, and improve safety to, from, and within the development. These may include, but are not limited to:

(1) Intersection Recommendations

Modifications to reduce delay and increase capacity on the critical movements, while not negatively impacting non-site traffic. Such modifications may include, but are not limited to, adding lanes, removing curb parking, changing signal phasing or timing, and lane use modifications..

(2) Site Driveway Recommendations

If site driveways are proposed to be signalized, they shall be warranted and located for good traffic progression past the site. Adequate ingress and egress capacity shall be provided. Capacity of on-site intersections shall be sufficient to prevent traffic that is entering the site from backing up on the adjacent street.

(3) Acceleration and Deceleration Lanes

Traffic lanes for acceleration and/or deceleration may be required to minimize potential for accidents due to speed reduction at driveways, even if turn volume requirements do not require such lanes. Such lanes shall meet the requirements as established by the Public Works Department and include the appropriate traffic control devices, including, but not limited to, signals, as necessary

(4) Alignment of Access Points

Major access points on opposite sides of roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the City Engineer. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the City Engineer may require that unobstructed and unencumbered access, in accordance with the provisions of this chapter, be provided from any such access point to adjacent properties.

(5) Consolidation of Access Points

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing driveway permits shall become void and the new permit shall be based upon the owner/developer's plans to use some existing driveways and/or close or relocate other driveways. Any such new or reauthorized access point must be in compliance with all applicable sections of this code.

(P) IMPROVEMENT COSTS

The cost for infrastructure improvements, new traffic signals, modification of existing traffic signals, traffic signs, and pavement markings which are necessitated by the new development shall by borne by the applicant.

1211.05 Access Management Regulations

(A) PURPOSE

Access management provides or manages access to land while simultaneously preserving the flow of traffic on the surrounding road systems in terms of safety, capacity and speed. Every roadway in a transportation network has a specific function, which can be broadly stated as either to provide direct access to abutting land or to provide for through traffic movement. In this context, it can be stated that the effects of access management become significant in the case of freeways, arterial streets and collector streets, where there needs to be a balance between through traffic movement and the access functions performed by the roadway.

(B) APPLICABILITY AND ADMINISTRATION

(1) In order to promote safe and reasonable access between public roadways and adjacent land; improve the convenience and ease of movement of travelers on public roads; and permit reasonable speeds and economy of travel while maintaining the capacity of the roadway, the location and design of access points shall be in accordance with the following access management regulations. These regulations shall apply to all existing, planned, or proposed roadways within the jurisdiction of the City. New or proposed roadways within the City not identified on the adopted thoroughfare plan, applicable county plan, or Comprehensive Plan, as determined by the City Engineer, shall interconnect with the existing roadway network in a uniform and efficient manner.

(2) For the prevention of the future breakdown of the balance between mobility and access functions, the City shall follow these regulations for all future right-of-way permits required by Chapter 1020: Comprehensive Rights-of-Way Ordinance, of the Monroe Ordinances, even though existing roadways and their accesses do not comply with the respective access restrictions in their class.

(3) When direct property access (wherever allowable) is permitted to any roadway, the developer shall bear the cost of the corresponding roadway improvements required to meet the restrictions defined by the access level of the respective roadway.

(4) The City Engineer shall be responsible for the uniform administration of these regulations.

(5) Right-of-Way Permit Required

No person, corporation or firm, other than an authorized employee of the City, shall construct a driveway approach connecting to a public street or right-of-way, or cut, break out or remove any curb along any street or other public way without first obtaining a right-of-way permit from the Public Works Department in accordance with Chapter 1020: Comprehensive Rights-of-Way Ordinance, of the Monroe Ordinances.

(C) CONFORMANCE

Proposed driveway approaches and curb cuts shall comply with the provisions of this code, the thoroughfare plan, the applicable county plan, or the Comprehensive Plan, as determined by the City Engineer. the design and improvement standards under this code and with the purpose and restrictions of this code before a permit is issued. Whenever a driveway approach, curb cut or related improvements embraces any part of a roadway, such part of the public way shall be platted by the owner or applicant in the location and at the width indicated by the aforementioned documents.

(D) CONDITIONS AND SPECIFIC LAND USE CATEGORIES

The City Engineer may establish general conditions applicable to the construction of all driveway approaches/curb cuts for premises within specific land use categories.

(E) COMPONENTS

The following are the key components of the access management regulations:

(1) Roadway Classification

Location-based and functional classification of roadways.

(2) Access Classification

Classification of different access levels and their assignment to the roadways in the City.

(3) Access Spacing Regulations

Spacing guidelines for different access features at different levels of access.

(4) Traffic Impact Studies

Regulations as to when a traffic impact study is needed and determination of the necessary components. See also Section 1211.04: Traffic Impact Study.

(5) Driveway Approach and Curb Cut Regulations

Regulations for the placement and construction of driveway approaches and curb cuts.

(F) ROADWAY CLASSIFICATION

The roadways of the City are classified based on their location, function, and desired level of access control. The classifications are as follows:

(1) Location-Based Roadway Classification

The roadways of the City were first classified into urban, suburban and rural, based on their location. This general classification will help in the assignment of access levels and access standards to roadways based on their location.

a) Urban can be construed to represent the central city, or other areas where density exceeds 6,000 persons per square mile;

b) Suburban can be defined as all parts of an urbanized area other than the central city;

c) Rural represents all other areas.

(2) Functional Roadway Classification

Functional roadway classification is the most important step towards access management and control. It defines and regulates the development and assignment of access levels. The roadway classifications in the City are based primarily upon traffic volumes and capacity, operating speeds, and trip distances. The classifications also take into consideration the functions performed by the roadway; traffic flow intensity and characteristics; linkages between activity centers, land usage and areas served; and system continuity and design features. Refer to Table 1211-7: Functional Roadway Classification System, which provides typical characteristics for each of the roadway classes.

TABLE 1211-7: FUNCTIONAL ROADWAY CLASSIFICATION SYSTEM

ROADWAY TYPE	POSTED SPEED LIMIT (MPH)	TRAFFIC CHARACTERISTICS AND ROADWAY FUNCTION	DIRECT PROPERTY ACCESS	GENERAL DESIGN FEATURES	OPERATIONAL STANDARDS	PUBLIC ACCESS PROVISION
Freeway	Min: 55	High volumes of traffic at high speeds over long distances. Serves interstate and intrastate travel demand	Not permitted	Multi-lane; median	All opposing traffic movements physically separated by grade separations and medians	Only through interchange
Major arterial	Min: 50 in areas without signals, 35 in areas with signals (may be lower in highly developed sections)	Provides mobility to traffic at moderate to high speeds, volumes, and distances. Serves interregional, intercity, and intracity travel.	Not permitted or restricted; when permitted see note (a)	Multi-lane with median preferred	Signalized intersection spacing; urban areas: 1/2 mile (1/4 mile when no other reasonable access). Rural area: 1 mile (1/2 mile when no other reasonable access)	At-grade public street intersections
Minor arterial	35 - 40 in undeveloped areas, 25 - 35 in developed areas	Provides access and mobility at moderate to high speeds and volumes for moderate to short distances in rural areas, and low to moderate speeds and volumes in urban areas	Restricted; see note (a)	Multi-lane	Signalized intersection spacing; urban areas: 1/2 mile (1/4 mile when no other reasonable access). Rural area: 1 mile (1/2 mile when no other reasonable access)	At-grade public street intersections
Minor collector	Min: 25 - 35 depending on extent of development and frequency of cross streets	Provides access and mobility at moderate speeds, with equal priority assigned to both functions. Connects local or second collectors to arterials	See note (b)	2-lane with turning movements	Signalized intersection spacing; urban areas: 1/2 mile (1/4 mile when no other reasonable access). Rural area: 1 mile (1/2 mile when no other reasonable access)	At-grade public street intersections
Second class collector	25 - 35 depending on safety regulations	Provides access and mobility at lower speeds, with equal priority assigned to both functions. Connects minor collectors or arterials to locals	Restricted; see note (c)	2-lane with turning movements	Signalized intersection spacing; urban areas: 1/2 mile (1/4 mile when no other reasonable access). Rural area: 1 mile (1/2 mile when no other reasonable access)	At-grade public street intersections

TABLE 1211-7: FUNCTIONAL ROADWAY CLASSIFICATION SYSTEM						
ROADWAY TYPE	POSTED SPEED LIMIT (MPH)	TRAFFIC CHARACTERISTICS AND ROADWAY FUNCTION	DIRECT PROPERTY ACCESS	GENERAL DESIGN FEATURES	OPERATIONAL STANDARDS	PUBLIC ACCESS PROVISION
Local street	Max: 25	Provides local land access from and to local developments, to and from collectors	Permitted	2-lane	All standards subject to case-by-case safety requirements	At-grade public street intersections
Alleys	Max: 15	Provide access to rear or sides of lots or buildings. Not for through traffic	Permitted	1- or 2-lane	All standards subject to case-by-case safety requirements	At-grade public street intersections
Private street	Max: 25	Local access from and to developments, to and from collectors	Permitted	2-lane	All standards subject to case-by-case safety requirements	At-grade public street intersections

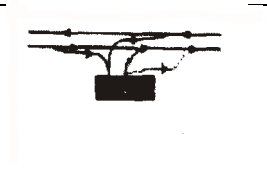
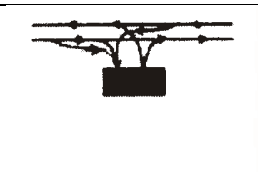
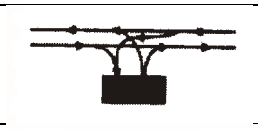
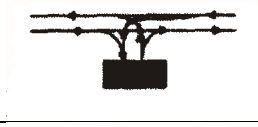
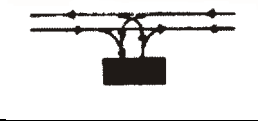
Notes:
(a) When direct property access is provided to major arterials or minor arterials, it is limited to right in entry and right out exit only. Left turn movements may be considered on a case-by-case basis, taking into account the adopted thoroughfare plan, applicable county plan, and/or comprehensive plan, as determined by the City Engineer. existing and future access spacing and any other relevant criteria the City Engineer deems appropriate.
(b) Residential driveways are not permitted and commercial driveways are restricted by number, sight distance, and spacing.
(c) Restricted by volume, speed, site distance, and spacing.

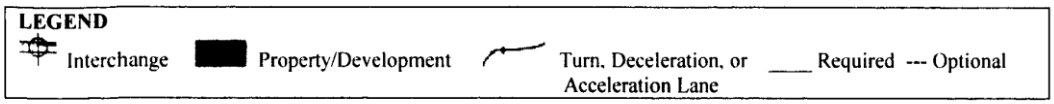
(3) Access Classification

An access classification system involves the development of different access levels and the consequent assignment of allowable access levels to the roadways under consideration. Each roadway type is assigned an access control level according to the number, type, and frequency of access points along the roadway, the volume and speed of traffic along the roadway, and the design standards required for safe and efficient traffic movement. The correlation of functional roadway classification and access levels for the City is established in Table 1211-8: Roadway Access Classification. The specifications for each access level are established in Table 1211-9: Roadway Access Level Specifications.

TABLE 1211-8: ROADWAY ACCESS CLASSIFICATION		
FUNCTIONAL ROADWAY CLASSIFICATION	ACCESS LEVEL	COMMENTS
Freeways	**1**	None
Major Arterials	**2 and 3**	Depends on the turning restrictions imposed upon access points. The turning restrictions are decided based upon roadway geometry, roadway classification and access level, and required degree of access control.
Minor Arterials	**3**	Depends on the turning restrictions imposed upon access points. The turning restrictions are decided based upon roadway geometry, roadway classification and access level, and required degree of access control.
Collectors	**4 and 5**	Minor collector streets have an access level of 4; second class collector streets have an access level of 5.
Local streets	**6**	None
Alleys and private streets	**7**	None

TABLE 1211-9: ROADWAY ACCESS LEVEL SPECIFICATIONS

ACCESS LEVEL	ROADWAY CLASSIFICATION	DESCRIPTION	ACCESS SKETCH	DIRECT PROPERTY ACCESS	GENERAL DESIGN FEATURES
1	Freeway	Access at interchanges only. Uninterrupted flow		Not permitted	Multi-lane; median divider
2	Major arterials (Left turn out prohibition enforceable only on divided highway)	Right turn out, left and right turn in (no left turn out). Interrupted flow in one direction. Right turn deceleration lane required. Roadway entry acceleration lanes optional.		Not permitted or restricted	Multi-lane
3	Minor arterials	Right and left turn in and out with left turn lane in and out required. Interrupted flow in both directions. Right turn deceleration lanes recommended.		Restricted	Multi-lane
4	Minor collectors	Right and left turn in and out with left turn lane in and out required. Interrupted flow in both directions.		Restricted	2 lanes with turning movements
5	Second class collectors	Right and left turn in and out with left turn lane in and out required. Interrupted flow in both directions.		Restricted by volume, speed, sight distance and spacing	2 lanes with turning movements
6 and 7	Local and private streets, alleys	Right and left turn in and out (safety requirements only)		Permitted	2 lanes



(4) Roadway Reclassification

The roadway classifications are subject to change, as surrounding land uses change. As a particular roadway's re-classification is necessary, the proposed classification shall be approved by the City Engineer.

(G) ACCESS SPACING REGULATIONS

Access spacing regulations establish standards of access spacing for the different access levels. Different sets of standards apply to interchanges and signalized intersections, unsignalized intersections and driveways, median openings and to lateral access restrictions.

(1) Interchanges and Signalized Intersections

The very nature of the access spacing guidelines for interchanges and signalized intersections makes it impossible to require that all spacing distances be exact. Roadway and access designs should conform to the specifications in Table 1211-10: Access Spacing Regulations - Interchanges and Signalized Intersections, as closely as possible. When a new interchange or signalized intersection is proposed, the applicant shall provide justification for the proposed location. Final approval shall be obtained from the City Engineer.

TABLE 1211-10: ACCESS SPACING REGULATIONS - INTERCHANGES AND SIGNALIZED INTERSECTIONS

ACCESS LEVEL	GENERAL ROADWAY TYPE	POSTED SPEED LIMIT (MPH)	INTERCHANGES (1) MINIMUM SPACING (MILES)		SIGNALIZED INTERSECTIONS
			URBAN/ SUBURBAN	RURAL	MINIMUM SPACING (FEET) AT CORRESPONDING SPEEDS
1	Freeways	Minimum: 55	1	3	NA
2	Major arterials	45 rural	NA (Optional where deemed necessary)	NA (Optional where deemed necessary)	2,000
		40 suburban			1,500
		35 suburban/urban			1,000
		30 highly developed urban			1,000
3	Major and minor arterials	45 suburban	NA	NA	1,500
		35 suburban/urban			1,000
		30 urban			1,000
		25 highly developed urban			1,000
4	Minor collectors	35 suburban/urban	NA	NA	1,500
		30 urban			1,000
		25 developed urban			750
5	Second class collectors	35 rural/ suburban	NA	NA	1,500
		30 suburban/urban			1,000
		25 developed urban			750
6 and 7	Local and private streets, alleys	25 and under	NA	NA	NS

Notes:
NA = Not applicable
NS = Not specified

(2) Unsignalized Intersections and Driveways

Minimum spacing regulations have been set for unsignalized driveways and roadways. The intent of these regulations is to avoid significant delays and/or accidents caused by frequent access points along a given roadway. The spacing regulations are based upon the type of traffic volume generator or land use, and its location classification (urban, suburban, rural) along a given roadway. To determine the roadway location classification. Refer to Table 1211-11: Access Spacing Regulations - Unsignalized Intersections and Driveways, for the specific development standards.

TABLE 1211-11: ACCESS SPACING REGULATIONS - UNSIGNALIZED INTERSECTIONS AND DRIVEWAYS

ROADWAY TYPE	POSTED SPEED LIMIT (MPH)	MINIMUM SPACING FOR UNSIGNALIZED DRIVEWAYS AND ROADWAYS (FEET)								
		DISTANCES BASED ON ROADWAY LOCATIONS, TRAFFIC VOLUME GENERATORS1 AND SPEED LIMITS								
		URBAN ROADWAY			SUBURBAN ROADWAY			RURAL ROADWAY		
		LOW	MEDIUM	HIGH	LOW	MEDIUM	HIGH	LOW	MEDIUM	HIGH
Major arterials	50							250	400	500
	45							225	350	450
	40				250	350	400			
	35	200	300	350	175	300	350			
	30	150	250	300						
Minor Arterials	50							200	300	400
	45							200	275	350
	40				150	200	350			
	35	175	250	300	150	200	300			
	30	125	200	250						
	25	100	150	200						
Minor collectors	45							150	250	300
	40							150	200	250
	35	150	150	200	150	200	250			
	30	150	150	200	150	200	250			
	25	150	150	150						
Second class collectors	40							150	200	250
	35				150	200	250	150	200	250
	30	150	150	150	150	150	150			
	25	150	150	150						

Note:
(1) Traffic volume generators are defined in Table 1211-6: Traffic Volume Generators.

(3) Median Openings

Minimum spacing regulations have been developed to regulate the distance between median openings. These regulations are intended to:

a) Ensure that vehicles making turns through the median openings will not cause significant delays; and

b) Ensure a safer, uncongested through movement along the divided roadway.

c) Minimum spacing regulations, based upon roadway type, are listed in Table 1211-12: Access Spacing Regulations - Median Openings.

TABLE 1211-12: ACCESS SPACING REGULATIONS - MEDIAN OPENINGS

ACCESS LEVEL	ROADWAY TYPE	SPACING CRITERIA (IN FEET) FOR UNSIGNALIZED MEDIAN OPENINGS ON DIVIDED ROADWAYS1
1	Freeways	Not applicable
2, 3	Major arterials	650
3	Minor arterials	650
4	Minor collectors	300
5	Second class collectors	250
6	Local streets	250
7	Private streets, alleys	Not applicable

Additional Requirements:
(1) Median openings shall be provided at all signalized at-grade intersections, and at all unsignalized junctions of arterial and collector streets.
(2) The spacing of median openings for signalized driveways should reflect traffic signal coordination requirements and the storage space needed for left turns.
(3) Applications for median opening for a driveway must be approved by the City Engineer.

(4) Lateral Access Regulations

Lateral access regulations have been developed to regulate the distance between the first driveway or unsignalized street on either side of an intersection. Lateral access regulations are intended to:

a) Provide for sufficient vehicle stacking distance at intersections so that vehicles backed up at a traffic signal will not block the use of the driveway.

b) Ensure that vehicles turning left through an intersection and into the lateral access do not back up into the intersection and block through movements.

c) Ensure that vehicles turning out of driveways have sufficient time to either:

- **i)** Cross the traffic lanes with a left turn movement; or
- **ii)** Turn right and accelerate sufficiently, without risk of conflict from a car coming around the corner.

d) Minimum distances, based upon roadway type and development type are listed in Table 1211-13: Spacing Regulations - Lateral Accesses.

TABLE 1211-13: SPACING REGULATIONS - LATERAL ACCESSES			
MINIMUM DISTANCE REQUIRED BETWEEN LATERAL ACCESS AND INTERSECTION (FEET)			
	LOW TRAFFIC	MEDIUM TRAFFIC	HIGH TRAFFIC
ROADWAY TYPE	VOLUME GENERATOR	VOLUME GENERATOR	VOLUME GENERATOR
Major arterials	150	200	350
Minor arterials	100	150	200
Minor collectors	100	150	200
Second class collectors	100	150	200

Additional Requirements:

(1) When the left turn storage lane for the intersection (on the roadway abutting the generator) is longer than the lateral access requirement (above), left turn movements to and from the generator shall be prohibited. This will prevent delays for those vehicles making left turn movements at the intersection that are caused by vehicles turning left into the generator from the left turn storage lane. This will also prevent potential accidents and/or delays caused by vehicles turning left from the generator and crossing the left turn storage lane.

(2) If the intersection includes two different roadway types, then the greater of the two distances shall be used.

(3) Lateral access requirements do not apply to roadway types that are not listed above.

Chapter 1212: Landscaping and Buffering Standards

1212.01 Purpose

The purpose of this section is to protect and promote the public health, safety, general welfare, and beautification of Monroe through the City's authority to regulate land use in a method that utilizes the benefits of landscaping. Specifically, it is the purpose of this section to:

(A) Protect privacy and provide buffering between land uses of differing intensities;

(B) Aid in noise, glare and heat abatement;

(C) Contribute to the process of air purification, ground water recharge, and control of ground water runoff;

(D) Encourage efforts to preserve large trees, natural wetlands, and/or other natural features;

(E) Prevent tree loss by eliminating or reducing compaction, filling or excavation near tree roots;

(F) Prevent or reduce soil erosion and sedimentation and stormwater runoff;

(G) Enhance energy conservation;

(H) Control the urban heat island effect; and

(I) Increase and maintain property values.

1212.02 Applicability

(A) This chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes), and all parking lot expansions.

(B) Substantial expansion of existing structures shall be defined based on the criteria established in Table 1212-1: Substantial Expansion Thresholds.

TABLE 1212-1: SUBSTANTIAL EXPANSION THRESHOLDS

WHEN EXISTING STRUCTURE IS	A SUBSTANTIAL EXPANSION IS
0 - 1,000 sq. ft.	50% or greater
1,001 - 10,000 sq. ft.	40% or greater
10,001 - 25,000 sq. ft.	30% or greater
25,001 - 50,000 sq. ft.	20% or greater
50,001 sq. ft. and larger	10% or greater

(C) Additional applicability standards for landscaping in vehicular use areas are established in Chapter 1211.

(D) An applicant may propose an alternative to meeting the standards of this requirement if approval is granted through the alternative equivalent compliance procedure established in Section 1203.10 Alternative Equivalent Compliance.

1212.03 Landscape Plan Required

(A) The owner of any property to which this chapter applies shall submit a landscape plan to the Code Enforcement Officer as part of the applicable zoning permit, subdivision plat, or site plan application. Landscape plans shall be prepared by and/or certified by a design professional practicing within his or her area of competence.

(1) Landscape plans submitted as part of the sign permit process do not need to be prepared by a certified design professional.

(B) No development review application required under this code shall receive final approval unless a landscaping plan has been submitted and approved.

(C) The following shall be fully satisfied prior to the zoning compliance inspection:

(1) Such plan has been fully implemented on the site; or

(2) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the City in a form acceptable to the Code Enforcement Officer and may be secured by a letter of credit, cash escrow or other instrument as required by the Code Enforcement Officer in an amount equal to the cost of such installation plus a 10 percent allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.

1212.04 General Provisions

(A) All unpaved or otherwise unimproved areas, including the public right-of-way, or public use areas, or remainder of the site, shall be graded and seeded in an approved manner.

(B) All applicants who are required to install landscaping in accordance with this code shall take necessary steps to prevent silting and erosion during construction to meet the standards of the OEPA.

(C) All new residential lots shall have an appropriate cover of undisturbed existing vegetation, seed and straw, fresh-cut sod or spot sod within three months from the date of the zoning compliance inspection for all new residential structures.

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

(E) In the event that the unusual topography or elevation of a development site, the size of the parcel, the extent of expansion or redevelopment of the site or vehicular use area is deemed to be insignificant, or the presence of existing buffers on adjacent properties would make strict adherence to the requirements of this chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Planning Commission or Code Enforcement Officer may modify the requirements of this chapter, provided the existing or resulting landscape features of the development site comply with the spirit and intent of this chapter.

(F) EASEMENTS, RIGHTS-OF-WAY, SETBACKS, AND SIGHT CLEARANCE

(1) Required landscaping may be placed wholly or partially in utility or other easements, providing all requirements can be fulfilled and approval is granted by the holder of the easements.

(2) The species of trees that will be planted below utility lines should be selected based on the height of the tree at maturity to ensure that only a minimal amount of trimming will be necessary to prevent interference with utilities.

(3) In no case shall landscaping and buffers be established so as to block the sight distance at street or driveway intersections as established in Section 1204.05(B)(1): Height Limit at Street Corners (Traffic Safety Visibility Triangle).

(4) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscaped material.

1212.05 Landscape Material Standards

The following items are suitable for screening use, individually or in combination with each other, subject to review and approval by the Code Enforcement Officer. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the City.

(A) EXISTING VEGETATION

Existing vegetation may be used to comply with the requirements of the chapter if the materials meet the following standards:

(1) The applicant shall be responsible for demonstrating how retained vegetation meets the standards of this code.

(2) Only those trees meeting the location, health, and minimum size requirements applicable to new landscape materials in this section shall be credited toward meeting the requirements of this chapter.

(3) Existing viable trees meeting the minimum size requirements for new plantings that are located within 20 feet of the perimeter edge of an off-street vehicular use area shall be credited towards the parking lot perimeter landscape requirements of Section 1212.07: Landscaping for Vehicular Use Areas.

(4) Existing viable trees meeting the minimum size requirements for new plantings that are not credited towards buffer or parking lot requirements may be credited towards any other landscaping requirements of this code.

(5) All existing vegetation shall be preserved and protected during construction in accordance with acceptable nursery industry procedures.

(B) WALLS AND FENCES

(1) When walls or fences are used to fulfill any requirements of this section, they shall be detailed on the plan. They are to be of weather-proof materials as established by the permitted materials list maintained by the Code Enforcement Officer.

(2) All hardware shall be weather-proof hardware.

(3) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the requirements of this chapter.

(C) EARTH MOUNDS

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

(1) The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Code enforcement officer to ensure that proper erosion prevention and control practices have been utilized.

(2) Berms and earth forms should be designed with physical variations in height and alignment throughout their length.

(3) Landscape plant material installed on berms and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.

(4) The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques, to demonstrate compliance with the above provisions.

(5) Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.

(6) No part of any berm or earthform which is elevated more than 18 inches above natural grade shall be located within 11 feet from the curb or property line or within any right-of-way in order to preserve open space, a level sidewalk, and line of sight.

(7) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

(D) PLANTS

(1) All plants are to be living vegetation.

(2) All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety. Plant materials shall have passed any inspection required under state regulations.

(3) Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root, as well as balled and burlapped or containers.

(4) The Code Enforcement Officer may maintain a prohibited tree list that identifies specific trees that shall be prohibited either as street trees or general landscaping trees due to prevalence of disease or pests, poor survival rates, or other conditions that prevent the trees from being used to meet the requirements of this chapter.

(5) Deciduous and evergreen canopy or shade trees shall have a minimum of 2.5 inches Diameter at Breast Height (DBH) at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended. Evergreens shall also be a minimum of six feet in height above ground at the time of planting, while deciduous trees shall also be a minimum of eight feet in height above ground level at the time of planting.

(6) Understory, small maturing, or ornamental trees shall have a shall have a minimum of two inches Diameter at Breast Height (DBH) at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended, and shall be a minimum of six feet in height above ground level at the time of planting.

(7) All deciduous trees shall be staked or otherwise supported as appropriate to grow straight.

(8) The use of native, drought tolerant vegetation is encouraged to reduce dependency upon irrigation.

(9) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

(10) Shrubs and Hedges

Shrubs and hedges shall be at least 36 inches in height at the time of planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

(11) Grass Or Ground Cover

Grass of the Fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in the applicable county. In swales or other areas subject to erosion, solid sod, erosion-reducing netting, mats, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a spacing that will provide at least 75 percent complete coverage after two growing seasons.

(12) Mulched Landscaped Areas

Required landscaping shall be located in mulched landscaped beds with a minimum width of three feet in all directions. Alternatives to this requirement may be approved through approval of an alternative equivalent compliance (See Section 1203.10: Alternative Equivalent Compliance.).

(13) Species Diversity

a) When fewer than 40 trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.

b) When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.

c) Required shrubs shall utilize the same species diversity requirements.

d) Nothing in this subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

1212.06 Street Tree Requirements

(A) APPLICABILITY

(1) All subdivisions shall include street trees that comply with the general requirements for plants in Section 1212.05: Landscape Material Standards.

(2) All new sites and new developments are subject to the street tree requirements in this section.

(3) All new roads or extensions of existing roads are subject to the street tree requirements in this section.

(B) Street trees shall be required along both sides of all streets.

(C) Street trees shall be required at all new sites along all frontages, excluding interstate highway frontage and alleys.

(D) The applicant shall plant deciduous street trees with a minimum of two inches DBH. Street trees shall not have thorns or produce nuts or fruit.

(E) Street trees shall be planted 25 feet on center along all streets, where required.

(F) At the time of planting, the lowest limb of any tree shall not be less than five feet above the ground. Existing trees that are properly located may be used in lieu of required trees.

(G) During the site plan review process or subdivision review process, the Code Enforcement Officer or Planning Commission, as applicable, may permit the applicant to completely or partially elect out of the street tree planting requirement stated above by making a park development payment in lieu of tree plantings. Said election must be requested in writing by the applicant and state the reasons such modification from this requirement are being requested.

(1) If the Code Enforcement Officer or Planning Commission, as applicable, permits the applicant to proceed under this option, the applicant shall be required to make a payment equal to the fee established in the City's fee schedule (See Section 1203.02(F): Fees.) for each tree the applicant will not be planting but is otherwise required pursuant to this subsection.

(2) Payment must be made to the City prior to the final record plat being placed on the City Council agenda for final consideration or prior to the zoning compliance inspection, whichever is applicable. Each payment shall only account for the required trees contained within the subdivided section being considered for recordation as indicated on the final record plat.

(3) All payments made under this division shall be earmarked for the exclusive use of developing and maintaining municipal park facilities.

1212.07 Landscaping for Vehicular Use Areas

(A) APPLICABILITY

(1) Landscaping for any outdoor vehicular use area shall be provided in accordance with this section.

(2) When a vehicular use area is expanded by more than 35 percent of the original size, either at once or over a period of time, the entire vehicular use area shall be brought into compliance with this section.

(B) LANDSCAPE REQUIREMENTS

Vehicular use areas subject to the requirements of this section shall comply with the following standards:

(1) All trees shall be mulched around the base of the trunk with a minimum diameter of three feet of mulch.

(2) Island Standards

a) Landscape islands shall be located at the end of all internal parking rows.

b) Landscape islands shall be located within interior parking rows with a single row of 20 or more spaces such that no more than 15 spaces shall be located without being interrupted by a landscaped island. Landscape islands that are formed from peninsulas, extending from perimeter landscaped areas, shall only count as an interior landscape island if it extends the full length of a parking space and has a minimum width of nine feet.

c) Landscape islands shall have a minimum size of 135 square feet for single-loaded parking rows and a minimum size of 270 square feet for double-loaded parking rows.

d) There shall be a minimum of one tree planted within each landscape island. Such trees shall count toward the perimeter tree requirement. If an existing tree is be used to meet the requirements of this Subsection, the landscape island shall be equal in size to the tree's drip line area.

e) All vegetation that is used shall be of a height that provides for clear visibility between two to six feet above the level of the ground.

f) All portions of a landscape island not covered by a tree or shrubs shall be covered by additional shrubs, grass, ground cover, or mulch.

(3) Perimeter Standards

a) The required landscaping shall be distributed along the entire perimeter of the vehicular use area.

b) A minimum of one canopy tree and three shrubs is required for every 5 parking spaces.

1212.08 Front Yard Landscaping for Nonresidential Uses

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

(B) This landscaping may be used to fulfill the perimeter landscaping requirement of Section 1212.07(B)(3).

1212.09 Landscaping or Screening for Service Structures

(A) Service structures shall be screened from public view. Service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, electrical and other equipment, or elements providing service to a building or a site. Structures should be grouped together.

(1) Screening shall be approved by the Code Enforcement Officer. Alternatively, Planning Commission may approve the screening during the Site Plan Review process.

(2) Service structures may also be subject to Section 1210.05(C)(5): Mechanical Equipment.

(3) All truck docks shall be located so as not to be visible from any public right-of-way or residential district. Screening shall be provided to achieve at least 75% opacity up to ten feet in height (from average grade, excluding a truck dock ramp below grade) if the truck dock is unable to be located per the requirements above as determined by the Planning Commission or Code Enforcement Officer as applicable. Screening elements shall include walls (same material and color as principle structure), landscaping, mounds or any combination thereof.

Figure 1212-A: Unacceptable Screening of Dock Doors

Figure 1212-B: Acceptable Screening of Dock Doors

Figure 1212-C: Preferred Screening of Dock Doors

(4) Service doors or overhead retractable doors shall not be visible from any public right-of-way or residential district. Screening shall be provided to achieve at least 50% opacity up to six feet in height if the door is unable to be located per the requirements above as determined by the Planning Commission or Code Enforcement Officer as applicable. Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, or any combination thereof.

(5) Wireless telecommunication facilities are not to be considered a service structure. Landscaping and buffering of wireless telecommunication facilities is set forth in Section 1204.04(C)(8): Wireless Telecommunication Facilities.

(6) These requirements shall not apply to the buffering of accessory uses such as the buffering of outdoor sales (See Section 1205.01(G)(13).) or outdoor storage bulk storage areas (See Section 1205.01(G)(14).).

(7) Location of Screening

a) Whenever service structures are screened by plant material, such material may not count towards the fulfillment landscaping required in other sections of this chapter.

b) No interior landscaping shall be required within an area screened for service structures.

c) Fences or walls shall be compatible with the architectural materials and patterns of the principal structure or be comprised of a material on an approved fencing and walls material list maintained by the Code Enforcement Officer. Metal fencing shall not be permitted unless it is decorative cast iron or other materials, as approved by the Code Enforcement Officer, that enhances the screening of the structure.

d) Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.

Figure 1212-D: Use of a wall and fencing for screening that is architecturally compatible with the principal building.

(B) Detention and Storm Water Management Facilities

(1) Detention and storm water management facilities shall be finished mowed and landscaped.

(2) All retention facilities shall include a water feature.

(3) The slope of the detention basin exceeding 3:1 and may require a protective barrier.

(4) When retaining walls are used they shall be constructed of materials on an approved fencing and walls material list maintained by the Development Department.

1212.10 Buffer Requirements

(A) Buffer Types

(1) Table 1212-2: Buffer Types, describes four different buffering standards in terms of opacity. Where a particular buffer type is required in Table 1212-2: Buffer Types, the requirements may be met with the combination of minimum buffer width and planting requirements specified under either Option 1 or Option 2.

(2) The required buffer area may be located within a required setback as established in Section 1204.05: Site Development Standards.

(3) The requirements of Table 1212-2: Buffer Types, shall apply to each 100 linear feet of buffer requirement or proportion thereof (e.g., 100 linear feet of lot line where such buffer is required).

(4) Nothing shall be located in required buffer areas except that a driveway may be permitted to cross through a buffer area but such crossing shall occupy as little of the buffer area as possible.

(5) Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.

(6) Fences and wall shall comply with Section 1204.05(A)(4)e): Obstructions, Fences, Walls and Hedges unless altered for height, location, etc. in accordance with this section as approved by the Code Enforcement Officer

TABLE 1212-2: BUFFER TYPES		
BUFFER TYPE AND CONFIGURATION	OPTION 1: MINIMUM WIDTH 35 FEET	OPTION 2: MINIMUM WIDTH 20 FEET
Buffer Type A: Basic - The perimeter buffer functions as a basic edge demarcating individual properties with a slight visual obstruction.		
	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	
Buffer Type B: Aesthetic - This perimeter buffer functions as an intermittent visual obstruction, and creates the impression of spatial separation without eliminating visual contract between uses.		
	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees +14 ACI understory trees + 35 shrubs per 100 linear feet
Buffer Type C: Semi-Opaque - This perimeter buffer functions as a semi-opaque screen.		
	12 ACI of canopy trees + 14 ACI of understory trees + 25 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet
Buffer Type D: Opaque - This perimeter buffer functions as an opaque screen and prevents visual contact between uses and creates a strong impression of total separation.		
	18 ACI of canopy trees + 20 ACI of understory trees + 55 shrubs per 100 linear feet	One 6-foot-high solid wall or wooden fence + 12 ACI of canopy trees per 100 linear feet
* ACI = Aggregate Caliper Inches		

(B) REQUIRED BUFFERS

(1) Table 1212-3: Required Buffer Area, specifies the type of buffer that a new development shall provide between it and adjacent properties, based on the use of the development site and that of adjacent properties. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 1212-2: Buffer Types.

(2) The landscape buffer shall be provided along the entire lot line between the two adjacent uses identified in Table 1212-3: Required Buffer Area, except where cross-access is required.

(3) Any reference to a "use classification" shall be a reference to the major classification of uses in Table 1204-3: Principally Permitted Uses.

(4) No buffer shall be required in the C-3 district

TABLE 1212-3: REQUIRED BUFFER AREA

ADJACENT TO:	ANY LOT IN AN A-1, 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-1 ZONING DISTRICT
PROPOSED USE:						
Multi-family dwellings and nursing homes or convalescent homes	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-1 District	D	D	D	C	B	None Required

(C) MODIFICATIONS OF BUFFER REQUIREMENTS

Modifications to the buffer requirements may be permitted if approved through the alternative equivalent compliance procedure. See Section 1203.10: Alternative Equivalent Compliance.

(D) BUFFER ESTABLISHMENT

Once a buffer has been approved by the Code Enforcement Officer and established by the owner, it may not be used, disturbed or altered for any purpose unless otherwise permitted by the City.

1212.11 Maintenance

(A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures.

(B) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.

(C) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.

(D) Violation of these installation and maintenance provisions shall be grounds for the Code Enforcement Officer to refuse a zoning permit or a zoning compliance inspection, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this chapter.

Chapter 1213: Open Space Standards

1213.01 Purpose

The purpose of this chapter is to regulate the character and design of those portions of a development that are not occupied by platted lots or streets and that are reserved for outdoor uses including, but not limited to, parks, trails, landscaping, and other open space uses. The standards of this chapter apply regardless of whether or not the land involved will be dedicated to the City, and regardless of whether or not such open space will be open to the public or other residents of the development.

1213.02 Applicability

(A) Open space shall be required for all residential subdivisions as established in Table 1213-1: Open Space Set-Aside.

(B) The Code Enforcement Officer shall not give zoning compliance inspection approval for any building or structure shown in a subdivision or development subject to the provisions of this chapter unless the open space allocated to that stage have been conveyed under one of the options provide in Section 1213.06: Protection and Ownership of Open Space.

1213.03 General Standards

(A) Amount of Open Space Required

(1) Development shall provide at least the minimum amount of open space identified in Table 1213-1: Open Space Set-Aside.

Table 1213-1: Open Space Set-Aside

District	Minimum Percentage of Gross Site Area Designated as Open Space
Any subdivision in the A-1 District	None
Any subdivision in the R-1, R-2, R-3, or R-4 District	5% Formal Open Space
Permitted Conservation Subdivision in the A-1 or R-2 District	50% Open Space or 65% Open Space (varies by principal use) including 5% Formal Open Space
Any PUD that includes a residential subdivision	20% Total Open Space including 5% Formal Open Space
Any PUD including a residential component to the development	5% Formal Open Space

(2) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.

(3) When formal open space is required, such space shall be areas of open space that have been improved for active use by residents or members of the public that may include, but is not limited to, in-ground swimming pools, playgrounds, tennis courts, jogging trails, or similar outdoor recreational uses.

(4) The following areas shall not be counted toward compliance with open space requirements:

a) Private and public roads, and associated rights-of-way;

b) Public or private parking spaces, access ways, and driveways related to any residential use;

c) Required setbacks between buildings, and vehicular use areas;

d) Required setbacks between buildings and streets;

e) Required minimum spacing between buildings and vehicular use areas;

f) Private yards, including front, back and side yards;

g) Land that is subject to pre-existing conservation easements or other similar protected open spaces;

h) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems;

i) Substations, public utility easements;

j) Dry stormwater detention basins or facilities unless they are located within an open space area preserved under this chapter;

k) Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission.

(B) PERMITTED USES IN OPEN SPACE

The following uses may be permitted in required open space:

(1) Passive recreational uses such as nature preserves, protected tree stands, meadows, or other non-formal areas of open space.

(2) Active recreational uses as permitted in formal open spaces (See the definition of "active parks, playgrounds, and recreational facilities.")

(3) Community gardens (See Section 1205.01(G)(5): Community Gardens.);

(4) Picnic areas and associated shelters; and

(5) Any other uses approved by the Planning Commission during the applicable review procedure.

1213.04 Design Standards for Open Space Set-Asides

Land set-aside as open space shall comply with the following standards:

(A) All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public street, or in the case of a mixed use development, 15 feet of frontage on an internal access drive or on a public street.

(B) Areas of open space in residential subdivisions shall have a minimum area of 10,000 square feet in size.

(C) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

(D) Lots and buildings adjacent to formal open space set-asides in traditional and conventional areas shall be oriented toward the open space set-aside.

(E) When 15% or more of a site is required to be set aside for open space, a minimum of 10% of the of the total project area shall be dedicated as natural green space. Such green space shall be suitably improved for its intended use, but any green space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the green space shall be appropriate to the uses which are authorized for the green space and shall conserve and enhance the amenities of the green space, having regard to its topography and unimproved condition.

(F) If the final subdivision plat or final PUD plan provides for buildings, structures or improvements in the green space and recreational space, the developer shall provide a bond of 100% of the City Engineer's estimate of the cost of those improvements so that the buildings, structures and improvements will be completed. The city shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the approved plan.

(G) The use and improvement of the green space and recreational space shall be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the PUD or subdivision.

(H) The legal right to develop the green space and recreational space for those uses not specified in the final subdivision plat or final PUD plan may be conveyed, with a conservation easement, to a public agency in accordance with Section 1213.06: Protection and Ownership of Open Space.

1213.05 Provision of Open Space in Multi-Phase Developments

(A) Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards required in this chapter.

(B) The open space set-aside for the entire project shall be reviewed and approved as part of the preliminary plat process.

(C) Development shall not be phased solely as a method to avoid the minimum open space set-aside standards in this chapter.

(D) In cases where less than 100 percent of the total amount of open space set-aside is provided within the first phase of a multi-phase development, the open space set-aside required shall be apportioned into each of the remaining development phases.

1213.06 Protection and Ownership of Open Space

(A) Any further subdivision of the open space for uses other than those prescribed in this chapter and the approved site plan, PUD plan, or subdivision plat shall be prohibited.

(B) In all cases, the long term control and protection of the open space shall be accomplished through the use of a conservation easement.

(C) **CONSERVATION EASEMENTS**

(1) At the time when an applicant records the plat for the approved subdivision, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirement. The conservation easement shall:

a) Run with the land, regardless of ownership;

b) Provide for protection of the land in perpetuity;

c) Be granted and deeded to the City, county, state, park district, a city approved land trust, or other qualified organization approved by the Planning Commission;

d) Be solely for the purpose of ensuring the land remains undeveloped; and

e) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.

(2) While the City, county, state, park district, city approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the subdivision), or the homeowners' association. If it is to be owned by the homeowners' association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the Code Enforcement Officer to be maintained as part of the City's records.

(3) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this code. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.

(D) HOMEOWNERS' ASSOCIATIONS OR PROPERTY OWNERS' ASSOCIATIONS

(1) A homeowners' association or property owners' association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the City, county, state, park district, city approved land trust, or other qualified organization.

(2) All homeowners' association or property owners' association agreements shall be submitted to the Code Enforcement Officer as part of the subdivision application, PUD or site plan, whichever is applicable. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association or property owners' association shall permit the abrogation of any duties set forth in this section.

(3) All homeowners' associations or property owners' association shall guarantee the maintenance of all open space and common areas within the boundaries of the development through the deed restrictions or covenants.

(4) Membership in the association shall be mandatory for all purchasers of lots in the development.

(5) The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

(6) In the event that the homeowners' association or property owners' association no longer maintains the common areas and open space in a neat and orderly manner, or if the homeowners' association or property owners' association goes defunct, the City may take over maintenance and assess a fee to cover the costs of such maintenance. The fee shall be assessed to each of the benefitting property owners within the subdivision.

Chapter 1214: Signage Standards

1214.01 Purpose

Regulating the location, size, placement, and physical characteristics of signs is necessary to enable the public to locate goods, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion, to encourage the general attractiveness of the community, to enhance public safety, and to protect property values. Accordingly, this section establishes regulations governing the display of signs that will:

(A) Promote and protect the public health, safety, comfort, morals, and convenience;

(B) Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public;

(C) Restrict signs and lights that will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;

(D) Reduce conflict among signs and light and between public and private information systems; and

(E) Promote signs that are compatible with their surroundings.

1214.02 Scope of Chapter

This chapter shall regulate the height, area, location, graphics, color, materials, and other visual aspects of signs and sign structures. It does not regulate noncommercial holiday signs and decorations, public informational and safety signs, or signs required by law.

1214.03 General Regulations

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

(A) No sign shall be erected in the City unless it is in compliance with the regulations of this chapter. Furthermore, no sign shall be erected in the public right-of-way unless specifically provided for in this chapter.

(B) Except as otherwise stated in this chapter, no person shall place, erect, paint, illuminate or alter any sign in the City without first obtaining a zoning permit, as established in Section 1203.12: Zoning Permit.

(C) As part of a zoning permit review for signs, the Code Enforcement Officer may request additional review by the building inspector with respect to electrical and structural design issues.

(D) Permanent signs shall be constructed in compliance with all applicable regulations of the City or states applicable building, fire, or electrical codes.

(E) No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.

(F) No part of a sign shall have animation, moving parts, flashing lights or changing colors unless specifically permitted in Section 1214.10(C)(3)g): Changeable Copy Signs.

(G) No sign, other than subdivision entrance signs, shall be permitted as the principal use on a premises. Signs shall be permitted only as accessory uses unless otherwise specified in this chapter.

(H) ILLUMINATION

(1) All signs, except as specifically stated in this chapter, may be illuminated by internal or reflected light, provided that such illumination shall:

a) Be shielded from all adjacent residential buildings and all streets;

b) Not have an intensity to cause glare visible to pedestrians or vehicle drivers, nor shall the illumination be of such brightness as to cause reasonable objection from adjacent residential districts; and

c) No illuminated sign shall be permitted if any part of the sign flashes on or off, has lighting that moves or illustrates movement, or displays changing degrees of intensity in illumination. This regulation applies to signs located outside of buildings and to window signs inside buildings that can be seen from the outside. This prohibition on flashing, moving, or intermittent lighting shall not apply to permitted electronic message centers in Section 1214.10(C)(3)g): Changeable Copy Signs.

(2) Signs shall not be lighted so as to obstruct traffic control or other public information signs.

(3) Any sign having an outside power source shall obtain a permit and electrical inspection to govern safety and conformity with the National Electrical Code.

(I) CONSTRUCTION STANDARDS

(1) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(2) Signs shall be fabricated on and be of materials which are of good quality, of good durability and complementary to the building or site of which they become a part.

(3) The construction, erection, safety and maintenance of signs shall comply with the building and housing code or other applicable codes of the City.

(4) Permanent signs shall be structurally designed to withstand a wind pressure of thirty pounds per square foot in any direction.

(J) ABANDONED SIGNS

(1) Abandoning a sign shall terminate the right to maintain the sign, and the sign owner shall be required to remove the sign. A nonconforming sign shall be considered to be abandoned in the following situations, regardless of reservation of an intent not to abandon, or of an intent to reserve the right to use the sign:

a) A sign displaying no message for a period of 90 days; and

b) Signs on property where an activity, business product, or service which has not been produced, conducted, sold, or performed for a period of 90 days on the premises where the sign is located.

(2) If the Code Enforcement Officer finds that an abandoned sign has not been removed within 90 days from the cessation of a particular use, then it shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within 30 days after receipt of the notice from the Code Enforcement Officer. If the sign is not removed after 30 days, then the Code Enforcement Officer is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(3) Whenever an abandoned sign is ordered to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, monument, cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.

1214.04 Computations

The following standards shall control the computation of sign area and sign height:

(A) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed. This does not include any supporting framework, monument, bracing, or decorative fence or wall when such fence or wall meets the standards of this code.

(B) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.

(C) When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.

(D) The surface of a sign to be included when computing maximum allowable square footage sign shall be calculated as follows:

(1) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 1214-A.

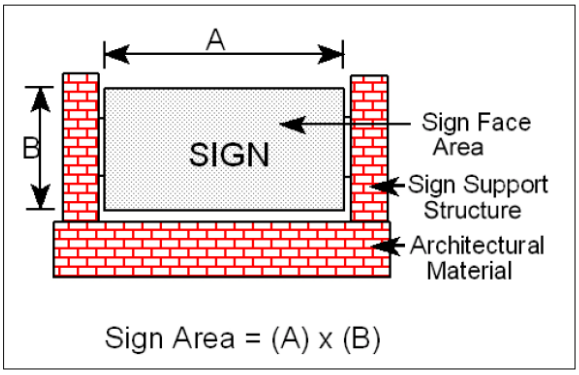


Figure 1214-A: Illustration of sign area computation for a monument sign.

(2) For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 1214-B and Figure 1214-C.

(3) For a sign which is composed of separate structural elements (e.g., sign cabinets, channel lettering, etc.) to form a single sign, where the elements are separated by more than six inches of open space, the sign area of each individual sign structure shall be calculated separately. If the elements are six inches or closer, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of all structures. See Figure 1214-B and Figure 1214-C.

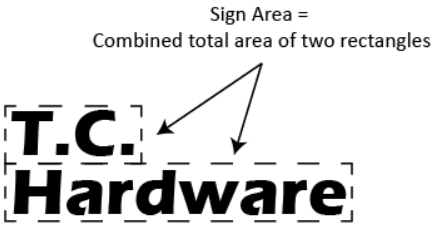


Figure 1214-B: Illustration of a sign area calculation for a wall sign with individual layers within six inches of one another.

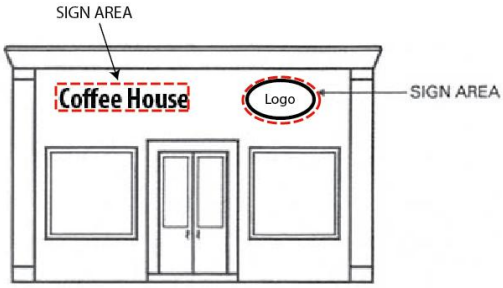


Figure 1214-C: Illustration of a sign area calculation for a wall sign with two separate components that our not within six inches of one another.

(4) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Code Enforcement Officer.

(E) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by adding together the vertical sign faces of all four faces of the smallest cube encompassing the sign and dividing that area by one-half. See Figure 1214-D.

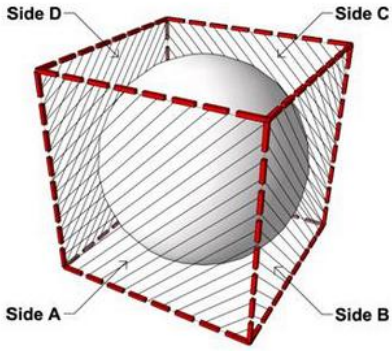


Figure 1214-D: The sign area of a three-dimensional sign is measured by totaling the sum of all four faces of the smallest cube encompassing the sign and dividing by one-half.

(F) The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign, excluding additional elevation added by the creation of berming or mounding.

(G) Where the maximum sign area is based on street frontage, the street frontage shall be based on street frontage where the sign is to be located.

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, etc., but in no case shall such dimensions exceed those permitted in the applicable district for the proposed sign type.

1214.06 Prohibited Signs

The following types of signs are specifically prohibited within the City:

(A) Signs attached to a motor vehicle or tractor trailer that are not utilized as an integral part of a business located on the subject site. Signs attached to a motor vehicle or tractor trailer shall include any signage painted on, physically applied to, or otherwise affixed to the vehicle. Vehicles with commercial messages that relate to the on-premises business shall be parked out of the public view during non-business hours;

(B) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;

(C) Pennants, streamers and other similar type devices;

(D) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign, this shall include a prohibition against covering a permanent sign with a temporary banner or other temporary material for more than 30 calendar days;

(E) Projecting signs that extend above the wall or parapet of a building to which it is affixed;

(F) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention;

(G) All portable advertising signs (mobile signs on wheels) except for sandwich board signs permitted in accordance with Section 1214.13(F): Sandwich Boards;

(H) Beacons and searchlights, except for emergency purposes;

(I) Balloons or air-activated graphics filled with helium, gas, air or any other gaseous material either suspended from or affixed to a structure, vehicle or ground, intended to be used for commercial purposes;

(J) Roof signs;

(K) Painted wall signs (except in the C-3 district);

(L) Neon signs; and

(M) Snipe signs.

1214.07 Signs Not Requiring a Permit

The following signs do not require a zoning permit from the Code Enforcement Officer. Each sign exempt from the permit process shall still comply with any applicable height, area, and locational standards established in this chapter.

(A) Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, way-finding signs, and signs of public service companies for the purpose of safety;

(B) Flags of reasonable, customary size and color, emblems and insignia of any governmental agency or political subdivision and temporary displays of a patriotic, religious, charitable or civic character;

(C) Commemorative plaques placed by a local, state, or federally recognized historical agency, or a government entity, with a maximum sign area of 48 square feet and maximum height of six feet;

(D) Interior signs within a stadium, open-air theater, shopping center, arena or other use, which signs can be viewed only by persons within such stadium, open-air theater, shopping center, parks, arena, or other use; and

(E) Certain temporary, commercial speech signs as established in Section 1214.13: Temporary Signs.

(F) Temporary signs without a commercial message

(1) Temporary signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property upon posting or removal.

(2) Temporary signs that do not contain a commercial message shall be set back a minimum of 10 feet from the street right-of-way line.

(3) The maximum height of temporary signs without commercial speech shall be six feet.

1214.08 Permanent Signs Permitted in PUD Districts

Signs within a PUD may be approved as part of the overall PUD plan and shall generally follow the provisions of Section 1214.09: Permanent Signs Permitted in Agricultural and Residential Zoning Districts, for signage in

residential areas and Section 1214.10: Permanent Signs Permitted in Business Zoning Districts, for signage in business areas.

1214.09 Permanent Signs Permitted in Agricultural and Residential Zoning Districts

The following are the permanent signs permitted in residential zoning districts along with all applicable standards:

(A) WALL SIGNS ON DWELLINGS

One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed two square feet.

(B) DEVELOPMENT/SUBDIVISION SIGNS

Two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:

(1) General Standards

a) Each sign may have a maximum sign area of 24 square feet not including any fencing, wall, supporting brick, stone, or any other material used to frame, brace or otherwise provide structural support for the sign on which the sign is located.

b) No such sign or any portion of the structure shall exceed six feet in height.

c) The sign may only be illuminated through an external light source.

(2) Monument Sign

a) A maximum of one permanent monument sign may be permitted for each entrance primary development or subdivision entrance on a collector or arterial street as determined by the Code Enforcement Officer.

b) A sign is permitted to be the principle use of the property if it is associated with the adjacent development or subdivision.

c) The sign shall be setback five feet from the public right-of-way and 20 feet from any adjacent lot lines.

d) If an applicant proposes to use a monument sign, no wall signs shall be permitted.

(3) Wall Signs

a) A maximum of two wall signs may be permitted for each entrance primary development or subdivision entrance on a collector or arterial street as determined by the Code Enforcement Officer.

b) The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.

c) The sign shall be setback five feet from the public right-of-way with no minimum setback from adjacent lot lines.

d) If an applicant proposes to use wall signs, no monument sign shall be permitted.

(C) SIGNS FOR AGRICULTURAL OR NONRESIDENTIAL USES

(1) For information on signage for home occupations, refer to Section 1214.09(A): Wall Signs on Dwellings.

(2) One on-site, permanent monument sign may be permitted for any nonresidential use in an agricultural or residential zoning district provided the sign meets the following requirements:

a) The sign shall be set back five feet from the public right-of-way and 10 feet from any adjacent property lines. The sign shall also be set back 25 feet from any adjacent residential uses.

b) The maximum sign area shall be 36 square feet.

c) No such sign or any portion of the structure shall exceed six feet in height.

d) Up to 50 percent of the sign may include manual changeable copy signage.

e) The sign may only be illuminated through an external light source.

(3) One on-site, permanent monument sign shall be permitted on any lot that is used primarily for an agricultural use provide the lot has a minimum area of five acres and the sign meets the same standards as established in Section 1214.09(C)(2) above.

1214.10 Permanent Signs Permitted in Business Zoning Districts

(A) All signs in the business districts shall be on-premises signs, accessory to the principal use.

(B) PERMITTED SIGNS

Table 1214-1: Summary Table of Permitted Signs, illustrates a summary of sign types permitted within each business zoning district. The symbol "P" shall mean the specific sign type is permitted within the applicable zoning district subject to all other applicable standards established in this chapter, including regulations for the specific sign type defined in this section.

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			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)
Development/Subdivision Signs		P	P	P	P	P	P	P	1214.10(C)(5)
Menu Board Signs		P	P		P				1214.10(C)(6)

(C) GENERAL REGULATIONS BY SIGN TYPE

The following standards apply to the individual types of signs permitted in the business zoning districts:

(1) Window Signs, Wall Signs, and Canopy Signs

In all business zoning districts, the combined total sign area of all wall, projecting, and canopy signs shall not exceed two and one-half (2.5) times the linear length of the building frontage.

a) Window Signs

Where window signs are permitted, such signs shall be regulated by the following:

i) All signs located within, attached or mounted to, or located within a space two feet inside of and positioned to be visible from outside of any window, shall be deemed a window sign.

ii) Where window signs are permitted, such sign shall not occupy more than 30 percent of the window area. See Figure 1214-E for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.

Figure 1214-E: The window area is illustrated within the dashed line area for the two storefronts in the above image.

iii) Window signs are not permitted in any window of a space used for residential uses or purposes.

iv) For safety purposes, address numerals not more than 12 inches tall and not exceeding a total of five square feet in cumulative display area, and that are not illuminated in any way, are not deemed window signs and shall be permitted without a zoning permit.

b) Wall Signs

i) Multiple wall signs shall be permitted for each tenant space in compliance with Section 1214.04(D)(3).

ii) The maximum wall sign area shall be equal to eight percent of the total square footage of the front building wall façade provided the maximum square footage of wall sign area shall be 500 square feet.

iii) In the case of a multi-tenant building, the above calculation shall apply to the area of the front building wall elevation for the individual tenant.

iv) Buildings located on corner lots or double frontage lots shall be permitted to have one wall sign on each façade facing a public street. Each wall sign shall be subject to the eight percent maximum coverage established in Paragraph (a) and shall not be cumulative.

v) No wall sign shall project above the roof line.

vi) No wall sign shall be located on any portion of a mansard style roof unless the proposed sign location is similar in size and location as other wall signage on the same premises or on adjacent sites.

vii) Wall signs shall not project more than 18 inches from the building wall and shall not extend above the wall or beyond the wall to which they are attached.

c) Canopy or Awning Signs

i) Regulations for canopy signs also apply to signs located on awnings.

ii) The maximum sign area of canopy signs shall be 30 square feet and shall not cover more than 50 percent of the canopy area. The total square footage of all canopy signs shall not exceed the maximum permitted wall sign area.

iii) All components of the canopy shall have a minimum clearance of eight feet from the sidewalk and 15 feet above any driveway or vehicular use area. See Figure 1214-F.

Figure 1214-F: Example of awning signs with appropriate height clearance.

(2) Projecting Signs

a) In the C-3 district, the maximum sign area shall be 16 square feet and only one projecting sign shall be permitted for each tenant space.

b) In all other districts where projecting signs are permitted, the maximum sign area shall be four square feet per tenant and are only permitted on multi-tenant buildings.

c) Projecting signs shall be allowed to project over two-thirds the width of the sidewalk or five feet from the building, whichever is less.

d) All components of the projecting sign shall have a minimum clearance of eight feet from the sidewalk and 15 feet above any driveway or vehicular use area.

e) Projecting signs shall not project above the roofline of the building.

Figure 1214-G: Example of a projecting sign

(3) Freestanding Signs

a) Location in Landscaped Area

Both pole signs and monument signs shall be located in a mulched and landscaped area that includes a variety of plant types or bushes and is equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills the requirements of Chapter 1212: Landscaping and Buffering Standards.

b) Number of Signs

i) One pole sign and one monument sign are permitted on each lot in the C-1 district.

ii) One monument sign is permitted on each lot in all other zoning districts where freestanding monument signs are permitted.

iii) Additional monument signs may be permitted on each side for corner lots or double or triple frontage lots in compliance with Section 1214.10(C)(3)e): Permitted Sign Area for Monument Signs.

c) Maximum Height

i) The maximum sign height for a pole sign in the C-1 district shall be 100 feet. The bottom of the sign face shall be a minimum of 50 feet above the existing grade.

ii) The maximum height for a pole sign in the C-4 district shall be 30 feet.

iii) The maximum sign height for a monument sign in the C-3 district shall be five feet.

iv) The maximum sign height for monument signs in all business districts except the C-3 district shall be 10 feet.

d) Permitted Sign Area for Pole Signs

i) The maximum sign area of a pole sign in the C-1 district shall be 225 square feet.

ii) The maximum sign area for a pole sign in the C-4 district shall be 36 square feet.

iii) The stacking of multiple sign cabinets or structures shall be prohibited (i.e., only one sign face is permitted or, in the case of back-to-back signs, two sign faces).

e) Permitted Sign Area for Monument Signs

i) In the C-3 district, the maximum sign area for monument signs shall be one square foot per linear foot of frontage of the premises, with a maximum sign area of 25 square feet.

ii) Table 1214-2: Maximum Sign Area for Monument Signs, establishes the maximum sign area for monument signs in the C-1, C-2, C-4, L-1, H-1, and B-P districts based on the frontage along a street right-of-way.

iii) If the lot does not have any public street frontage existing, the maximum sign area shall be established in Table 1214-3: Maximum Sign Area for Monument Signs on Lots with No Public Street Frontage, based on the building frontage.

iv) The Code Enforcement Officer may allow additional sign area of up to 36 square feet for monument signs when the applicant only qualifies for 48 square feet of signage according to the chart below and site-specific factors warrant additional signage.

TABLE 1214-2: MAXIMUM SIGN AREA FOR MONUMENT SIGNS	
FRONTAGE ALONG PUBLIC STREET RIGHT-OF-WAY	MAXIMUM SIGN AREA
0 - 150 feet	48 square feet
151 - 300 feet	96 square feet
301+ feet	144 square feet

TABLE 1214-3: MAXIMUM SIGN AREA FOR MONUMENT SIGNS ON LOTS WITH NO PUBLIC STREET FRONTAGE	
TOTAL SQUARE FOOTAGE OF PRINCIPAL BUILDING FOOTPRINT	MAXIMUM SIGN AREA
0 - 10,000 feet	48 square feet
10,001 - 20,000 feet	96 square feet
20,001+ feet	144 square feet

v) In all cases, the maximum sign area of an individual monument sign shall be 60 square feet. In any case, no more than one 60 square foot sign shall be 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 within one monument sign permitted on each frontage or secondary entrance as approved by the Code Enforcement Officer.

vi) On corner lots or multiple-frontage lots, the maximum permitted display area shall be calculated by using the longest street frontage, not the combined total of the frontages.

f) Setback

All pole and monument signs shall be set back a minimum of one-half the height of the sign from the street right-of-way.

i) All signs shall be set back a minimum of 10 feet from any side lot line.

ii) All signs shall be set back a minimum of 25 feet from any lot in a residential zoning district.

g) Changeable Copy Signs

i) Up to 35 percent of a permitted monument sign may incorporate a manual changeable copy sign. Up to 30 percent of a permitted pole sign may incorporate a manual changeable copy sign.

ii) In the C-1 and C-4 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 Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.

iii) Electronic message centers incorporated into a monument sign may be permitted in the C-2 and C-4 Districts for business establishments that sell gasoline or other vehicle fuels provided the sign complies with the follow:

A. The permitted monument sign associated with gasoline sales may incorporate an electronic message center that shall not exceed ten square feet of the permitted sign area.

B. Any message change shall be a static, instant message change with no scrolling or other motion allowed.

C. Messages can only change once every one hour.

(4) Driveway Signs

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

a) The signs shall be set back five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives;

b) One sign may be permitted per individual driveway or internal intersection;

c) The sign may not exceed four square feet in area and three feet in height.

d) In cases where a single development has 150,000 square feet or more of gross floor area, the maximum sign area shall be 16 square feet with a maximum height of six feet.

(5) Development/Subdivision Signs

For commercial or industrial subdivisions or parks that contain five or more nonresidential businesses on individual lots, such subdivision or park may incorporate a subdivision or development sign in accordance with the following:

a) The primary development/subdivision sign shall be subject to the same standards as Section 1214.09(B): Development/Subdivision Signs, with the exception that the maximum sign area shall be 20 square feet for each 50,000 square feet of gross floor area of all principal buildings in the subdivision or park in a C-1, C-2, or C-4 district and a maximum sign area of 100 square feet in the L-1, H-1, or B-P district.

b) A sign is permitted to be the principle use of the property if it is associated with the adjacent development or subdivision.

c) The maximum height of a monument sign shall be 15 feet.

d) The sign shall be set back a minimum of 75 feet from any residential lot line.

e) If this sign is utilized, no other freestanding pole or monument sign shall be located within 100 feet of the subdivision or development sign on the same street or road on which the park has access.

(6) Menu Board Signs

a) One menu board sign for each stacking lane in a drive-through facility shall be allowed provided it does not exceed 48 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.

b) Menu board signage shall not be included in the total calculated allowed signage for a property under the remainder of this chapter.

c) No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.

d) All menu board signs shall be internally illuminated.

e) Menu boards shall be reviewed and approved as part of the zoning permit for the drive-through establishment or, when a menu board is to be added, as part of a separate zoning permit application.

f) The menu sign board shall be located in a landscaped area equal to or larger than the total sign area of the menu board. Such landscape area may also be counted toward any landscaping requirements in Chapter 1212: Landscaping and Buffering Standards.

1214.11 Special Provisions for Signs in the C-3 District

(A) All signs in the C-3 District shall be constructed of wood or natural-looking materials similar to the principal permitted structures to which they are accessory.

(B) All signs in the C-3 District shall utilize similar or compatible colors and styles to the buildings which such signs identify.

(C) No sign in the C-3 District shall be internally illuminated. Signs in the C-3 District may be externally illuminated.

1214.12 Off-Premises Signs (Billboards)

(A) Billboards are prohibited within the Monroe.

(B) An existing billboard may be replaced, in its entirety, with an electronic message center that complies with the standards of Section 1214.10(C)(3)g): Changeable Copy Signs, provided the sign area is not increased.

(C) Notwithstanding any other section of this chapter, owners and applicants of all permitted signs or advertising devices located within 660 feet of the edge of the right-of-way of an interstate or primary State highway shall make application for a permit to the Director of the ODOT, Advertising Device Control Section, and shall comply with ORC Chapter 5516 prior to applying for a zoning permit from the City. Interstate and primary highways are defined in ORC 5516.01.

1214.13 Temporary Signs

The following temporary signs shall be permitted anywhere within the City provided they meet the established standards.

(A) STANDARDS THAT APPLY TO ALL TEMPORARY SIGNS

(1) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.

(2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.

(3) Lighting shall be prohibited for temporary signs.

(4) Portable, temporary signs are permitted provided they are tied down to prevent damage to other structures or property and are not located on a wheeled or other transport chassis.

(5) No temporary sign shall be located in a right-of-way.

(B) TEMPORARY SIGNS FOR DEVELOPMENT/CONSTRUCTION

(1) One temporary, on-premise sign may be posted on the site where a development project or subdivision is under construction.

(2) A zoning permit shall be required for the sign.

(3) The sign may be posted 60 days prior to and throughout the duration of construction.

(4) Such signs shall not exceed 32 square feet in area per side (two sides maximum).

(5) The maximum height of the signs shall be six feet.

(6) The setback and location of the temporary sign shall be approved by the Code Enforcement Officer.

(7) The applicant must submit a request to renew the applicable zoning permit every six months.

(C) TEMPORARY SIGNS FOR SPECIAL EVENTS

(1) For nonresidential uses in residential districts or for any uses in business districts, one temporary, on-premise sign may be used announcing special events on-site and may be erected for a total of 30 days and must be removed after the event with the occurrence of no more than three a calendar year or as approved by the Code Enforcement Officer. The signs shall meet the following standards:

a) A zoning permit shall be required for the sign.

b) Such signs shall not exceed 40 square feet in area per side (two sides maximum).

c) The maximum height of the signs shall be six feet.

d) The setback and location of the temporary sign shall be approved by the Code Enforcement Officer.

(2) When a new business has received zoning compliance inspection approval, a zoning permit, or a change in business name or ownership, and the permanent sign has not been installed, one additional temporary sign may be permitted until the permanent sign has been installed, or not more than 60 days, whichever is less. Such sign shall meet the same standards as established in Paragraph (1) above.

(D) TEMPORARY SIGNS ON PROPERTIES WITH A GARAGE OR YARD SALE

Temporary signs may be placed on a residential lot that is or will be hosting a garage or yard sale for a period of time beginning 24 hours in advance of said sale and shall be removed immediately after the completion of the garage or yard sale.

(E) TEMPORARY SIGNS ON PROPERTIES FOR LEASE OR SALE

(1) Temporary Signs on Properties for Lease or Sale in Residential Districts

Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.

(2) Temporary Signs on Properties for Lease or Sale in Nonresidential Districts

a) Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.

b) In addition to the above two temporary signs, a larger temporary sign is allowed in a business district provided it complies with the following requirements:

c) The owner or broker of the property where the sign will be located shall apply for and receive a zoning permit for the sign;

- **i)** There shall be a limit of one sign per lot and such sign shall not exceed 32 square feet per side with a maximum of two sides;
- **ii)** A zoning permit shall be required for the sign.
- **iii)** The maximum height shall be eight feet;
- **iv)** The setback and location of the temporary sign shall be approved by the Code Enforcement Officer; and
- **v)** The applicant must submit a request to renew the applicable zoning permit every 12 months.

(F) SANDWICH BOARDS

One sign not exceeding two feet in width and three and one half (3.5) feet in height may be permitted for each business in any "C" commercial district or commercial uses in a Business Park District provided that the following requirements are met:

a) The sign is located on the sidewalk or on private property:

b) The sign is located in front of, and within 12 feet of the main entrance to the establishment it advertises;

c) Placement of the sign allows a minimum of 36 inches of unobstructed sidewalk clearance between it and any building or other obstruction;

d) The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure;

e) The sign must be internally weighted so that it is stable and windproof;

f) The sign is only placed outside during the hours of the establishment's operation;

g) The design of the sign (which includes the color, lettering style, symbols and material) shall complement and be compatible with the design of the establishment's primary sign(s), abutting properties, and the general streetscape in the immediate vicinity of the establishment. The sign must be made of a natural or natural-looking materials and may not be illuminated. Rough cut plywood is not acceptable material.

1214.14 Required Maintenance of Signs

(A) The property owner shall maintain all signs in a safe and attractive condition for the intended use. For the purposes of this chapter, a sign is not legally maintained if any of the following occur: the appearance of rust, cracks, electrical defects, fraying, chipped paint or other materials, structural defects or other defects, or if the commercial message of the sign no longer pertains to any business activity on the site upon which the sign is located. Such factors shall cause it to be presumed that a sign has been abandoned and is not being legally maintained.

(B) The property owner of such a sign may receive notice from the City to return the sign to its original satisfactory condition within 30 days of the date of the notice. Unless the property owner complies with the notice, signs which are abandoned or are not being legally maintained in accordance with this code or other applicable regulations of the City, are hereby declared to be a nuisance contributing to visual blight and are hereby determined to be abandoned. The property owner also has a continuing obligation to comply with all building and housing code requirements of the City.

(C) If the sign is deemed by the Code Enforcement Officer to be in an unsafe or abandoned condition, the owner of the property shall be immediately notified, in writing, and shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within 48 hours, the Code Enforcement Officer may remove such unsafe sign or cause such unsafe sign to be removed, repaired or maintained at the expense of the property owner. To recover the costs from the property owner, the City may certify the total cost, together with a proper description of the land, to the applicable county auditor to place such costs upon the tax duplicate, or the City may commence a civil action against the property owner for the costs.

(D) Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, monument, cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.

(E) All lighting of signs shall be fully functional as designed or the lighting shall be turned off until such time as such non-functioning lighting has been fixed.

(F) Whenever any sign, either conforming or nonconforming to this chapter, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without obtaining a zoning permit or paying fees, provided that all of the following conditions are met:

(1) There is no alteration or remodeling to the structure or the mounting of the sign itself.

(2) There is no enlargement or increase in any of the dimensions of the sign or its structure.

(3) The sign is accessory to a legally permitted or legally nonconforming use.

1214.15 Nonconforming Signs

(A) A sign conforming to the regulations prevailing on the effective date of this chapter, but which does not conform to this chapter, or any amendment hereto, shall be construed as a legal nonconforming use.

(B) Any sign which becomes a nonconforming sign due to a zoning change shall be considered a legal nonconforming sign and shall be treated in accordance with this section.

(C) Nonconforming signs shall be maintained in good condition pursuant to Section 1214.14: Required Maintenance of Signs.

(D) Nonconforming signs shall be removed and any subsequent modification or replacement (excluding maintenance pursuant to Section 1214.14: Required Maintenance of Signs) shall conform to this chapter when:

(1) More than 50 percent of the value of the sign has been destroyed or has been taken down; or

(2) The use to which the nonconforming sign is accessory is vacant for ninety consecutive days. Permanent signs associated with a seasonal business may be exempted.

(E) A nonconforming sign shall not be altered, modified or reconstructed, other than to comply with this chapter, except:

(1) When the existing use has new ownership which results in a change in the name of the use or business on the property;

(2) When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation; or

(3) When a sign is changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing, erection or location of the sign unless such changes conform to this chapter.

(F) A nonconforming sign that is not removed within the time periods as specified in this section, in compliance with the order, may be removed by the City at the expense of the property owner. To recover the costs from the property owner, the City may certify the total cost, together with a proper description of the land, to the applicable county auditor to place such costs upon the tax duplicate, or the City may commence a civil action against the property owner for the costs.

Chapter 1215: Performance Standards

1215.01 Purpose

It is the purpose of the performance standards to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be constructed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside of the lot line of said use. Materials, uses and products produced shall be adequately housed, shielded or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

1215.02 Applicability and Compliance

The performance standards are applicable to all land uses in all zoning districts within the City, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this code and not in conformance with these standards shall be brought into full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, a structure or a building shall constitute a discontinuance and be fully subject to these standards and provisions.

1215.03 Noise

Noise shall be regulated in accordance with Chapter 632 of the General Offenses Code.

1215.04 Odors

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

1215.05 Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on or outside the property line of the property on which the use is located.

1215.06 Glare and Heat

Any operation producing intense light or heat, including high temperature processes such as combustion or welding, shall not be visible or felt beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or right-of-ways.

1215.07 Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

1215.08 Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulation of any local, state or federal agency having jurisdiction in this matter.

1215.09 Smoke

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

1215.10 Storage of Junk or Similar Items

No person, firm or corporation shall accumulate, collect, deposit, dump, dispose of, maintain or store any junk, junk vehicles or other type of salvageable solid waste or yard waste or construction/demolition debris outside of an enclosed area on his or her property. See Chapter 660, Safety, Sanitation and Health, in the Monroe Codified Ordinances.

Chapter 1216: Enforcement and Penalties

1216.01 Enforcing Officer

The Code Enforcement Officer is hereby designated as the enforcing officer of this code. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this code. The Code Enforcement Officer may be assisted by other personnel as the City Council may authorize.

1216.02 Violations

(A) Any person, firm or corporation who constructs any public improvement or portion thereof in violation of any provision of this code shall, upon conviction, be fined not more than the maximum specified by Ohio law for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to the provisions of this code is hereby declared to be a violation of this code and unlawful. Each day's continuation of a violation of this section may be deemed a separate offense.

1216.03 Notice of Violation

The notice of any violation of the code shall be as follows:

(A) Whenever the Code Enforcement Officer or City Engineer determines that there is a violation of any provision of this code, a notice of such violation shall be issued. Such notice shall:

(1) Be in writing;

(2) Identify the violation;

(3) Include a statement of the reason or reasons why it is being issued and refer to the section of this code being violated; and

(4) State the time by which the violation shall be corrected.

(B) **SERVICE OF NOTICE OF THE VIOLATION SHALL BE AS FOLLOWS:**

(1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of 16 years or older; or

(2) By certified mail or first class mail , addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first class mail is not returned after 10 days of mailing; or

(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1216.04 Penalties

(A) Whoever sells or offers for sale, leases or offers for lease, while this code is in effect, any lot or lots, or block or blocks, within the incorporated limits of the City of Monroe, or any addition thereto, or any re-subdivision of any lot or block therein, before all of the requirements of the regulations of this code have been complied with shall be fined not more than the maximum specified by state law for each lot, block or part thereof so disposed of, offered for sale or leased.

(B) The owner or agent of a building, structure or land in or upon which a violation has been committed or exists; or the lessee or tenant of an entire building, entire structure or entire land in or upon which a violation has been committed or exists; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building, structure or land in or upon which violation exists, shall be guilty of a misdemeanor, punishable by a fine of not less than 10 dollars ($10.00) and not more than one hundred dollars ($100.00) for each offense, such fine to inure to the City, but if the offense is willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) for each offense, or by imprisonment for not less than 10 days but not exceeding six months, or by both such fine and imprisonment, in the discretion of the court of competent jurisdiction. A separate offense shall be deemed committed on each day that such violation occurs or continues.

1216.05 Remedies

(A) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, City Council, the law director, the Code Enforcement Officer, City Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(B) The law director shall, immediately upon any such violation having been called to his or her attention, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this code.

(C) City Council may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

(D) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1216.06 Affected Parties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

1216.07 Other Actions

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing code violation.

Chapter 1217: Definitions

1217.01 Rules of Construction and Interpretation

(A) INTENT

All provisions, terms, phrases, and expressions contained in this code shall be construed according to stated purpose and intent of this code.

(B) LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

(C) REFERENCES TO OTHER REGULATIONS, PUBLICATIONS AND DOCUMENTS

Whenever reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

(D) PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Monroe, unless otherwise expressly stated.

(E) DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

(F) TECHNICAL WORDS

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(G) MANDATORY AND DISCRETIONARY TERMS

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

(H) CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events shall apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(I) TENSE AND USAGE

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(J) GENDER

The masculine shall include the feminine, and vice versa.

(K) MEANING

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

(L) OTHER TERMS NOT DEFINED

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English.

(M) PERCENTAGES AND FRACTIONS

When a calculation required by this code results in a fractional number or percentage, any fraction of ½ or less shall be rounded down to the next lower whole number and ay fraction of more than ½ shall be rounded up to the next higher whole number. Any percentage of #.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than #.5 percent shall be rounded up to the next higher whole number.

1217.02 Definitions

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 Arcade
Any place to which the public is permitted or invited wherein, for consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the exhibition or description of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore, Adult Novelty Store, or Adult Video Store
A commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space, to the sale or rental, for any form of consideration, of any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by the exhibition or description of "specified sexual activities" or "specified anatomical areas";
- Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of a person or others.
- An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

Adult Cabaret
A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- Persons who appear semi-nude;
- Live performances which are characterized by "specified sexual activities" or
- Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or description of "specified sexual activities" or "specified anatomical areas."

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.

Adult Motel
A motel, hotel, or similar commercial establishment which:

- Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;
- Offers a sleeping room for rent for a period of time less than 10 hours; or
- Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater
A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by the exhibition or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of semi-nudity or live performances which are characterized by "specified sexual activities."

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.

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.

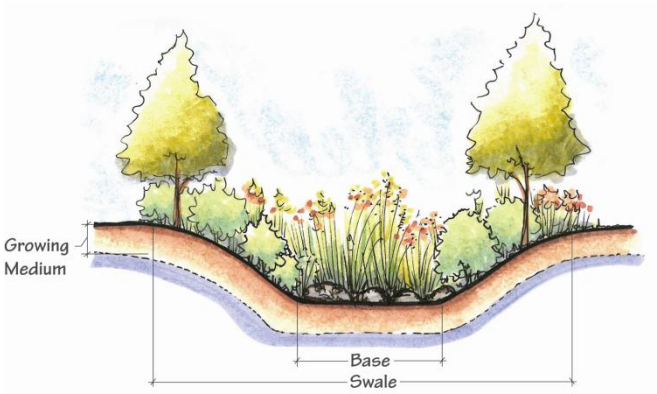


Figure 1217-A: Illustration of a bioretention swale

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.

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.

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 Cerk 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. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in a car or home or other locations as carry-out services.

Drive-Through Facilities
An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

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.

Established or Establishment (Sexually Oriented Businesses)
An action that means or includes any of the following:

- The opening or commencement of any sexually oriented business as a new business;
- The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- The addition of any sexually oriented business to any other existing sexually oriented business; or
- The relocation of any sexually oriented business.

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.

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

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.

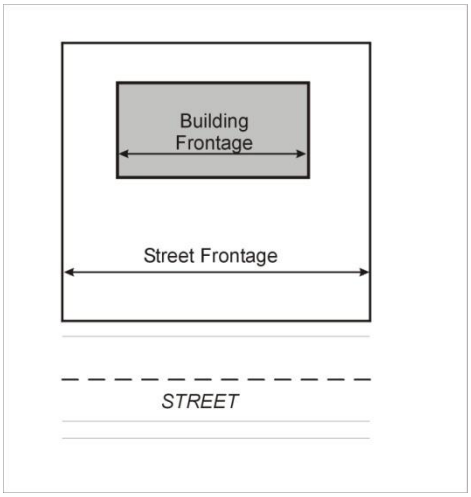


Figure 1217-E: Illustration of building frontage versus street frontage.

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 lightening 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 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.

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.

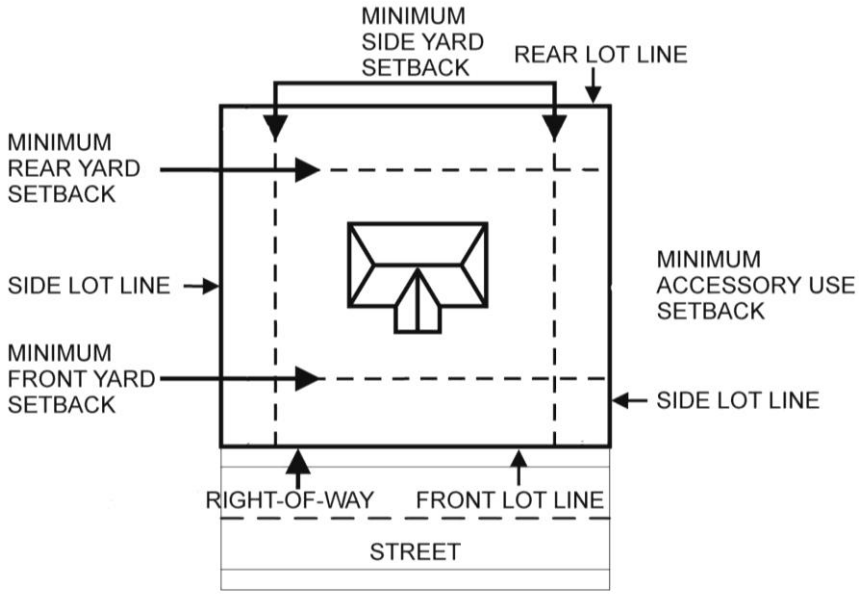


Figure 1217-F: Image of typical lot lines on an interior lot

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.

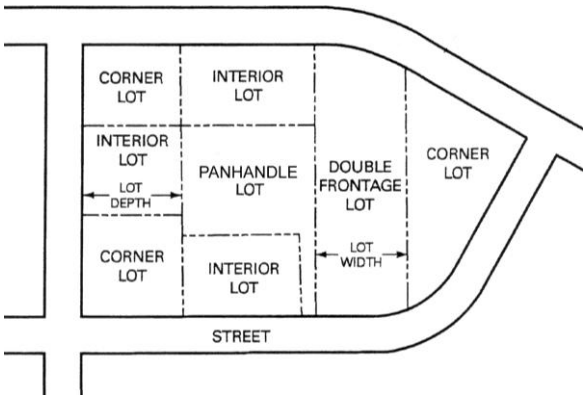


Figure 1217-G: Illustration of lot configurations and types

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.

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

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.

Nudity or a State of Nudity
- The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or
- A state of dress which fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.

Nursery Schools or Day Care Centers (Children or Adult)
A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for adult for a portion of a 24-hour day in a building other than the adult's home.

Nursing or Convalescent Homes
A building or group of buildings, public or private, licensed by the State of Ohio, which provides maintenance, personal care or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

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.

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
A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, 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.

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, hepatoxins, 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.

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.

Semi-Nude Model Studio
Any place where a person who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. It is a defense to a prosecution for any violation of this code that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- By a college, junior college, or university supported entirely or partly by taxation;
- By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
- In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing;
- Where, in order to participate in a class a student must enroll at least three days in advance of the class; or
- Where no more than one semi-nude model is on the premises at any one time.

Semi-Nude or Partially-Nude
A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

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 that is shared with another lot where such lot line is defined as a side lot line.

Sexual Encounter Establishment
A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of Aspecified sexual activities@ or when one or more of the persons is semi-nude. This definition shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Businesses
An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio, or sexual encounter establishment.

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 one 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.

Specified Anatomical Areas

- Human genitals in a state of sexual arousal;
- The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or
- A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female genitals, or areola of the female breast.

Specified Sexual Activity
Shall have the same meaning as "sexual activity," as defined in Ohio R.C. 2907.01(C).

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 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, 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 Section1203.03: Zoning Text and Map Amendments.