

CHAPTER 1143
R-LD Low Density Residence District

- 1143.01 Purpose
- 1143.02 Permitted Principal Uses
- 1143.03 Permitted Conditional Uses
- 1143.04 Permitted Accessory Uses
- 1143.05 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Signs - see P. & Z. Ch. 1175
- Planned development projects - see P. & Z. Ch. 1181
- Swimming pools - see P. & Z. Ch. 1183
- Dwelling conversions - see P. & Z. Ch. 1185
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1143.01 Purpose

- (a) Provide suitable areas for one- family detached dwellings consistent with standards of public health and safety.
- (b) Regulate the bulk and location of buildings in order to obtain low density through proper light, air, privacy and usable open spaces.
- (c) Protect residents from traffic congestion, excessive noise, and other inconveniences caused by high densities and commercial and industrial influences.

1143.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for any other than one of the following uses, except as provided herein and in Chapter 1193.

- (a) Residential: One-family detached dwellings
- (b) Essential Services: See definition in Chapter 1121.27

1143.03 Permitted Conditional Uses

The following uses are permitted, if authorized by the Board of Zoning Appeals:

- (a) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (b) Recreational: Golf country clubs, non-commercial recreation facilities, parks and playgrounds and swimming pools subject to the provisions of Chapter 1183.
- (c) Institutional: Nursing Homes, Convalescent Care Facilities and Independent Living Facilities and related Uses. (Ord. 4-2002. Passed 2-19-02.)
- (d) School: Primary school (grades Pre-K – 6).
- (e) Public/Governmental building.

1143.04 Permitted Accessory Uses

Accessory uses, buildings or structures usually secondary to any principal or conditional use, shall be permitted in conjunction with such uses, including the following:

- (a) Residential: The keeping of not more than two roomers or boarders by a resident family. (Ord. 1-1969. Passed 3-24-69.)

- (b) Gardening: Gardening and the raising of vegetables or fruits for the use and personal enjoyment of the occupants of the principal buildings and not for commercial purposes.
- (c) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (d) Recreational: Private swimming pools are subject to the provisions of Chapter 1183.
- (e) Home Occupation: As defined in Section 1121.31 provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (f) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (g) Temporary Buildings: For uses related to construction. (Ord. 1-1969. Passed 3-24-69.)
- (h) Shed, Garage or Carport.

1143.05 Lot Development Standards

- (a) Height Regulations: No principal structure shall exceed two and one-half stories or thirty feet and no accessory structure shall exceed one story of fifteen feet except as provided in this Zoning Ordinance. (Ord. 1-1969. Passed 3-24-69.)
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall apply, except as provided in this Zoning Ordinance.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width Each (ft.)	Rear Yard Depth (ft.)
Dwellings					
1 and 1½ stories	8,900	60	30 ¹	6	30
2 and 2½ stories	8,900	60	30 ¹	7	30
All other uses	20,000	100	30 ¹	15	40

¹One family dwellings shall be set back from the front property line as indicated in the table above unless one or both of the adjacent dwellings are not at that required setback. In such case, the subject dwelling may be placed in line with the adjacent dwelling(s), plus or minus 5 feet, to maintain a consistent front yard setback.

- (c) Maximum Lot Coverage: Up to 50% of the lot may be covered by an impervious surface. (Ord. 1-1969. Passed 3-24-69.)

CHAPTER 1145
R-MD Medium Density Residence District

- 1145.01 Purpose
- 1145.02 Permitted Principal Uses
- 1145.03 Permitted Conditional Uses
- 1145.04 Permitted Accessory Uses
- 1145.05 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Signs - see P. & Z. Ch. 1175
- Planned development projects - see P. & Z. Ch. 1181
- Swimming pools - see P. & Z. Ch. 1183
- Dwelling conversions - see P. & Z. Ch. 1185
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1145.01 Purpose

- (a) Provide suitable areas for one-family detached and two-family dwellings consistent with standards of public health and safety.
- (b) Regulate the bulk and location of buildings in order to obtain medium density through proper light, air, privacy and usable open spaces.
- (c) Protect residents from traffic congestion, excessive noise, and other inconveniences caused by high densities and industrial influences.
- (d) Provide a transitional area between one-family detached and multi-family residences.

1145.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1193.

- (a) Residential: One-family detached and two-family dwellings (Ord. 1-1969. Passed 3-24-69.)
- (b) Essential Services: See definition in Chapter 1121.27
- (c) Public/Governmental Buildings.

1145.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals.

- (a) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (b) Recreational: Golf country clubs, non-commercial recreation facilities, parks and playgrounds and swimming pools subject to the provisions of Chapter 1183.
- (c) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).
- (d) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases. Any principal or accessory buildings for such uses must not be located less than fifty feet from any other lot in any R-District.
- (d) Religious Places of Worship.
- (e) Day Care, Residentially Based: State certified day care centers. (Ord. 24-1988. Passed 11-7-88.)

1145.04 Permitted Accessory Uses

Accessory uses, buildings or structures usually secondary to any principal or conditional use, shall be permitted in conjunction with such uses, including the following:

- (a) Residential: The keeping of not more than four roomers or boarders by a resident family. (Ord. 1-1969. Passed 3-24-69)
- (b) Gardening: Gardening and the raising of vegetables or fruits for the use and personal enjoyment of the occupants of the principal buildings and not for commercial purposes.
- (c) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (d) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (e) Home Occupation: As defined in Section 1121.31 provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (f) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (g) Temporary Buildings: For uses related to construction. (Ord. 1-1969. Passed 3-24-69.)
- (h) Shed, Garage or Carport.

1145.05 Lot Development Standards

- (a) Height Regulations: No principal structure shall exceed two and one-half stories or thirty feet and no accessory structure shall exceed one story of fifteen feet except as provided in this Zoning Ordinance. (Ord. 1-1969. Passed 3-24-69.)
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall apply, except as provided in this Zoning Ordinance.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width Each (ft.)	Rear Yard Depth (ft.)
Dwellings					
1 and 1½ stories	5,500	50	25 ¹	6	30
2 and 2½ stories	5,500	50	25 ¹	8	30
Churches	90,000	200	50	50	100
All other uses	15,000	100	25	15	30

¹One family dwellings shall be set back from the front property line as indicated in the table above unless one or both of the adjacent dwellings are not at that required setback. In such case, the subject dwelling may be placed in line with the adjacent dwelling(s), plus or minus 5 feet, to maintain a consistent front yard setback.

- (c) Maximum Lot Coverage: Up to 70% of the lot may be covered by an impervious surface.

CHAPTER 1145
R-TD Town Density Residence District

- 1145.01 Purpose
- 1145.02 Permitted Principal Uses
- 1145.03 Permitted Conditional Uses
- 1145.04 Permitted Accessory Uses
- 1145.05 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Signs - see P. & Z. Ch. 1175
- Planned development projects - see P. & Z. Ch. 1181
- Swimming pools - see P. & Z. Ch. 1183
- Dwelling conversions - see P. & Z. Ch. 1185
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1145.02 Purpose

- (e) Provide suitable areas for one-family detached dwellings consistent with standards of public health and safety.
- (f) Regulate the bulk and location of buildings in order to obtain medium density through proper light, air, privacy and usable open spaces.
- (g) Protect residents from traffic congestion, excessive noise, and other inconveniences caused by high densities and industrial influences.
- (h) Provide a transitional area between one-family detached and multi-family residences.

1145.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1193.

- (a) Residential: One-family detached .
(Ord. 1-1969. Passed 3-24-69.)
- (b) Essential Services: See definition in Chapter 1121.27
- (c) Public/Governmental Buildings.

1145.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals.

- (a) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (b) Recreational: Golf country clubs, non-commercial recreation facilities, parks and playgrounds and swimming pools subject to the provisions of Chapter 1183.
- (c) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).

- (d) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases. Any principal or accessory buildings for such uses must not be located less than fifty feet from any other lot in any R-District.
- (d) Religious Places of Worship.
- (e) Day Care, Residentially Based: State certified day care centers. (Ord. 24-1988. Passed 11-7-88.)

1145.04 Permitted Accessory Uses

Accessory uses, buildings or structures usually secondary to any principal or conditional use, shall be permitted in conjunction with such uses, including the following:

- (a) Residential: The keeping of not more than four roomers or boarders by a resident family. (Ord. 1-1969. Passed 3-24-69)
- (b) Gardening: Gardening and the raising of vegetables or fruits for the use and personal enjoyment of the occupants of the principal buildings and not for commercial purposes.
- (c) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (d) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (e) Home Occupation: As defined in Section 1121.31 provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (f) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (g) Temporary Buildings: For uses related to construction. (Ord. 1-1969. Passed 3-24-69.)
- (h) Shed, Garage or Carport.

1145.05 Lot Development Standards

- (a) Height Regulations: No principal structure shall exceed two and one-half stories or thirty feet and no accessory structure shall exceed one story of fifteen feet except as provided in this Zoning Ordinance. (Ord. 1-1969. Passed 3-24-69.)
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall apply, except as provided in this Zoning Ordinance.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width Each (ft.)	Rear Yard Depth (ft.)
Dwellings					
1 and 1½ stories	4,800	40	25 ¹	6	30
Churches	90,000	200	50	50	100
All other uses	15,000	100	25	15	30

¹One family dwellings shall be set back from the front property line as indicated in the table above unless one or both of the adjacent dwellings are not at that required setback. In such case, the subject dwelling may be placed in line with the adjacent dwelling(s), plus or minus 5 feet, to maintain a consistent front yard setback.

- (c) Maximum Lot Coverage: Up to 70% of the lot may be covered by an impervious surface

CHAPTER 1147
R-HD High Density Residence District

- 1147.01 Purpose
- 1147.02 Permitted Principal Uses
- 1147.03 Permitted Conditional Uses
- 1147.04 Permitted Accessory Uses
- 1147.05 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Signs - see P. & Z. Ch. 1175
- Planned development projects - see P. & Z. Ch. 1181
- Swimming pools - see P. & Z. Ch. 1183
- Dwelling conversions - see P. & Z. Ch. 1185
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1147.01 Purpose

- (a) Provide suitable areas for one-family detached, two-family, and multi-family dwellings consistent with standards of public health and safety.
- (b) Regulate the bulk and location of buildings in order to obtain higher density through proper light, air, privacy and usable open spaces.
- (c) Provide a full range of housing options from one-family detached to multi-family residences.
- (d) Permit high density development in areas where existing conditions make such developments inappropriate.

1147.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1193.

- (a) Residential: One-family detached, two-family, and multi-family dwellings
- (b) Essential Services: See definition in Chapter 1121.27
(Ord. 1-1969. Passed 3-24-69.)
- (c) Recreational: Non-commercial recreation facilities, parks and playgrounds subject to the provisions of Chapter 1183. (Ord. 1-1969. Passed 3-24-69.)
- (d) Public/Governmental Buildings.

1147.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals.

- (a) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (b) Recreational: Golf country clubs and noncommercial recreation facilities with swimming pools subject to the provisions of Chapter 1183.
- (d) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).

- (e) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases. Any principal or accessory buildings for such uses must not be located less than fifty feet from any other lot in any R-District.
- (f) Religious Places of Worship.
- (g) Day Care, Residentially Based: State certified day care centers. (Ord. 24-1988. Passed 11-7-88.)
- (h) Funeral Homes: Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than twenty-five feet from any other lot in any R-District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (i) Medical and Dental Clinics. (Ord. 1-1969. Passed 3-24-69.)
- (k) Group Homes and Care Facilities as defined in ORC Title 51.

1147.04 Permitted Accessory Uses

Accessory uses, buildings or structures usually secondary to any principal or conditional use, shall be permitted in conjunction with such uses, including the following:

- (a) Residential: The keeping of not more than four roomers or boarders by a resident family. (Ord. 1-1969. Passed 3-24-69)
- (b) Gardening: Gardening and the raising of vegetables or fruits for the use and personal enjoyment of the occupants of the principal buildings and not for commercial purposes.
- (c) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (d) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (e) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (f) Temporary Buildings: For uses related to construction. (Ord. 1-1969. Passed 3-24-69.)
- (g) Home Occupation. As defined in Section 1121.31 provided that not more than one-half the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (h) Shed, Garage or Carport.

1147.05 Lot Development Standards

- (a) Height Regulations: One-family or two-family dwellings shall not exceed two and one-half stories or thirty feet in height; multi-family dwellings or other principal structures shall not exceed a height of forty feet or four stories; and accessory structures shall not exceed one story or 15 feet, except as provided in this Zoning Ordinance. (Ord. 1-1969. Passed 3- 24-69.)
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall be observed, except as provided in this Zoning Ordinance. A group of principal buildings may be constructed on one lot, provided however that no conveyance shall be made which reduces the minimum lot area, frontage or yard requirements of the parcel conveyed or the parcel remaining.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width Each (ft.)	Rear Yard Depth (ft.)
One and Two-Family Dwellings					
1 and 1½ stories	5,500	45	25 ¹	6	30
2 and 2½ stories	5,500	45	25 ¹	8	30
Multi-Family Dwellings					
1 and 1½ stories	12,000	50	35	10	30
2 and 2½ stories	15,000	50	35	12	30
3 and 3½ stories	18,000	90	35	16	35
4 stories	24,000	100	35	20	40
Churches	90,000	100	50	50	50
Other permitted uses	20,000	100	35	20	40
Minimum Lot area per dwelling unit	<u>Efficiency and 1 Bedroom</u>		<u>2 Bedroom</u>	<u>3 or more Bedrooms</u>	
Multi-family dwellings	1500		2500	3500	

¹One family dwellings shall be set back from the front property line as indicated in the table above unless one or both of the adjacent dwellings are not at that required setback. In such case, the subject dwelling may be placed in line with the adjacent dwelling(s), plus or minus 5 feet, to maintain a consistent front yard setback.

- (c) Maximum Lot Coverage: Up to 70% of the lot may be covered by an impervious surface.

CHAPTER 1153
B-1 Local Business District (LBD)

- 1153.01 Purpose
- 1153.02 Permitted Principal Uses
- 1153.03 Permitted Conditional Uses
- 1153.04 Permitted Accessory Uses
- 1153.05 Business Conduct
- 1153.06 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Performance standards - see P. & Z. Ch. 1173
- Signs - see P. & Z. Ch. 1175
- Loading and parking - see P. & Z. Ch. 1177
- Business entrances and oil draining - see P. & Z. Ch. 1179
- Planned development projects - see P. & Z. Ch. 1181
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1153.01 Purpose

- (a) Nurture, protect, and encourage small and local businesses through regulation of land use.
- (b) Provide opportunities for mixed-use and multi-use arrangements.
- (c) Offer an environment where residents can socialize and have access to commodities that satisfy their day-to-day needs.
- (d) Provide consistent setbacks and massing for infill development.
- (e) Create a harmonious design that is a unified, organized, arrangement of buildings.
- (f) Provide diversified types of goods and services that are typically accessed by customers by foot.
- (g) Minimize vehicular traffic across the front of the lot.

1153.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for any other than one of the following uses except as provided herein and in Chapter 1153.

- (a) Residential: Two-family and multi-family dwellings may occupy, be built upon, or altered above another principal permitted business use at grade level in the local business district.
- (b) Essential Services: as defined in 1121.27
- (c) Recreational: Indoor and outdoor recreation facilities. Swimming pools shall be subject to the provisions of Chapter 1183. (Ord. 1-1969. Passed 3-24-69.)
- (d) Office: Business and/or professional offices
- (e) School and studio: Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (f) Eating and Drinking Establishments: Local restaurants, cafes, bakeries, bistros, diners, taverns, pubs, cafes, coffee houses, and other establishments of the like.

- (g) Public Utility: Public utility buildings and structures necessary for providing service to the area, but not including warehouses, storage yards or garages.
- (h) Convenience Retail and Service. Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day-to-day basis including groceries, supermarkets, fruit and vegetable stores, garden supply stores, drug stores, barber shops, beauty parlors, clothes cleaning and laundry pick-up stores, but not including motor vehicle service stations. Such buildings and uses shall be limited to 5,000 square feet in size.
- (i) Parking Lot: Public parking areas subject to the provisions of Chapters 1177 and 1179.
- (j) Clubs and Lodges: As defined in Chapter 112.16.

1153.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals:

- (a) Residential: Boarding and lodging houses when located on and having access from a major street.
- (b) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (c) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).
- (d) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases, and nonprofit institutions for the training and rehabilitation of handicapped persons, provided any principal or accessory buildings for such uses are located not less than fifty feet from any other lot in any R-District.
- (e) and Religious Places of Worship
- (f) Day Care: State certified day care centers. (Ord. 24-1988. Passed 11-7-88.)
- (g) Funeral Homes: Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than twenty-five feet from any other lot in any R-District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (h) Medical and Dental Clinics: As defined in 1121.15.
- (i) Retail and Service: Any retail business or service establishment, other than convenience retail, that is not a principal permitted use and is determined by the Board to be of the same general character as one of the principal permitted uses.
- (j) Parking Facility: Public parking garages or areas which are to be a principal use shall be subject to the provisions of Chapters 1177 and 1179.
- (k) Museums, art galleries, and similar cultural facilities.
- (l) Temporary food carts and food stands.

1153.04 Permitted Accessory Uses

Accessory uses, buildings or structures customarily incidental to any above-mentioned principal permitted or conditional use shall be permitted in conjunction with such use including the following.

- (a) Gardening: Gardening and the raising of vegetables or fruits for the use and personal enjoyment of the owners and tenants of the principal buildings and not for commercial purposes.
- (b) Parking Facility: Accessory parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.

- (c) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (d) Home Occupation: As defined in Section 1121.31 provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (e) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (f) Temporary Buildings: For uses related to construction
- (g) Shed, Garage or Carport.

1153.05 Business Conduct

- (a) Business in Enclosed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for off-street parking and such outdoor display or storage of vehicles, materials and equipment as may be authorized by the Board of Zoning Appeals.
- (b) Production for Sale at Retail. All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- (c) Uses Must be Non-objectionable. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste as measured at the subject property line.
- (d) No drive through access shall occur from the front of the lot.

1153.06 Lot Development Standards

- (a) Height Regulations: Any Multi-Use building or other principal structures shall not exceed a height of forty feet or four stories; and accessory structures shall not exceed one story or fifteen feet, except as provided in this Zoning Ordinance.
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall be observed, except as provided in this Zoning Ordinance. A group of principal buildings may be constructed on one lot, provided however that no conveyance shall be made which reduces the minimum lot area, frontage or yard requirements of the parcel conveyed or the parcel remaining.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Setbacks (ft.)	Side Yard Width (ft.)	Rear Yard Depth (ft.)
Two-Family dwellings, multi-family dwellings, and Nonresidential uses	None	None	0 with a maximum of 10 feet from right-of-way	None; except when adjoining an R-District, then no less than ten feet	None; except when adjoining an R-District, then no less than ten feet

- (c) Maximum Lot Coverage: Up to 90% of the lot may be covered by an impervious surface.

CHAPTER 1155
B-2 General Business District (GBD)

- 1155.01 Purpose
- 1155.02 Permitted Principal Uses
- 1155.03 Permitted Conditional Uses
- 1155.04 Permitted Accessory Uses
- 1155.05 Business Conduct Standards
- 1155.06 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Performance standards - see P. & Z. Ch. 1173
- Signs - see P. & Z. Ch. 1175
- Loading and parking - see P. & Z. Ch. 1177
- Business entrances and oil draining - see P. & Z. Ch. 1179
- Planned development projects - see P. & Z. Ch. 1181
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1155.01 Purpose

- (a) Provide a place for mid-sized businesses to thrive—those that do not compliment the local business district or commercial business district zones in character or size.
- (b) Provide opportunities for mixed-use and multi-use arrangements.
- (c) Provide diversified types of goods and services that are accessed by customers by foot and using automobiles.

1155.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for any other than one of the following uses except as provided herein and in Chapter 1193.

- (a) Residential: Two-family and multi-family dwellings may occupy, be built upon, or altered above another principal permitted business use at grade level in the general business district.
- (b) Essential Services: as defined in 1121.27
- (c) Recreational: Indoor and outdoor recreation facilities. Swimming pools shall be subject to the provisions of Chapter 1183. (Ord. 1-1969. Passed 3-24-69.)
- (d) Office: Business and/or professional offices; office buildings.
- (e) School and studio: Including trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (f) Eating and Drinking Establishments: Restaurants, franchises, cafes, bakeries, bistros, diners, taverns, pubs, cafes, coffee houses, and other establishments of the like.
- (g) Public Utility: Public utility buildings and structures necessary for providing service to the area, but not including warehouses, storage yards or garages.
- (h) Convenience Retail and Service. Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day-to-day basis including groceries, supermarkets, fruit and vegetable stores, garden supply stores, drug stores, barber shops, beauty parlors and clothes cleaning and laundry pick-up stores, but not including motor vehicle service stations. Such buildings and uses shall be limited to 5,000 square feet in size.

- (i) Retail and Service. Any retail or business establishment supplying commodities or performing services at a regional level, but not including motor vehicle service stations.
- (j) Parking Facility. Public parking areas subject to the provisions of Chapters 1177 and 1179.
- (k) Clubs and Lodges. As defined in Chapter 112.16.
- (m) Bank: Including drive-in banks, savings and loan associations and credit unions

1155.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals.

- (a) Residential: Boarding and lodging houses when located on and having access from a major street.
- (b) Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (c) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).
- (d) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases, and nonprofit institutions for the training and rehabilitation of handicapped persons, provided any principal or accessory buildings for such uses are located not less than fifty feet from any other lot in any R-District.
- (d) Religious Places of Worship
- (e) Day Care: State certified day care centers. (Ord. 24-1988. Passed 11-7-88.)
- (f) Funeral Homes: Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than twenty-five feet from any other lot in any R-District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (g) Medical and Dental Clinics: As defined in 1121.15.
- (h) Retail and Service: Any retail business or service establishment, other than convenience retail, that is not a principal permitted use and is determined by the Board to be of the same general character as one of the principal permitted uses.
- (i) Parking Lot: Public parking garages or areas which are to be a principal use shall be subject to the provisions of Chapters 1177 and 1179.
- (j) Museums, art galleries and similar cultural facilities.
- (k) Motor vehicle service station.
- (l) Sexually Oriented Business subject to Chapter 1180 of these regulations.

1155.04 Permitted Accessory Uses

Accessory uses, buildings or structures customarily incidental to any above-mentioned principal permitted or conditional use shall be permitted in conjunction with such use including the following:

- (a) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (b) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (c) Home Occupation: As defined in Section 1121.31 provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use. (Ord. 1-1969. Passed 3-24-69.)
- (d) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (e) Temporary Buildings: For uses related to construction.
- (f) Shed, Garage or Carport.

1155.05 Business Conduct Standards

The outdoor storage or display of bulk goods including retail and seasonal items such as firewood, landscaping materials, bagged materials, construction materials, mulch and the like shall be controlled by the following regulations:

- (a) The outdoor storage or display of merchandise, inventory or materials shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
- (b) The outdoor storage of merchandise, inventory or materials shall not be located in any required setback area within the lot nor shall it be visible from the public right-of-way.
- (c) Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed six feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
- (d) All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.
- (e) As part of an outdoor display, only a sample of materials, to properly identify the merchandise for sale on the premises, shall be permitted. The remaining materials, if not stored indoors, shall be considered outdoor storage, subject to the regulations of this Section.
- (f) Outdoor storage shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water, weeds and vermin.

1155.06 Lot Development Standards

- (a) Height Regulations: Principal structures shall not exceed a height of forty feet or four stories; and accessory structures shall not exceed one story or 15 feet, except as provided in this Zoning Ordinance.
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall be observed, except as provided in this Zoning Ordinance. A group of principal buildings may be constructed on one lot, provided however that no conveyance shall be made which reduces the minimum lot area, frontage or yard requirements of the parcel conveyed or the parcel remaining.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width (ft.)	Rear Yard Depth (ft.)
Nonresidential uses	None	None	10 or average depth of adjacent properties	None; except when adjoining an R-District, then no less than ten feet	None; except when adjoining an R-District, then no less than ten feet

- (c) **Maximum Lot Coverage:** Up to 90% of the lot may be covered by an impervious surface.

CHAPTER 1157
B-3 Commercial Business District (CBD)

- 1157.01 Purpose
- 1157.02 Permitted Principal Uses
- 1157.03 Permitted Conditional Uses
- 1157.04 Permitted Accessory Uses
- 1157.05 Business Conduct Standards
- 1157.06 Lot Development Standards

CROSS REFERENCES

- Compliance and general regulations - see P. & Z. Ch. 1171
- Performance standards - see P. & Z. Ch. 1173
- Signs - see P. & Z. Ch. 1175
- Loading and parking - see P. & Z. Ch. 1177
- Business entrances and oil draining - see P. & Z. Ch. 1179
- Planned development projects - see P. & Z. Ch. 1181
- Yard modifications and projections - see P. & Z. Ch. 1189, 1191

1157.01 Purpose

- (a) Provide an area for large commercial uses that are heavily trafficked and in need of maximum requirements for height, square footage, parking and loading.
- (b) Establish and preserve space for shopping centers, office complexes, and commercial strips used by consumers inside and outside of the city.
- (c) Provide diversified types of goods and services that are typically accessed by customers using automobiles.

1157.02 Permitted Principal Uses

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for any other than one of the following uses except as provided herein and in Chapter 1193.

- (a) Essential Services: as defined in 1121.27
- (b) Recreational: Indoor or outdoor recreational facilities. If including swimming pools subject to the provisions of Chapter 1183. (Ord. 1-1969. Passed 3-24-69.)
- (c) Office: Business and/or professional offices; office buildings; office parks
- (d) School and studio: Colleges, satellite campuses, trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Eating and Drinking Establishments: Restaurants, cafes, bakeries, bistros, diners, taverns, pubs, cafes, coffee houses, and other establishments of the like.
- (f) Retail and Services: Any large retail business or service establishment supplying commodities or performing services including groceries, supermarkets, fruit and vegetable stores, garden supply stores, drug stores, and clothes cleaning and laundry pick-up stores, but not including motor vehicle service stations.
- (g) Clubs and Lodges: As defined in Chapter 112.16.
- (h) Light Manufacturing: Establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products in completely enclosed buildings Manufacturing uses which may be obnoxious or offensive due to emission of odor, dust, smoke, gas, noise or other similar irritation shall not be permitted.

1157.03 Permitted Conditional Uses

The following uses shall be permitted only if authorized by the Board of Zoning Appeals.

- (a) Residential: High density residential but only when on upper floors of mixed use building. Ground level floor must contain a retail, service or office use.
- (b) Public Utility: Public utility buildings necessary to provide adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
- (c) Institutional: Nursing homes, Convalescent Care Facilities and Independent Living Facilities and related uses (Ord. 4-2002. Passed 2-19-02.).
- (d) Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the mentally challenged or insane, or for contagious diseases, and nonprofit institutions for the training and rehabilitation of handicapped persons, provided any principal or accessory buildings for such uses are located not less than fifty feet from any other lot in any R-District.
- (d) Funeral Homes: Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than twenty-five feet from any other lot in any R-District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (e) Medical and Dental Clinics: As defined in 1121.15.
- (f) Retail and Service: Any retail business or service establishment that is not a principal permitted use and is determined by the Board to be of the same general character as one of the principal permitted uses.
- (g) Parking Lot: Public parking garages or areas which are to be a principal use shall be subject to the provisions of Chapters 1177 and 1179.

1157.04 Permitted Accessory Uses

Accessory uses, buildings or structures customarily incidental to any above-mentioned principal permitted or conditional use shall be permitted in conjunction with such use including the following.

- (a) Parking Facility: Parking garage or parking area subject to the provisions of Chapter 1177 and Section 1171.09.
- (b) Recreational: Private swimming pools subject to the provisions of Chapter 1183.
- (c) Signs: Signs are subject to the provisions of Chapter 1175. (Ord. 35-1980. Passed 10-6-80.)
- (d) Temporary Buildings: For uses incidental to construction
- (e) Shed, Garage or Carport.

1157.05 Business Conduct Standards

The outdoor storage or display of bulk goods including retail and seasonal items such as firewood, landscaping materials, bagged materials, construction materials, mulch and the like shall be controlled by the following regulations:

- (g) The outdoor storage or display of merchandise, inventory or materials shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
- (h) The outdoor storage of merchandise, inventory or materials shall not be located in any required setback area within the lot nor shall it be visible from the public right-of-way.
- (i) Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed six feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
- (j) All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.

- (k) As part of an outdoor display, only a sample of materials, to properly identify the merchandise for sale on the premises, shall be permitted. The remaining materials, if not stored indoors, shall be considered outdoor storage, subject to the regulations of this Section.
- (l) Outdoor storage shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water, weeds and vermin.

1157.06 Lot Development Standards

- (a) Height Regulations: Two-family dwellings, multi-family dwellings, or other principal structures shall not exceed a height of forty feet or four stories; and accessory structures shall not exceed one story or 15 feet, except as provided in this Zoning Ordinance.
- (b) Lot Area, Frontage, and Yards: The following minimum requirements shall be observed, except as provided in this Zoning Ordinance. A group of principal buildings may be constructed on one lot, provided however that no conveyance shall be made which reduces the minimum lot area, frontage or yard requirements of the parcel conveyed or the parcel remaining.

	Lot Area (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Side Yard Width (ft.)	Rear Yard Depth (ft.)
Nonresidential Uses	None	None	10	None; except when adjoining an R-District, then no less than ten feet	None; except when adjoining an R-District, then no less than ten feet
Light Manufacturing	43,560	None	10	None; except when adjoining a non- industrial district, then no less than 50 feet	None; except when adjoining a non- industrial district, then no less than 50 feet

- (c) **Maximum Lot Coverage:** Up to 100% of the lot may be covered by an impervious surface.

Chapter 1131
Powers of Officials, Board, Commission and Council

1131.01 Purpose

This Chapter sets both the powers and duties of the Building Official, the Planning Commission, and City Council with respect to the administration of the provisions of this Zoning Code.

1131.02 Building Official

- It shall be the duty of the Building Official, who shall be appointed by the City Administrator, to enforce this Code.
- Appeals from decisions of the Building Official may be made to the Board of Zoning Appeals, as provided in Chapter 1127, Board of Zoning Appeals.

1131.03 Responsibilities of the Building Official

The Building Official shall have the following responsibilities and powers:

- a. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions, including both map and text.
- a. Inspect properties within the City to determine compliance with regulations and to issue violation notices when necessary.
- a. Receive, review and make determinations on applications for Zoning Certificates.
- a. Issue Zoning Certificates as provided by this Code, and keep a record of same with notations of special conditions involved.
- a. Review and process plans pursuant to the provisions of this Code.
- a. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
- a. Maintain permanent and current records required by this Code, including but not limited to: the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments, planned unit developments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, Board of Zoning Appeals and to the public.
- a. Initiate the revocation of a permit or approval issued contrary to this Code.

- a. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- a. Examine and refer to the Planning Commission applications for a Zoning Certificate when site plan review is required as specified in this Chapter.
- a. Forward findings of fact as to alleged violations of this Code to the Law Director.

1131.04 Planning Commission

The Planning Commission shall be established as per Section 10 of the City Charter and shall have the following responsibilities and powers as they relate to this Zoning Code:

- Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments, to Council, as it feels would be appropriate.
- Hold public hearings as required by this Zoning Code, notice of which shall be given in accordance with Section 713.12 of the Ohio Revised Code.
- Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to Council.
- Review proposed zoning amendments and Planned Unit Development applications as filed by a property owner, providing recommendation to Council.
- Conduct Site Plan Review for projects requiring such approval.
- Function in any further capacity as required by the Ohio Revised Code or as may be directed by Council.

1131.05 City Council

The powers and duties of City Council as they relate to this Zoning Code are as follows:

- Approve the appointment of a Building Official, or his or her designee, to administer and enforce the provisions of these Regulations.
- Approve the appointment of members of Planning Commission as regulated by the City Charter.

- Initiate or act upon suggested amendments to the Zoning Code text or the Official Zoning District Map as per the procedures in Chapter 1129, District Changes and Regulation Amendments.
- Determine fees for permits, application review and violations. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit, Similar Use, Special Permit, Site Plan Review, Architectural Review or Variance shall be accompanied by filing fees.
- Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Certificate, inspections, and all official zoning actions of City Council. Such records shall be made available for use by City Council, Planning Commission, Board of Zoning Appeals, and the public.
- To hear and decide appeals to the decision of the Planning Commission regarding an application for site plan review.

1131.06 Board of Zoning Appeals

The Board of Zoning Appeals shall have the following responsibilities and powers as it relates to this zoning code:

- Hearing and deciding appeals where it is alleged there is an error in an order, requirement, decision or determination made by the Building Official, or his/ her authorized representative in the enforcement of this zoning code.
- Authorize such variances, upon appeal, from the terms of this zoning code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this code will result in unnecessary hardship, and so that the spirit of this code shall be observed and substantial justice done.
- Hear and decide conditional uses.

The Board of Zoning Appeals may call on the several city departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

CHAPTER 1169
Planned Unit Development District (PUD)

1169.01 Purpose

The purpose of the Planned Unit Development (PUD) District is:

- To allow flexibility in the zoning requirements where the result will be a higher quality development;
- To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, mix of land uses, and the efficient use of topography and other site features;
- To obtain creative and coordinated designs in harmony with surrounding uses and to allow procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this Chapter;
- To allow for creative development that conforms to the goals and objectives set forth in the North College Hill Comprehensive plan;
- To encourage the best features of sustainable neighborhood development;
- To promote business and employment opportunities, where applicable.

1169.02 PUD District Designation and General Requirements

- Types of PUD's

Subsequent to the approval by City Council, the designation of PUD may replace any existing zoning district, with the limitations described herein. There are two types of PUD's permitted under this zoning code:

- PUD-RES
A PUD may be predominately comprised of residential land uses of varying types and densities, in which case it is referred to as a PUD-RES. The tract of land proposed to be developed as a PUD-RES must be owned or controlled by one person or single entity.
- PUD-BUS
A PUD may also be a commercial or mixed use development, including commercial and residential uses, referred to and a PUD-BUS. The tract of land proposed to be developed as a PUD-BUS must be owned or controlled by one person or a single entity, and must be at least (1) contiguous acre in size.

Upon approval of the Final Development Plan according to Section 1169.06, the Official Zoning Code shall be amended to include the approved regulatory language in the appendix of the code.

- Permitted Uses

The permitted uses in both the PUD-RES and PUD-BUS district are as set forth below:

1. Permitted Uses – PUD-RES

An applicant may propose to include any mixture of permitted or conditional uses traditionally permitted in any residential district established in this zoning code, as well as land uses which are allowed as a permitted used in the C-1 district, provided that not more than twenty-five percent (**25%**) of the net acres in the development is devoted to non-residential uses. Non-residential uses must be conducive to providing services geared towards local neighborhood needs.

- Permitted Uses – PUD-BUS

An applicant may propose to include any mixture of non-residential land uses in a proposed PUD-BUS development that is permitted or is conditionally permitted in this zoning code. A PUD-BUS may include residential uses only if such uses are located on the upper floor(s) of a multi-story building.

- Development Standards and Guidelines

The following standards represent broad parameters under which all PUD developments must be designed.

- General Review Guidelines for Approval

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

- The PUD district is consistent with the goals and objectives of the NCH comprehensive plan.
 - The PUD district is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provisions for the preservation of streams and stream banks, wooded cover, rough terrain and similar areas.
 - The PUD district is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
 - Off-street parking and loading areas are provided in accordance with Chapter 1177, unless otherwise altered by the PUD.
 - There is a beneficial relationship between the proposed PUD district and the neighborhood/area in which it is to be established.
 - Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented. Said services or infrastructure shall be in place at completion of construction of the project.
 - Common open spaces and recreational areas shall be accessible to the entire PUD and community in general.
 - Commercial uses shall be compatible with the character of the surrounding residential buildings.
 - Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
 - Although not required, the projects should follow the recommendations as published by the U.S. Green Building Council.
 - Central Water and Sewer Facilities
All structures in developments approved as a PUD must be served by central or public water and sewer facilities.
 - Development Layout and Design
The design and layout of all PUDs shall display excellence in design by properly considering significant site features such as topography, natural drainage patterns, roadway access and circulation, surrounding land used, and general public welfare to result in desirable and sustainable land development.

Attractive landscaped buffer areas shall be provided between the PUD and incompatible land use and activities.

4. Utilities

All utility services in a PUD shall be entirely underground.

5. Circulation

The pedestrian and vehicular circulation systems shall be designed to fully accommodate traffic generated by the development in a safe and efficient manner.

- a. Internal local streets shall connect to existing street systems that are capable of handling the new traffic generated by the new development.
- b. Pedestrian circulation systems shall connect to external pedestrian systems either through sidewalks or trails.

6. Required Open Space and Common Land: Public open spaces shall be required as a condition of approval for any PUD. Public open spaces encompass several types of spaces including open, undeveloped land or public gathering spaces such as plazas, wider sidewalks for sidewalk cafés, urban gardens, expanded tree lawns, or pocket parks that encourage public gatherings.

- PUD-RES

A minimum of twenty percent (20%) (excluding areas for vehicle parking and circulation) of the land developed for residential purposes in a PUD-RES project shall be reserved for common open space including undeveloped land and/or public gathering spaces. Clustering residential density is encouraged to preserve undeveloped open space.

- PUD-BUS

A minimum of fifteen (15%) of the land developed in a PUD-BUS shall be reserved for public open spaces including undeveloped land and/or public gathering spaces.

This required amount of common space shall be established as common open space under one owner, and provisions shall be established for maintenance and care. The legal articles relating to any organizations of property owners in the development charged with such open space maintenance shall be submitted to the City. The City Council may require as a condition of final approval, any evidence deemed necessary to document that the required common space shall remain in its stated condition as long as the development exists, including but not limited to such legal documents as deed restrictions, conservations, easements.

- Clustering Residential Density:

- PUD-RES

To achieve a clustering of residential density and to provide for the required common open space or public gathering area(s) in a PUD-RES, the lot area requirements for residential land uses may be reduced by up to twenty percent (20%) from the highest density residential use regulated under this code at the time of application for the type of residential use proposed (e.g. single family, two family or multi-family).

The lot width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

- PUD-BUS
To achieve a sustainable mix of residential and business uses and public open spaces, the minimum floor area requirement for multi-family residential land uses may be reduced by up to 40%.

If the Planning Commission finds that any of the following conditions would be created by an increase in density, it may then deny or limit any increase in density by an amount that is sufficient to avoid the creation of any of the following conditions:

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

8. Spacing and Building Height

- a. The location of all structures shall be shown on the development plans. The proposed location, height, and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
- b. Minimum lot areas, frontage and yard requirements shall be discussed with the Planning Commission to ensure that the proposed development complies with the intent of this Chapter.

9. Peripheral Setbacks

If the Planning Commission determines that topographical or other barriers do not provide a sufficient buffer between "PUD" Districts and contiguous land uses to avoid detrimental impact upon the economic value of the contiguous real estate, the Planning Commission shall impose either or both of the following requirements:

- a. Structures and parking areas located on the perimeter of the residential "PUD" District may be required to be set back by a distance sufficient to protect against an adverse impact upon the value of contiguous land.
- b. Structures located on the perimeter of the residential "PUD" District may be required to be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

10. Residential Dwelling Types:

- a. Along with clustering residential density, a PUD-RES may include a mixture of dwelling types, including single-family detached dwellings,

two-family units, zero lot line units, and multi-family units, provided the overall maximum density is not exceeded.

- b. A PUD-BUS may only include multi-family dwelling units located on the upper stories of a building.

1169.03 Establishment of the Review Process

The establishment of a PUD, pursuant to this Chapter, is a four-step process. It is recommended that the developer or property owner seeking the PUD meet with the City Administrator to discuss the intent of the PUD prior to filing application. This conversation shall be non-binding to the application process. The process is as follows. Application requirements are established in Section 1169.05.

- First, a conceptual plan is submitted to the Planning Commission for review and recommendation to City Council for approval. If this action is approved by City Council, the official zoning map of the City is amended to reflect the PUD designation including a number to uniquely identify the PUD (e.g. PUD-BUS 1, PUD-BUS 2, PUD-RES 3, etc.).
- Second, the PUD is reviewed by Planning Commission and, if approved, recommended by Planning Commission to City Council for consideration as a zoning map amendment pursuant to Chapter 1129, District Changes and Regulation Amendments. The approval or denial of the establishment of a PUD is a legislative action by the City Council.
- Third, a Preliminary Development Plan must be reviewed, approved and recommended by the Planning Commission for action by City Council pursuant to Section 1169.06 of this Chapter. Action on the Preliminary Plan by City Council is an administrative act. If approved by City Council, the Preliminary Development Plan becomes a text amendment to the Zoning Code Appendix with a designation PUD-RES/BUS (Insert number in sequential order).
- Fourth, a Final Development Plan must be reviewed and acted on by Planning Commission pursuant to Section 1169.06 of this Chapter. The Planning Commission's action on a Final Development Plan is final. Once approved by Planning Commission, the text of the PUD shall receive the same corresponding unique identification number stated in 1169.03(a), above. The text shall remain on file as the regulatory language guiding the development of that PUD.

1169.04 Planning Commission and Council Action on Concept Plan

The Planning Commission shall study the application and Concept Plan and shall hold a public hearing within thirty (30) days of the time of submission of a complete application as determined by the Building Official. Following this public hearing, the Planning Commission shall make a report to City Council within thirty (30) days recommending approval or disapproval and the reasons therefore. The Planning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to type and extent of public improvements, maintenance of common and public open space, and any other pertinent development characteristics as needed in making a determination. The time period for review may be extended if agreed to by the applicant.

Action on the Concept Plan by the Planning Commission and City Council shall be as follows:

- If, from the facts presented, the Planning Commission or City Council is unable to make the necessary findings specified in this Chapter, the application shall be denied or returned to the applicant for clarification. In taking action, the Planning Commission and/or Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.

If the application is approved by the Planning Commission and City Council, the approval of the Concept Plan shall be limited to the general acceptability of the proposed land uses, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of Preliminary and Final Development Plans.

Approval of the Concept Plan shall constitute the approval of the rezoning of a separate “PUD” Planned Unit Development Zoning District which shall be subsequently numbered (e.g. PUD-RES-1 or PUD-BUS-2).

- At the time of adopting any Ordinance establishing a “PUD” District, City Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common or public open space of the improvements shown on the approved Concept Plan. The developer shall either:
 - Post a bond in the amount determined by the City to ensure completion of the necessary improvements; or
 - Receive Preliminary Plat Approval upon completion of the improvement.

1169.05 Preliminary and Final Development Plan Submission Requirements

Once the Concept Plan has been approved by the Planning Commission and City Council, the Preliminary Development Plan shall be reviewed and approved by Planning Commission and City Council. The Final Development Plans for each section of the overall Planned Unit Development must be reviewed and approved by the Planning Commission only prior to the issuance of any Zoning Certificate by the City. The Preliminary Development Plan can be filed concurrently with the Concept Plan.

The Preliminary and Final Development Plans shall be in general accordance with the approved Concept Plan, shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect, based on a survey prepared by a registered surveyor in the State of Ohio. Applications shall be submitted in the number of copies specified by the City including one electronic copy in PDF format.

Submission of the Preliminary and Final Development Plans shall include the following as a minimum:

- Preliminary Development Plan
 - The general nature, location and objectives of the proposed development.
 - The boundaries of the project including a metes and bounds description of the parcel and the acreage therein.

- The areas of the project to be used for each land use including residential (number of units, size and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
 - An area map identifying adjacent property owners, existing land uses, and existing zoning within 200 feet of the subject parcel.
 - Existing contours at five (5) feet intervals or less, accompanied by the proposed grading plans.
 - Site plan indicating **existing**: lot lines, building outlines and locations, off-street parking and loading spaces, pedestrian walkways, utilities, easement locations, floodplains, existing vegetation and vehicular circulation.
 - A site plan showing **proposed**: lot lines, preliminary building plans, including floor plans, exterior elevations and material samples, land uses, off-street parking and loading spaces, utilities, easement locations, floodplains, vehicular circulation, proposed streets proposed sidewalks and pedestrian ways, and common open spaces
 - General landscaping and buffering plans.
 - A signage plan identifying the sizes and locations of all signage.
 - Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
 - Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
 - A document describing the proposed phasing program for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping and other open space improvements.
 - Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
 - A traffic impact study, if determined necessary by the City.
- Final Development Plan
 1. The areas to be developed and the areas to be devoted to open space with accurate acreage for each use.
 2. Final grading plans, indicating cubic footage of cuts and fills.
 3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets.
 4. Site plans, general floor plans and elevations for all buildings. Additional exterior detail drawings, materials specifications and paint colors may be required if deemed necessary to understand of the intent or scope of the plan.
 5. Descriptions as to the type of buildings, square footages and use.
 6. The proposed common/public open space system and areas to be in common ownership, if any.
 7. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.
 8. Roadway, parking, and pedestrian lighting plans with lighting fixture types, heights and designs including proposed rights-of-way, easements and typical cross sections of proposed streets.

9. The location, size, height, material, lighting method (if any), message, and design layout of all signage.
10. The phasing plan for development, if any, as identified in the Preliminary Plan.
11. Any modification of the general plan data presented and approved for the PUD applications may be required by the Planning Commission.

1169.06 Preliminary and Final Development Plan Approval Process

The following process shall be utilized to consider approval of the Preliminary and Final Development Plans for a Planned Unit Development:

- Preliminary Development Plan Approval
 - Planning Commission Action

The following action shall be taken by the Planning Commission on the Preliminary Development Plan within 30 calendar days of receipt of the complete preliminary development plan package:

 - The Planning Commission shall review the Preliminary Development Plan and accompanying documents and may request such review and comment by the Building Commissioner, City Engineer, City Administrator and other departments, as may be necessary.
 - The Planning Commission shall recommend to City Council approval, approval with conditions or denial, in writing, of the Preliminary Development Plan as submitted. The Planning Commission shall have the opportunity to table the hearing to provide time for the applicant to resolve outstanding issues, if necessary.

At a minimum, the Planning Commission consideration for action shall include the following:

- a. Whether the plan is consistent with the intent and purpose of this Chapter;
- b. Whether the plan is consistent with the Concept Plan submitted and approved by the Planning Commission and City Council.
- c. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established; and
- d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and

Approval by the Planning Commission shall be formed as a recommendation, to City Council, for approval, denial, or approval with modifications and the reasons for such decision.

1. City Council Action

Upon receipt of the recommendation from the Planning Commission on the Preliminary Plan, City Council, within 30 calendar days of receipt of the recommendation, shall:

- Shall review the preliminary development plan and accompanying documents and recommendation as received from the Planning Commission.
- Approve, approve with conditions or deny the Preliminary Development Plan as submitted and recommended by the Planning Commission. City Council shall have the opportunity to table the hearing to provide time for the applicant to resolve outstanding issues, if necessary.

At a minimum, City Council consideration for action shall include the following:

- a. Whether the plan is consistent with the intent and purpose of this Chapter;
- b. Whether the plan is consistent with the Concept Plan submitted and approved by the Planning Commission and City Council.
- c. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established; and
- d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and

- Final Development Plan Approval

The applicant has 12 months to submit a Final Development Plan to Planning Commission or the Preliminary Plan will become null and void and will require resubmission to the Planning Commission.

- Planning Commission Action

The Planning Commission shall review the Final Development Plan and approve, modify and approve, or deny the application for final approval and transmit notice thereof to the applicant within 30 calendar days of receipt of the complete final development plan package.

- The Planning Commission shall give the final approval only upon finding that the following requirements are met:
 - The design, size, and use are consistent with the Preliminary Development Plan and with other applicable plans adopted by the Planning Commission or Council, including the policies of the North College Hill Comprehensive Plan.
 - The location, design, size, and uses will be adequately served by existing or planned facilities and services.
 - The location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development.

- The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Building Official's records.
- After approval of the Final Development Plan by the Planning Commission, submission and recording of appropriate subdivision plats with Hamilton County and building construction drawings shall be made. Building and construction permits and certificates of occupancy shall be conditioned upon adherence to the total development plan including landscaping, design considerations, and the construction of necessary public improvements.
- Construction must commence in accordance with the approved Final Development Plan within 12 months from Planning Commission approval of the Final Development Plan. If construction has not begun within the 12 month period, the PUD is voided and the zoning reverts back to the previous zoning classification unless good cause can be shown by the applicant and an extension of not more than 12 months is granted by the Planning Commission.

1169.07 Amendments to an Approved Planned Unit Development

An approved Concept Plan, Preliminary or Final Development Plan may be amended by following the procedures described in this Chapter. However, minor adjustments in the Preliminary or Final Development Plans which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by the City Council.

1169.08 Revocation

In the event of a failure to comply with the approved Final Development Plan or any condition of approval, including, but not limited to, failure to comply with the staged development schedule, the Building Official may, after notice, rescind, and revoke such plan approval. Violation of the final approval of the Final Development Plan for a Planned Unit Development shall constitute violation of the Zoning Code.

1169.09 Filing Fees

The applicant requesting a Planned Unit Development shall make a non-refundable payment to the City at the time of the initial application submittal in the form of a Planned Unit Development filing fee as adopted by City Council.

CHAPTER 1180
Sexually Oriented Businesses

1180.01 Purpose

The purpose of the chapter is to regulate sexually oriented businesses through the application of uniform zoning requirements to promote the health, safety, and general welfare of the citizens of North College Hill and to establish reasonable and uniform regulations for the operation of sexually oriented businesses with the goal of reducing or eliminating the adverse secondary effects associated with sexually oriented businesses.

It is not the intent of this chapter to limit or restrict the content of communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

1180.02 Establishment as Conditional Use

A sexually oriented business shall be a conditional use in the B-2 Districts. A conditional use for such facilities shall not be approved unless the general standards set forth in Section 1127.11, Conditional Uses, and the following minimum conditions are complied with:

- All requirements of ORC 2907.31 – 2907.41, inclusive, shall be fully complied with.
- Minimum location requirements
No sexually oriented business shall be established within 1000 feet of:
 1. Any residentially zoned (R) district; or
 2. Any public, private, governmental or commercial library, educational institution, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or
 3. Any other sexually oriented business.
- Prohibited public display
No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- Public view to be prevented
All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

- External audio and visual impact
No screens, loudspeakers or sound equipment shall be used for a sexually oriented business that can be seen or discerned by the public from public or semi-public areas.
- Interior design
The interior of any sexually oriented business shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facilities' counter or other regular work station.
- Licensed
All sexually oriented businesses shall be licensed as per local, state and federal law.

CHAPTER 1184
Livestock and Farm Animals

1184.01 Purpose

The regulations of this Chapter are established to permit the keeping of certain livestock (farm animals) and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

1184.02 Definitions

Terms used in this Chapter shall have the meanings assigned to them in the following definitions.

- (a) Farm Animal. "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an "exotic animal" and is not a house pet such as a dog, cat or similar animal.
- (b) Coop and Cage. "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.
- (c) Enclosure. "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.
- (d) Predatory Bird. "Predatory bird" means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.
- (e) Similar Animal. "Similar animal" means any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards or other nuisances.

1184.03 Chickens, Ducks, Rabbits and Similar Animals

The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations if not expressly prohibited in Section 1184.04, Prohibitions:

- (a) In Residential Districts
In Residential Districts, the following regulations shall apply:
 - 1. Number. No more than one such animal shall be kept on a parcel of land for each 2,000 square feet of parcel or lot area. For example, a standard residential lot of 5,900 square feet in the R-2 District, this regulation would permit no more than a total of two (2) such animals.
 - 2. Setbacks. The coops or cages housing such animals may not be located in front yard or side yard areas and shall not be located within 20 feet of a side yard line or rear yard line.
 - 3. Coops and Cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to five (5) animals. Coops and cages, singly or in combination, shall not exceed 10 feet in height.
 - 4. Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

- (b) In Non-Residential Districts
In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each 1,000 square feet of lot area.

1184.04 Prohibitions

No predatory birds, roosters, geese, turkey, goats, pigs, sheep, horses, cows, alpacas, llamas or similar animals shall be kept on a property within the City of North College Hill.

1184.05 Lots Without a Residence

Permitted livestock and farm animals shall not be kept on a lot that is vacant or has no occupied residence.

1184.07 Sanitation and Nuisances

Permitted livestock and farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, permitted livestock and farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

1184.08 Animal or Bird Noise

It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

1184.09 Slaughtering of Animals

Chickens, ducks, rabbits and similar small animals may only be slaughtered on site inside a garage or other building and only if for use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site.

1184.10 Application to Building Department

Anyone proposing to keep livestock or farm animals on any property in the City of North College Hill, or to expand such use, shall seek approval from the Building Department which shall determine if the request is in compliance with regulations regarding zoning, construction and permitted placement of enclosures, fences, cages, coops, stables or other structures used in the keeping of livestock or farm animals. If the property is condemned or has existing zoning, building or health code violations, the Building Official shall deny the application for livestock or farm animals.

- (a) Contents of Application. An application shall be filed for a zoning certificate as identified in Chapter 1125, Enforcement, Certificates and Penalty.
- (b) Building Permits. A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages or coops that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height.

1184.11 Enforcement

The Building Official shall have the authority to inspect any property to determine compliance with the regulations of this Chapter regarding noise, odor, run-off and the construction and permitted placement of enclosures, fences, cages, coops, and other structures used in the keeping of livestock or farm animals the authority to enforce the regulations of this Chapter as they apply to such matters.

1184.12 Variance

The Board of Zoning Appeals may vary the regulations of this Chapter as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this Chapter.

INCORPORATE INTO EXISTING CHAPTER 1193, Nonconforming Uses

NOTE: Consider changing the title of this chapter to “Nonconformities”

1193.09 Nonconforming Lots

Any lot not meeting minimum area requirements and being a lot of record and legally existing at the time of adoption of this zoning code may be used for a single-family dwelling irrespective of the area, depth or width of such lot. In such case, the following setback requirements shall be observed:

- Front yard – The front yard shall observe the minimum front yard setback requirement for the district in which the lot is located or the front yard shall meet the average front yard setback distance of the two adjacent properties, if different than the required setback.
- Side yard – The side yard setbacks shall be proportionally applied for the district in which the lot is located as determined by the percent difference between the existing lot width and the required lot width as determined in zoning code. For example, if the required minimum lot width in the district is 60 feet and the nonconforming lot width is 40 feet, the percent difference is 33%. Therefore, the side yard setbacks requirement can be reduced up to 33%. However, in no instance shall the minimum depth of any side yard be less than five (5) feet.
- Rear yard – The rear yard setback shall be proportionally applied for the district in which the lot is located as determined by the percent difference between the existing lot area and the required lot area as determined in zoning code. For example, if the required minimum lot area in the district is 8,000 square feet and the nonconforming lot area is 7,000 square feet, the percent difference is 12%. Therefore, the rear yard setbacks requirement can be reduced up to 12%. However, in no instance shall the minimum depth of any rear yard be less than twenty (20) feet.

**Chapter 1163
Design Guidelines**

1163.01 Purpose

The North College Hill Design Guidelines are intended to provide design standards pertaining to commercial and mixed use districts areas, including PUD's, wherever these are located, in order to provide for a clean, visually appealing and cohesive design element in the commercial business districts in the City. These regulations provide basic, general criteria to be used by the Planning and Commission and Building Official when evaluating the appropriateness of proposed development and redevelopment in the City.

Further, these provisions are established to achieve the following:

- (a) Strengthen, protect, enhance and improve the existing visual and aesthetic character of the City, and to prevent the creation or perpetuation of nuisances or blight in the City in commercial areas of substantial public and private investment.
- (b) To ensure that each new commercial development and redevelopment project will be both functional and attractive.
- (c) To protect and improve property values.
- (d) To foster and encourage creative application of design principles.
- (e) To ensure that these objectives are achieved through a review process which assures that each proposal complies with these guidelines.
- (f) To ensure development is consistent with the policies of the Comprehensive Plan.

1163.02 Applicability

- (a) All regulations of this Design Guidelines Chapter shall apply to and control property development on any property within a commercially zoned district. However, in the case of conflict between the provisions of a specific design guideline and other regulations established in this Zoning Code, the provisions of this Chapter shall prevail. The adoption of these design guidelines shall not have any affect on a previously approved permits or certificates or Planned Unit Development approval during the period of validity of such approval.
- (b) Unless otherwise identified, the design of the building or structure applicable to this Chapter shall be cohesive and consistent with the character of the adjacent buildings.

1163.03 Zoning Certificate

No new construction, minor or major building improvements, as identified below, may be made to any property where these regulations and standards apply until a Zoning Certificate (Chapter 1125) has been issued by the Building Official.

- (a) Minor Building Improvement
 1. Minor demolition of non-significant parts of principal structures;
 2. Roof, cornice, window, door, step and wall repair or replacement; unless work matches the original;
 3. Painting, only if there is a change in the colors from the original;
- (b) Major Building Improvement
 1. New construction;
 2. Demolition, except where it qualifies as a Minor Building Improvement above;
 3. Signs, awnings and hardware;
 4. Modifications to any facade that is visible from any public right-of-way;
 5. Substantial expansion of existing principal structures (50% or more of the gross floor area);

6. All other improvements not determined to be minor building improvements by the Building Official.

1163.04 Design Guideline Standards

The following standards shall apply to the design and appearance of all new construction or building renovation in a commercially zoned district. As a consideration during any plan review, the Planning Commission shall determine if the proposal complies with the following standards:

- (a) Building Scale and Massing
 1. Building Height

All buildings in the district shall conform to the height requirement for the district in which it is situated as measured from the grade line at the midpoint of the facade to the highest point of the building.
 2. Horizontal Design
 - a. A building’s vertical and horizontal dimensions shall be in proportion to one another without over emphasis of either dimension.
 - b. Horizontally long buildings shall be visually broken up through the use of recesses or setback variations, architectural detailing, various roof heights and application of compatible building materials to cause the façade to appear as a series of proportionally correct masses.
 - c. Neighboring structures may influence the placement of the common horizontal elements (e.g., cornice line and window height, width, and spacing) on new or infill structures.



Example Only: Acceptable



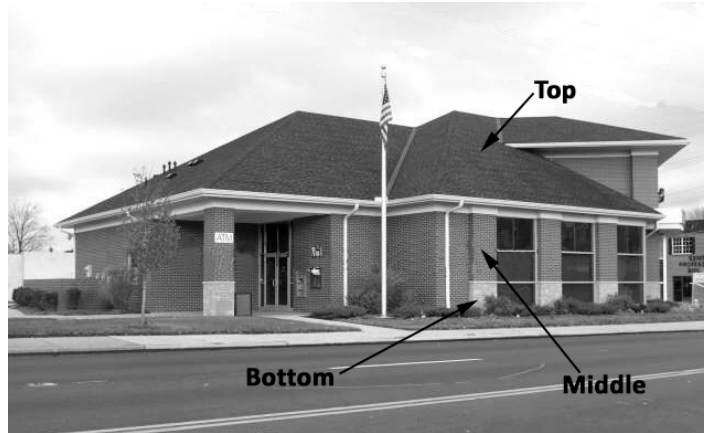
Example Only: Not Acceptable



Acceptable

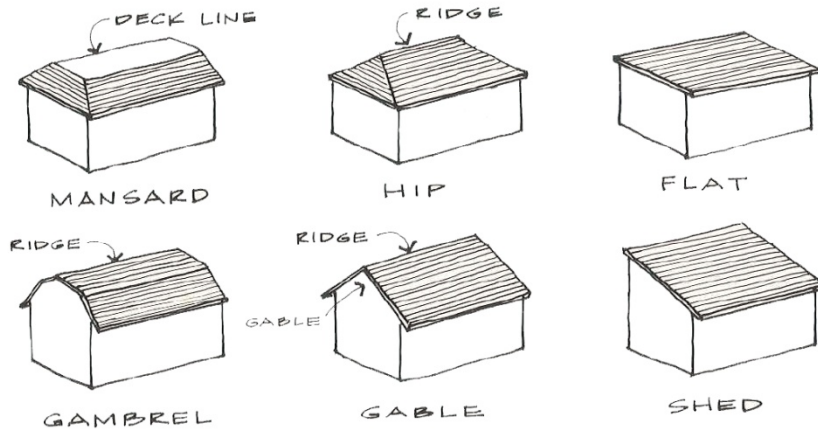
3. Vertical Design

- a. Changes in vertical mass shall be used in an architecturally appropriate way to reduce the appearance of building height and bulk. The articulation of a base, middle, and top of the building shall be required.
- b. Tall single story buildings should be articulated and include fenestration and detailing that is consistent with the horizontal and vertical proportions of the building.



4. Roofs

- a. Roof forms shall be consistent with the architectural style and proportions of the building. Types of roofs are identified below:



- b. Mansard roofs shall be reserved for use on buildings of at least three stories in height.
- c. Hip roofs shall be permitted.
- d. Flat roofs with dimensional cornices or modest parapets that break up the flat roofline shall be permitted.
- e. Gambrel roofs shall be prohibited.
- f. Gable roofs shall be permitted.
- g. Shed roofs with dimensional cornices or modest parapets that break up the flat roofline shall be permitted on interior lots only and not on corner lots. The

slope of the roof shall be oriented with the highest part of the roof parallel to the street frontage.

- h. Full projection or cantilevering of the upper portions of a flat roofed structure shall be prohibited.
- i. Façade extensions or parapets may be used on flat and shed roofed structures to create variation and screen rooftop equipment. The following standards shall apply to faced extensions or parapets:
 1. Façade extensions and/or parapets shall be included in the measurement of total building height and exterior wall height and shall not be more than $\frac{1}{4}$ of the total building height.
 2. Faced extensions and/or parapets shall be applied in a consistent manner to all visible façades of a structure to create a consistent and intentional screen for rooftop equipment without the appearance of a veneer or a flat wall extended beyond the roof form when viewed in profile.
 3. Exceptions may be made by the City for rear facades that are not visible from public spaces or residential areas.

5. Doors and Windows – Fenestration

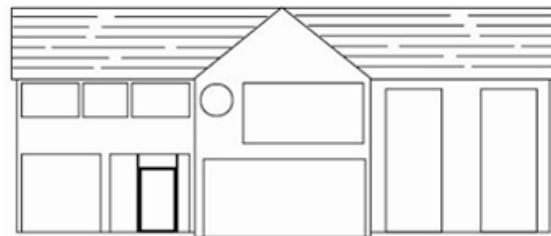
- a. Doors and windows shall be proportional to the building in which they are installed or divided into elements which are proportional to the building façade in which they are installed (See graphic below)



Not Acceptable - Proportionally Too Small



Acceptable - Proportionally Correct



Not Acceptable - Proportionally Too Large

Windows and Doors - Fenestration

- b. On front and primary facades (two front facades are present on corner buildings), similar sized windows shall be placed in a regular pattern with the same top and bottom alignment along a course or floor.
- c. Transparent windows or doors shall occupy a minimum of fifty percent of the area of a primary façade.
- d. Smoked or mirrored glass shall not be permitted on primary facades.

6. Materials

a. Primary Materials (Permitted)

- 1. All buildings shall have an exterior surface, or cladding of fifty percent of the visible façade of a permitted primary material (Table (F)(3) below).
- 2. The total area covered by permitted primary materials shall be calculated from the area of the visible plane measuring the area from grade to upper building limits, exclusive of the area occupied by visible roof surfaces.

b. Accents and Detailing

- 1. Accent materials shall be applied to a maximum of twenty-five percent of the façade surface.
- 2. Detailing, trim, windows, doors, and glazing may constitute the remaining area of the façade not occupied by the primary or accent material.
- 3. All accents and details shall be permitted as defined in the Permitted Materials table in (F)(3) below.

c. Permitted Materials

Material	Primary	Secondary
Brick	P, A, T	P, A, T
Natural Stone	P, A, T	P, A, T
Brick Veneer	A, T	P, A, T
Stucco	X	P, A
Fiber Cement (clapboard, shingles, scallops, etc.)	A, T	P, A, T
Cast Stone	P, A, T	P, A, T
Vinyl Siding	X	X
Aluminum Siding	X	X
Decorative Concrete Masonry Unit	A	P, A
Cinderblock	X	P, A
Tilt-Up Architectural Concrete	A	P, A
Metal Trim and/or Flashing	A, T	A, T
PVC	A, T	A, T
Terra-Cotta	A, T	A, T, R
Glazed Brick or Glass Tile	A, T	A, T
Cast or Wrought Metal	A, T	A, T
Standing Seam Metal (Aluminum, Copper, Steel)	R	R
Slate	R	R
Asphalt or Fiberglass	R	R

Key: P- Permitted; A – Accent; T – Trim; R-Visible Roofing; X – Prohibited

d. Prohibited Materials

Exterior materials that are prohibited include vinyl, aluminum or steel siding, corrugated steel, and highly reflective materials such as mirrored glass or chrome,

or fully glazed facades.

7. Colors

a. Permitted

The preferred base colors used on new or renovated buildings should be the natural color of the material in the case of brick or stone, of a neutral muted palette, deep saturated hues, and whites. Brighter more vivid colors should be reserved for accents.

b. Prohibited

Fluorescent, neon, day-glow, or reflective colors shall not be used in the construction of a new building or renovation of an existing building.

8. Mechanical Equipment

a. The materials, colors, and finishes used for screening roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable; such screening shall be designed as an integral part of the architecture of the building.

b. Mechanical equipment, waste receptacles, and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and on surrounding parcels.

(b) Interpretive Illustrations for Design Guidelines

The Planning Commission may request the preparation of illustrations and drawing which demonstrate the design review criteria in this Section. Such illustrations or drawings may include, but not be limited to: plan views, site plans, renderings, or photo simulation.

To be included in NCH Zoning Code Definitions Chapter

GROUP HOME

“Group home” means any residential facility, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

SWIMMING POOL, COMMERCIAL

“Commercial swimming pool” means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any public bathing area or private residential swimming pool.

SWIMMING POOL, PRIVATE

“Private swimming pool” means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests.

SEXUALLY ORIENTED BUSINESS

“Sexually oriented business” shall mean a facility having a significant portion of its function catering towards adult entertainment which includes the facility types as defined in Section 2907.39 of the Ohio Revised Code.