
City of Whitehall

Zoning Code

2023

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Title One

Introduction
and Using this
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1101

Code Introduction

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1101.01: Title

- A.** This Code shall hereinafter be known and cited as “The City of Whitehall Planning and Zoning Code,” and hereinafter referred to as the/this “Code” or “these regulations”.

5. Ensure adequate space for commercial, industrial, residential, and civic uses and activities, and facilitate harmonious and complementary interaction between these activities.
6. Promote equal opportunity to realize the benefits of living in the City of Whitehall.

1101.02: Adoption and Effective Date

- A.** This Zoning Code is made a part of Ordinance **INSERT ORDINANCE**, and shall become effective from and after the date of its approval and adoption (**INSERT DATE**).

B. Comprehensive plan.

1. A Comprehensive Plan (“Plan”) sets out community objectives pertaining to land use and acts as a policy guide for City zoning regulations.
2. The Code should be updated in accordance with periodic updates to the Plan to effectively reflect the Plan and community objectives.

1101.03: Purpose and Intent

- A.** The application of this Zoning Code aims to achieve the following objectives:
1. Achieve the land use goals set out in the City’s Comprehensive Plan and other adopted long-range plans.
 2. Accommodate growth and foster vibrancy and resiliency for residents, businesses, and institutions, and organizations.
 3. Conserve and enhance the City’s environment.
 4. Conserve property values throughout Whitehall.

1101.04: Applicability

- A.** When interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. This Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to law regulating the use of buildings or premises. However, where this Zoning Code imposes a greater restriction upon the use of buildings or premises

or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations, the provisions of this Zoning Code shall control.

- B.** In the case of any conflict or inconsistency between two or more provisions of this Code (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other City, State, or Federal ordinance, regulation, or standard, the provision which imposes the greater or higher or more restrictive standard shall control.
- C.** Except as shall be expressly provided for in this Code, the adoption of this Code shall not:
 - 1. Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code.
 - 2. Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code.
 - 3. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code.
 - 4. Waive any right of the City under any section or provision of any prior zoning code or subdivision code.
 - 5. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the City under, or by virtue of, any prior zoning code or subdivision code.

1101.05: Invalidity/Severability

- A. Invalidity.** If for any reason any one or more articles, sections, sentences, clauses, or parts of this Zoning Code are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Code but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Zoning Code held invalid.
- B. Severability.** The invalidity of any section, sentence, clauses, or parts of this Zoning Code in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Code in any other instance.

1101.06: Districts and Map

- A.** The City is divided into districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Code.
- B.** The Zoning Map shall be located in the office of the Service Department of Whitehall, and on the City's official website, and this map shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.
- C.** No changes of any nature shall be made in the Zoning Map or matter shown thereon except in accordance with the procedures set forth in Title Six - Administration and Procedures of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under this Code.
- D.** The following districts are hereby established for the corporate limits of the City of Whitehall, and land within said areas shall be designated on the Zoning Map by the following symbols:

TABLE 1101.06 ZONING MAP DESIGNATIONS	
DISTRICT OR OVERLAY NAME	SYMBOL
Single- and Two-Unit Residential District	(STUR)
Multi-Unit Residential District	(MUR)
Broad Street District	(BRD)
Main Street District	(MAIN)
South Hamilton District	(SH)
Yearling Road District	(YEAR)
Community Crossroads District	(CCD)
Military/Office District	(MILO)
Industrial District	(INDD)
Planned Unit Development	(PUD)
Floodplain Overlay	(FP)

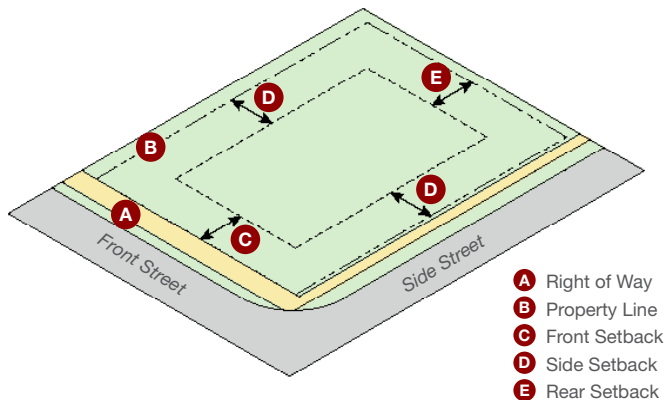
1101.07: Rules for Interpreting District Boundaries on Zoning Map

- A. Unclear district boundaries.** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the Zoning Districts Map, the provisions within this Section shall apply.
- B. Where boundaries approximately follow streets, alleys, or highways.** Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- C. Where boundaries parallel street right-of-way lines, alley lines, or highway rights-of-way.** Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Map.
- D. Boundaries following lot lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- E. Vacation of public rights-of-way.** Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- F. Lots divided by district boundaries.** Where a district boundary line divides a lot that was in single ownership at the time of passage of this Code, the Planning Commission may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

1101.08: Rules of Measurement and Calculation

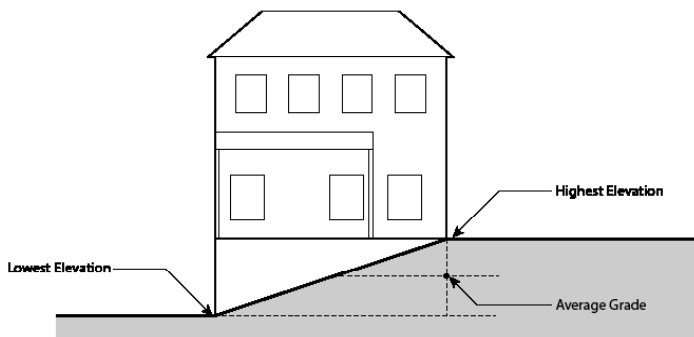
- A. Measuring distance.** When measuring a required distance, such as the minimum distance between a structure and a particular lot line, the measurement is made at the closest or shortest distance between them.
- B. Lot or yard dimensions.**
 - 1. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein.
 - 2. Yards or lots created after the effective date of this Code shall meet at least the minimum, and shall not exceed the maximum, requirements established by this Code.
- C. Measuring setbacks.**
 - 1. The front street setback is measured at a right angle from the right-of-way line to the closest point of the primary structure that is not deemed to be a permitted encroachment.
 - 2. Where a lot extends through the block from street to street, the required front yard must be provided along each street unless a variance is granted.
 - 3. The side street setback is measured at a right angle from the side street right-of-way line.
 - 4. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite the front street lot line. Where there is more than one front street, the City Administrator will determine the rear lot line.
 - 5. All lot lines which do not front a street, side street, or rear lot lines are considered side interior lot lines. Setbacks from such lot lines shall be measured at the closest or nearest point of the primary structure to the lot line.
 - 6. The City Administrator will determine setbacks for irregularly shaped lots.

ILLUSTRATION: MEASURING SETBACKS



- D. Determining average grade.** Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the front street setback line.

ILLUSTRATION: DETERMINING AVERAGE GRADE



- E. Height measurement.** Building height is measured as the distance between a horizontal line at the average existing predevelopment grade of the lot directly beside the structure, and the highest point of the coping of a flat roof, the top of a mansard roof, the midpoint of any pitched gable, hip, or the upper portion of a gambrel roof, or measured between the top floor ceiling and the peak of the roof on an "A" framed structure.

1101.09: Rules of Interpretation

A. Definition of words.

- For the purposes of this Code, terms, phrases, words, and their derivations shall have the meanings given herein.
- Words not defined in this Code are interpreted in accordance with their usual dictionary meaning and customary usage.

- B. Word tense.** When not inconsistent with the context, words used in the present tense include the future tense.

- C. Plural and singular words.** Where the context requires, words in the plural number include the singular number. Words in the singular number include the plural number.

- D. Capitalized terms.** All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this code.

- E. Mandatory or permissive words.** The words "shall" and "will" are mandatory. The word "may" is permissive.

F. Reference to other regulations or manuals.

- References to "Administrative Code" shall mean the Administrative Code of the Codified Ordinances of Whitehall, Ohio.
- All references to other regulations or manuals in this Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise.
- When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.

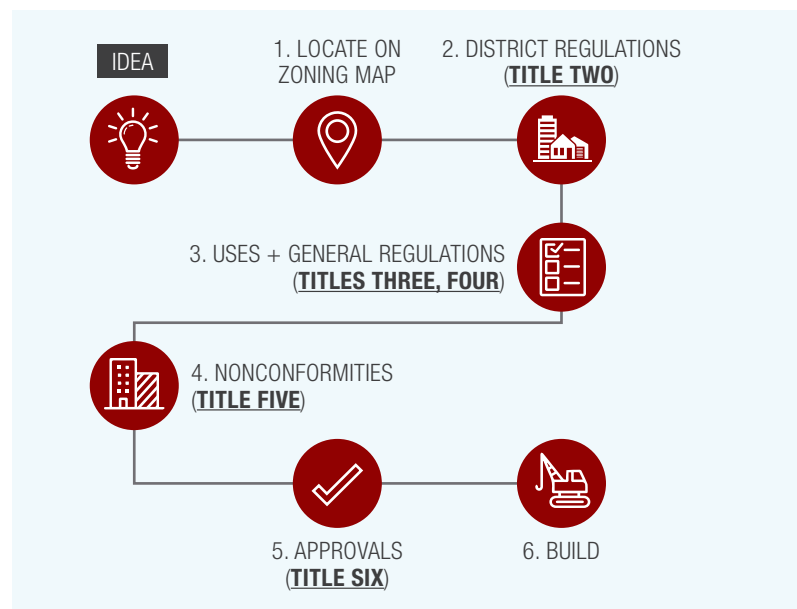
- G. Illustrations.** Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

- H. Rounding fractions.** Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.

- I. Collective terms.** Specified terms shall be interchangeable with other terms per the provisions below:
1. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 2. The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
 3. The word “lot” includes the words “plot,” “tract,” or “parcel.”
 4. The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
- J. Use of conjunctions.** Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either ... or,” the conjunction shall be interpreted as follows:
1. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 3. “Either ... or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
- K. Headings.** Headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- L. Interchangeable references.** References to “zoning certificate” and/or “zoning permit” shall be interchangeable with one another.
- M. References to City Administrator.** References to “City Administrator” shall include any designees or authorized representatives of the City of Whitehall Service Department.

1101.10: How to Navigate this Code

- Step One:** Locate your property and applicable district on the Zoning Map.
- Step Two:** Locate the applicable district or overlay regulations within **Title Two - Districts**. These standards include permitted building types, permitted frontage types, and standards for building placement, site design, parking placement, and uses.
- Step Three:** Determine if any additional regulations apply to a given use in **Title Three - Uses** and if any additional regulations apply to a given development element of interest (e.g., parking areas, signs, landscaping, fencing, and lighting, among others) in **Title Four - Generally Applicable Regulations**. These regulations are supplemental to the regulations in **Title Two - Districts**, applicable to districts and overlays.
- Step Four:** Determine if any nonconformities exist and how to address them in **Title Five - Nonconformities**.
- Step Five:** Determine if any approvals are necessary and how to apply for them in **Title Six - Administration and Procedures**.
- Step Six:** Reference the Glossary for use and general terms in **Title Seven - Glossary of Terms**.



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Title Two

Districts

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1103

Residential Districts

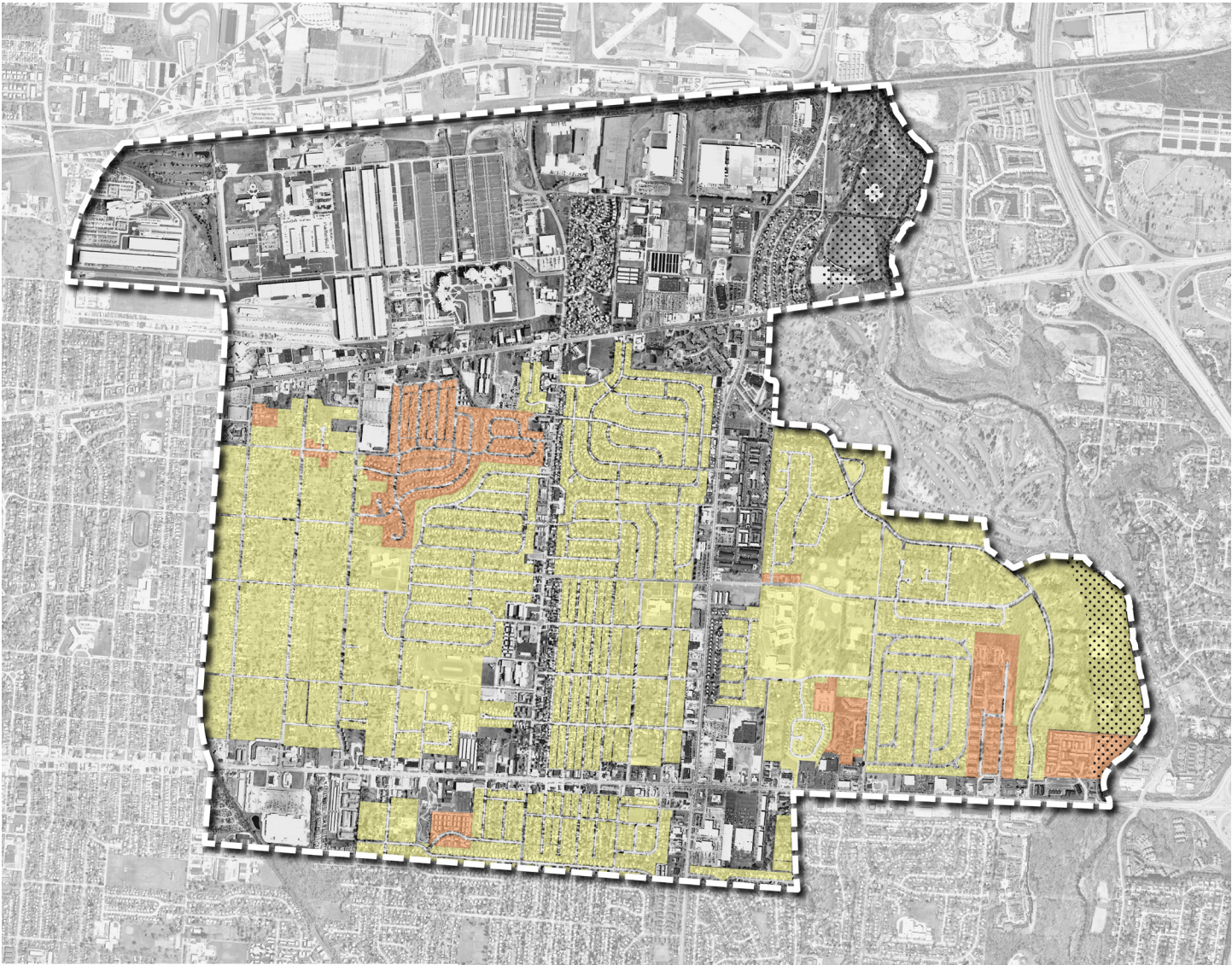
Sections

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1103.03: (MUR) Multi-Unit Residential District.....2-9

FIGURE 1103.01: SINGLE AND TWO-UNIT RESIDENTIAL AND MULTI-UNIT RESIDENTIAL DISTRICT MAP



LEGEND	
<div></div>	STUR Single/Two Unit Residential District
<div></div>	MUR Multi Unit Residential District
<div></div>	FPO Flood Plain Overlay

1103.02: (STUR) Single and Two-Unit Residential District

A. Intent

The Single and Two-Unit Residential District is intended to support residential neighborhood development consistent with established residential areas throughout the city. This district supports single- and two-unit along with auxiliary dwelling units.

B. Permitted Building Types

The building types permitted in the STUR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See Section 1107.01 (Building Typologies) for detailed design standards.

1. PERMITTED BUILDING TYPES	REFERENCE
Detached Single-Unit Building	1107.01 (A)
Attached Single-Unit Building	1107.01 (B)
Duplex Building	1107.01 (C)
Multi-Unit Building	1107.01 (D)
Institutional Flex Building (SP)	1107.01 (I)

1103.02

(STUR) Single and Two-Unit Residential District

RESIDENTIAL DISTRICTS

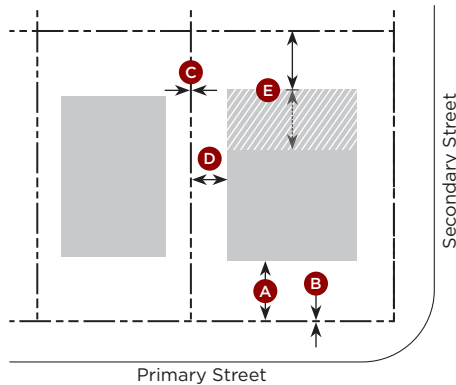
Key for Diagrams:

--- Lot Line

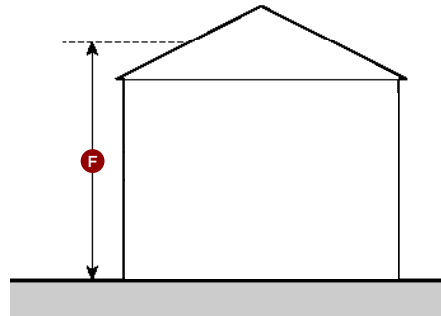
--- Setback Line

Buildable Area

C. Building Placement



D. Building Form



Each proposed building in the STUR District shall comply with the following building form standards.

1. SETBACK		
Front Yard (Max. Ft.)	40	(A)
Front Yard along Fairway Boulevard (Min. Ft.)	50	(B)
All Other Front Yards (Min. Ft.)	Lesser of (A) 10 feet or (B) the average front yard setback of abutting properties	(B)
Side Yard (Min. Ft.)	8 for detached structures / 0 for attached structures	(C)
Side Yard (Max. Ft.)	N/A	(D)
Rear Yard (Min. Ft.)	Lesser of (A) 20 feet or (B) average rear yard setback of abutting properties	(E)
2. LOT COVERAGE		
Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	20%	
3. SITE		
Lot Frontage Along Fairway Boulevard (Min. Ft.)	200	
All Other Lot Frontages (Min. Ft.)	50	
NOTES		
Dumpsters/service locations may not be located adjacent to a primary or secondary street.		

1. HEIGHT		
Max Height (Stories)	4	(F)
2. REQUIRED FRONTAGE TYPE		
FRONTAGE TYPE	PRIMARY STREET	REFERENCE
Gallery	Permitted	1107.03 (C)
Yard	Permitted	1107.03 (E)
Forecourt	Permitted	1107.03 (G)
Porch	Permitted	1107.03 (I)
Stoop	Permitted	1107.03 (J)
NOTES		
Building equipment may not be visible from the primary street.		
Light trespass may not be visible from adjacent properties. See detailed performance standards in Section 1115.02 - Lighting Standards .		
Street-facing garages must be recessed 3 feet from the front façade, and can be no wider than 50% of the width of the front façade.		

Key for Diagrams:

-- Lot Line

--- Setback Line

Buildable Area

E. Parking Placement

Off-street parking shall be located in compliance with the following standards.

1. PARKING LOCATION
Driveway or Garage; Front Yard Parking Not Permitted
2. PARKING DESIGN
N/A

F. Signage

The signage types permitted in the STUR District are as specified in [Article 1112 Signs](#).

G. Permitted Open Space Types

The open space types permitted in the STUR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway/Trail	1107.02 (A)
Plaza	1107.02 (B)
Green	1107.02 (D)
Sport Field	1107.02 (G)









1103.02

(STUR) Single and Two-Unit Residential District

RESIDENTIAL DISTRICTS

H. Permitted Land Uses and Permit Requirements

Land uses in the following table are defined in [Article 1128 Defined Terms \(A-Z\)](#).

TABLE 1103.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	STUR	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)		
RESIDENTIAL		
Accessory Dwelling Units		
Short-Term Rental		
Dwelling, Single-Unit, Detached, Attached, Duplex	 ¹	
Dwelling, Three- and Seven-Unit		
Dwelling, Multi-Unit (Eight and Above)	N/A	
Live/Work Units	N/A	
Group Care Facility	N/A	
Group Home	N/A	
Nursing Home		
Senior Independent Living Facility		
Senior Assisted Living Facility		
Skilled Care Facility	N/A	
Transitional Dwelling	N/A	

 Permitted Use  Special Permit Use

 Permitted Subject to Conditions

¹ Special Design Standards for horizontally attached residential units

RESIDENTIAL DISTRICTS

1103.02

(STUR) Single and Two-Unit Residential District

TABLE 1103.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	STUR	
COMMERCIAL		
Personal Service	N/A	
Retail Sales < 5,000 sf	N/A	
Retail Sales 5,000 sf to 25,000 sf	N/A	
Retail Sales >25,000 sf	N/A	
Commercial Retail Sales and Services	N/A	
Business and Professional Offices	N/A	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities	N/A	
Eating and Drinking Establishments	N/A	
Off-Street Public Parking Lots and Garages	N/A	
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios	N/A	
Gyms and Physical Fitness Facilities	N/A	
Gasoline Stations	N/A	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1103.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	STUR	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	<input type="checkbox"/>	
Hotels, Motels or Tourist Houses	N/A	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	N/A	
Commercial Indoor Recreation	N/A	
Veterinarian, Animal Boarding and Services	N/A	
Art, Museum, or Cultural Facility	N/A	
Non-Industrial Food Production and Catering	N/A	
Food Trucks	<input checked="" type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

1103.02

(STUR) Single and Two-Unit Residential District

RESIDENTIAL DISTRICTS

TABLE 1103.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	STUR	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	N/A	
Day Care, Type A	■	
Day Care, Type B	■	
Day Care Center	N/A	
Small-Scale Assembly	□	
Large-Scale Assembly	□	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	
Solar Facilities	□	
Educational Institution	□	
Parks and Trails	■	
Governmentally Owned and/or Operated Buildings and Facilities	□	
MEDICAL		
Medical and Health Care Offices	N/A	
Urgent Care or Clinic	N/A	
Hospital	N/A	

TABLE 1103.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	STUR	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	N/A	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	N/A	
Small Light Industrial	N/A	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

■ Permitted Use □ Special Permit Use

1103.03: (MUR) Multi-Unit Residential District

A. Intent

The Multi-Unit Residential District is intended to support higher-density multi-unit residential development, consistent with the greater neighborhood. These areas should be highly walkable, integrated into the regional transit system, and prioritize the pedestrian experience and quality urban form.

B. Permitted Building Types

The building types permitted in the MUR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See [Section 1107.01](#) (Building Typologies) for detailed design standards.

1. PERMITTED BUILDING TYPES	REFERENCE
Detached Single-Unit Building	1107.01 (A)
Attached Single-Unit Building	1107.01 (B)
Duplex Building	1107.01 (C)
Multi-Unit Building	1107.01 (D)
Multi-Unit Complex	1107.01 (E)
Primary School Building	1107.01 (J)
School and Institutional Building	1107.01 (K)
Bed and Breakfast Building	1107.01 (L)
Community Center Building	1107.01 (M)
Office Building (SP)	1107.01 (N)
Maker Space or Live-Work Units	1107.01 (T)

1103.03

(MUR) Multi-Unit Residential District

RESIDENTIAL DISTRICTS

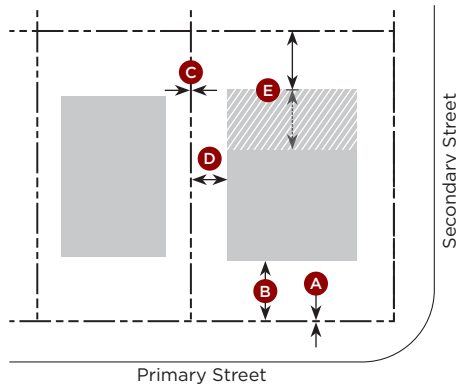
Key for Diagrams:

--- Lot Line

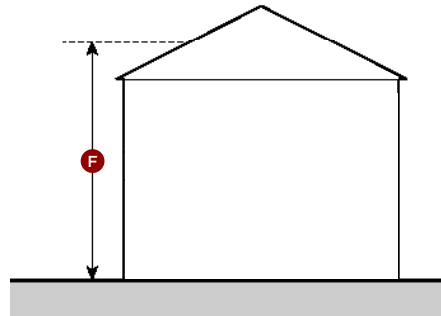
--- Setback Line

Buildable Area

C. Building Placement



D. Building Form



Each proposed building in the MUR District shall comply with the following building form standards.

1. SETBACK		
Front Yard (Min. Ft.)	10	A
Front Yard (Max. Ft.)	40	B
Side Yard (Min. Ft.)	8 for detached structures / 0 for attached structures	C
Side Yard (Max. Ft.)	N/A	D
Rear Yard (Min. Ft.)	20	E
2. LOT COVERAGE		
Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	20%	
NOTES		
Dumpsters/service locations may not be located adjacent to a primary or secondary street.		

1. HEIGHT		
Max Height (Stories)	4	F
2. REQUIRED FRONTAGE TYPE		
FRONTAGE TYPE	PRIMARY STREET	REFERENCE
Shopfront	Permitted (Where special use permissions are granted)	1107.03 (A)
Patio	Permitted (Where special use permissions are granted)	1107.03 (B)
Yard	Permitted	1107.03 (E)
Terrace	Permitted	1107.03 (F)
Forecourt	Permitted	1107.03 (G)
Streetwall	Permitted	1107.03 (H)
NOTES		
Building equipment may not be visible from the primary street.		
Light trespass may not be visible from adjacent properties. See detailed performance standards in Section 1115.02 - Lighting Standards .		
Street-facing garages must be recessed 3 feet from the front façade. Lots wider than 80 feet: a garage door may not comprise more than 50% of the lineal width of the street facing façade.		

Key for Diagrams:

-- Lot Line

--- Setback Line

Buildable Area

E. Parking Placement

Off-street parking shall be located in compliance with the following setback standards.

1. PARKING LOCATION
No more than 35% of parking may be located between a side lot line and the primary structure.
2. PARKING DESIGN
No more than 35% of parking may be located between a side lot line and the primary structure.

F. Signage

The signage types permitted in the MUR District are as specified in [Article 1112 Signs](#).

G. Permitted Open Space Types

The open space types permitted in the MUR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway/Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Pocket Plaza	1107.02 (F)
Sport Field	1107.02 (G)
Green Infrastructure	1107.02 (H)

1103.03

(MUR) Multi-Unit Residential District

RESIDENTIAL DISTRICTS

H. Permitted Land Uses and Permit Requirements

Land uses in the following table are defined in [Article 1128 Defined Terms \(A-Z\)](#).

TABLE 1103.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MUR	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	<input checked="" type="checkbox"/>	
RESIDENTIAL		
Accessory Dwelling Units	<input type="checkbox"/>	
Short-Term Rental	<input type="checkbox"/>	
Dwelling, Single-Unit, Detached, Attached, Duplex	<input checked="" type="checkbox"/>	
Dwelling, Three- and Seven-Unit	<input checked="" type="checkbox"/>	
Dwelling, Multi-Unit (Eight and Above)	<input checked="" type="checkbox"/>	
Live/Work Units	<input checked="" type="checkbox"/>	
Group Care Facility	<input type="checkbox"/>	
Group Home	<input type="checkbox"/>	
Nursing Home	<input checked="" type="checkbox"/>	
Senior Independent Living Facility	<input checked="" type="checkbox"/>	
Senior Assisted Living Facility	<input checked="" type="checkbox"/>	
Skilled Care Facility	<input type="checkbox"/>	
Transitional Dwelling	<input type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

RESIDENTIAL DISTRICTS

1103.03

(MUR) Multi-Unit Residential District

TABLE 1103.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MUR	
COMMERCIAL		
Personal Service	<input type="checkbox"/>	
Retail Sales < 5,000 sf	<input checked="" type="checkbox"/> ²	
Retail Sales 5,000 sf to 25,000 sf	N/A	
Retail Sales >25,000 sf	N/A	
Commercial Retail Sales and Services	N/A	
Business and Professional Offices	<input type="checkbox"/>	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	<input type="checkbox"/>	
Drive-In Windows and Drive-Through Facilities	N/A	
Eating and Drinking Establishments	<input type="checkbox"/>	
Off-Street Public Parking Lots and Garages	N/A	
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios	<input type="checkbox"/>	
Gyms and Physical Fitness Facilities	<input type="checkbox"/>	
Gasoline Stations	N/A	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1103.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MUR	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	<input checked="" type="checkbox"/>	
Hotels, Motels or Tourist Houses	<input type="checkbox"/>	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	N/A	
Commercial Indoor Recreation	N/A	
Veterinarian, Animal Boarding and Services	<input type="checkbox"/>	
Art, Museum, or Cultural Facility	N/A	
Non-Industrial Food Production and Catering	N/A	
Food Trucks	<input checked="" type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

☒ Permitted Subject to Conditions

² Permitted so long as meets the minimum interior SF devoted to grocery use

1103.03

(MUR) Multi-Unit Residential District

RESIDENTIAL DISTRICTS

TABLE 1103.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MUR	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	N/A	
Day Care, Type A	■	
Day Care, Type B	■	
Day Care Center	□	
Small-Scale Assembly	□	
Large-Scale Assembly	□	
Civic, Social, Cultural Organizations or Clubs	□	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	
Solar Facilities	□	
Educational Institution	□	
Parks and Trails	■	
Governmentally Owned and/or Operated Buildings and Facilities	■	
MEDICAL		
Medical and Health Care Offices	□	
Urgent Care or Clinic	N/A	
Hospital	N/A	

TABLE 1103.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MUR	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	N/A	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	N/A	
Small Light Industrial	N/A	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

■ Permitted Use □ Special Permit Use

1104

Corridor Districts

Sections

1104.01: Introduction2-15

1104.02: (BRD) Broad Street District2-17

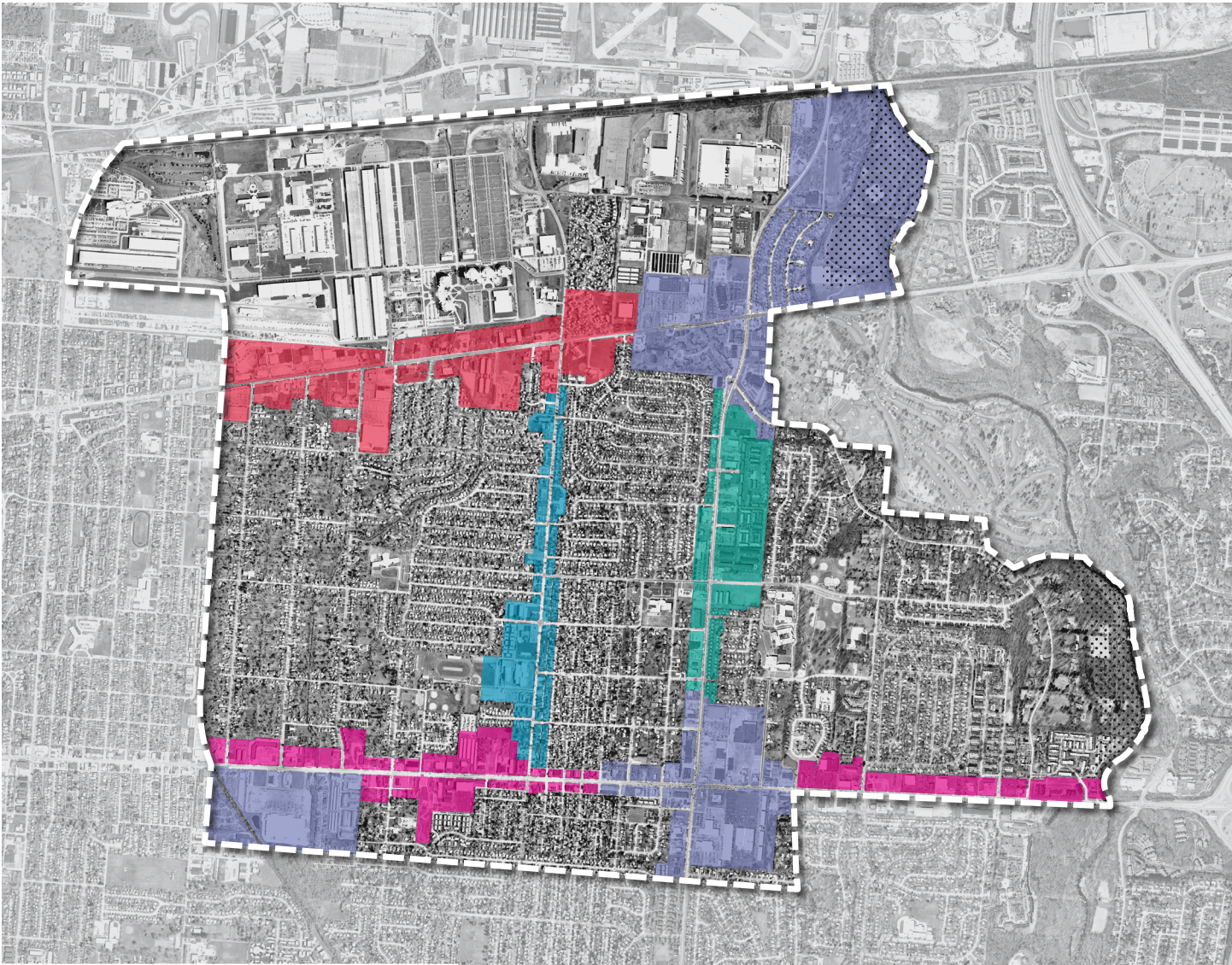
1104.03: (MAIN) Main Street District.....2-23

1104.04: (SH) South Hamilton District2-29

1104.05: (YEAR) Yearling Road District.....2-35

1104.06: (CCD) Community Crossroads District2-41

FIGURE 1104.01: CORRIDOR DISTRICTS MAP



LEGEND		
	BRD	Broad Street District
	MAIN	Main Street District
	SH	South Hamilton District
	YEAR	Yearling Road District
	CCD	Community Crossroads District
	FPO	Flood Plain Overlay

1104.02: (BRD) Broad Street District

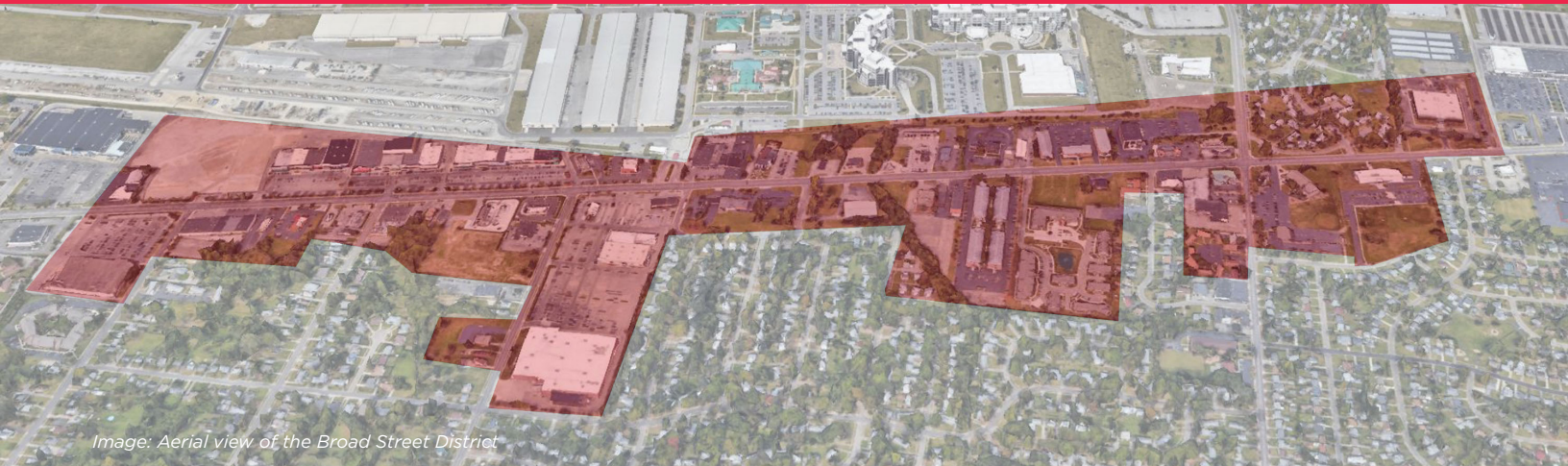


Image: Aerial view of the Broad Street District

A INTENT

The Broad Street District is intended to create a pedestrian-scaled, walkable corridor with uses focused on corporate office, neighborhood retail nodes, financial services, and restaurants to support corridor workers and those in the neighboring MILO district. Development should augment transit, active transportation and vehicular access to this corridor as a significant community spine for local residents and workers as well as regional visitors. Large-scale residential at medium to high-density are also appropriate for this corridor, with quality site design that creates pedestrian-oriented street frontages.

B PERMITTED BUILDING TYPES

The building types permitted in the BRD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See [Section 1107.01](#) (Building Typologies) for detailed design standards.

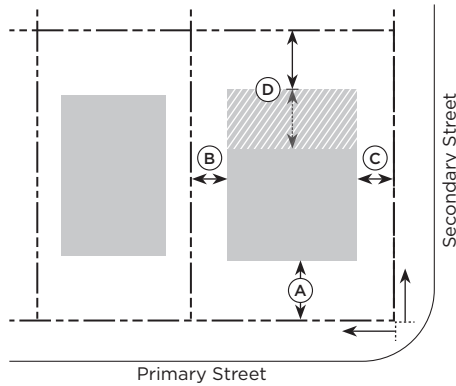
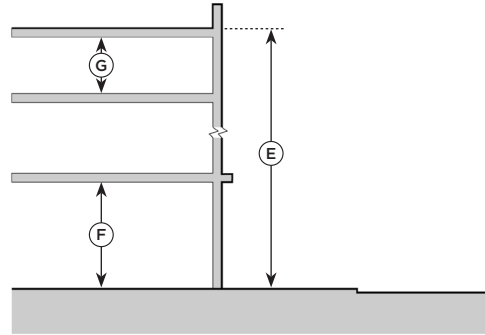
1. PERMITTED BUILDING TYPES	REFERENCE
Multi-Unit Building	1107.01 (D)
Multi-Unit Complex	1107.01 (E)
Small Flex Retail Building	1107.01 (F)
Medium Flex Retail Building	1107.01 (G)
Large Flex Retail Building	1107.01 (H)
Institutional Flex Building	1107.01 (I)
School and Institutional Building	1107.01 (K)
Community Center Building	1107.01 (M)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Retail Large Format Building	1107.01 (P)
Assembly Use Building	1107.01 (S)
Maker Space or Live-Work Units	1107.01 (T)

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

C BUILDING PLACEMENT**D BUILDING FORM**

Each proposed building in the BRD District shall comply with the following building form standards.

1. SETBACK

Front Yard (Min. Ft.)	20	(A)
Front Yard (Max. Ft.)	N/A	
Side Yard (Min. Ft.)	10	(B)
Side Yard (Max. Ft.)	N/A	
Side Street, corner lot (Min. Ft.)	15	(C)
Rear Yard (Min. Ft.)	20; except when abutting a residential district or use, then 40	(D)

2. LOT COVERAGE

Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	10%	

3. SITE

Lot Frontage	N/A	
Size	N/A	

NOTES

All floors must have a primary ground-floor entrance facing the primary or side street.

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary or secondary street-facing facades. Garage doors with minimum 70% transparency that do not serve a loading and unloading function are permitted on the primary or secondary street facades.

Dumpsters must be fully screened and located between the primary structure and the rear property line.

For commercial or mixed uses abutting a residential district, a 6' tall opaque fence will be constructed and a row of evergreen trees at a minimum of 12' in height will be planted along the shared property line for screening purposes, except in portions where visibility for safe vehicular or pedestrian movement is impacted.

1. HEIGHT

Max Height (Stories)	5	(E)
Portions of buildings within 75' of a residential district (Stories)	3	
Portions of buildings within 100' of a residential district (Stories)	4	
Ground Floor (Min. Ft.)	15	(F)
Upper Floors (Min. Ft.)	10	(G)

2. REQUIRED FRONTAGE TYPE

FRONTAGE TYPE	PRIMARY STREET	SECONDARY STREET	REFERENCE
Shopfront	Permitted	Permitted	1107.03 (A)
Patio	Permitted	Permitted	1107.03 (B)
Yard	Permitted	Permitted	1107.03 (E)
Terrace	Permitted	Permitted	1107.03 (F)
Forecourt	Permitted	Permitted	1107.03 (G)
Streetwall	Permitted	Permitted	1107.03 (H)

NOTES

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

No mechanical systems shall be visible from any street. Any building mechanical equipment must be fully shielded by shrubs, a wall, or a wood, metal or composite fence. No mechanical or utility equipment may be located within 40 feet of the front façade or corner. Unit exhaust and louvers are not permitted on facades; systems shall route through roof.

Lighting shall be aimed downward at the building such that no light projects above the fixture. Building lighting should be mounted at 8 feet or higher.

Ground level facades must have glazing on a minimum of 40% of all walls that face primary or secondary streets. Where there is a residential use on the first floor, windows shall comprise no less than 20% of the first floor façade.

Key for Diagrams:

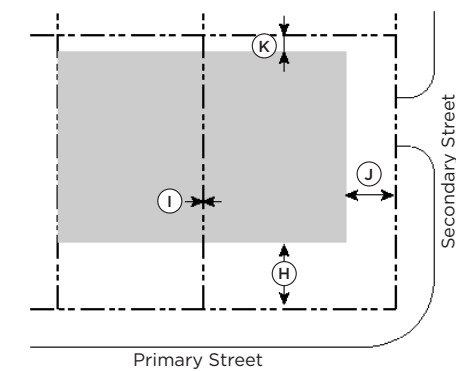
Lot Line

Setback Line

Buildable Area

E

PARKING PLACEMENT



Off-street parking shall be located in compliance with the following setback standards.

1. LOCATION (DISTANCE FROM PROPERTY LINE)		
Front Setback (Min. Ft.)	20	(H)
Side Setback (Min. Ft.)	0	(I)
Side Street Setback (Min. Ft.)	15	(J)
Rear Setback (Min. Ft.)	5	(K)
2. PARKING LOCATION		
Side or Rear Yard		
3. PARKING DESIGN		
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation (e.g. bioswales) may be substituted for parking islands. See description and illustration of H. Green Infrastructure in Section 1123.11.07 (Open Space Typologies).		

F

SIGNAGE

The signage types permitted in the BRD District are limited to the following in the table below. See [Article 1112 Signs](#) for detailed standards.

1. PERMITTED SIGN TYPES	REFERENCE
Flat Wall Signs	1112.18 (A)
Free-Standing Signs	1112.18 (C)
Projecting Signs	1112.18 (B)
Marquee Signs	1112.18 (D)
Window and Door Signs	1112.18 (E)
Roof Signs	1112.18 (F)

G

PERMITTED OPEN SPACE TYPES

The open space types permitted in the BRD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway / Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Green Infrastructure	1107.02 (H)
2. STREETScape	
Development shall connect to the public sidewalk, bikeway network, adjacent parks, and multi-use trail network. Sidewalks shall be provided as part of new development at a minimum of 8' in width. In instances where there are documented, practical challenges to providing the sidewalk based on the site configuration, or there is an existing sidewalk meeting the standards, an administrative waiver may be granted to provide relief from this provision.	
Street trees shall be provided as part of all new developments. One street tree must be planted for every 40 lineal feet of frontage along a primary or secondary street. In instances where there are documented, practical challenges to providing the street trees based on the site configuration, an administrative waiver may be granted to provide relief from street tree provision.	

1104.02

(BRD) Broad Street District

CORRIDOR DISTRICTS

H PERMITTED LAND USES AND PERMIT REQUIREMENTS

Land uses in the following table are defined in **Article 1128 Defined Terms (A-Z)**.

TABLE 1104.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	<input checked="" type="checkbox"/>	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	<input type="checkbox"/>	
Dwelling, Single-Unit, Detached, Attached, Duplex	N/A	
Dwelling, Three- and Seven-Unit	N/A	
Dwelling, Multi-Unit (Eight and Above)	<input checked="" type="checkbox"/>	
Live/Work Units	<input checked="" type="checkbox"/>	
Group Care Facility	<input checked="" type="checkbox"/>	
Group Home	<input checked="" type="checkbox"/>	
Nursing Home	<input checked="" type="checkbox"/>	
Senior Independent Living Facility	<input checked="" type="checkbox"/>	
Senior Assisted Living Facility	<input checked="" type="checkbox"/>	
Skilled Care Facility	<input checked="" type="checkbox"/>	
Transitional Dwelling	<input type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

CORRIDOR DISTRICTS

1104.02 (BRD) Broad Street District

TABLE 1104.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
COMMERCIAL		
Personal Service	■	
Retail Sales < 5,000 sf	■	
Retail Sales 5,000 sf to 25,000 sf	■	
Retail Sales >25,000 sf	■	
Commercial Retail Sales and Services	■	
Business and Professional Offices	■	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities	□	
Eating and Drinking Establishments	■	
Off-Street Public Parking Lots and Garages	■	
Nursery and Garden Supply Stores	■	
Instructional Spaces and Studios	■	
Gyms and Physical Fitness Facilities	■	
Gasoline Stations	■	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	□	

TABLE 1104.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
COMMERCIAL		
Recreational Vehicle Sales	<input type="checkbox"/>	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	<input checked="" type="checkbox"/>	
Vehicle and Large Equipment Repair	<input type="checkbox"/>	
Car Wash Establishments	<input checked="" type="checkbox"/>	
Funeral Home and Services, Excluding Crematories	<input checked="" type="checkbox"/>	
Crematories	N/A	
Sexually Oriented Business	<input type="checkbox"/>	
Commercial Outdoor Recreation	<input checked="" type="checkbox"/>	
Commercial Indoor Recreation	<input checked="" type="checkbox"/>	
Veterinarian, Animal Boarding and Services	<input checked="" type="checkbox"/>	
Art, Museum, or Cultural Facility	<input checked="" type="checkbox"/>	
Non-Industrial Food Production and Catering	<input checked="" type="checkbox"/>	
Food Trucks	<input checked="" type="checkbox"/>	

■ Permitted Use □ Special Permit Use

1104.02

(BRD) Broad Street District

CORRIDOR DISTRICTS

TABLE 1104.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	<input type="checkbox"/>	
Day Care, Type A	N/A	
Day Care, Type B	N/A	
Day Care Center	<input checked="" type="checkbox"/>	
Small-Scale Assembly	<input checked="" type="checkbox"/>	
Large-Scale Assembly	<input checked="" type="checkbox"/>	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	<input checked="" type="checkbox"/>	
Solar Facilities	<input type="checkbox"/>	
Educational Institution	<input checked="" type="checkbox"/>	
Parks and Trails	<input checked="" type="checkbox"/>	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	<input checked="" type="checkbox"/>	
Urgent Care or Clinic	<input checked="" type="checkbox"/>	
Hospital	<input checked="" type="checkbox"/>	

TABLE 1104.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	<input type="checkbox"/>	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	<input checked="" type="checkbox"/>	
Small Light Industrial	<input type="checkbox"/>	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

☒ Permitted Use ☐ Special Permit Use

1104.03: (MAIN) Main Street District



Image: Aerial view of the Main Street District

A INTENT

The Main Street District is intended to create a commercial corridor that accommodates a variety of retail, service, dining, and entertainment uses. That may include auto-oriented uses within the context of improved site design for Main Street walkability and access to transit. Large-scale residential at medium to high-density are also appropriate for this corridor, with quality site design that creates pedestrian-oriented street frontages.

B PERMITTED BUILDING TYPES

The building types permitted in the MAIN District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See [Section 1107.01](#) (Building Typologies) for detailed design standards.

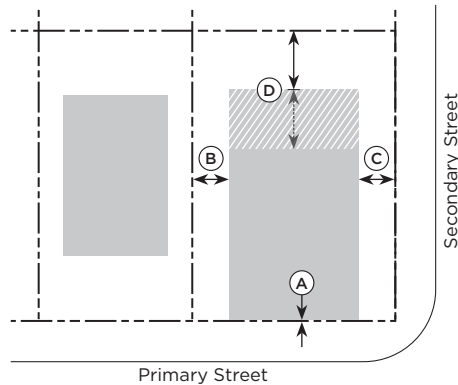
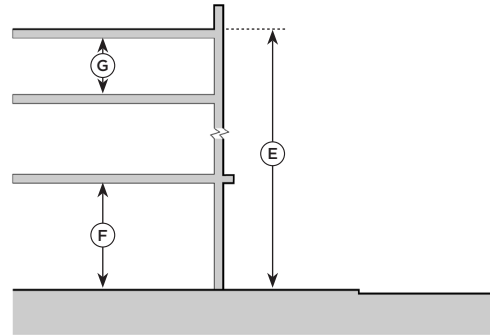
1. PERMITTED BUILDING TYPES	REFERENCE
Attached Single-Unit Building	1107.01 (B)
Multi-Unit Building	1107.01 (D)
Multi-Unit Complex	1107.01 (E)
Small Flex Retail Building	1107.01 (F)
Medium Flex Retail Building	1107.01 (G)
Large Flex Retail Building	1107.01 (H)
Institutional Flex Building	1107.01 (I)
Primary School Building	1107.01 (J)
School and Institutional Building	1107.01 (K)
Bed and Breakfast Building	1107.01 (L)
Community Center Building	1107.01 (M)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Retail Large Format Building	1107.01 (P)
Assembly Use Building	1107.01 (S)

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

C BUILDING PLACEMENT**D BUILDING FORM**

Each proposed building in the MAIN District shall comply with the following building form standards.

1. SETBACK		
Front Yard (Min. Ft.)	0	(A)
Front Yard (Max. Ft.)	N/A	
Side Yard (Min. Ft.)	10	(B)
Side Yard (Max. Ft.)	N/A	
Side Street, corner lot (Min. Ft.)	15	(C)
Rear Yard (Min. Ft.)	20; except when abutting a residential district or use, then 40	(D)
2. LOT COVERAGE		
Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	30%	
3. SITE		
Lot Frontage	N/A	
Size	N/A	
NOTES		
All floors must have a primary ground-floor entrance facing the primary or side street.		
Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades. Garage doors with minimum 70% transparency that do not serve a loading and unloading function are permitted on the primary or secondary street facades.		
Dumpsters must be fully screened and located in the rear.		
For commercial or mixed uses abutting a residential district, a 6' tall opaque fence will be constructed and a row of evergreen trees at a minimum of 12' in height will be planted along the shared property line for screening purposes, except in portions where visibility for safe vehicular or pedestrian movement is impacted.		

1. HEIGHT			
Max Height (Stories)	5	(E)	
Portions of buildings within 75' of a residential district (Stories)	3		
Portions of buildings within 100' of a residential district (Stories)	4		
Ground Floor (Min. Ft.)	15	(F)	
Upper Floors (Min. Ft.)	10	(G)	
2. REQUIRED FRONTAGE TYPE			
FRONTAGE TYPE	PRIMARY STREET	SECONDARY STREET	REFERENCE
Shopfront	Permitted	Permitted	1107.03 (A)
Patio	Permitted	Permitted	1107.03 (B)
Yard	Permitted	Permitted	1107.03 (E)
Terrace	Permitted	Permitted	1107.03 (F)
Forecourt	Permitted	Permitted	1107.03 (G)
Streetwall	Permitted	Permitted	1107.03 (H)
NOTES			
Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.			
No mechanical systems shall be visible from any street. Any building mechanical equipment must be fully shielded by shrubs, a wall, or a wood, metal or composite fence. No mechanical or utility equipment may be located within 40 feet of the front façade or corner. Unit exhaust and louvers are not permitted on facades; systems shall route through roof.			
Lighting shall be aimed downward at the building such that no light projects above the fixture. Building lighting should be mounted at 8 feet or higher.			
Ground level facades must have glazing on a minimum of 40% of all walls that face primary or secondary streets. Where there is a residential use on the first floor, windows shall comprise no less than 20% of the first floor façade.			

Key for Diagrams:

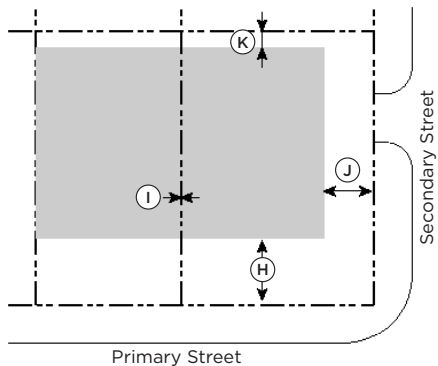
Lot Line

Setback Line

Buildable Area

E

PARKING PLACEMENT



Off-street parking shall be located in compliance with the following setback standards.

1. LOCATION (DISTANCE FROM PROPERTY LINE)		
Front Setback (Min. Ft.)	20	(H)
Side Setback (Min. Ft.)	0	(I)
Side Street Setback (Min. Ft.)	15	(J)
Rear Setback (Min. Ft.)	5	(K)
2. PARKING LOCATION		
Side or Rear Yard		
3. PARKING DESIGN		
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation (e.g. bioswales) may be substituted for parking islands. See description and illustration of Green Infrastructure in Section 1107.02 (H) (Open Space Typologies).		

F

SIGNAGE

The signage types permitted in the MAIN District are limited to the following in the table below. See [Article 1112 Signs](#) for detailed standards.

1. PERMITTED SIGN TYPES	REFERENCE
Flat Wall Signs	1112.18 (A)
Free-Standing Signs	1112.18 (C)
Projecting Signs	1112.18 (B)
Marquee Signs	1112.18 (D)
Window and Door Signs	1112.18 (E)
Roof Signs	1112.18 (F)

G

PERMITTED OPEN SPACE TYPES

The open space types permitted in the MAIN District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway / Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Green Infrastructure	1107.02 (H)
2. STREETScape	
Development shall connect to the public sidewalk, bikeway network, adjacent parks, and multi-use trail network. Sidewalks shall be provided as part of new development at a minimum of 6' in width and a planting strip at a minimum of 3'. In instances where there are documented, practical challenges to providing the sidewalk and/or planting strip based on the site configuration, or there is an existing sidewalk meeting the standards, an administrative waiver may be granted to provide relief from this provision.	
Street trees shall be provided as part of all new developments. One street tree must be planted for every 40 lineal feet of frontage along a primary or secondary street. In instances where there are documented, practical challenges to providing the street trees based on the site configuration, an administrative waiver may be granted to provide relief from street tree provision.	

1104.03

(MAIN) Main Street District

CORRIDOR DISTRICTS

H PERMITTED LAND USES AND PERMIT REQUIREMENTS

Land uses in the following table are defined in **Article 1128 Defined Terms (A-Z)**.

TABLE 1104.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MAIN	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	■	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	□	
Dwelling, Single-Unit, Detached, Attached, Duplex	N/A	
Dwelling, Three- and Seven-Unit	□	
Dwelling, Multi-Unit (Eight and Above)	■	
Live/Work Units	■	
Group Care Facility	■	
Group Home	■	
Nursing Home	■	
Senior Independent Living Facility	■	
Senior Assisted Living Facility	■	
Skilled Care Facility	■	
Transitional Dwelling	□	

■ Permitted Use □ Special Permit Use

CORRIDOR DISTRICTS

1104.03

(MAIN) Main Street District

TABLE 1104.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MAIN	
COMMERCIAL		
Personal Service	■	
Retail Sales < 5,000 sf	■	
Retail Sales 5,000 sf to 25,000 sf	■	
Retail Sales >25,000 sf	■	
Commercial Retail Sales and Services	■	
Business and Professional Offices	■	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities	□	
Eating and Drinking Establishments	■	
Off-Street Public Parking Lots and Garages	■	
Nursery and Garden Supply Stores	■	
Instructional Spaces and Studios	■	
Gyms and Physical Fitness Facilities	■	
Gasoline Stations	■	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	□	

TABLE 1104.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	BRD	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	■	
Vehicle and Large Equipment Repair	□	
Car Wash Establishments	■	
Funeral Home and Services, Excluding Crematories	■	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	■	
Commercial Indoor Recreation	■	
Veterinarian, Animal Boarding and Services	■	
Art, Museum, or Cultural Facility	■	
Non-Industrial Food Production and Catering	■	
Food Trucks	■	

■ Permitted Use □ Special Permit Use

1104.03

(MAIN) Main Street District

CORRIDOR DISTRICTS

TABLE 1104.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MAIN	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	<input type="checkbox"/>	
Day Care, Type A	N/A	
Day Care, Type B	N/A	
Day Care Center	<input checked="" type="checkbox"/>	
Small-Scale Assembly	<input checked="" type="checkbox"/>	
Large-Scale Assembly	<input checked="" type="checkbox"/>	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	<input checked="" type="checkbox"/>	
Solar Facilities	<input type="checkbox"/>	
Educational Institution	<input checked="" type="checkbox"/>	
Parks and Trails	<input checked="" type="checkbox"/>	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	<input checked="" type="checkbox"/>	
Urgent Care or Clinic	<input checked="" type="checkbox"/>	
Hospital	<input checked="" type="checkbox"/>	

TABLE 1104.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MAIN	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	<input type="checkbox"/>	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	<input checked="" type="checkbox"/>	
Small Light Industrial	<input type="checkbox"/>	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

☒ Permitted Use ☐ Special Permit Use

1104.04: (SH) South Hamilton District



Image: Aerial view of the South Hamilton District

A INTENT

The South Hamilton District is intended to create a commercial corridor that accommodates a variety of retail, service, dining, and entertainment uses. That may include auto-oriented uses within the context of improved site design for Hamilton Road walkability and access to transit. Large-scale residential at medium to high-density are also appropriate for this corridor, with quality site design that creates pedestrian-oriented street frontages. Conversion of smaller-scale legacy residential uses to new development should incorporate multiple sites, to improve site access and pedestrian-orientation of the streetscape.

B PERMITTED BUILDING TYPES

The building types permitted in the SH District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See [Section 1107.01](#) (Building Typologies) for detailed design standards.

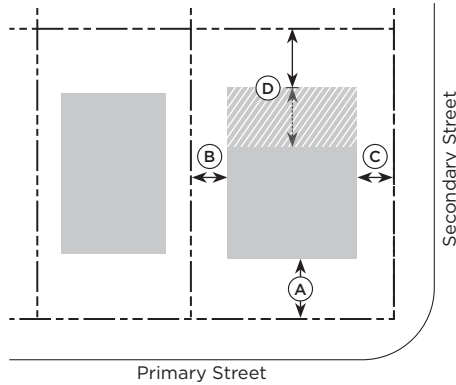
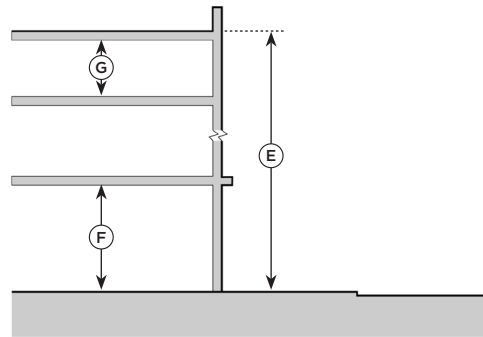
1. PERMITTED BUILDING TYPES	REFERENCE
Multi-Unit Complex	1107.01 (E)
Small Flex Retail Building	1107.01 (F)
Medium Flex Retail Building	1107.01 (G)
Large Flex Retail Building	1107.01 (H)
Institutional Flex Building	1107.01 (I)
School and Institutional Building	1107.01 (K)
Community Center Building	1107.01 (M)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Retail Large Format Building	1107.01 (P)
Assembly Use Building	1107.01 (S)
Maker Space or Live-Work Units	1107.01 (T)

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

C BUILDING PLACEMENT**D BUILDING FORM**

Each proposed building in the SH District shall comply with the following building form standards.

1. SETBACK

Front Yard (Min. Ft.)	20	(A)
Front Yard (Max. Ft.)	N/A	
Side Yard (Min. Ft.)	10	(B)
Side Yard (Max. Ft.)	N/A	
Side Street, corner lot (Min. Ft.)	15	(C)
Rear Yard (Min. Ft.)	20; except when abutting a residential district or use, then 40	(D)

2. LOT COVERAGE

Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	30%	

3. SITE

Lot Frontage	N/A	
Size	N/A	

NOTES

All floors must have a primary ground-floor entrance facing the primary or side street.

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades. Garage doors with minimum 70% transparency that do not serve a loading and unloading function are permitted on the primary or secondary street facades.

Dumpsters must be fully screened and located in the rear.

For commercial or mixed uses abutting a residential district, a 6' tall opaque fence will be constructed and a row of evergreen trees at a minimum of 12' in height will be planted along the shared property line for screening purposes, except in portions where visibility for safe vehicular or pedestrian movement is impacted.

1. HEIGHT

Max Height (Stories)	4	(E)
Portions of buildings within 75' of a residential district (Stories)	3	
Portions of buildings within 100' of a residential district (Stories)	4	
Ground Floor (Min. Ft.)	15	(F)
Upper Floors (Min. Ft.)	10	(G)

2. REQUIRED FRONTAGE TYPE

FRONTAGE TYPE	PRIMARY STREET	SECONDARY STREET	REFERENCE
Shopfront	Permitted	Permitted	1107.03 (A)
Patio	Permitted	Permitted	1107.03 (B)
Yard	Permitted	Permitted	1107.03 (E)
Terrace	Permitted	Permitted	1107.03 (F)
Forecourt	Permitted	Permitted	1107.03 (G)
Streetwall	Permitted	Permitted	1107.03 (H)

NOTES

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

No mechanical systems shall be visible from any street. Any building mechanical equipment must be fully shielded by shrubs, a wall, or a wood, metal or composite fence. No mechanical or utility equipment may be located within 40 feet of the front façade or corner. Unit exhaust and louvers are not permitted on facades; systems shall route through roof.

Lighting shall be aimed downward at the building such that no light projects above the fixture. Building lighting should be mounted at 8 feet or higher.

Ground level facades must have glazing on a minimum of 40% of all walls that face primary or secondary streets. Where there is a residential use on the first floor, windows shall comprise no less than 20% of the first floor façade.

Key for Diagrams:

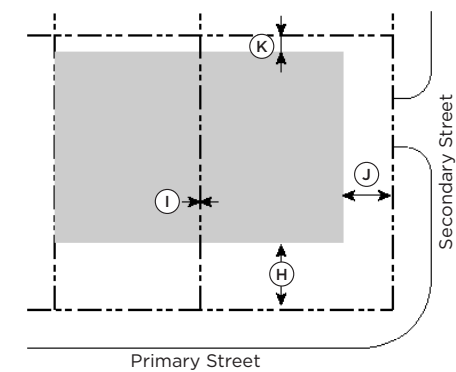
Lot Line

Setback Line

Buildable Area

E

PARKING PLACEMENT



Off-street parking shall be located in compliance with the following setback standards.

1. LOCATION (DISTANCE FROM PROPERTY LINE)		
Front Setback (Min. Ft.)	20	(H)
Side Setback (Min. Ft.)	0	(I)
Side Street Setback (Min. Ft.)	15	(J)
Rear Setback (Min. Ft.)	5	(K)
2. PARKING LOCATION		
Side or Rear Yard		
3. PARKING DESIGN		
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation (e.g. bioswales) may be substituted for parking islands. See description and illustration of Green Infrastructure in Section 1107.02 (H) (Open Space Typologies).		

F

SIGNAGE

The signage types permitted in the SH District are limited to the following in the table below. See [Article 1112 Signs](#) for detailed standards.

1. PERMITTED SIGN TYPES	REFERENCE
Flat Wall Signs	1112.18 (A)
Free-Standing Signs	1112.18 (C)
Projecting Signs	1112.18 (B)
Marquee Signs	1112.18 (D)
Window and Door Signs	1112.18 (E)
Roof Signs	1112.18 (F)

G

PERMITTED OPEN SPACE TYPES

The open space types permitted in the SH District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway / Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Green Infrastructure	1107.02 (H)
2. STREETScape	
Development shall connect to the public sidewalk, bikeway network, adjacent parks, and multi-use trail network. Sidewalks shall be provided as part of new development at a minimum of 6' in width and a planting strip at a minimum of 3'. In instances where there are documented, practical challenges to providing the sidewalk and/or planting strip based on the site configuration, or there is an existing sidewalk meeting the standards, an administrative waiver may be granted to provide relief from this provision.	
Street trees shall be provided as part of all new developments. One street tree must be planted for every 40 lineal feet of frontage along a primary or secondary street. In instances where there are documented, practical challenges to providing the street trees based on the site configuration, an administrative waiver may be granted to provide relief from street tree provision.	

1104.04

(SH) South Hamilton District

CORRIDOR DISTRICTS

H PERMITTED LAND USES AND PERMIT REQUIREMENTS

Land uses in the following table are defined in **Article 1128 Defined Terms (A-Z)**.

TABLE 1104.04: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	SH	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	<input checked="" type="checkbox"/>	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	N/A	
Dwelling, Single-Unit, Detached, Attached, Duplex	N/A	
Dwelling, Three- and Seven-Unit	<input checked="" type="checkbox"/>	
Dwelling, Multi-Unit (Eight and Above)	<input checked="" type="checkbox"/>	
Live/Work Units	<input checked="" type="checkbox"/>	
Group Care Facility	<input checked="" type="checkbox"/>	
Group Home	<input checked="" type="checkbox"/>	
Nursing Home	<input type="checkbox"/>	
Senior Independent Living Facility	<input checked="" type="checkbox"/>	
Senior Assisted Living Facility	<input checked="" type="checkbox"/>	
Skilled Care Facility	<input type="checkbox"/>	
Transitional Dwelling	<input type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

CORRIDOR DISTRICTS

1104.04

(SH) South Hamilton District

TABLE 1104.04: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	SH	
COMMERCIAL		
Personal Service		
Retail Sales < 5,000 sf		
Retail Sales 5,000 sf to 25,000 sf		
Retail Sales >25,000 sf		
Commercial Retail Sales and Services		
Business and Professional Offices		
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities		
Eating and Drinking Establishments		
Off-Street Public Parking Lots and Garages	N/A	
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios		
Gyms and Physical Fitness Facilities		
Gasoline Stations		
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1104.04: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	SH	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	■	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	□	
Commercial Indoor Recreation	□	
Veterinarian, Animal Boarding and Services	■	
Art, Museum, or Cultural Facility	■	
Non-Industrial Food Production and Catering	■	
Food Trucks	■	

■ Permitted Use □ Special Permit Use

1104.04

(SH) South Hamilton District

CORRIDOR DISTRICTS

TABLE 1104.04: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	SH	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	N/A	
Day Care, Type A	<input type="checkbox"/>	
Day Care, Type B	<input type="checkbox"/>	
Day Care Center	<input checked="" type="checkbox"/>	
Small-Scale Assembly	<input checked="" type="checkbox"/>	
Large-Scale Assembly	<input checked="" type="checkbox"/>	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	
Solar Facilities	<input type="checkbox"/>	
Educational Institution	N/A	
Parks and Trails	<input checked="" type="checkbox"/>	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	<input checked="" type="checkbox"/>	
Urgent Care or Clinic	<input checked="" type="checkbox"/>	
Hospital	<input type="checkbox"/>	

TABLE 1104.04: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	SH	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	N/A	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	<div></div>	
Small Light Industrial	N/A	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

☒ Permitted Use ☐ Special Permit Use

1104.05: (YEAR) Yearling Road District

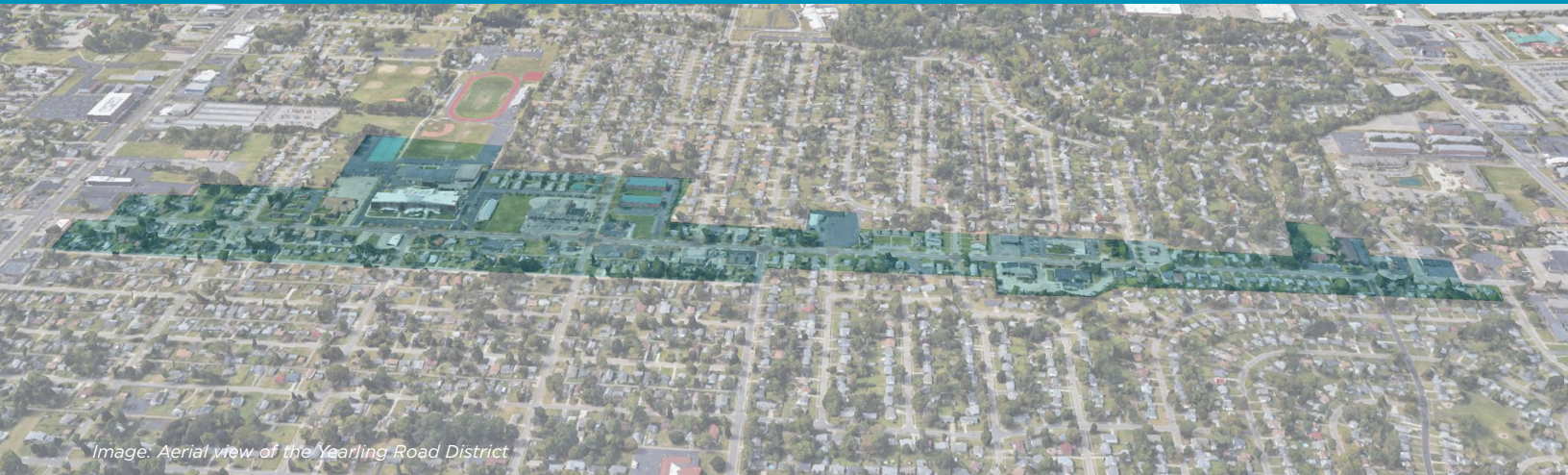


Image: Aerial view of the Yearling Road District

A INTENT

The Yearling Road District is intended to create a walkable environment for access to the numerous civic uses along the corridor and accommodate complementary commercial and residential development. Because of the presence of numerous institutional uses including the High School, City Hall, the police department and the fire station, development should include neighborhood-scale commercial nodes and medium-scale multi-unit residential development to integrate with the institutional character, provide walkable access, and serve the users of the corridor and the surrounding neighborhoods. Developments may include smaller retail and service-oriented business uses, housing options focused on medium-scale townhouse multiunit, and additional institutional uses. Development should include reduced building setbacks, and quality streetscapes for residential, commercial, and smaller institutional uses, with larger park-like setbacks possible for larger institutional uses on prominent sites.

B PERMITTED BUILDING TYPES

The building types permitted in the YEAR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See [Section 1107.01](#) (Building Typologies) for detailed design standards.

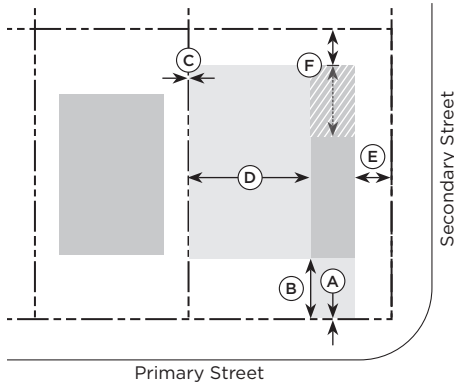
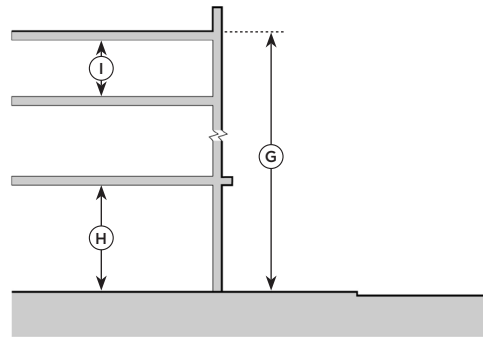
1. PERMITTED BUILDING TYPES	REFERENCE
Attached Single-Unit Building	1107.01 (B)
Duplex Building	1107.01 (C)
Multi-Unit Building	1107.01 (D)
Multi-Unit Complex	1107.01 (E)
Small Flex Retail Building	1107.01 (F)
Medium Flex Retail Building	1107.01 (G)
Large Flex Retail Building	1107.01 (H)
Institutional Flex Building	1107.01 (I)
Primary School Building	1107.01 (J)
School and Institutional Building	1107.01 (K)
Bed and Breakfast Building	1107.01 (L)
Community Center Building	1107.01 (M)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Assembly Use Building	1107.01 (S)

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

C BUILDING PLACEMENT**D BUILDING FORM**

Each proposed building in the YEAR District shall comply with the following building form standards.

1. SETBACK

Front Yard (Min. Ft.)	0	(A)
Front Yard (Max. Ft.)	20	(B)
Side Yard (Min. Ft.)	0	(C)
Side Yard (Max. Ft.)	40 ft. (N/A for sites larger than one acre)	(D)
Side Street, corner lot (Min. Ft.)	10	(E)
Rear Yard (Min. Ft.)	10; except when abutting a residential district or use, then 40	(F)

2. LOT COVERAGE

Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	0%	

3. SITE

Lot Frontage	N/A	
Size	N/A	

NOTES

All floors must have a primary ground-floor entrance facing the primary or side street.

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades. Garage doors with minimum 70% transparency that do not serve a loading and unloading function are permitted on the primary or secondary street facades.

Dumpsters must be fully screened and located in the rear.

For commercial or mixed uses abutting a residential district, a 6' tall opaque fence will be constructed and a row of evergreen trees at a minimum of 12' in height will be planted along the shared property line for screening purposes, except in portions where visibility for safe vehicular or pedestrian movement is impacted.

1. HEIGHT

Max Height (Stories)	4	(G)
Portions of buildings within 75' of a residential district (Stories)	3	
Portions of buildings within 100' of a residential district (Stories)	4	
Ground Floor (Min. Ft.)	15	(H)
Upper Floors (Min. Ft.)	10	(I)

2. REQUIRED FRONTAGE TYPE

FRONTAGE TYPE	PRIMARY STREET	SECONDARY STREET	REFERENCE
Shopfront	Permitted	Permitted	1107.03 (A)
Patio	Permitted	Permitted	1107.03 (B)
Yard	Permitted	Permitted	1107.03 (E)
Terrace	Permitted	Permitted	1107.03 (F)
Forecourt	Permitted	Permitted	1107.03 (G)
Streetwall	Permitted	Permitted	1107.03 (H)

NOTES

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

No mechanical systems shall be visible from any street. Any building mechanical equipment must be fully shielded by shrubs, a wall, or a wood, metal or composite fence. No mechanical or utility equipment may be located within 40 feet of the front façade or corner. Unit exhaust and louvers are not permitted on facades; systems shall route through roof.

Lighting shall be aimed downward at the building such that no light projects above the fixture. Building lighting should be mounted at 8 feet or higher.

Ground level facades must have glazing on a minimum of 40% of all walls that face primary or secondary streets. Where there is a residential use on the first floor, windows shall comprise no less than 20% of the first floor façade.

Key for Diagrams:

Lot Line

Setback Line

Buildable Area

E

PARKING PLACEMENT

Off-street parking shall be located in compliance with the following setback standards.

1. LOCATION (DISTANCE FROM PROPERTY LINE)		
Front Setback (Min. Ft.)	20	(J)
Side Setback (Min. Ft.)	0	(K)
Side Street Setback (Min. Ft.)	15	(L)
Rear Setback (Min. Ft.)	5	(M)
2. PARKING LOCATION		
Side or Rear Yard		
3. PARKING DESIGN		
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation (e.g. bioswales) may be substituted for parking islands. See description and illustration of Green Infrastructure in Section 1107.02 (H) (Open Space Typologies).		

F

SIGNAGE

The signage types permitted in the YEAR District are limited to the following in the table below. See [Article 1112 Signs](#) for detailed standards.

1. PERMITTED SIGN TYPES	REFERENCE
Flat Wall Signs	1112.18 (A)
Projecting Signs	1112.18 (B)
Marquee Signs	1112.18 (D)
Window and Door Signs	1112.18 (E)

G

PERMITTED OPEN SPACE TYPES

The open space types permitted in the YEAR District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Sport Field	1107.02 (G)
Green Infrastructure	1107.02 (H)
2. STREETScape	
Development shall connect to the public sidewalk, bikeway network, adjacent parks, and multi-use trail network.	

CITY OF WHITEHALL ZONING CODE UPDATE

2-37

1104.05

(YEAR) Yearling Road District

CORRIDOR DISTRICTS

H PERMITTED LAND USES AND PERMIT REQUIREMENTS

Land uses in the following table are defined in **Article 1128 Defined Terms (A-Z)**.

TABLE 1104.05: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	YEAR	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	<input checked="" type="checkbox"/>	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	N/A	
Dwelling, Single-Unit, Detached, Attached, Duplex	<input checked="" type="checkbox"/>	
Dwelling, Three- and Seven-Unit	<input checked="" type="checkbox"/>	
Dwelling, Multi-Unit (Eight and Above)	<input checked="" type="checkbox"/>	
Live/Work Units	<input checked="" type="checkbox"/>	
Group Care Facility	<input checked="" type="checkbox"/>	
Group Home	<input checked="" type="checkbox"/>	
Nursing Home	<input type="checkbox"/>	
Senior Independent Living Facility	<input checked="" type="checkbox"/>	
Senior Assisted Living Facility	<input checked="" type="checkbox"/>	
Skilled Care Facility	<input type="checkbox"/>	
Transitional Dwelling	<input type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

TABLE 1104.05: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	YEAR	
COMMERCIAL		
Personal Service		
Retail Sales < 5,000 sf		
Retail Sales 5,000 sf to 25,000 sf		
Retail Sales >25,000 sf		
Commercial Retail Sales and Services		
Business and Professional Offices		
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities		
Eating and Drinking Establishments		
Off-Street Public Parking Lots and Garages	N/A	
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios		
Gyms and Physical Fitness Facilities		
Gasoline Stations	N/A	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1104.05: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	YEAR	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	■	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	N/A	
Commercial Indoor Recreation	N/A	
Veterinarian, Animal Boarding and Services	■	
Art, Museum, or Cultural Facility	■	
Non-Industrial Food Production and Catering	□	
Food Trucks	■	

■ Permitted Use □ Special Permit Use

1104.05

(YEAR) Yearling Road District

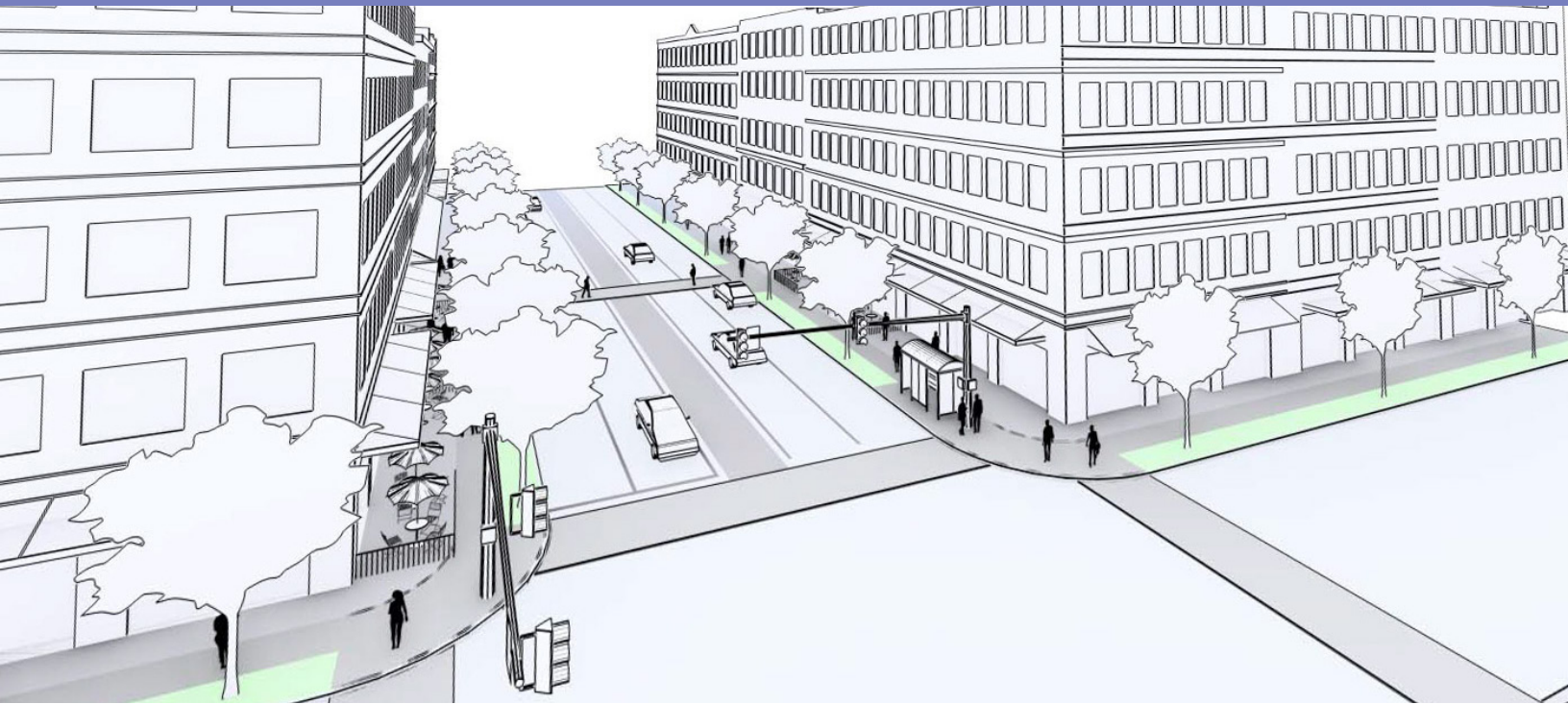
CORRIDOR DISTRICTS

TABLE 1104.05: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	YEAR	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	N/A	
Day Care, Type A	<input type="checkbox"/>	
Day Care, Type B	<input type="checkbox"/>	
Day Care Center	<input checked="" type="checkbox"/>	
Small-Scale Assembly	<input checked="" type="checkbox"/>	
Large-Scale Assembly	<input checked="" type="checkbox"/>	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	
Solar Facilities	<input type="checkbox"/>	
Educational Institution	<input checked="" type="checkbox"/>	
Parks and Trails	<input checked="" type="checkbox"/>	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	<input checked="" type="checkbox"/>	
Urgent Care or Clinic	<input checked="" type="checkbox"/>	
Hospital	<input type="checkbox"/>	

TABLE 1104.05: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	YEAR	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	<input type="checkbox"/>	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	<input checked="" type="checkbox"/>	
Small Light Industrial	N/A	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

☒ Permitted Use ☐ Special Permit Use

1104.06: (CCD) Community Crossroads District

**A INTENT**

The Community Crossroads District is intended to create a high-density mixed-use area, that is highly walkable, and integrated into the regional transit system. New development on sites should be arranged around a grid pattern of streets, with parking located internal to sites to prioritize the pedestrian experience and quality urban form.

The Community Crossroads District is intended to be more of an urban, mixed-use district or Transit oriented Development (TOD) that centers around a transportation hub or multi-modal transportation station and leverages the location along East Main Street. Height and massing of buildings can be substantial and utilize larger sites in the district to accommodate a variety of uses integrated vertically. Uses could include significant residential, office, restaurant, convenience retail and service. Creating an adaptable form regarding the scale and size of the development will reduce dependence on specific uses though focused long-term densification of the corridor. Redevelopment should incorporate open space through public squares, plazas, and other gathering places.

B PERMITTED BUILDING TYPES

The building types permitted in the CCD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See **Section 1107.01** (Building Typologies) for detailed design standards.

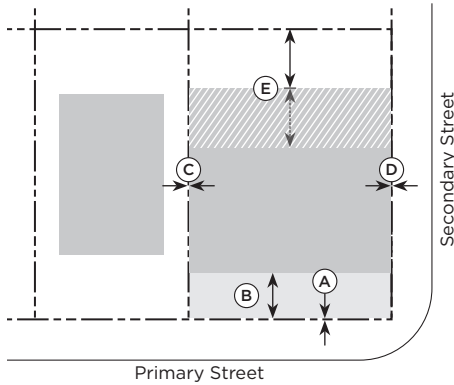
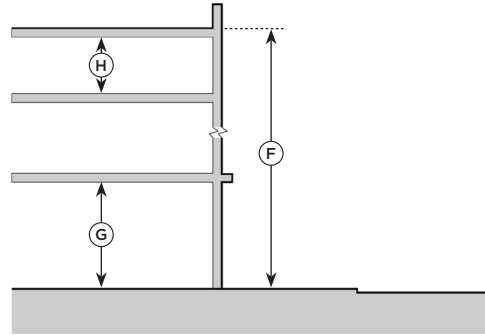
1. PERMITTED BUILDING TYPES	REFERENCE
Multi-Unit Complex	1107.01 (E)
Large Flex Retail Building	1107.01 (H)
Institutional Flex Building	1107.01 (I)
School and Institutional Building	1107.01 (K)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Retail Large Format Building	1107.01 (P)
Assembly Use Building	1107.01 (S)

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

C BUILDING PLACEMENT**D BUILDING FORM**

Each proposed building in the CCD District shall comply with the following building form standards.

1. SETBACK

Front Yard (Min. Ft.)	0	(A)
Front Yard (Max. Ft.)	15	(B)
Side Yard (Min. Ft.)	0	(C)
Side Yard (Max. Ft.)	N/A	
Side Street, corner lot (Min. Ft.)	0	(D)
Rear Yard (Min. Ft.)	20; except when abutting a residential district or use, then 40	(E)

2. LOT COVERAGE

Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	10%	

3. SITE

Lot Frontage	N/A	
Size	N/A	

NOTES

Buildings should generally have a zero foot setback. Consideration of larger setbacks should be based on the incorporation of public spaces, placement of adjacent buildings, and/or unique geometry.

Buildings should be generally parallel to and facing the street, with an entrance door(s) connected to the public sidewalk.

Buildings on corner lots should be oriented to the corner and to the street fronts

Dumpsters must be fully screened and located between the primary structure and the rear property line.

For commercial or mixed uses abutting a residential district, a 6' tall opaque fence will be constructed and a row of evergreen trees at a minimum of 12' in height will be planted along the shared property line for screening purposes, except in portions where visibility for safe vehicular or pedestrian movement is impacted.

1. HEIGHT

Max Height (Stories)	12	(F)
Portions of buildings within 75' of a residential district (Stories)	3	
Portions of buildings within 100' of a residential district (Stories)	4	
Portions of buildings within 125' of a residential district (Stories)	5	
Ground Floor (Min. Ft.)	18	(G)
Upper Floors (Min. Ft.)	12	(H)

2. REQUIRED FRONTAGE TYPE

FRONTAGE TYPE	PRIMARY STREET	SECONDARY STREET	REFERENCE
Shopfront	Permitted	Permitted	1107.03 (A)
Patio	Permitted	Permitted	1107.03 (B)
Gallery	Permitted	Permitted	1107.03 (C)
Arcade	Permitted	Permitted	1107.03 (D)

NOTES

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

No mechanical systems shall be visible from any street. Any building mechanical equipment must be fully shielded by shrubs, a wall, or a wood, metal or composite fence. No mechanical or utility equipment may be located within 40 feet of the front façade or corner. Unit exhaust and louvers are not permitted on facades; systems shall route through roof.

Lighting shall be aimed downward at the building such that no light projects above the fixture. Building lighting should be mounted at 8 feet or higher.

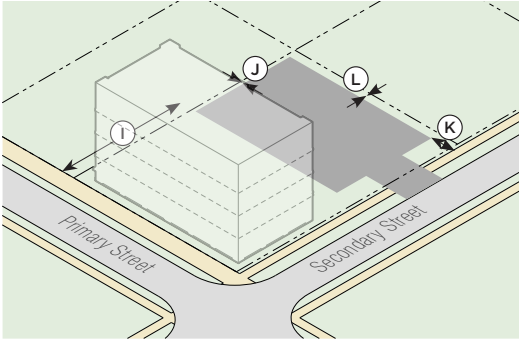
Ground level facades must have glazing on a minimum of 40% of all walls that face primary or secondary streets. Where there is a residential use on the first floor, windows shall comprise no less than 20% of the first floor façade.

Key for Diagrams:

--- Lot Line

--- Setback Line

Buildable Area

E PARKING PLACEMENT

Off-street parking shall be located in compliance with the following setback standards.

1. LOCATION (DISTANCE FROM PROPERTY LINE)		
Front Setback (Min. Ft.)	25	(I)
Side Setback	Equal or greater to the distance of building to side lot line.	(J)
Side Street Setback (Min. Ft.)	15	(K)
Rear Setback (Min. Ft.)	5	(L)
2. PARKING LOCATION		
Rear Yard		
3. PARKING DESIGN		
For any limited parking areas adjacent to a primary right-of way, full screening is required with an integrated architectural feature or a combination of solid wall and landscaping.		
Parking along a secondary right-of way or alley should be screened by a combination of a wall, fence and landscaping.		

F SIGNAGE

The signage types permitted in the CCD District are limited to the following in the table below. See [Article 1112 Signs](#) for detailed standards.

1. PERMITTED SIGN TYPES	REFERENCE
Flat Wall Signs	1112.18 (A)
Projecting Signs	1112.18 (B)
Marquee Signs	1112.18 (D)
Window and Door Signs	1112.18 (E)
Roof Signs	1112.18 (F)

G PERMITTED OPEN SPACE TYPES

The open space types permitted in the CCD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway / Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Green Infrastructure	1107.02 (H)

2. STREETSCAPE

Development shall connect to the public sidewalk, bikeway network, adjacent parks, and multi-use trail network. Sidewalks shall be provided as part of new development at a minimum of 10' in width on primary streets and 6' in width on secondary streets. In instances where there are documented, practical challenges to providing the sidewalk based on the site configuration, or there is an existing sidewalk meeting the standards, an administrative waiver may be granted to provide relief from this provision.

Street trees shall be provided as part of all new developments. One street tree must be planted for every 40 lineal feet of frontage along a primary or secondary street. In instances where there are documented, practical challenges to providing the street trees based on the site configuration, an administrative waiver may be granted to provide relief from street tree provision.

1104.06

(CCD) Community Crossroads District

CORRIDOR DISTRICTS

H PERMITTED LAND USES AND PERMIT REQUIREMENTS

Land uses in the following table are defined in **Article 1128 Defined Terms (A-Z)**.

TABLE 1104.06: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	CCD	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	<input checked="" type="checkbox"/>	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	<input type="checkbox"/>	
Dwelling, Single-Unit, Detached, Attached, Duplex	N/A	
Dwelling, Three- and Seven-Unit	N/A	
Dwelling, Multi-Unit (Eight and Above)	<input checked="" type="checkbox"/>	
Live/Work Units	N/A	
Group Care Facility	N/A	
Group Home	N/A	
Nursing Home	N/A	
Senior Independent Living Facility	N/A	
Senior Assisted Living Facility	N/A	
Skilled Care Facility	<input type="checkbox"/>	
Transitional Dwelling	<input type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

TABLE 1104.06: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	CCD	
COMMERCIAL		
Personal Service	<input checked="" type="checkbox"/>	
Retail Sales < 5,000 sf	<input checked="" type="checkbox"/>	
Retail Sales 5,000 sf to 25,000 sf	<input checked="" type="checkbox"/>	
Retail Sales >25,000 sf	<input type="checkbox"/>	
Commercial Retail Sales and Services	<input checked="" type="checkbox"/>	
Business and Professional Offices	<input checked="" type="checkbox"/>	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	<input checked="" type="checkbox"/>	
Drive-In Windows and Drive-Through Facilities	<input type="checkbox"/>	
Eating and Drinking Establishments	<input checked="" type="checkbox"/>	
Off-Street Public Parking Lots and Garages	<input type="checkbox"/>	
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios	<input checked="" type="checkbox"/>	
Gyms and Physical Fitness Facilities	<input checked="" type="checkbox"/>	
Gasoline Stations	N/A	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1104.06: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	CCD	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	<input type="checkbox"/>	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	N/A	
Commercial Indoor Recreation	N/A	
Veterinarian, Animal Boarding and Services	N/A	
Art, Museum, or Cultural Facility	N/A	
Non-Industrial Food Production and Catering	<input checked="" type="checkbox"/>	
Food Trucks	<input checked="" type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

1104.06

(CCD) Community Crossroads District

CORRIDOR DISTRICTS

TABLE 1104.06: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	CCD	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	<input type="checkbox"/>	
Day Care, Type A	N/A	
Day Care, Type B	N/A	
Day Care Center	<input type="checkbox"/>	
Small-Scale Assembly	N/A	
Large-Scale Assembly	N/A	
Civic, Social, Cultural Organizations or Clubs	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	
Solar Facilities	<input type="checkbox"/>	
Educational Institution	<input type="checkbox"/>	
Parks and Trails	<input checked="" type="checkbox"/>	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	<input checked="" type="checkbox"/>	
Urgent Care or Clinic	<input checked="" type="checkbox"/>	
Hospital	<input type="checkbox"/>	

TABLE 1104.06: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	CCD	
INDUSTRIAL		
Artisan Manufacturing	N/A	
Research and Development Facilities	<input type="checkbox"/>	
Warehousing, Wholesaling and Transportation Services	N/A	
Storage/Mini Storage	N/A	
Maker Space	<input checked="" type="checkbox"/>	
Small Light Industrial	N/A	
Large Light Industrial	N/A	
Heavy Industrial	N/A	
Industrial, Commercial, or Construction Services	N/A	
Building Material Dealers and Sales	N/A	
Drilling or Extractive Activities	N/A	

☒ Permitted Use ☐ Special Permit Use

1105

Employment Districts

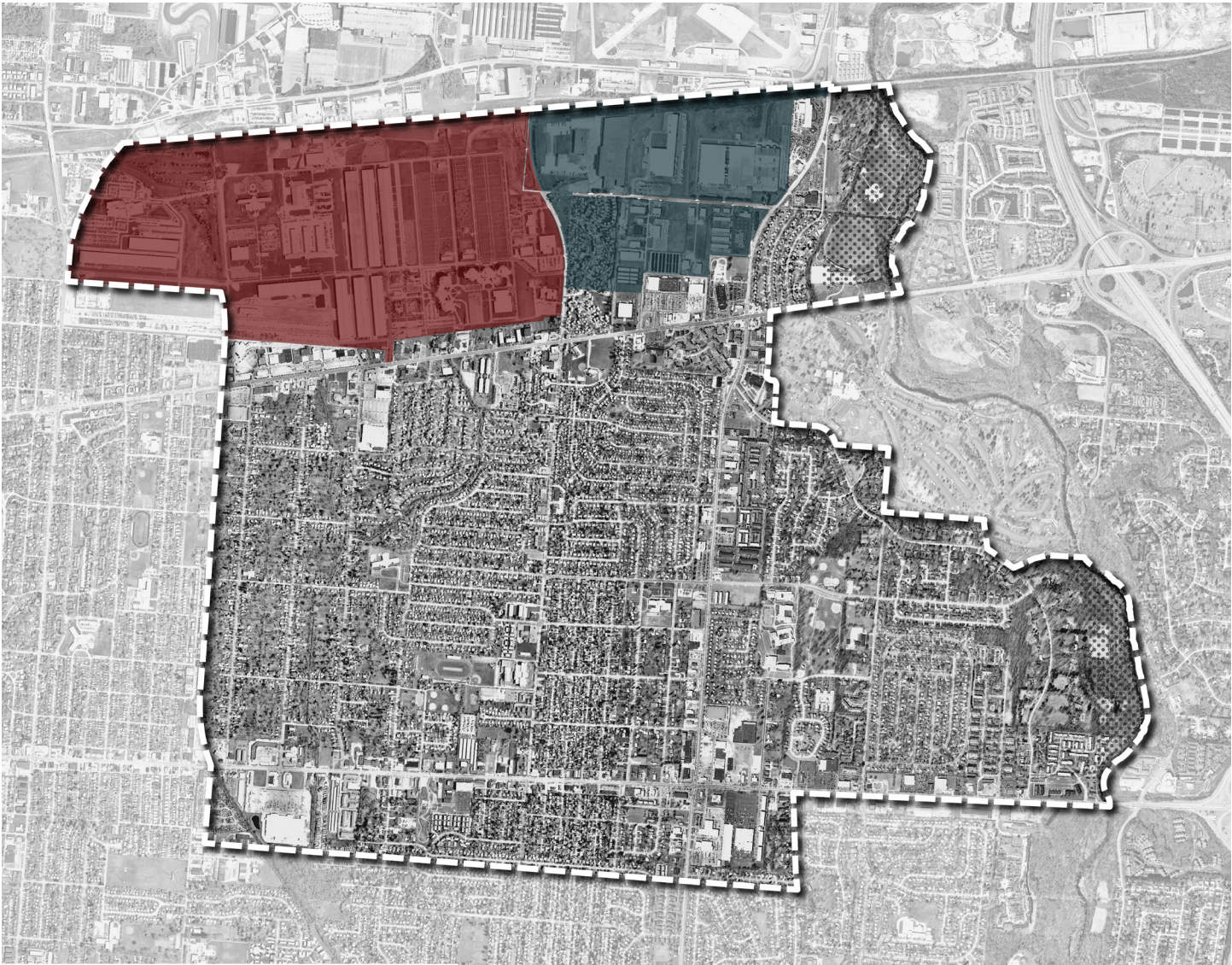
Sections

1105.01: Introduction2-47

1105.02: (MILO) Military/Office District2-49

1105.03: (INDD) Industrial District2-55

FIGURE 1105.01: EMPLOYMENT DISTRICTS MAP



LEGEND		
	MILO	Military / Office District
	INDD	Industrial District
	FPO	Flood Plain Overlay

1105.02: (MILO) Military/Office District

A. Intent

The Military/Office District (MILO) District is intended to facilitate development associated with the ongoing operation of the Defense Supply Center Columbus. This includes a variety of uses and development standards consistent with existing district uses.

B. Permitted Building Types

The building types permitted in the MILO District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See Section 1107.01 (Building Typologies) for detailed design standards.

1. PERMITTED BUILDING TYPES
No restrictions on building typologies.

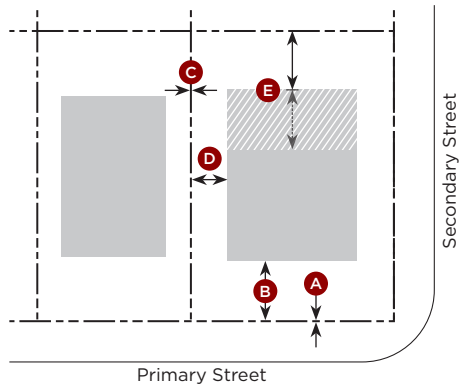
Key for Diagrams:

--- Lot Line

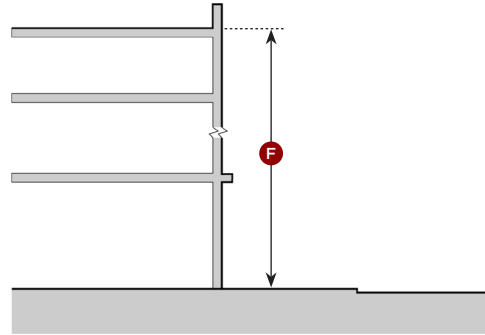
--- Setback Line

Buildable Area

C. Building Placement



D. Building Form



Each proposed building in the MILO District shall comply with the following building form standards.

1. SETBACK

Front Yard (Min. Ft.)	10	A
Front Yard (Max. Ft.)	N/A	B
Side Yard (Min. Ft.)	20	C
Side Yard (Max. Ft.)	N/A	D
Rear Yard (Min. Ft.)	40	E

2. LOT COVERAGE

Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	30%	

NOTES

Dumpsters must be fully screened and located between the primary structure and the rear property line.

1. HEIGHT

Max Height (Ft.)	50	F
------------------	----	---

2. REQUIRED FRONTAGE TYPE

No restrictions on frontage typologies.

Key for Diagrams:

-- Lot Line

--- Setback Line

Buildable Area

E. Parking Placement

Off-street parking shall be located in compliance with the following setback standards.

1. PARKING LOCATION
Side or Rear; No more than 25% at front
2. PARKING DESIGN
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation encouraged/permited instead of parking islands (bioswales).

F. Signage

The signage types permitted in the MILO District are as specified in [Article 1112 Signs](#).

G. Permitted Open Space Types

The open space types permitted in the MILO District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Green Infrastructure	1107.02 (H)









1105.02

(MILO) Military/Office District

EMPLOYMENT DISTRICTS

H. Permitted Land Uses and Permit Requirements

Land uses in the following table are defined in [Article 1128 Defined Terms \(A-Z\)](#).

TABLE 1105.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MILO	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	 ³	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	N/A	
Dwelling, Single-Unit, Detached, Attached, Duplex		
Dwelling, Three- and Seven-Unit		
Dwelling, Multi-Unit (Eight and Above)		
Live/Work Units	N/A	
Group Care Facility		
Group Home		
Nursing Home	N/A	
Senior Independent Living Facility	N/A	
Senior Assisted Living Facility	N/A	
Skilled Care Facility		
Transitional Dwelling		

 Permitted Use
 ☐ Special Permit Use
 Permitted Subject to Conditions

³ Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)

EMPLOYMENT DISTRICTS

1105.02 (MILO) Military/Office District

TABLE 1105.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MILO	
COMMERCIAL		
Personal Service	N/A	
Retail Sales < 5,000 sf	N/A	
Retail Sales 5,000 sf to 25,000 sf	N/A	
Retail Sales >25,000 sf	N/A	
Commercial Retail Sales and Services	N/A	
Business and Professional Offices	N/A	
Brewery/Distillery	N/A	
Microbrewery/Microdistillery	N/A	
Drive-In Windows and Drive-Through Facilities	N/A	
Eating and Drinking Establishments	N/A	
Off-Street Public Parking Lots and Garages		
Nursery and Garden Supply Stores	N/A	
Instructional Spaces and Studios	N/A	
Gyms and Physical Fitness Facilities	N/A	
Gasoline Stations		
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	

TABLE 1105.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MILO	
COMMERCIAL		
Recreational Vehicle Sales	N/A	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	N/A	
Vehicle and Large Equipment Repair	N/A	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	N/A	
Sexually Oriented Business	N/A	
Commercial Outdoor Recreation	N/A	
Commercial Indoor Recreation	N/A	
Veterinarian, Animal Boarding and Services	N/A	
Art, Museum, or Cultural Facility	N/A	
Non-Industrial Food Production and Catering	N/A	
Food Trucks	■	

■ Permitted Use □ Special Permit Use

1105.02

(MILO) Military/Office District

EMPLOYMENT DISTRICTS

TABLE 1105.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MILO	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	■	
Day Care, Type A	N/A	
Day Care, Type B	N/A	
Day Care Center	N/A	
Small-Scale Assembly	■	
Large-Scale Assembly	■	
Civic, Social, Cultural Organizations or Clubs	■	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	■	
Solar Facilities	■	
Educational Institution	■	
Parks and Trails	■	
Governmentally Owned and/or Operated Buildings and Facilities	■	
MEDICAL		
Medical and Health Care Offices	■	
Urgent Care or Clinic	■	
Hospital	■	

TABLE 1105.02: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	MILO	
INDUSTRIAL		
Artisan Manufacturing	■	
Research and Development Facilities	■	
Warehousing, Wholesaling and Transportation Services	■	
Storage/Mini Storage	N/A	
Maker Space	N/A	
Small Light Industrial	■	
Large Light Industrial	■	
Heavy Industrial	■	
Industrial, Commercial, or Construction Services	■	
Building Material Dealers and Sales	■	
Drilling or Extractive Activities	N/A	

■ Permitted Use □ Special Permit Use

1105.03: (INDD) Industrial District

A. Intent

The Industrial District (INDD) District is intended to support development associated with employment, focused around industrial, manufacturing, warehousing and supporting uses.

B. Permitted Building Types

The building types permitted in the INDD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See **Section 1107.01** (Building Typologies) for detailed design standards.

1. PERMITTED BUILDING TYPES	REFERENCE
Large Flex Retail Building	1107.01 (H)
Office Building	1107.01 (N)
Office-Corporate Building	1107.01 (O)
Industrial Building	1107.01 (Q)
Warehouse Building	1107.01 (R)
Assembly Use Building	1107.01 (S)
Maker Space or Live-Work Units	1107.01 (T)

1105.03

(INDD) Industrial District

EMPLOYMENT DISTRICTS

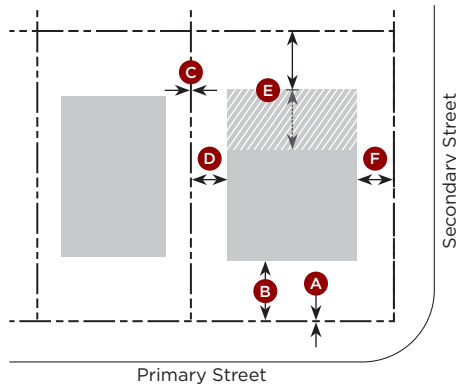
Key for Diagrams:

--- Lot Line

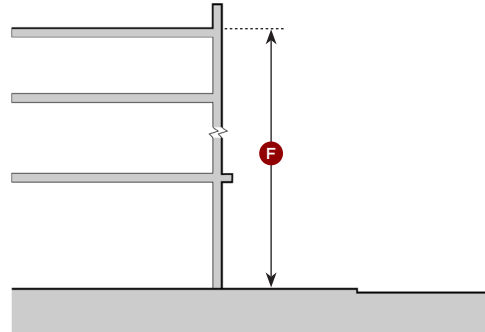
--- Setback Line

Buildable Area

C. Building Placement



D. Building Form



Each proposed building in the INDD District shall comply with the following building form standards.

1. SETBACK		
Front Yard (Min. Ft.)	30	A
Front Yard (Max. Ft.)	N/A	B
Side Yard (Min. Ft.)	40	C
Side Yard (Max. Ft.)	N/A	D
Rear Yard (Min. Ft.)	40	E
2. LOT COVERAGE		
Lot Coverage	N/A	
Open Space (Min.) - Excluding paved areas	30%	
NOTES		
Dumpsters must be fully screened and located between the primary structure and the rear property line.		

1. HEIGHT		
Max Height (Stories)	50	F
NOTES		
Heavy Industrial uses in the INDD shall be setback from the street by min. 30 feet, separated by a berm on top of which trees must be planted at 30 or 40 foot intervals (relative to the recommended tree spacing based on the tree genus). All other uses shall utilize brick, masonry, phenolic panels, glass, terracotta cladding, or another material approved by the planning director that either mimics natural materials or is stylized so as not to look like a flat panel.		

Key for Diagrams:

-- -- Lot Line

-- -- -- Setback Line

Buildable Area

E. Parking Placement

Off-street parking shall be located in compliance with the following setback standards.

1. PARKING LOCATION
Side or Rear; No more than 25% at front
2. PARKING DESIGN
5' landscaped strip at perimeter and landscaped parking islands for every 30 parking spaces. Green infrastructure installation encouraged/permitted instead of parking islands (bioswales).

F. Signage

The signage types permitted in the INDD District are as specified in [Article 1112 Signs](#).

G. Permitted Open Space Types

The open space types permitted in the INDD District are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See [Section 1107.02](#) (Open Space Typologies) for detailed standards.

1. PERMITTED OPEN SPACE TYPES	REFERENCE
Greenway/Trail	1107.02 (A)
Plaza	1107.02 (B)
Square	1107.02 (C)
Green	1107.02 (D)
Passage	1107.02 (E)
Pocket Plaza	1107.02 (F)
Green Infrastructure	1107.02 (H)


1105.03

(INDD) Industrial District

EMPLOYMENT DISTRICTS

H. Permitted Land Uses and Permit Requirements

Land uses in the following table are defined in [Article 1128 Defined Terms \(A-Z\)](#).

TABLE 1105.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	INDD	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	 ³	
RESIDENTIAL		
Accessory Dwelling Units	N/A	
Short-Term Rental	N/A	
Dwelling, Single-Unit, Detached, Attached, Duplex	N/A	
Dwelling, Three- and Seven-Unit	N/A	
Dwelling, Multi-Unit (Eight and Above)	N/A	
Live/Work Units	N/A	
Group Care Facility	N/A	
Group Home	N/A	
Nursing Home	N/A	
Senior Independent Living Facility	N/A	
Senior Assisted Living Facility	N/A	
Skilled Care Facility	N/A	
Transitional Dwelling	N/A	

☒ Permitted Use
 ☐ Special Permit Use
☒ Permitted Subject to Conditions

³ Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)

EMPLOYMENT DISTRICTS

1105.03

(INDD) Industrial District

TABLE 1105.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	INDD	
COMMERCIAL		
Personal Service	N/A	
Retail Sales < 5,000 sf	N/A	
Retail Sales 5,000 sf to 25,000 sf	N/A	
Retail Sales >25,000 sf	N/A	
Commercial Retail Sales and Services	N/A	
Business and Professional Offices	■	
Brewery/Distillery	■	
Microbrewery/Microdistillery	■	
Drive-In Windows and Drive-Through Facilities	N/A	
Eating and Drinking Establishments	N/A	
Off-Street Public Parking Lots and Garages	■	
Nursery and Garden Supply Stores	□	
Instructional Spaces and Studios	□	
Gyms and Physical Fitness Facilities	N/A	
Gasoline Stations	□	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	□	

TABLE 1105.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	INDD	
COMMERCIAL		
Recreational Vehicle Sales	<input type="checkbox"/>	
Bed & Breakfast	N/A	
Hotels, Motels or Tourist Houses	N/A	
Vehicle and Large Equipment Repair	<input checked="" type="checkbox"/>	
Car Wash Establishments	N/A	
Funeral Home and Services, Excluding Crematories	N/A	
Crematories	<input checked="" type="checkbox"/>	
Sexually Oriented Business	<input type="checkbox"/>	
Commercial Outdoor Recreation	<input type="checkbox"/>	
Commercial Indoor Recreation	<input type="checkbox"/>	
Veterinarian, Animal Boarding and Services	<input type="checkbox"/>	
Art, Museum, or Cultural Facility	N/A	
Non-Industrial Food Production and Catering	<input type="checkbox"/>	
Food Trucks	<input checked="" type="checkbox"/>	

■ Permitted Use □ Special Permit Use

1105.03

(INDD) Industrial District

EMPLOYMENT DISTRICTS

TABLE 1105.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	INDD	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION		
Passenger Transportation Agencies and Terminals	<input checked="" type="checkbox"/>	
Day Care, Type A	N/A	
Day Care, Type B	N/A	
Day Care Center	N/A	
Small-Scale Assembly	<input checked="" type="checkbox"/>	
Large-Scale Assembly	<input checked="" type="checkbox"/>	
Civic, Social, Cultural Organizations or Clubs	<input type="checkbox"/>	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	<input checked="" type="checkbox"/>	
Solar Facilities	<input checked="" type="checkbox"/>	
Educational Institution	<input type="checkbox"/>	
Parks and Trails	N/A	
Governmentally Owned and/or Operated Buildings and Facilities	<input checked="" type="checkbox"/>	
MEDICAL		
Medical and Health Care Offices	N/A	
Urgent Care or Clinic	N/A	
Hospital	N/A	

TABLE 1105.03: PERMITTED LAND USES & PERMIT REQUIREMENTS		
LAND USE TYPE	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
	INDD	
INDUSTRIAL		
Artisan Manufacturing	<input checked="" type="checkbox"/>	
Research and Development Facilities	<input checked="" type="checkbox"/>	
Warehousing, Wholesaling and Transportation Services	<input checked="" type="checkbox"/>	
Storage/Mini Storage	<input type="checkbox"/>	
Maker Space	<input type="checkbox"/>	
Small Light Industrial	<input checked="" type="checkbox"/>	
Large Light Industrial	<input checked="" type="checkbox"/>	
Heavy Industrial	<input checked="" type="checkbox"/>	
Industrial, Commercial, or Construction Services	<input checked="" type="checkbox"/>	
Building Material Dealers and Sales	<input checked="" type="checkbox"/>	
Drilling or Extractive Activities	<input checked="" type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use

1106

Special Districts

Sections



1106.01: Introduction2-61

1106.02: (PUD) Existing Planned Unit Developments.....2-63

1106.03: (FP) Floodplain Overlay2-69

FIGURE 1106.01: SPECIAL DISTRICTS MAP



LEGEND		
	PUD	Existing Planned Unit District
	FPO	Flood Plain Overlay

1106.02: (PUD) Existing Planned Unit Developments

- A. Intent.** The Planned Unit Developments (PUD) District is intended to facilitate orderly large-scale developments, which benefit the community as a whole by offering a greater choice of living environments; a wide range of development plans featuring more complementary blending of land uses, including community facilities and open space; and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities and transportation needs.
- B. Purpose.** The purpose of providing standards for a Planned Unit Development (PUD) is to accommodate a variety of housing types and subordinate commercial and industrial facilities in a pre-planned environment under more flexible site development standards than would normally apply.
- C. Interpretation.** Whenever the requirements of this section appear to be in conflict with other sections of this Zoning Code, or with those of other existing codes, the provisions of this section shall prevail.
- D. Designation of a PUD District.** After the approval of the Planning Commission and Council, the designation of PUD District may be applied to any residential, commercial, office or industrial district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.
- E. Permitted Uses.** Residential, commercial, manufacturing, public and quasi-basic uses may be combined in PUD Districts, provided that the proposed location of the commercial or manufacturing uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the location of such uses are specified in the final development plan.
- F. Lot Area and Other Yard Requirements.** The lot area and yard requirements from the previous prevailing district shall apply to the PUD except as modified and approved by the Planning Commission per the following:
1. Lot width, setback, yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types.
 2. Lot area per dwelling unit requirements may be reduced by not more than twenty percent (20%) of the previous prevailing district's requirements. If the previous prevailing district did not restrict lot area per dwelling unit, then the Planning Commission may incorporate such a provision into the standards for the PUD.
- G. Permitted Land Allocation for Commercial and Manufacturing Uses.** The amount of land devoted to commercial and/or manufacturing use in a residential-commercial-manufacturing or residential-commercial development shall be determined by the Commission and approved by Council.
- H. Utility Requirements.** Underground utilities, including telephone, cable television and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

I. Arrangement of Commercial Uses. When planned unit development districts include commercial and/or manufacturing uses, the following shall be required:

1. Commercial buildings and establishments shall be planned as groups having common parking areas, with common ingress and egress points, in order to reduce the number of potential accident locations at intersections with streets.
2. Planted screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas abutting residential areas.
3. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.
4. All areas designated for future expansion, or not intended for immediate improvement or development, shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

J. Procedure for Approval of PUD Districts. Planned unit development districts shall be approved in accordance with the procedure outlined below. These provisions are intended to incorporate the review and approval of development plans with the amendment process and remove the necessity, in many instances, to proceed under **Title Six - Administration and Procedures** prior to the commencement of the planned unit development plan review and approval process.

K. Pre-Application Meeting. The developer shall meet with staff prior to the submission of the preliminary development plan. The purpose of this meeting is to have an early and informal discussion on the purpose and effect of this chapter, and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

L. Preliminary Development Plan Application

Requirements. An application for preliminary planned unit development approval shall be filed with the City Administrator by at least one owner of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. Present and proposed zoning district.
6. Proposed amending ordinance.
7. A vicinity map, at a scale approved by the City Administrator, showing the property lines, streets, existing and proposed zoning, and such other items as the City Administrator may require.
8. A preliminary development plan, at a scale approved by the City Administrator, showing topography at ten foot intervals; location and type of land uses; layout, dimensions and names of existing and proposed streets; rights of way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Commission may deem necessary.
9. Proposed schedule for the development of the site.
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years.
11. A fee as established by the City Administrator .
12. Names and mailing addresses of the property owners for the subject property and for any properties contiguous to the subject property according to information available through the County Auditor's current tax list or the Treasurer's real estate tax mailing list. Contiguous properties include those properties abutting the subject property and those immediately across a public right-of-way from the subject property.

13. Verification by at least one owner, lessee or optionee of property that all information in the application is true and correct to the best of their knowledge.
 14. A written statement by the developer setting forth the reasons why, in their opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.
- M. Public Access to Documents.** All papers relating to the planned unit development shall be available for public inspection in the office of the Clerk of Council.
- N. Submission of Final Development Plan.** After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the City Administrator. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purposes of this Ordinance, the submission of the final development plan is a formal request for rezoning of the property in question. 10 copies of the final development plan shall be submitted and may be endorsed by an urban planner, licensed architect, registered land surveyor, registered civil engineer or registered landscape architect or landscape horticulturist.
- O. Filing a Final Development Plan Application.** An application for approval of the final development plan shall be filed with the City Administrator by at least one owner of property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the trust and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the approval.
- P. Contents of Final Development Plan Application.** At a minimum, the application shall contain the following information:
1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
 2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land uses considered suitable for adjacent properties.
 3. A schedule of the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; the estimated residential and non-residential population by type of housing, and overall non-residential population; the anticipated construction timing for each unit; and the standards for height, open space, building density, parking areas, population density and public improvements, wherever the applicant proposes any exception from standard zoning district requirements or other ordinances governing development.
 4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
 5. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
 6. Preliminary building plans.
 7. Landscaping plans.
 8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas that are to be commonly owned and maintained.
 9. A fee as established by the City Administrator .
- Q. Recommendation by Planning Commission.** Within 60 days after receipt of the final development plan, the Planning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions or disapproved, and shall transmit all papers constituting the record and the recommendations to Council.

R. Criteria for Planning Commission Recommendation.

Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two years of the date of approval.
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
3. Any proposed commercial or industrial development can be justified at the location proposed.
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

S. Public Hearing by City Council. The City Council shall hold a public hearing on the PUD final development plan within 60 days of receiving a recommendation from the Planning Commission.

T. Notice of Public Hearing by Council. At least 20 days before holding its public hearing, notice of such shall be given. This notice shall be relayed via at least one publication, in one or more newspapers of general circulation, and via written notice, mailed by the Clerk by first class mail, to all owners of property within 500 feet of the proposed planned unit development and to such others as may be determined should receive such notice. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development, and a statement that all papers relating to the planned unit development are on file with the Clerk and open for public inspection.

U. Action by Council. After the public hearing, the Council shall either approve, approve with supplementary conditions or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Council shall direct the City Administrator or their designee to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such planned unit development shall be permitted without repetition of the procedures in these sections. In the event that the Council denies or substantively modifies the final development plan as recommended by the Planning Commission, any resulting final development plan for said planned unit development shall not be effective unless passed or approved by five members of Council.

V. Supplementary Conditions and Safeguards. In approving any planned unit development application, both the Planning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this chapter. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Zoning Code and be punishable as such.

W. Expiration of Approval Period. The approval of a final development plan for a planned unit development district shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two years after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located.

X. Extension of Approval Period and Minor Changes. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such an extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted. A request for minor changes to the final development plan may be approved by the City Administrator without being subject to the same procedures as the original application.

Y. Major Changes. In the case of a request for a modification or amendment to the final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedures and conditions of approval as the original application. Any of the following shall be considered substantial departures from the original application:

1. A change in the use or character of the development.
2. An increase in overall coverage of structures.
3. An increase in the density.
4. An increase in the problems of traffic circulation and public utilities.
5. A reduction in approved open space.
6. A reduction in off-street parking and loading space.
7. A reduction in required pavement widths.
8. A reduction in the acreage in the planned development.

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1106.03: (FP) Floodplain Overlay

A. Intent. Provisions pertaining to the use and development of lands subject to periodic flooding are provided to encourage development of lands in a manner to reduce the perils of flooding and promote the public health, safety, and general welfare. These objectives include:

1. Protecting human life and health;
2. Minimize damage to public facilities and utilities such as water mains, gas mains, electric lines, telephone lines, sewer lines, streets, and bridges;
3. Minimize prolonged business interruptions; and
4. Regulate orderly development in flood hazard and flood-prone areas to minimize displacement of floodwaters and to minimize damage to private property.

B. Overlay Boundary.

1. The Floodplain Overlay shall be the floodway necessary to preserve the natural capacity of the channel for flood water and the low-lying area on each side where flooding has occurred or where flooding is likely to occur.
2. The Overlay boundary designated on the Zoning District Map is based upon the publication prepared for the State of Ohio Department of Natural Resources by the U.S. Army Corps of Engineers and entitled "Floodplain Information, Big Walnut Creek, Vicinity of Columbus, Ohio, May 1968," and other appropriate information, as may be amended.
3. The regulations of the Floodplain Overlay shall be applied over otherwise zoned areas that meet the criteria listed above.

C. Development Regulations.

1. The Floodplain Overlay shall modify the development regulations of the underlying district classification in conformance with the standards of this Section.
2. Within the Floodplain Overlay, the use and development of such land shall be conducted in such a manner as not to fill the specified areas in a manner that displaces flood waters or to otherwise restrict the flow of flood waters unless otherwise approved by Council upon recommendation of a qualified engineer with experience in this field.
3. Any use or structure allowed in this district shall be so constructed as to proof the use or structure against flood damage by elevating above the flood level or by other appropriate methods and shall be subject to approval by the City Administrator upon recommendation of a qualified engineer with experience in this field. These methods shall include the construction being:
 - i Adequately anchored to prevent flotation, collapse, and lateral movement of the structure in the event of a flood; and
 - ii Constructed with materials and utility equipment resistant to flood damage.
4. Any alteration, repair, or improvements to a nonconforming structure within this district shall be prohibited if the alteration, repair, or improvements would extend or replace the structure within the floodplain or otherwise do not qualify for a zoning permit.

D. Modifications to Underlying Permitted Uses and Special Permit Uses.

1. Any use that is permitted by-right within the underlying district classification shall instead be permitted within a Floodplain Overlay only through the approval of a special permit (per Section 1125.04 - Special Use Permit).
2. Any use that is permitted through approval of a special permit within the underlying district classification shall remain permitted within a Floodplain Overlay only through the approval of a special permit (per Section 1125.04 - Special Use Permit).

E. Variances from Development Standards. Any variances from development standards shall be reviewed concurrently to the special permit and must adhere to the applicable criteria of this section.

F. Prohibited Uses. Any use that is prohibited within the underlying district classification shall remain prohibited .

G. Standards and Criteria for a Special Permit. In addition to the standards and criteria for review of a special permit set forth in Section 1125.04 - Special Use Permit, the following criteria may be considered:

1. The proposed use, associated structures, and location will not slow or stop the provision of emergency services in the event of flood damage or destruction.
2. The proposed use, associated structures, and location will not create a significant burden on – or cause significant damage to – public infrastructure in the event of flood damage or destruction.
3. The proposed use, associated structures, and location will not displace floodwaters.

H. Lots and Structures that are Partially Within the Floodplain Overlay. The requirements of this section shall only apply to those portions of a lot and those portions of a structure that are mapped as part of the Floodplain Overlay or that are proposed within an area that is mapped as part of the Floodplain Overlay.

I. Criteria for Variances within the Floodplain Overlay.

1. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
2. Variances may be issued for new construction and substantial improvements proposed on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (3), (4), and (5) of this rule.
3. Variances shall only be issued upon a showing of good and sufficient cause and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local resolutions or ordinances.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. The City shall maintain a record of all variance actions, including justification for their issuance, and upon request, submit such information to the chief of the division of water in the department of natural resources.
6. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria within this section are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

1107

Typologies

Sections

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1107.02: Open Space Typologies.....2-93
1107.03: Frontage Typologies.....2-98

1107.01: Building Typologies

The below-listed building typologies are contemplated for new development in the districts described below.

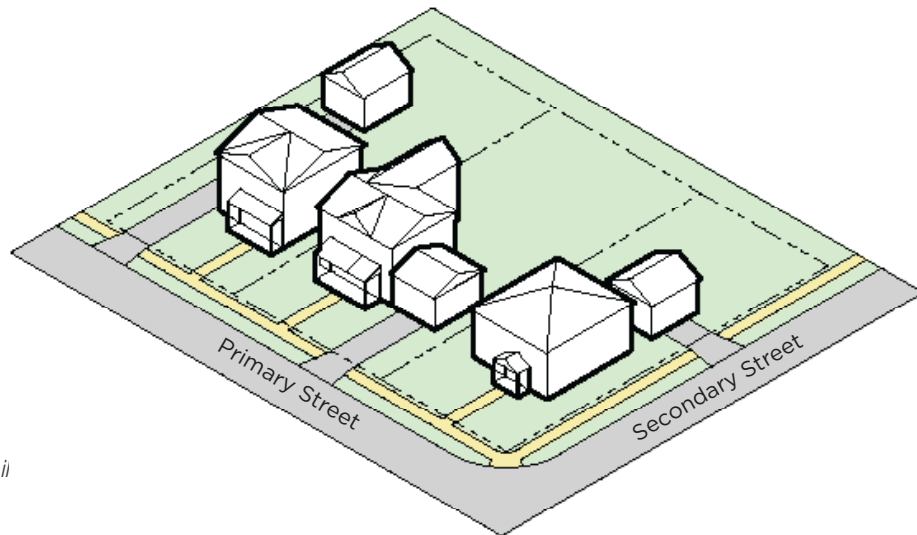
TABLE 1107.01 PERMITTED BUILDING TYPOLOGIES											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
Detached Single-Unit Building	●	●	-	-	-	-	-	-	-	-	1107.01 (A)
Attached Single-Unit Building	●	●	-	●	-	●	-	-	-	-	1107.01 (B)
Duplex Building	●	●	-	-	-	●	-	-	-	-	1107.01 (C)
Multi-Unit Building	-	●	●	●	-	●	-	-	-	-	1107.01 (D)
Multi-Unit Complex	-	●	●	●	●	●	●	-	-	-	1107.01 (E)
Small Flex Retail Building	-	-	●	●	●	●	-	●	-	-	1107.01 (F)
Medium Flex Retail Building	-	-	●	●	●	●	-	●	-	-	1107.01 (G)
Large Flex Retail Building	-	-	●	●	●	●	●	●	●	-	1107.01 (H)
Institutional Flex Building	●	-	●	●	●	●	●	●	-	-	1107.01 (I)
Primary School Building	-	●	-	●	-	●	-	-	-	-	1107.01 (J)
School and Institutional Building	-	●	●	●	●	●	●	●	-	-	1107.01 (K)
Bed and Breakfast Building	-	●	-	●	-	●	-	-	-	-	1107.01 (L)
Community Center Building	-	●	●	●	●	●	-	●	-	-	1107.01 (M)
Office Building	-	●	●	●	●	●	●	●	●	-	1107.01 (N)
Office-Corporate Building	-	-	●	●	●	●	●	●	●	-	1107.01 (O)
Retail Large Format Building	-	-	●	●	●	-	-	●	-	-	1107.01 (P)
Industrial Building	-	-	-	-	-	-	-	●	●	-	1107.01 (Q)
Warehouse Building	-	-	-	-	-	-	-	●	●	-	1107.01 (R)
Assembly Use Building	-	-	●	●	●	●	●	●	●	-	1107.01 (S)
Maker Space or Live-Work Units	-	●	●	-	●	-	-	●	●	-	1107.01 (T)

● Permitted ● Permitted Subject to Conditions

The following illustrations of each development typology are for illustrative purposes only and are intended to supplement the regulations applicable to each district.

A. Detached Single-Unit Building

1. Typical Lot Configuration



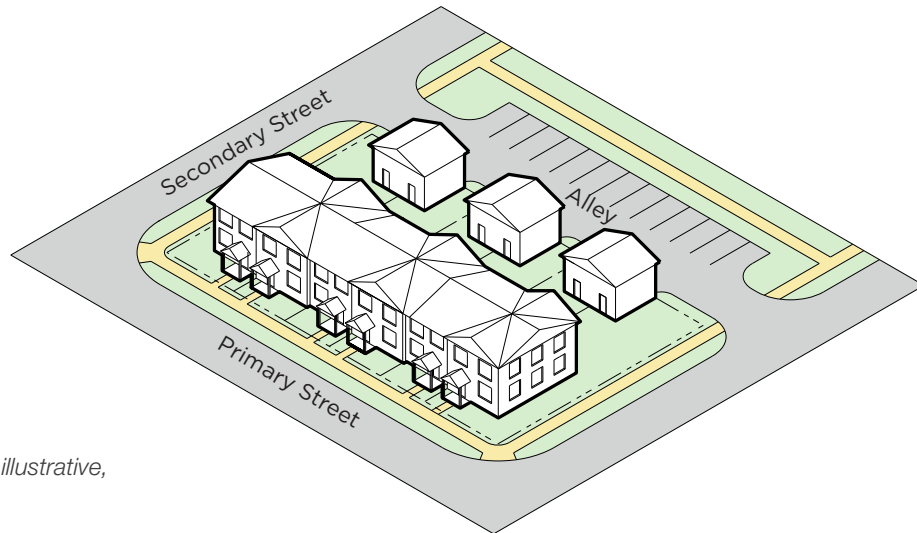
Note: image is illustrative and not regulatory.

2. Description

A detached structure with narrow side and street setbacks. Garage access is typically from the street, but garages are clearly subordinate to the principal structure.



Image: Detached Single-Unit Building

B. Attached Single-Unit Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

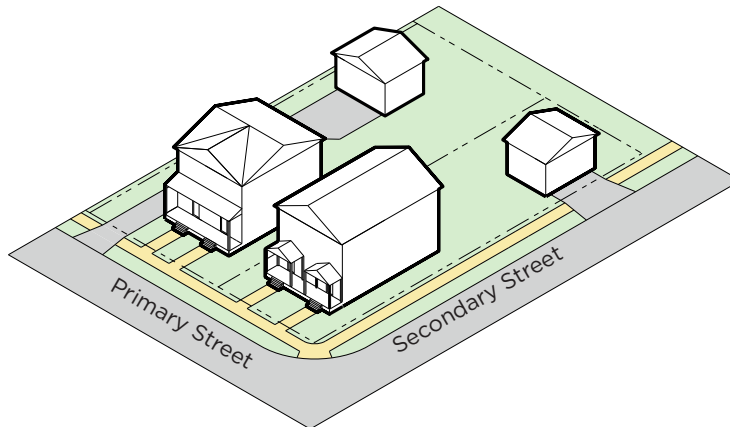
A structure with common walls on either side and no units below or above. Garage access is typically from a rear alley or shared parking area. A small side or rear yard is provided for each unit as private open space.



Image: Attached Single-Unit Building

C. Duplex Building

1. Typical Lot Configuration



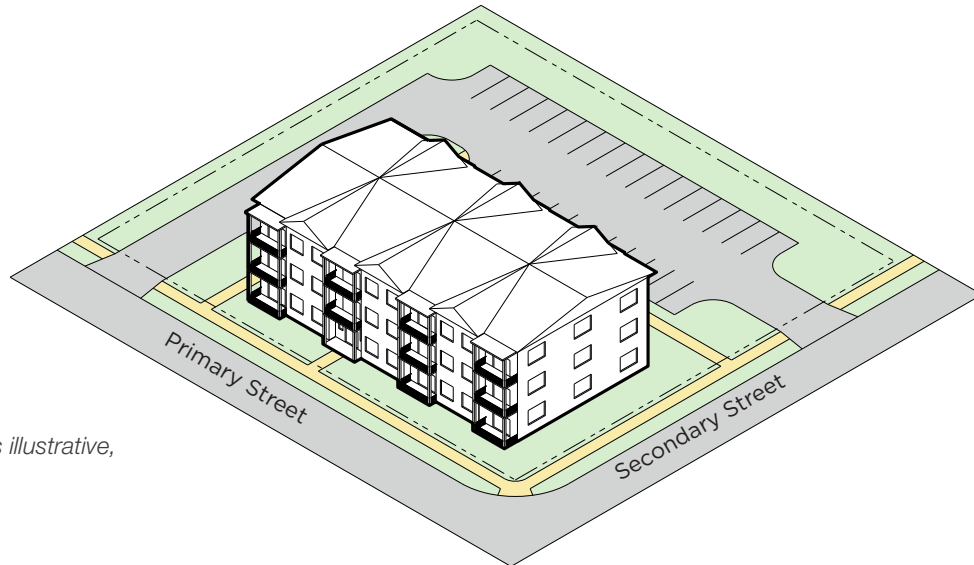
Note: image is illustrative, not regulatory.

2. Description

A detached structure with two units that is massed as a single structure. Setbacks can range from small to large and units are typically side-by-side, but may be stacked.



Image: Duplex Building

D. Multi-Unit Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

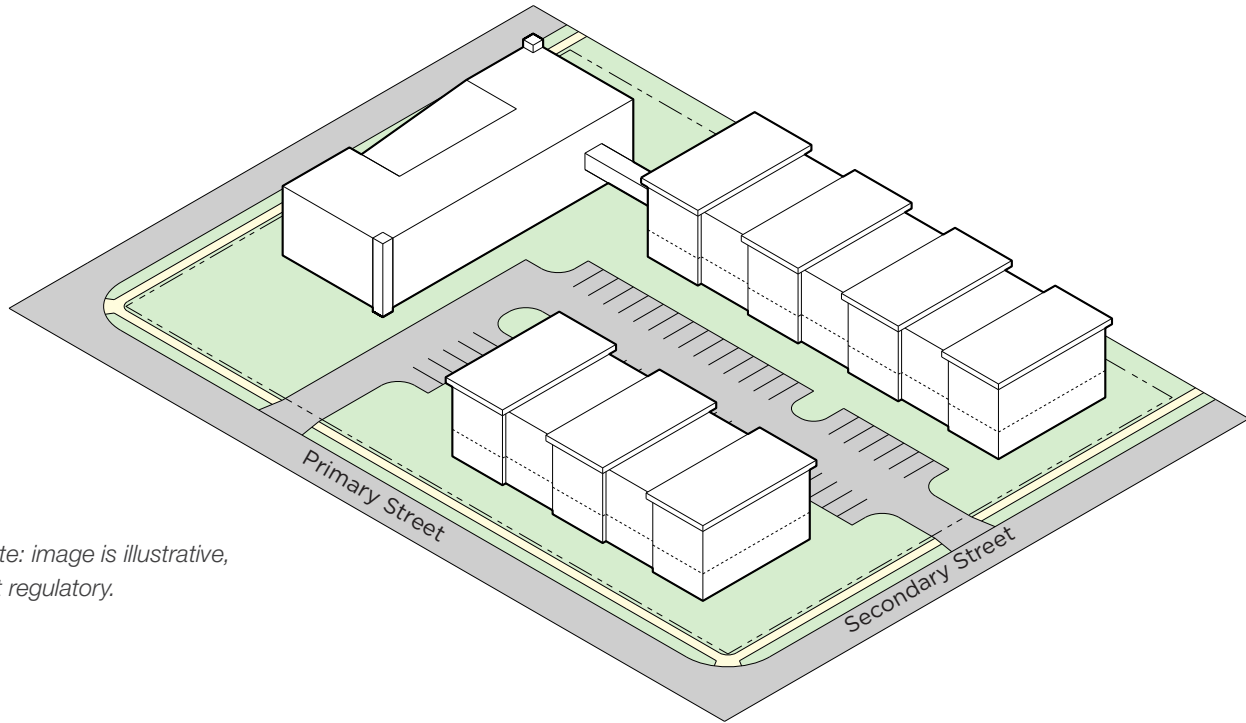
A building with multiple residential units that front on an interior corridor and have their main access from the primary street. Units can be next to each other (side-by-side units), or stacked on top of each other (top and bottom units).



Image: Multi-Unit Building

E. Multi-Unit Complex

1. Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

2. Description

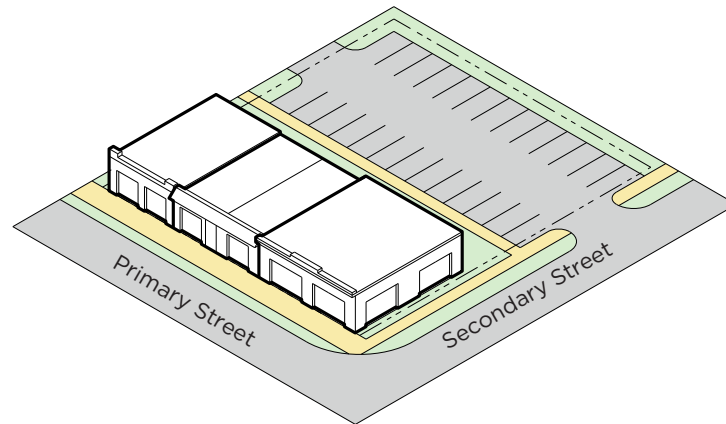
A collection of multi-unit buildings on adjoining pieces of land, generally owned by one entity. The buildings often share common grounds and amenities, such as pools, parking areas, and a community clubhouse, used as leasing offices for the community.



Image: Multi-Unit Complex Building

F. Small Flex Retail Building

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Consists of attached or detached structures ranging from one to three stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building and typically accessed from a rear alley when possible.

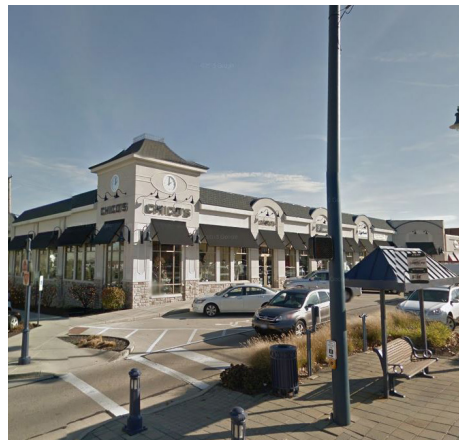
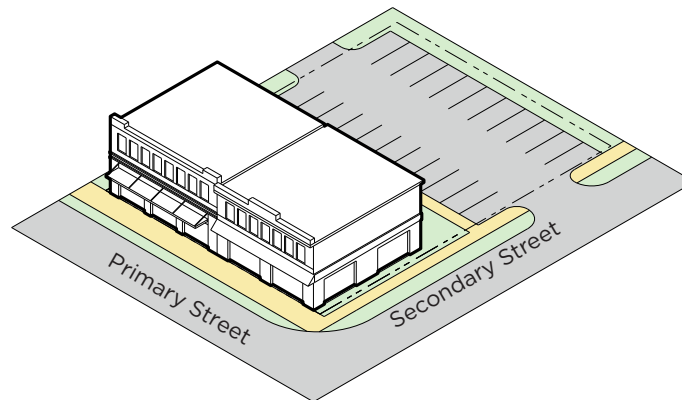


Image: Small Flex Retail Building

G. Medium Flex Retail Building

1. Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

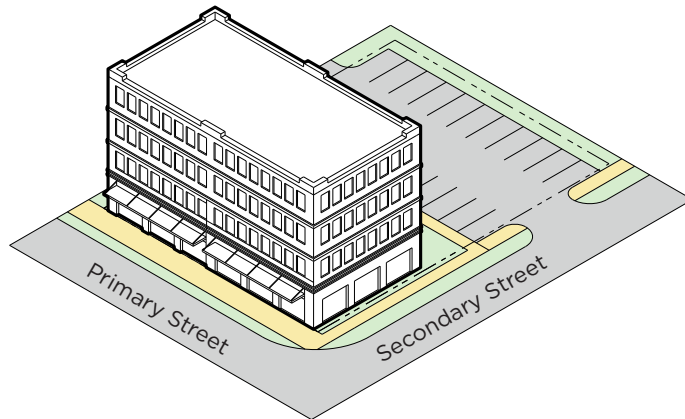
2. Description

Consists of attached or detached structures ranging from one to three stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building and typically accessed from a rear alley when possible.



Image: Medium Flex Retail Building



H. Large Flex Retail Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

Consists of attached or detached structures that can include single or mixed-uses. Parking is located in the rear of the building and, where possible, accessed from a rear alley.

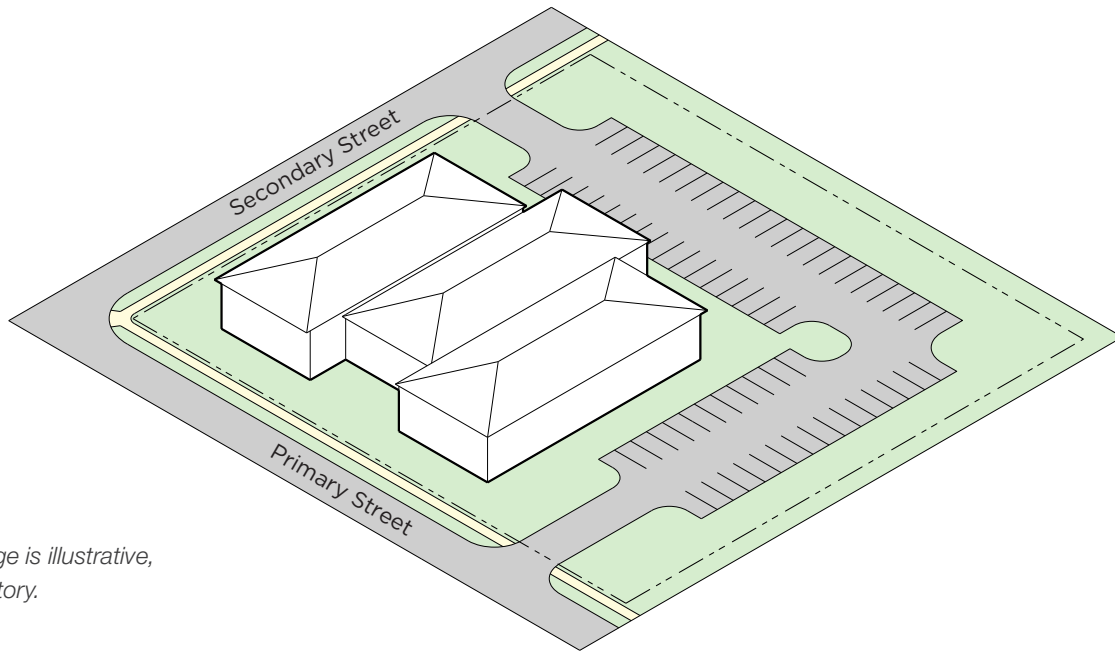


Image: Large Flex Retail Building



I. Institutional Flex Building

1. Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

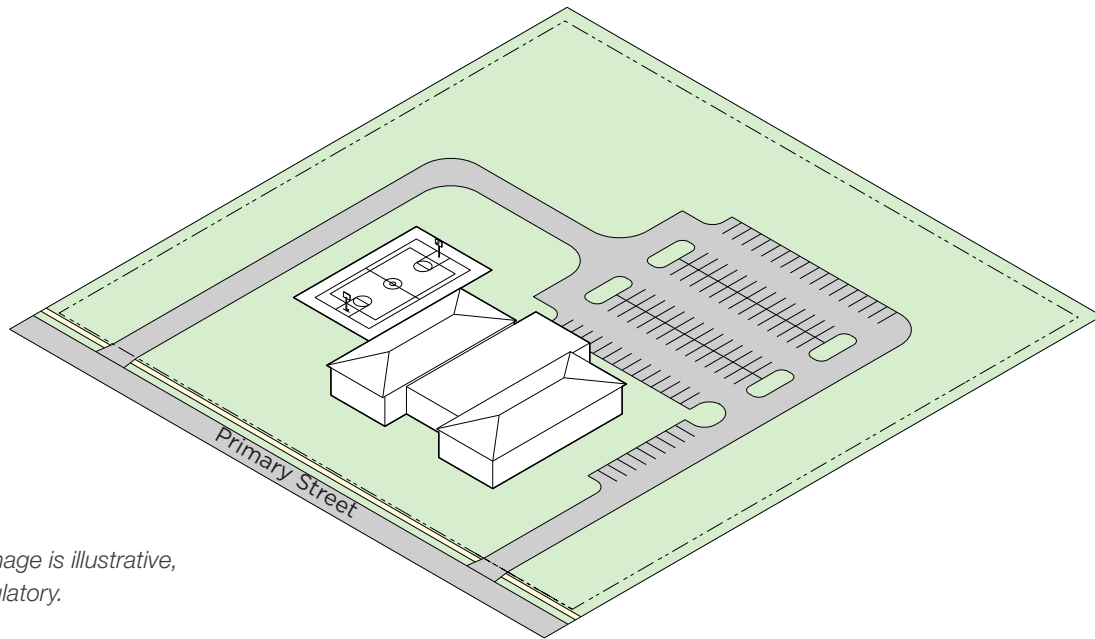
2. Description

A building that can house uses of an institutional nature (i.e. government building, library, post office, etc.) with parking on the same lot and the main access from the primary street.



Image: Institutional Flex Building



J. Primary School Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

A building designed to provide learning spaces and learning environments for the teaching of students from about four to eleven years old under the direction of teachers. The building has limited parking for staff and includes both outdoor and indoor recreational activity.

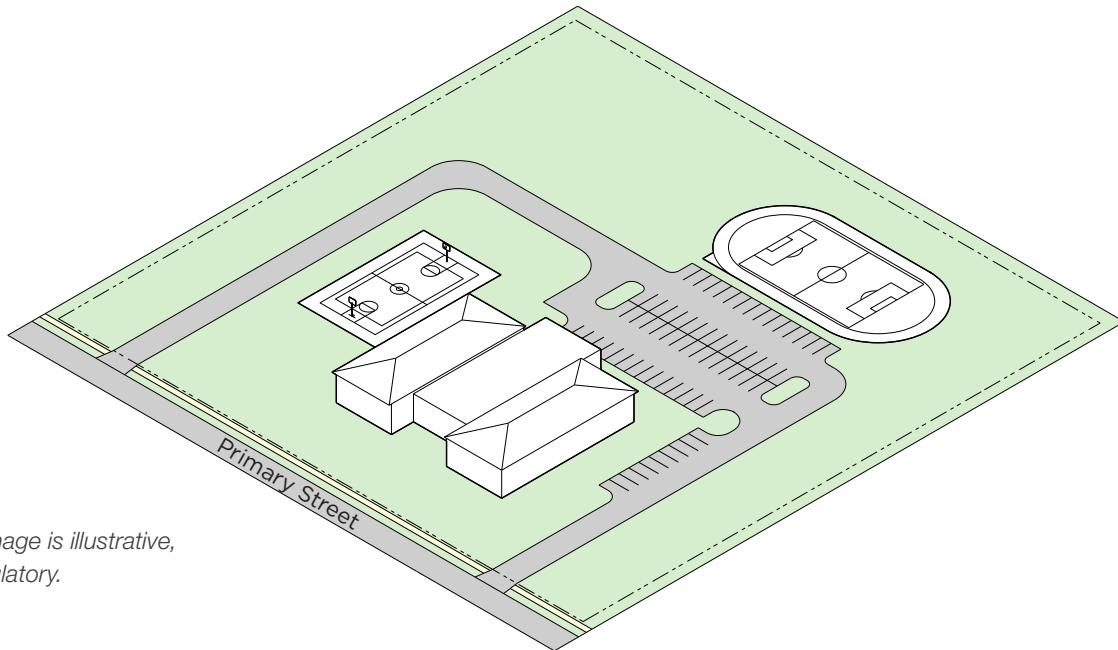


Image: Primary School Building



K. School and Institutional Building

1. Typical Lot Configuration



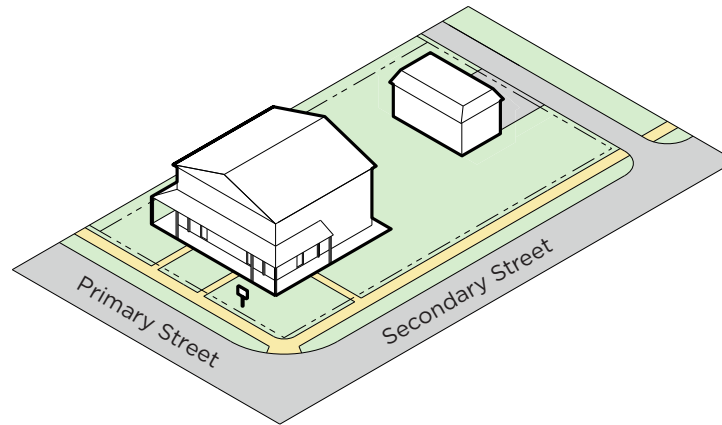
*Note: image is illustrative,
not regulatory.*

2. Description

An institution or place for instruction or education, which typically includes athletic fields and/or related assembly space and associated on-site parking. This will often be a junior high school or high school, but could be a larger elementary school that includes additional facilities.



Image: School and Institutional Building

L. Bed and Breakfast Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

A residential structure providing limited overnight lodging and meals for guests.

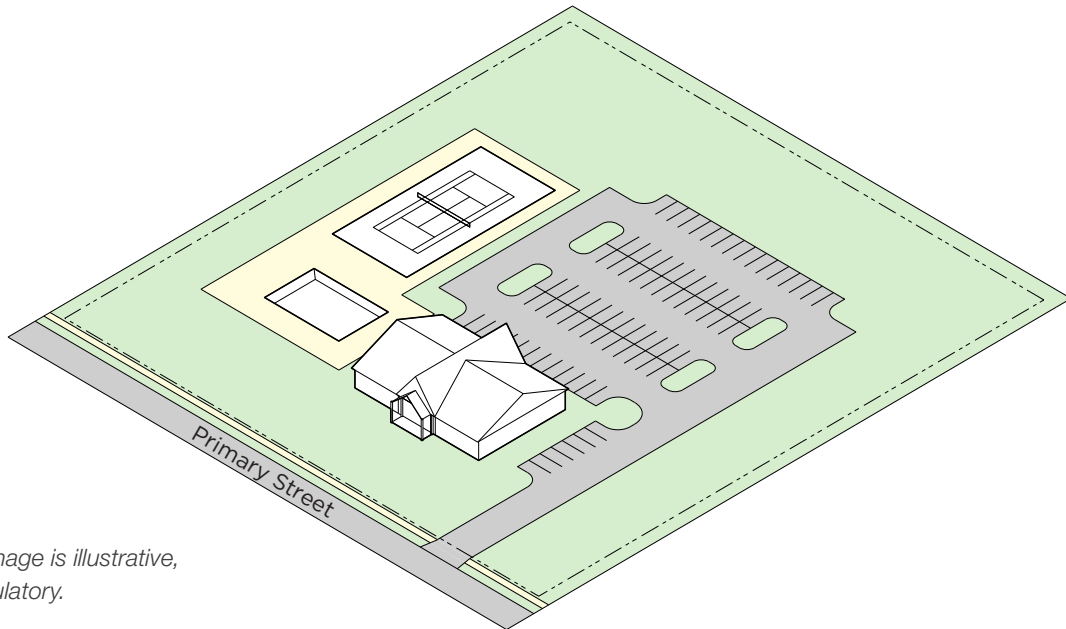


Image: Bed and Breakfast Building



M. Community Center Building

1. Typical Lot Configuration



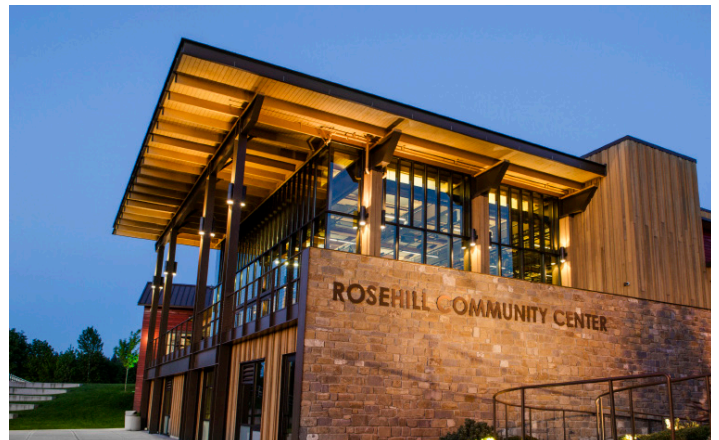
*Note: image is illustrative,
not regulatory.*

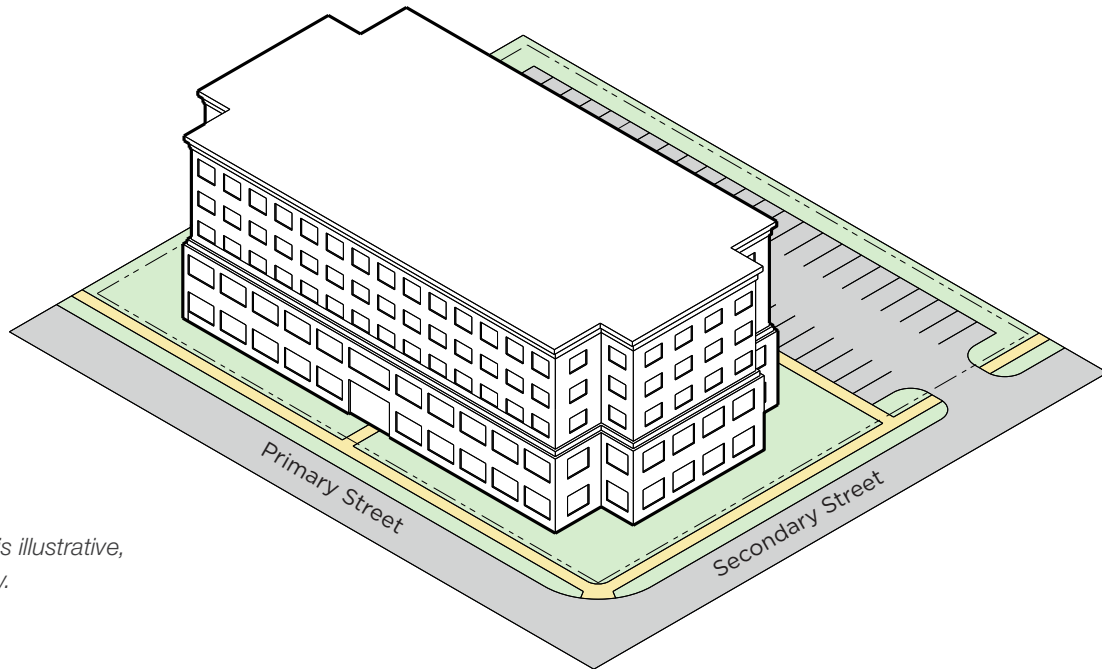
2. Description

Usually a public building where members of a community tend to gather for group activities, social support, public information, and other purposes. It can be open for the whole community or specialized groups (e.g. senior center) and can include both indoor and outdoor recreational facilities.



Image: Community Center Building



N. Office Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

A building used primarily for conducting the affairs of multiple business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.

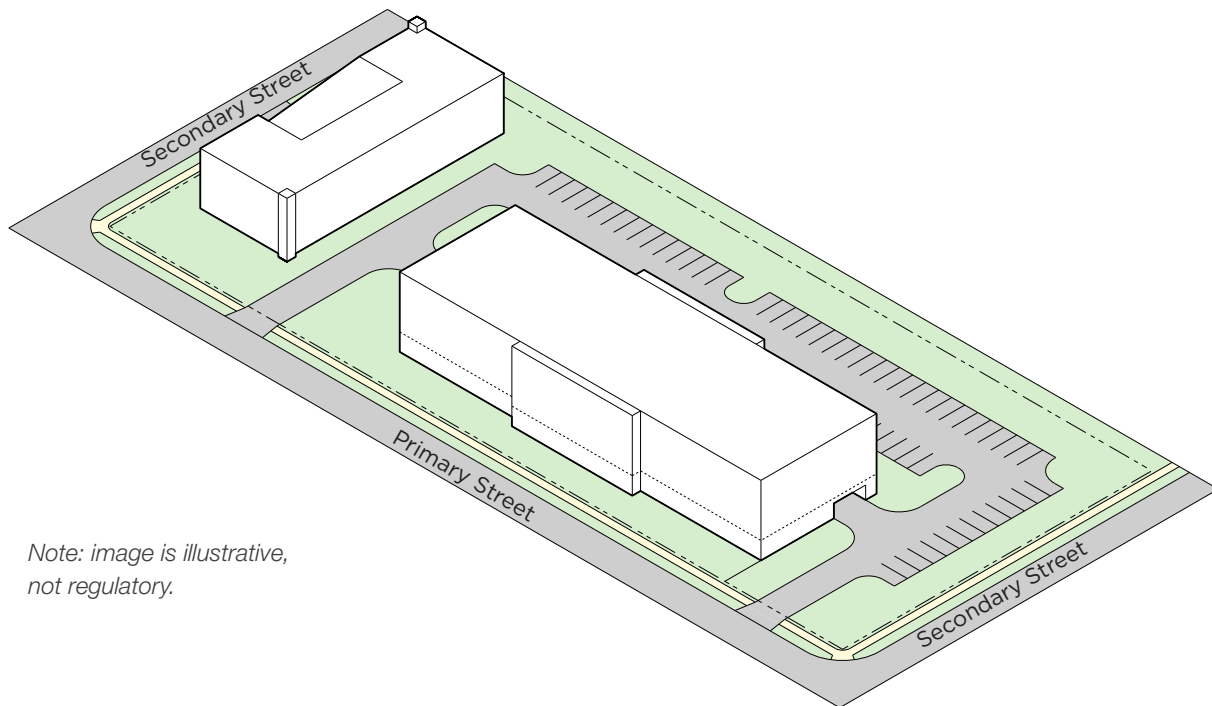


Image: Office Building



O. Office-Corporate Building

1. Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

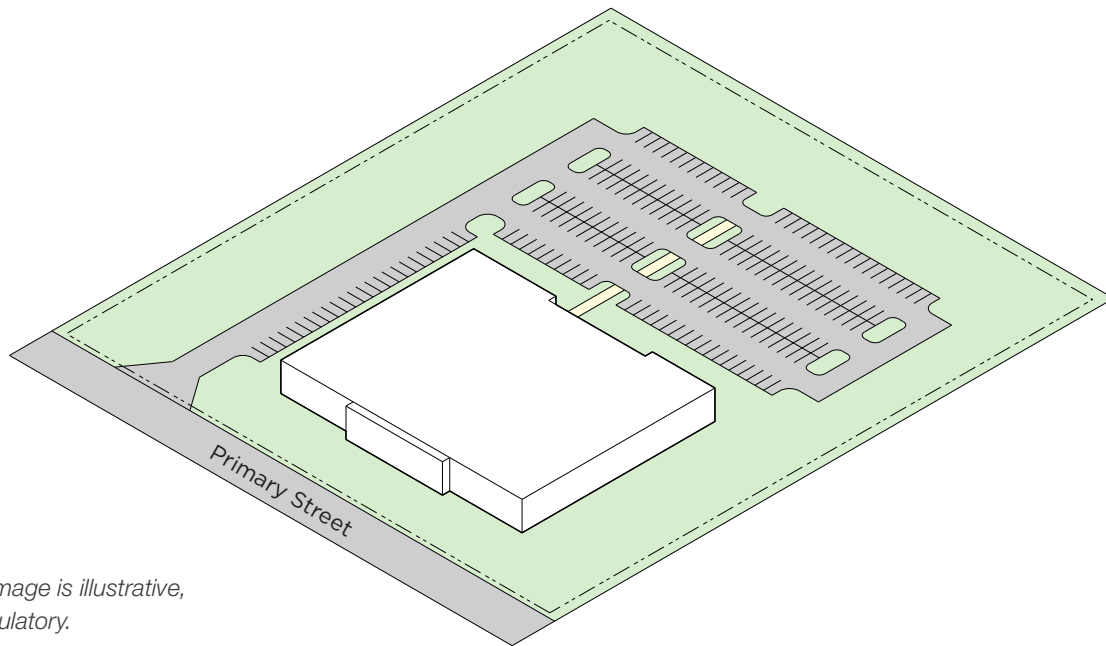
2. Description

A building used primarily for conducting the affairs of a single business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.



Image: Office-Corporate Building



P. Retail Large Format Building**1. Typical Lot Configuration**

*Note: image is illustrative,
not regulatory.*

2. Description

A single-use, typically large single-story commercial building primarily accessed by automobile with parking on the same lot with a combination of parking in the front, side, or rear yards.

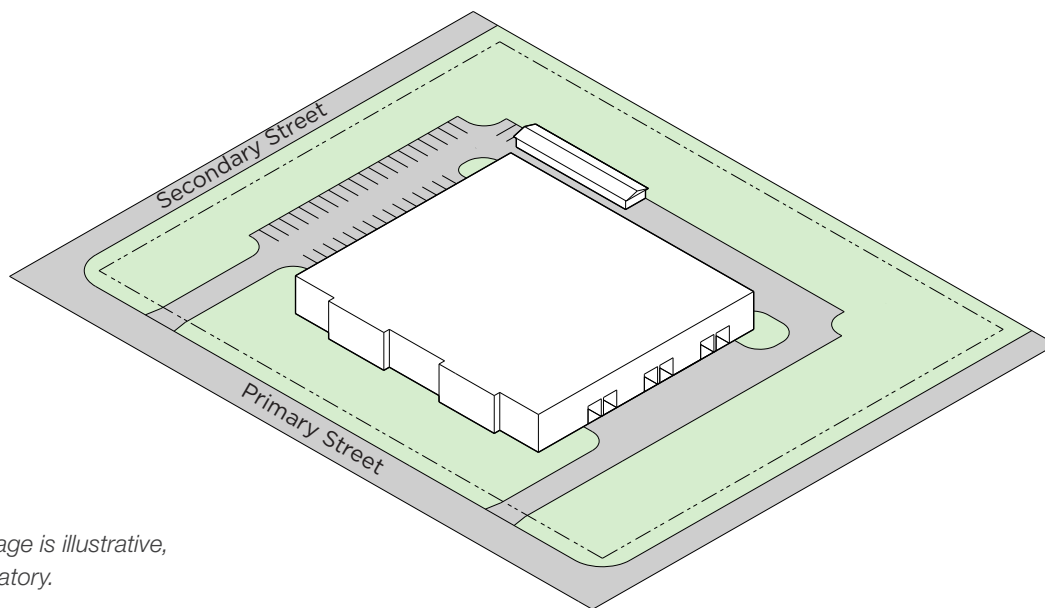


Image: Retail Large Format Building



Q. Industrial Building

1. Typical Lot Configuration



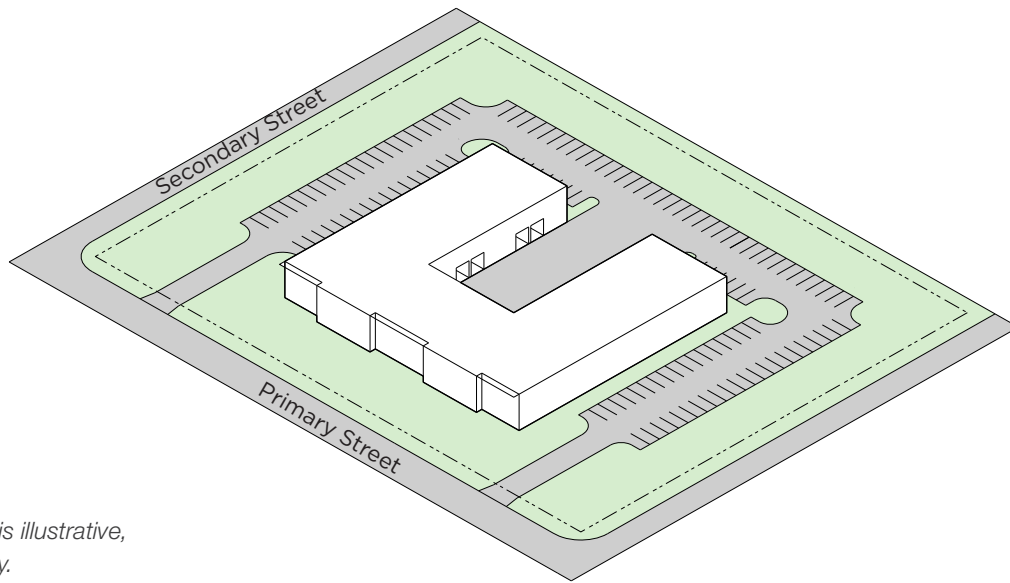
*Note: image is illustrative,
not regulatory.*

2. Description

A building that houses manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Facilities for loading and unloading are typically located in the side or rear yard with employee and visitor parking in the rear yard.



Image: Industrial Building

R. Warehouse Building**1. Typical Lot Configuration**

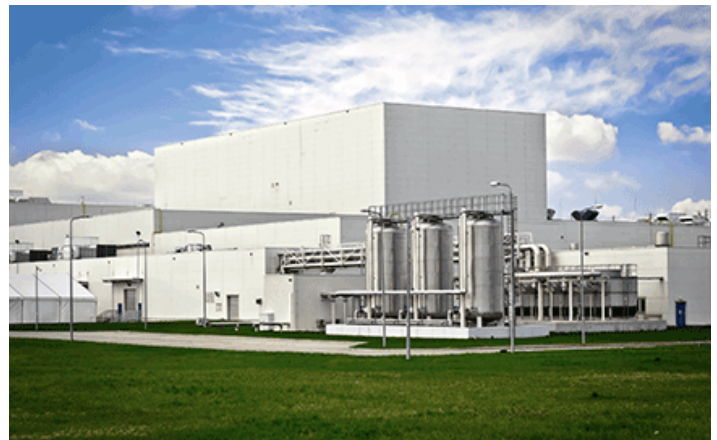
*Note: image is illustrative,
not regulatory.*

2. Description

A building for storing goods with facilities for loading and unloading that are typically located in the side or rear yard with employee and visitor parking in the rear yard.

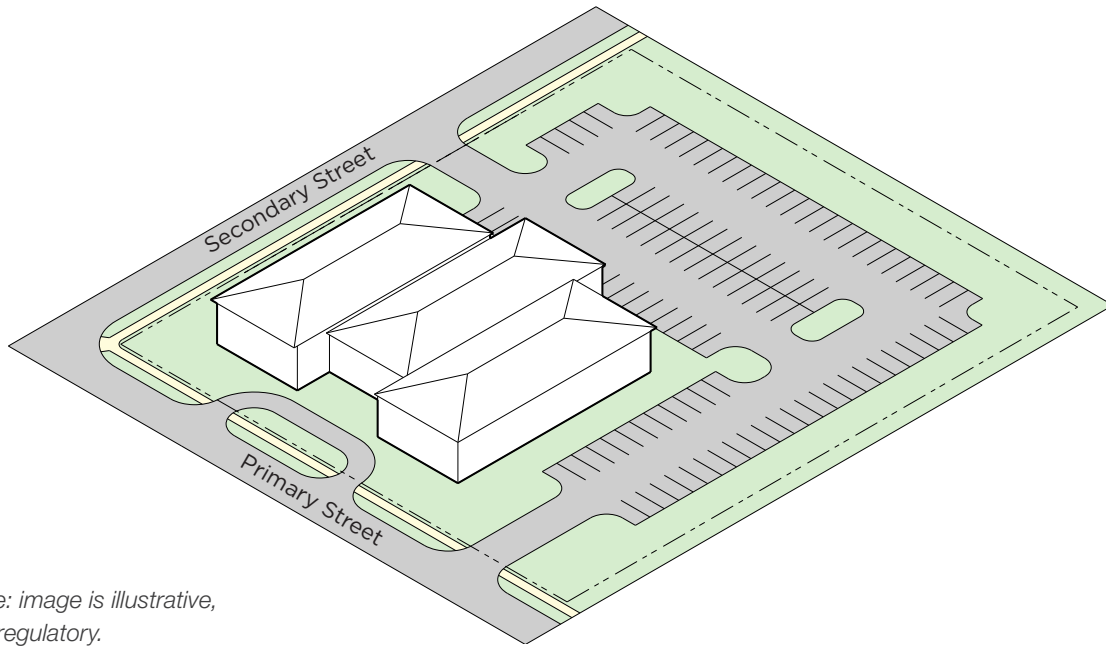


Image: Warehouse Building



S. Assembly Use Building

1. Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

2. Description

A building designed to house special events, including weddings, private parties, receptions, and other assembly uses.

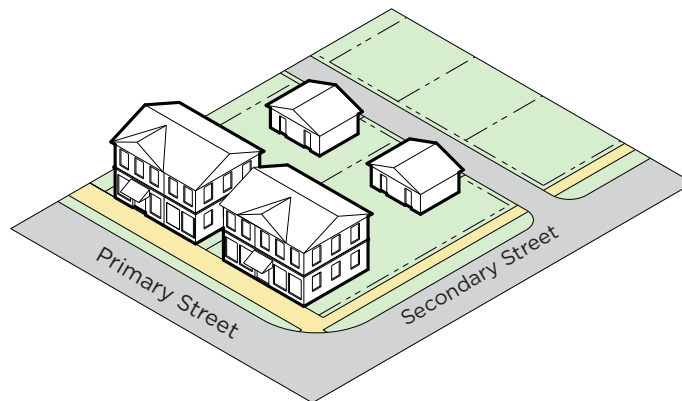


Image: Assembly Use Building



T. Maker Space or Live-Work Units

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

An attached building type which provides flexible space at the street level for a collaborative workspace, small scale retail or office, with a complete living unit above. The combination of these uses and building form lend well to serving as a transition between commercial or mixed-use areas and residential neighborhoods.



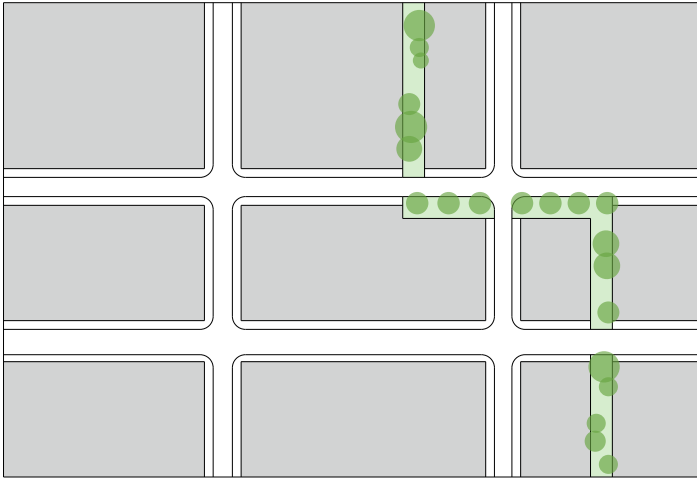
Image: Maker Space or Live-Work Units

1107.02: Open Space Typologies

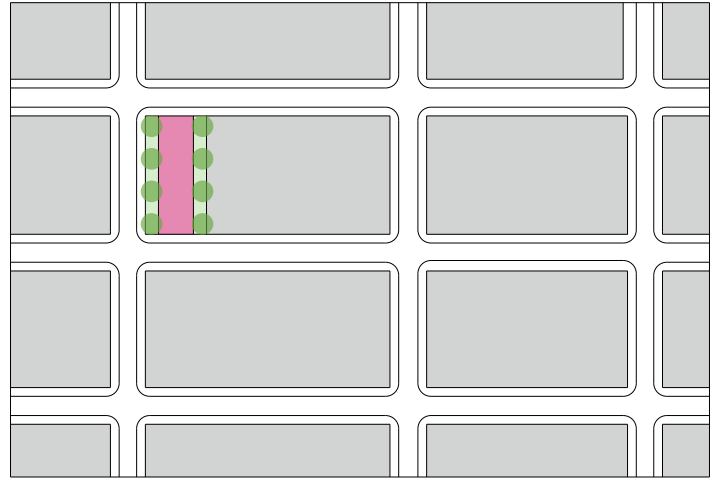
The following Open Space Typologies cover land that is intended to be undeveloped within the following districts.

TABLE 1107.02 PERMITTED OPEN SPACE TYPOLOGIES											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
Greenway/Trail	●	●	●	●	●	-	●	-	●	●	1107.02 (A)
Plaza	●	●	●	●	●	●	●	-	●	-	1107.02 (B)
Square	-	●	●	●	●	●	●	-	●	-	1107.02 (C)
Green	●	●	●	●	●	●	●	-	●	-	1107.02 (D)
Passage	-	-	●	●	●	●	●	-	●	-	1107.02 (E)
Pocket Plaza	-	●	●	●	●	●	●	-	●	-	1107.02 (F)
Sport Field	●	●	-	-	-	●	●	-	-	●	1107.02 (G)
Green Infrastructure	-	●	●	●	●	●	●	●	●	●	1107.02 (H)

● Permitted

A. Greenway / Trail**1. Typical Lot Configuration****2. Description**

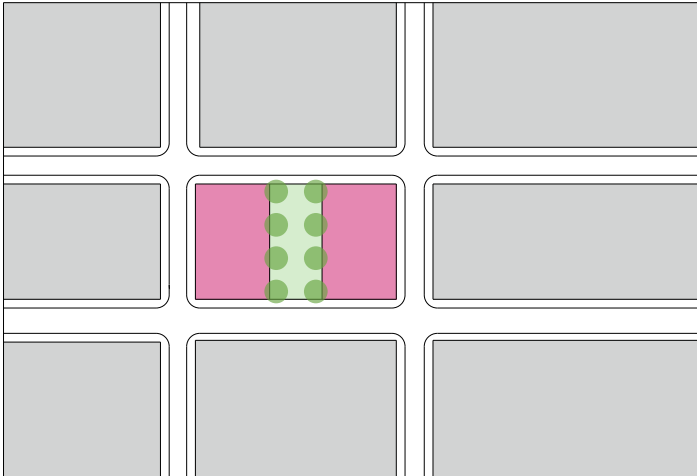
Greenways are primarily linear open spaces that connect other types of open spaces as part of a larger open space system. They typically include a path or trail as a primary feature. The greenway and trail open space is most effective when connecting to another open space type.

B. Plaza**1. Typical Lot Configuration****2. Description**

Plazas are spaces available for civic purposes and commercial activities intended to add to the vibrancy of streets and neighborhoods. Building frontages typically define the edges of these spaces. The landscape consists of primarily hardscape. If trees are included, they are formally arranged and of appropriate scale to the space.

C. Square

1. Typical Lot Configuration

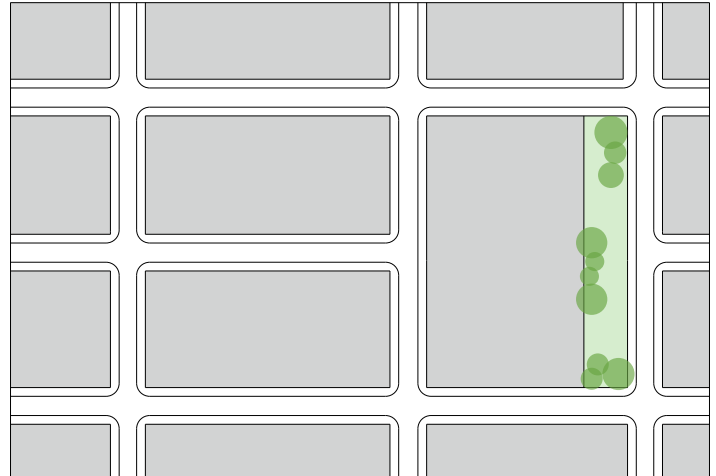


2. Description

Squares are medium scale formal open spaces designed to serve as gathering spaces in prominent commercial, civic and mixed-use settings. Squares are typically rectilinear and framed on all sides by streets. They are typically designed with a combination of both hardscape and landscape areas and contain amenities including, but not limited to benches and seating areas, planting areas, walking paths, gazebos or pavilions, fountains, and public art.

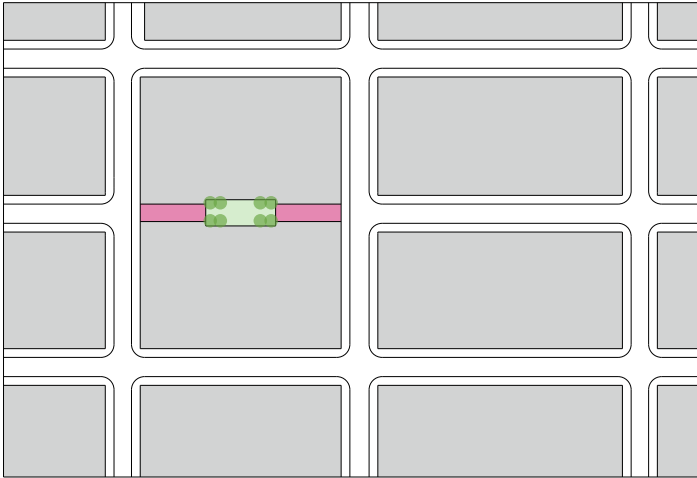
D. Green

1. Typical Lot Configuration

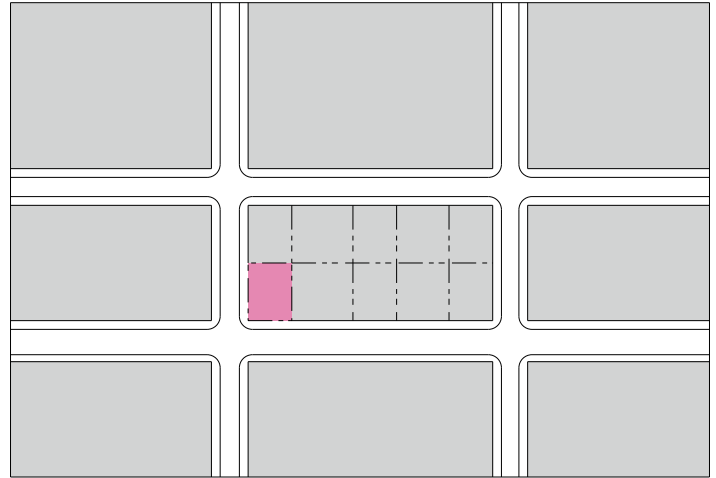


2. Description

Greens are medium-scale, informal open spaces designed to provide for active or passive recreation in neighborhood settings, including some landscape areas and is generally for those who live within walking distance.

E. Passage**1. Typical Lot Configuration****2. Description**

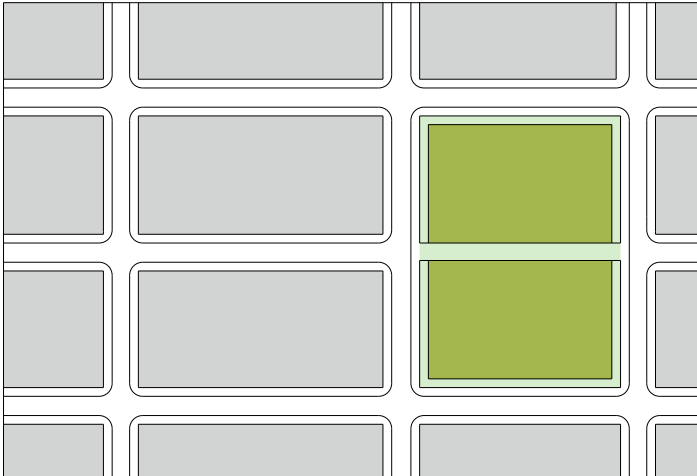
A passage is an informal or formal gathering space that serves equally as a pedestrian connector between other gathering places or between streetscapes. Passages are near the middle of a block, providing easy walking access through the block. A passage provides additional frontage opportunities for the shops and/or houses along its edges.

F. Pocket Plaza**1. Typical Lot Configuration****2. Description**

Pocket plazas are small-scale, primarily hardscaped open spaces designed to provide opportunities for impromptu gathering and resting areas for passersby and for those who live or work in adjacent buildings or nearby destinations. Pocket plazas are typically designed as an extension from the public sidewalk, but clearly delineated as a separate space using features including, but not limited to landscaping and/or seating walls. Pocket Plazas are typically located along highly trafficked streets and in commercial areas with frequent pedestrian activity.

G. Sport Field

1. Typical Lot Configuration

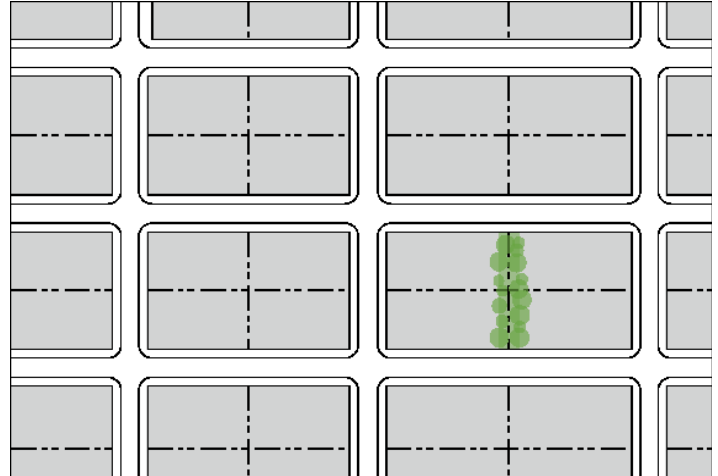


2. Description

A Sports Field typology is a space or series of open spaces designed for sports activities. Sports fields often accommodate several individual sports games at the same time and may feature a concession area and seating for spectators. Due to the larger amounts of people attracted to this type, sports fields are located to maintain compatibility with adjacent neighborhoods. Landscaping may be required as deemed appropriate by the Review Authority.

H. Green Infrastructure

1. Typical Lot Configuration



2. Description

Green infrastructure, in the form of Bioswales are linear, vegetated ditches which allow for the collection, conveyance, filtration and infiltration of stormwater. They can also be referred to as “grass swales,” “vegetated swales,” or “filter strips.” A bioswale replaces the traditional concrete gutter with an earthen one. Because they behave like a gutter, these trenches are best suited along roadsides or parking lots, but are less practical for dealing with stormwater that falls on rooftops.

1107.03: **Frontage Typologies**

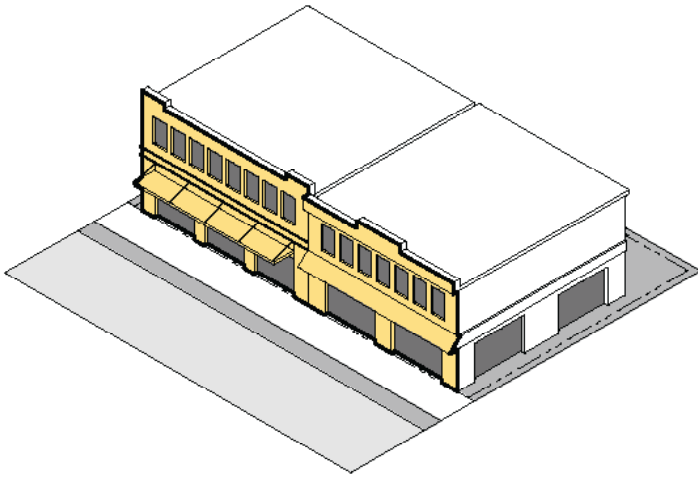
The following Frontage Typologies cover the area between the building façade and the front lot line or right-of-way and intended to ensure projects that establish or reinforce the appropriate frontage character within the following districts.

TABLE 1107.03 PERMITTED FRONTAGE TYPOLOGIES											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
Shopfront	-	●	●	●	●	●	●	-	-	-	1107.03 (A)
Patio	-	●	●	●	●	●	●	-	-	-	1107.03 (B)
Gallery	●	-	-	-	-	-	●	-	-	-	1107.03 (C)
Arcade	-	-	-	-	-	-	●	-	-	-	1107.03 (D)
Yard	●	●	●	●	●	●	-	-	-	-	1107.03 (E)
Terrace	-	●	●	●	●	●	-	-	-	-	1107.03 (F)
Forecourt	●	●	●	●	●	●	-	-	-	-	1107.03 (G)
Streetwall	-	●	●	●	●	●	-	-	-	-	1107.03 (H)
Porch	●	-	-	-	-	-	-	-	-	-	1107.03 (I)
Stoop	●	-	-	-	-	-	-	-	-	-	1107.03 (J)

● Permitted

A. Shopfront

1. Typical Lot Configuration

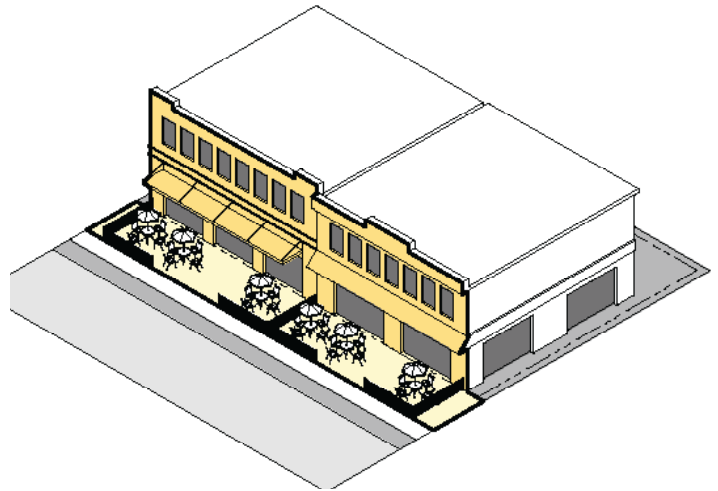


2. Description

The shopfront is a traditional ground floor frontage treatment designed for active commercial uses (typically retail and dining) and a high degree of pedestrian activity between the public sidewalk and commercial spaces. A shopfront treatment includes one or more commercial tenant storefronts consisting of large windows and a direct tenant entrance from the sidewalk, typically at sidewalk grade. Storefront characteristics typically include prominent entrances, primarily composed of glass, and tenant signage. If not located in a zero lot line condition (immediately behind the sidewalk), the intervening front setback may be paved as an extension of the sidewalk streetscape to the building façade. All or portions of the setback may be designated for use as outdoor seating or dining/bar space. The setback may also include landscaping, either at grade with the sidewalk along the building foundation, or in raised beds or planters.

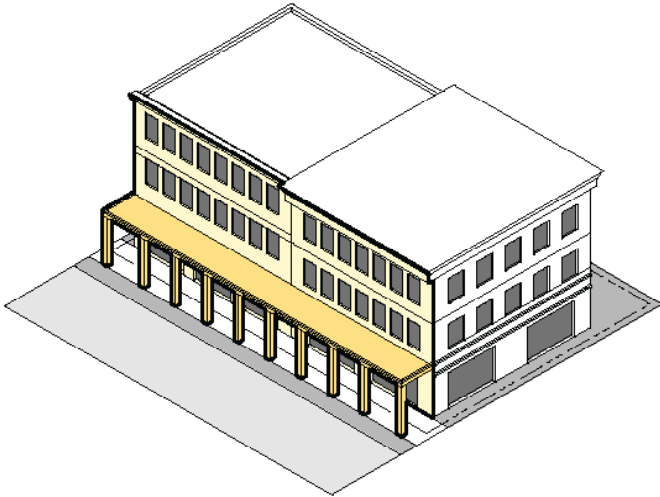
B. Patio

1. Typical Lot Configuration

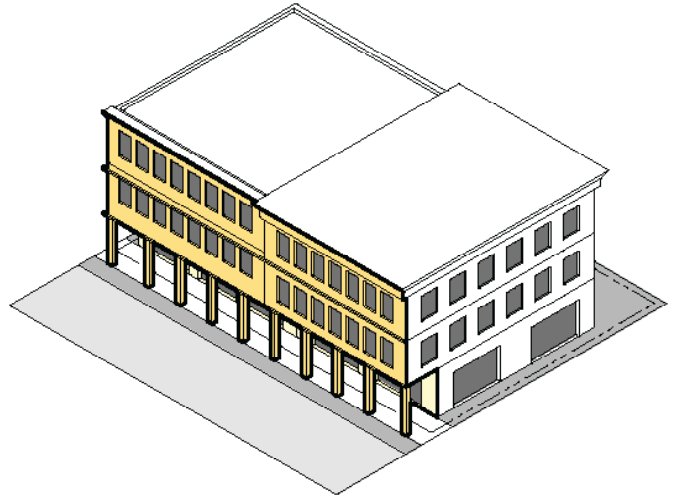


2. Description

The patio frontage is used primarily to provide outdoor seating associated with ground floor dining uses within a building. The patio is a hardscaped area that may be located to the front or side of a building between the building and sidewalk.

C. Gallery**1. Typical Lot Configuration****2. Description**

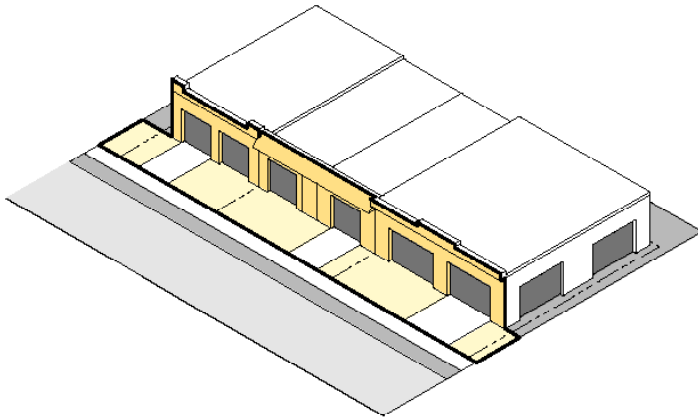
The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This frontage type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. The gallery must extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required.

D. Arcade**1. Typical Lot Configuration****2. Description**

An arcade is a frontage type featuring a pedestrian walkway covered by the upper floors of a building. The ground story facade is setback and upper floors are supported by a colonnade or supports.

E. Yard

1. Typical Lot Configuration

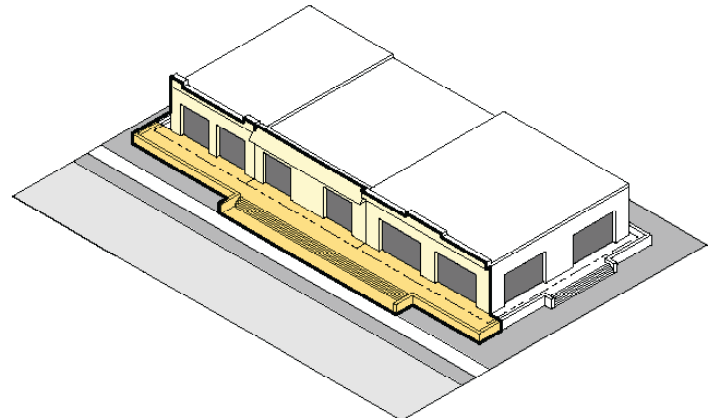


2. Description

The yard is a typical landscape setback which may consist of open lawn, landscape beds, or some combination of the two. It may contain hardscape elements as a secondary feature and may be edged by a low fence or masonry wall. Yards are typically at the same or similar grade as the adjacent sidewalk and include a front walk connecting the public sidewalk to the main entrance of a building (see Raised Yard as a variation). This is the common frontage treatment for houses and other neighborhood-scale residential buildings, and is typically combined with other a porch or stoop building frontage. A yard may also be used for flex building types designed for any combination of uses.

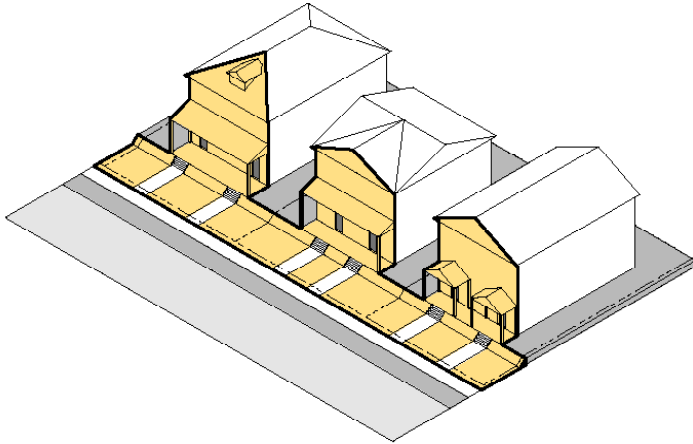
F. Terrace

1. Typical Lot Configuration

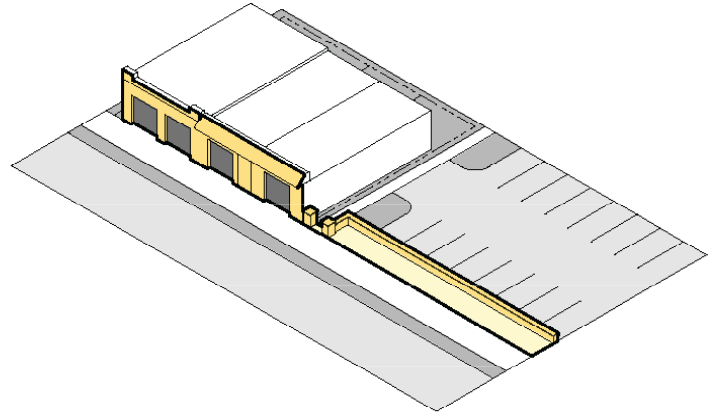


2. Description

In the Terrace Frontage Type, the main facade is at or near the property line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change and is frequently used together with a shopfront. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. A terrace treatment differs from the Raised Yard Frontage type in that the building is typically located closer to the sidewalk and the terraced setback is architecturally integrated with the building façade, consisting of more hardscape materials. Raised planters may be incorporated as part of a terrace frontage.

G. Forecourt**1. Typical Lot Configuration****2. Description**

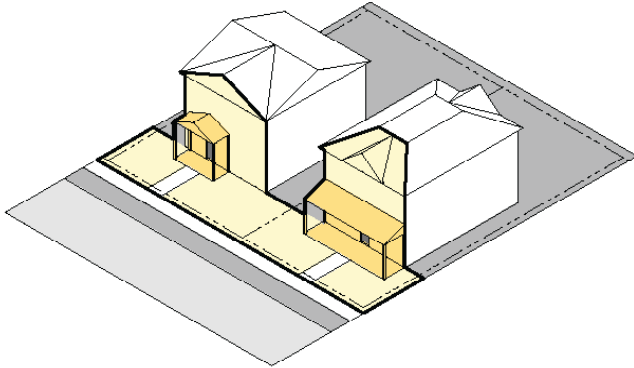
The forecourt frontage treatment allows for a portion of a building façade to be set farther back from the street, creating a courtyard condition with street frontage. A forecourt condition may also be created through the composition of three separate buildings, oriented with the central building setback farther from the others. A forecourt may include open access to the public sidewalk with one or more entrances into the building, or may be fenced and elevated as a semi-private space, partially visible from the public realm. The forecourt area typically includes a combination of landscape and hardscape treatments, and may include outdoor amenities and seating areas associated with the building(s).

H. Streetwall**1. Typical Lot Configuration****2. Description**

The streetwall frontage is used to create a continuous and defined edge along parking lots where located in close proximity to a street and sidewalk. Streetwalls are typically low (at or below waist height of a passing pedestrian) and may be composed entirely of masonry, a combination of decorative metal fencing with masonry columns, raised planters, a landscape hedge treatment, or some combination of these. Masonry street walls are typically designed to coordinate with the principal building architecture and often are physically connected to the building façade. Street walls may be interrupted with a pedestrian walk connection to the public sidewalk. For new projects or redevelopment, street walls are intended for use along any portion of lot frontage in which side or rear parking is located adjacent to or near the public sidewalk, but are secondary to other frontage types associated with the principal building and should not dominate the entire lot frontage. Streetwalls are also an effective design approach to improve existing auto-oriented sites for which all or substantial portions of a primary frontage consist of parking.

I. Porch

1. Typical Lot Configuration

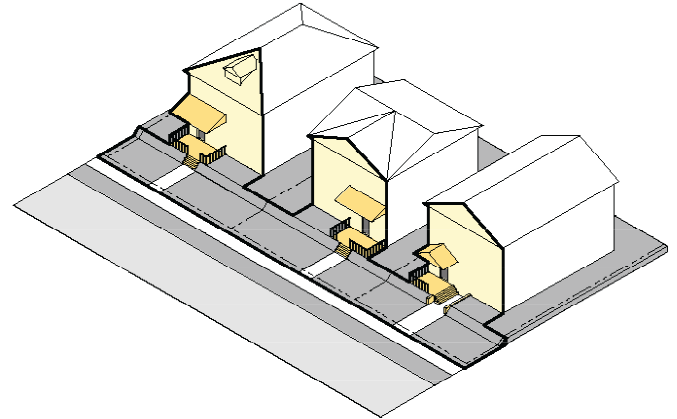


2. Description

Common frontage type for residential building types. Porches should be an extension of the internal living space.

J. Stoop

1. Typical Lot Configuration



2. Description

A component type featuring set of stairs with a landing leading to the entrance of a building.

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Title Three

Uses

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1108

Comprehensive Use Table

Sections

1108.01: Comprehensive Use Table3-2

1108.01: Comprehensive Use Table

TABLE 1108.01 PRINCIPAL USES BY ZONING DISTRICT											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)	■	■	■	■	■	■	■	■ ³	■ ³	■ ³	
RESIDENTIAL											
Accessory Dwelling Units	□	□	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Short-Term Rental	□	□	□	□	N/A	N/A	□	N/A	N/A	N/A	
Dwelling, Single-Unit, Detached, Attached, Duplex	■ ¹	■	N/A	N/A	N/A	■	N/A	■	N/A	N/A	
Dwelling, Three- and Seven-Unit	□	■	N/A	□	■	■	N/A	■	N/A	N/A	
Dwelling, Multi-Unit (Eight and Above)	N/A	■	■	■	■	■	■	■	N/A	N/A	
Live/Work Units	N/A	■	■	■	■	■	N/A	N/A	N/A	N/A	
Group Care Facility	N/A	□	■	■	■	■	N/A	■	N/A	N/A	
Group Home	N/A	□	■	■	■	■	N/A	■	N/A	N/A	
Nursing Home	□	■	■	■	□	□	N/A	N/A	N/A	N/A	
Senior Independent Living Facility	□	■	■	■	■	■	N/A	N/A	N/A	N/A	
Senior Assisted Living Facility	□	■	■	■	■	■	N/A	N/A	N/A	N/A	
Skilled Care Facility	N/A	□	■	■	□	□	□	■	N/A	N/A	
Transitional Dwelling	N/A	□	□	□	□	□	□	■	N/A	N/A	
COMMERCIAL											
Personal Service	N/A	□	■	■	■	■	■	N/A	N/A	N/A	
Retail Sales < 5,000 sf	N/A	■ ²	■	■	■	■	■	N/A	N/A	N/A	
Retail Sales 5,000 sf to 25,000 sf	N/A	N/A	■	■	■	■	■	N/A	N/A	N/A	
Retail Sales >25,000 sf	N/A	N/A	■	■	■	■	□	N/A	N/A	N/A	
Commercial Retail Sales and Services	N/A	N/A	■	■	■	■	■	N/A	N/A	N/A	
Business and Professional Offices	N/A	□	■	■	■	■	■	N/A	■	N/A	
Brewery/Distillery	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	■	N/A	
Microbrewery/Microdistillery	N/A	□	N/A	N/A	N/A	N/A	■	N/A	■	N/A	

■ Permitted Use □ Special Permit Use ■ Permitted Subject to Conditions

¹ Special Design Standards for horizontally attached residential units

² Permitted so long as meets the minimum interior SF devoted to grocery use

³ Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)

COMPREHENSIVE USE TABLE

1108.01

Comprehensive Use Table

TABLE 1108.01 PRINCIPAL USES BY ZONING DISTRICT											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
COMMERCIAL, CONTINUED											
Drive-In Windows and Drive-Through Facilities	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	
Eating and Drinking Establishments	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	
Off-Street Public Parking Lots and Garages	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Nursery and Garden Supply Stores	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Instructional Spaces and Studios	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A	
Gyms and Physical Fitness Facilities	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	
Gasoline Stations	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	
New and Used Dealers In Motorcycle, Motorized Bicycle and Tricycle and Not Including Motor Homes, Snowmobiles and Their Parts and Accessories and Including Repair Services Thereto	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Recreational Vehicle Sales	N/A	N/A	<input type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Bed & Breakfast	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Hotels, Motels or Tourist Houses	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	
Vehicle and Large Equipment Repair	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	N/A	
Car Wash Establishments	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	N/A	
Funeral Home and Services, Excluding Crematories	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	N/A	
Crematories	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	N/A	
Sexually Oriented Business	N/A	N/A	<input type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Commercial Outdoor Recreation	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Commercial Indoor Recreation	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Veterinarian, Animal Boarding and Services	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	<input type="checkbox"/>	N/A	
Art, Museum, or Cultural Facility	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	N/A	
Non-Industrial Food Production and Catering	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A	
Food Trucks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

☒ Permitted Use ☐ Special Permit Use ☒ Permitted Subject to Conditions

1108.01

Comprehensive Use Table

COMPREHENSIVE USE TABLE

TABLE 1108.01 PRINCIPAL USES BY ZONING DISTRICT											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
PUBLIC FACILITIES, INSTITUTIONS, AND TRANSPORTATION											
Passenger Transportation Agencies and Terminals	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Day Care, Type A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A	
Day Care, Type B	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A	
Day Care Center	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	
Small-Scale Assembly	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Large-Scale Assembly	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Civic, Social, Cultural Organizations or Clubs	N/A	<input type="checkbox"/>	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	
Public Utility Rights-Of-Way and Pertinent Structures and Telecommunication Towers	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Solar Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Educational Institution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	
Parks and Trails	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	
Governmentally Owned and/or Operated Buildings and Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	

☒ Permitted Use
 ☐ Special Permit Use
 ☒ Permitted Subject to Conditions

COMPREHENSIVE USE TABLE

1108.01 Comprehensive Use Table

TABLE 1108.01 PRINCIPAL USES BY ZONING DISTRICT											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
MEDICAL											
Medical and Health Care Offices	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	
Urgent Care or Clinic	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	
Hospital	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	
INDUSTRIAL											
Artisan Manufacturing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Research and Development Facilities	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Warehousing, Wholesaling and Transportation Services	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Storage/Mini Storage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input type="checkbox"/>	N/A	
Maker Space	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A	
Small Light Industrial	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Large Light Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Heavy Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Industrial, Commercial, or Construction Services	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Building Material Dealers and Sales	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
Drilling or Extractive Activities	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	N/A	

☒ Permitted Use
 ☐ Special Permit Use
 ☒ Permitted Subject to Conditions

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1109

Specific Use Standards

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1109.01: Boarding Houses

- A. Conditions.** The conditions described below apply to boarding houses.
- B. Maximum occupancy.** A boarding house shall have no more than twenty (20) guests at any given time.

- 2.** A solid fence, wall or hedge at least six feet high shall be required when an automobile washing facility is adjacent to a residential property.

D. Limitations on use.

- 1.** All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.
- 2.** Vacuuming and/or steam cleaning equipment may be located outside a building, but shall not be located closer than fifty feet from residential property.

1109.02: Car Washes

- A. Conditions.** The conditions described below apply to car washing facilities in the BRD District or MAIN District.
- B. Minimum lot area.** 30,000 square feet.
- C. Setbacks and screening.**
 - 1.** All structures shall be located at least fifty feet from any adjacent residential property.

1109.03

Civic, Social, or Cultural Organizations or Clubs

SPECIFIC USE STANDARDS

E. Off-street waiting and circulation.

1. Five off-street waiting spaces shall be provided for each car washing device or stall. Fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
2. A hard-surfaced exit drive not less than forty feet in length shall be provided between the exit doors and the street.

F. Access and traffic impact. Access shall be from an arterial street or commercial collector.

1109.03: Civic, Social, or Cultural Organizations or Clubs

A. Conditions. The conditions described below apply to civic, social, or cultural organizations or clubs.

B. Prohibited operations. A civic, social, or cultural organization or club shall not include any form of adult entertainment business or retail sales.

1109.04: Community Gardens and Urban Agriculture

A. Applicability.

1. Community gardens and urban agriculture are permitted as a primary or an accessory use in all zoning districts, subject to approval of a zoning permit per Title Six - Administration and Procedures.
2. Where the operator of an urban agriculture site or community garden is not the property owner, written permission from the property owner shall be required before gardening or agricultural activities may commence.

B. Operator contact information required.

1. In addition to any other applicable information required as part of a permit per Title Six - Administration and Procedures, permit applications for community gardens or urban agriculture shall include contact information for the organization or individuals responsible for maintenance of the use, including names, mailing addresses, emailing addresses, and telephone numbers.
2. Should the contact information be changed for an operator of a community garden or urban agriculture, the operator must file an updated contact list with the City on a form made available by the City Administrator.

C. Permitted activities that require a zoning permit.

The following activities shall be permitted as part of an approved urban agriculture site or community garden for agricultural, floricultural, or horticultural commodities:

1. Cultivation, growing, and harvesting, including the operation of greenhouses, hoop houses, cold frames, and similar structures.
2. Operating farm stands.

D. Permitted activities that do not require a zoning permit. The following activities typically associated with community gardens and urban agriculture do not require a zoning permit to operate on private property:

1. Composting in compost bins.
2. Keeping hens.
3. Beekeeping.

E. Prohibited fowl. All fowl except for hens are prohibited from being kept. Such prohibited fowl include but are not limited to:

1. Roosters.
2. Quail.
3. Geese.
4. Turkeys.
5. Ducks.
6. Ostriches.

F. Keeping of hens.

1. The keeping of hens shall not be permitted as the primary use of an urban agricultural site or community garden.
2. Hens shall have access to an outdoor coop or enclosure adequately fenced or otherwise bound to contain the birds on the property and to prevent access by dogs and other predators. Such coop and enclosure shall provide at least 10 square feet of area for each bird.
3. The coop, the enclosure, and other spaces where hens graze shall not be in a side yard or a front yard.
4. Not more than six hens per lot are permitted.
5. Roosters are not permitted under any circumstances.
6. On-site slaughtering of hens is prohibited.
7. The coop, the enclosure, and any other constructed elements and reserved space for hens shall not exceed eight feet in height, shall not occupy more than 25% of a rear yard, and shall not be closer than five feet from any lot line.

G. Beekeeping and apiaries.

1. Enclosures and apiaries associated with beekeeping shall not be closer than 40 feet from any lot line.
2. Any lot smaller than two acres shall not exceed two hives or enclosures for beekeeping.
3. Individual hives or enclosures shall not exceed five feet in height and 20 cubic feet in size on any lot.

H. Farm stands.

1. Farm stands shall be permitted as accessory to a community garden or urban agriculture site, but they may only sell products harvested from the subject property.
2. Up to one farm stand per lot shall be permitted.
3. Farm stands shall only operate between the hours of 8:00 a.m. and 8:00 p.m.

4. If the farm stand is a permanent structure, it must adhere to the applicable accessory structure standards of this Code.
5. Tables, chairs, or any other equipment associated with a farm stand must be stored away from view when the farm stand is not operating.

I. On-site composting.

1. On-site composting shall not be permitted as the primary use of an urban agricultural site or community garden and may not occupy more than 20% of the property.
2. Bins and materials associated with composting shall not be closer than 15 feet from any lot line.
3. Materials that will or are being composted shall be stored in a manner that is not visible from adjacent residential properties.
4. Where there is found to be an insect or rodent infestation, the composting activity shall discontinue, and composting equipment shall be removed until 30 days after the insect or rodent infestation is addressed and removed.

J. Fencing.

Fencing shall comply with the applicable regulations of Article 1114 - Fences, Walls, and Screening.

K. Agricultural structure and site design requirements.

1. All agricultural structures over 200 square feet shall require a building permit.
2. Where a parcel contains no dwelling or other principal structure, any agricultural structures other than fences shall be deemed accessory to the community garden or urban agriculture use.
3. Where an urban agriculture site or community garden is the primary use of a property, any structures on the lot shall be used only for agricultural purposes.
4. Any agricultural structures that are abandoned, or all structures associated with an urban agriculture site or community garden that ceases to operate, shall be removed within 60 days of abandonment or discontinuance of the use .

5. In residential districts, structures associated with an urban agriculture site or community garden shall only be in the rear yard of the subject property. Where the subject property is not improved with a dwelling or other approved principal structure, the rear yard shall be identified and assigned by the City Administrator based on the average location of rear yards for improved properties on either side of the subject property.
6. Permitted agricultural structures include greenhouses, hoop houses, cold frames, and similar structures for the growing of plants.
7. Permitted site design elements include open space for active and passive recreation including children's play areas.
8. Permitted accessory structures include sheds, gazebos, pavilions, and similar structures.

L. Maintenance.

1. The property shall be maintained in an orderly manner, free of excessive weeds, debris, vermin, or standing water.
2. Any citations for enforcement action against a property with an urban agriculture site or community garden shall be issued to the listed operators of the property.

C. Setbacks. Drive-in or drive-through windows and lanes shall be located at least fifty feet from any residential property. All other structures shall be set back at least thirty-five feet from any residential property.

D. Screening. A solid wood fence or masonry wall six feet high shall be constructed where a convenience food store, drive-in store or fast food restaurant is located adjacent to a residential property.

E. Off-street parking and circulation.

1. Stacking space for eight vehicles shall be provided for every drive-thru facility. Such stacking spaces are to be located behind the point where the drive-thru order is placed. Stacking spaces shall not block or otherwise interfere with site circulation patterns.
2. Customer and employee parking shall be separated from drive-in activities, and customer parking shall be located in the area with highest accessibility to dining or sales areas.
3. The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.

F. Access and traffic impact. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

1109.05: Convenience Food Stores and Fast-Food Restaurants with Drive-Throughs

A. Conditions. The conditions described below apply to convenience food stores in the YEAR, SH, BR, and MAIN districts. The conditions described below also apply to fast-food restaurants with drive-throughs in the BRD and MAIN Districts.

B. Minimum lot area. Minimum lot area shall be 7,500 square feet, except that uses with drive-in or drive-through facilities shall be located on lots with a minimum area of 20,000 square feet.

1109.06: Day Care Facilities and Schools (Public, Parochial, or Private)

A. Conditions. The conditions described below apply to the above-named facilities.

B. Minimum lot area and facility requirements.

Facilities for seven or more participants shall have a minimum lot area of 10,000 square feet, or 500 square feet per participant, whichever is greater. Such facilities shall only be permitted within structures that have been constructed so as to meet appropriate assembly ratings within the Building Code standards. Home day care of six or fewer participants is considered a home occupation and is regulated in Section 1116.02 - Accessory Uses.

C. Required outdoor activity area. There shall be provided a minimum of 100 square feet of fenced outdoor activity area per participant to be served. Such activity area shall not be located within the established minimum front yard setback area within the area the proposed facility is to be established. Outdoor amenities for adult day cares that contribute to comfort, safety and security, ease of access, serene and tranquil environment to create functional and inviting park space for participants to sit, watch and socialize by providing a range of amenities for the widely varied needs and abilities of the participants such as the following, but not limited to: seating in shade and sun, landscaped with trees, shrubs, raised garden areas, vegetation and flower planters for seasonal interest at wheelchair height rather than ground level so they can be viewed from a sitting position, use of grass in lieu of ground cover whenever possible, hardscape access paths or walks, required fencing.

D. Required access and loading/unloading.

1. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with twenty or fewer participants plus one additional vehicle for each additional ten participants served.
2. Access to an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.
3. If bus transportation is to be provided to the facility, then such loading areas shall be designed in a way that will not impair the flow of traffic on abutting streets.

E. Required fencing. All outdoor activity areas shall be enclosed by a fence or wall a minimum of four feet in height, except that a minimum six foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screen shall be provided around all outdoor activity areas immediately abutting a residential property.

F. Hours of operation. Use of outdoor activity areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m. There is no limit on the daily hours of operation, but the facility must not serve any participant on a continuous 24-hour basis.

G. Special provisions for day care facilities in non-residential areas. The City Administrator has the power to require additional fencing, screening and/or other measures deemed necessary to protect the health, safety and welfare of participants using day care facilities in non-residential areas or other high hazard areas, or to deny a request to locate a facility in such areas based on health and safety conditions.

H. Licensure and certification. Adult day cares shall be certified as enhanced or intensive adult day services (ADS) providers by Ohio through the Pre- Admission Screening System Providing Options and Resources Today (PASSPORT) program administered by the Department of Aging, as evidenced by:

1. Each applicant must be a formally organized business or service agency that has been operating and providing services for at least two adults for at least three months at the point of PASSPORT Provider application; and
2. The submission of a copy of an appropriate state certification for issuance of a final (permanent) Certificate of Occupancy.

I. Type of facilities. Adult day cares in non-residential areas shall be located in any medical care facilities or a multi-use facility which is in or connected to a licensed medical environment which meets the applicable state and local building and safety codes.

J. Parking. When an adult day care facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required in compliance with Article 1111 - Parking, Loading, and Drive-Throughs.

1109.07: Financial Establishments

- A. Conditions.** The conditions described below apply to financial establishments in the BRD, MAIN, SH, YEAR, and CCD Districts .
- B. Minimum lot area.** Uses with drive-in facilities shall have a minimum lot area of 30,000 square feet.
- C. Setbacks and screening.** Drive-in windows and lanes shall be located at least fifty feet from any residential property, and a solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to a residential property.
- D. Off-street parking and circulation.**
 - 1. Stacking space for five vehicles shall be provided for every drive-in facility. Stacking spaces shall not block or otherwise interfere with site circulation patterns.
 - 2. Customer and employee parking shall be separated from drive-in activities and customer parking shall be located in the area with highest accessibility to the principal building.
 - 3. The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.
- E. Access and traffic impact.** Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

Merchants for a license, an application for a food truck shall include:

- 1. A site plan showing where the food truck will be parked and operating.
- 2. The dates and hours of operation.
- D. Noise.** No food truck shall utilize sound-amplifying devices within public rights-of-way or on private property in such a manner that causes sound to carry outside of the public right-of-way or onto adjacent private properties.
- E. Overnight parking.** No food truck shall be parked at the location of operation between the hours of midnight to 6:00am.
- F. Lighting.** A food truck may only use lighting that is affixed to the food truck and that does not cause a glare, nuisance, or hazard to the public in the right-of-way or neighboring private properties.
- G. Use of public right-of-way.**
 - 1. No food truck shall have an exclusive right to any location in the public right-of-way.
 - 2. A food truck shall not operate in a congested area where such operation impedes the safe use of public rights-of-way.
 - 3. A food truck shall not be left unattended on a public right-of-way except where it is legally parked.
 - 4. A food truck shall not operate in a location that obstructs pedestrian crossings, bicycle lanes, intersections, driveways, or other vehicular access points.
- H. Temporary license.** An approved zoning permit for a food truck shall specify a time limit within which the food truck may operate. If no time limit is specified, the license shall be effective for no longer than 30 days from the date of issuance.
- I. Waste management.** A food truck shall provide its own waste and recycling containers to collect waste and recyclables generated by the food truck. No hoses or drainage of grease traps of similar liquids shall be drained into any storm water system.

1109.08: Food Trucks

- A. Conditions.** The conditions described below apply to food trucks.
- B. License required.** Each food truck shall obtain a valid license per Chapter 739 – Transient Merchants of the Codified Ordinances of the City of Whitehall prior to operating.
- C. Application requirements.** In addition to other information required in Chapter 739 – Transient

J. Additional restrictions and requirements.

Food trucks shall be subject to the restrictions and requirements of Chapter 739 – Transient Merchants of the Codified Ordinances of the City of Whitehall.

1109.09: Group Homes

A. Conditions. The conditions described below apply to group homes.

B. Maximum occupancy. Class I and Class II group homes shall not serve more than 15 residents at any given time.

1109.10: Home Building Centers

A. Conditions. The conditions described below apply to home building centers.

B. Prohibited operations. A home building center shall not be used for any milling operations including sawing, planning, ripping, shaping, drilling, and/or manufacture of wood products.

C. Prohibited sales. Heavy building material such as brick, concrete blocks, sand, gravel, steel beams, drain tile, large framing lumber, and similar materials shall not be stocked or stored on the premises.

1109.11: Home Day Cares

A. Conditions. The conditions described below apply to home day cares.

B. Location of services. A home day care shall only operate within a building used primarily as a dwelling.

C. Maximum occupancy. A home day care shall have no more than six (6) children present at any given time who are apart from their legal guardians in need of supervision.

D. Employees. Only those individuals who legally reside in the dwelling where the home day care operates may be employed in the home day care.

E. Licensure requirements. Home day care operations shall continuously meet any applicable licensing requirements by the State of Ohio.

1109.12: Large-Scale Assembly

A. Conditions. The conditions described below apply to large-scale assembly uses.

B. Permitted accessory use. Performances are permitted as ancillary to the congregation function of the establishment, including performances for special events, weddings, private parties, and receptions.

1109.13: Live/Work Unit

A. Conditions. The conditions described below apply to live/work units.

B. Prohibited uses. The use of chemicals deemed toxic by the CDC within their toxic chemical classifications is prohibited within a live-work unit. Such classifications include but are not limited to those published by the CDC in their “Toxic Substances Portal,” or as published in the U.S. Consumer Product Safety Commission’s Art and Craft Safety Guide.

1109.14: Maker Space

A. Conditions. The conditions described below apply to maker spaces.

B. Maximum square footage. A building or portion thereof that is used as a maker space shall be no larger than 5,000 square feet.

C. Prohibited emissions. No functions, processes, or uses of a maker space shall emit fumes, noise, dust, or any ambient particulate matter from chemicals.

1109.15: Micro-Brewery or Micro-Distillery

A. Conditions. The conditions described below apply to micro-breweries or micro-distilleries.

B. Maximum product storage. On-site production of beer or liquor shall not exceed 15,000 barrels (465,000 gallons) of beer, or 12,000 gallons of liquor by single-batch production.

1109.16

Motels and Hotels

SPECIFIC USE STANDARDS

- C. Permitted accessory use.** Associated ancillary drinking establishments may be established on-site.

1109.16: Motels and Hotels

- A. Minimum lot area.** Any lot to be used for a motel or hotel shall be at least two acres in area and shall contain at least 1,000 square feet of lot area per sleeping unit.
- B. Setback and screening.** All structures shall be located at least thirty-five feet from any residential property, and a solid fence, wall or hedge six feet in height shall be provided on any side of the site adjacent to a residential property.
- C. Access and traffic impact.** Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

1109.17: On-Site Tobacco and Synthetic Tobacco Consumption Establishment

- A. Hours of Operation.** Operating hours shall be limited to between the hours 8:00 am to 10:00 pm.
- B. Alcohol Consumption.** Alcohol consumption is prohibited on site unless a liquor license is received for the property from the State of Ohio Department of Commerce.

1109.18: Private Garages

- A. Conditions.** The conditions described below apply to private garages.
- B. Residential accessory use.** On a residential lot, a private garage shall only be accessory to, and constructed on the same lot as, a residence building. A private garage is prohibited from being the primary use of a residential lot.

C. Storage and size limitations.

1. A private garage that is accessory to a one-unit dwelling shall not provide storage for more than three motor vehicles and shall not exceed 660 square feet of floor surface, except where a variance is granted by the Board of Zoning and Building Appeals.
2. A private garage that is accessory to a residence having provisions for more than one dwelling unit shall not provide storage for more than two motor vehicles for each dwelling unit for which such residence is arranged or designed.
3. Private garages shall be limited to one per lot.

1109.19: Research and Development Facilities

- A. Conditions.** The conditions described below apply to research and development facilities.
- B. Prohibited use.** A research and development facility shall not be used for the manufacture or sale of products.

1109.20: Senior Assisted Living Facility

- A. Conditions.** The conditions described below apply to senior assisted living facilities.
- B. Age restriction.** Senior assisted living facilities shall serve elderly persons aged 60 or older with their spouses, and/or shall serve persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician.
- C. Minimum number of units.** There shall be a minimum of four dwelling units and/or rooming units to serve residents of the senior assisted living facility.

1109.21: Sexually Oriented Businesses

A. Minimum separation.

1. No sexually oriented business shall be established within 1000 feet of any school, library, or teaching facility, whether public or private, if such school, library, or teaching facility is attended by persons under 18 years of age.
2. No sexually oriented business shall be established within 1000 feet of a public park.
3. No sexually oriented business shall be established within 1000 feet of a residential dwelling of any type.

B. Building design. All building openings, entries, and windows for buildings or tenant spaces that are used by a sexually oriented business shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street.

C. Restrictions on screens and noise. No screens, loudspeakers, or other sound equipment shall be used for sexually oriented businesses that can be seen or discerned by the public from public or semi-public areas.

C. Permitted accessory use. Performances are permitted as ancillary to the congregation function of the establishment, including performances for special events, weddings, private parties, and receptions.

1109.24: Storage or Mini-Warehouse Facilities

A. Minimum lot area. The minimum lot area for a storage or mini-warehouse facility shall be one acre.

B. Setbacks and screening.

1. Structures shall be set back from residential property a minimum of fifty feet.
2. A solid wall or hedge a minimum of six feet in height shall also be provided adjacent to a residential property.

C. Limitations on use. A minimum of one housing unit for a resident manager shall be provided and designed as an integral part of the existing structure or structures or, if designed as a separate structure, shall be built according to commercial building standards.

D. Parking. Parking shall be provided as required in Article 1111 - Parking, Loading, and Drive-Throughs. A minimum of two parking spaces shall be dedicated to the resident manager's unit.

E. Lighting. Exterior lighting shall be a cut off luminaire or shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.

1109.22: Small Light Industrial

A. Conditions. The conditions described below apply to the small light industrial use.

B. Maximum building size. Principal structures that are used as small light industrial shall be no larger than 25,000 square feet per lot.

1109.23: Small-Scale Assembly

A. Conditions. The conditions described below apply to small-scale assembly uses.

B. Maximum square footage. A structure that is used as a small-scale assembly shall be no larger than 15,000 square feet of gross floor area, including related support facilities like kitchens, bathrooms, and storage.

1109.25: Vehicle and Large Equipment Repair

A. Conditions. The conditions described below apply to vehicle and large equipment repair.

B. Screening required. Where vehicles or equipment are stored outside awaiting repair, such areas shall be screened per Article 1114 - Fences, Walls, and Screening.

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Title Four

Generally
Applicable
Regulations

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1110

General Building Standards

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1110.01: Permitted Exceptions to Dimensional Standards

A. Exceptions to building height standards.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit. If the projection is not an architectural feature, any applicable enclosures or shielding must be installed.

B. Permitted encroachments into required setbacks. The following elements may encroach into a required setback:

1. Fences and walls may encroach into a required setback.
2. Sidewalks and driveways may encroach into a required setback.
3. A required buffer yard may encroach into a required setback.
4. Landscaping may encroach into a required setback.
5. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, chimneys, flues, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to three feet into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.

6. Unenclosed patios, decks, terraces or porte-cochère may encroach into a side interior or rear setback, provided that such extension is at least three feet from the vertical plane of any lot line.
7. An awning, canopy or gallery may encroach into a front or side street setback provided that such extension is at least one foot from the vertical plane of any lot line.
8. Front porches may encroach into a front setback provided that such encroachment is no greater than 10 feet from the front building facade, and no closer than five feet from the vertical plane of any lot line.

1110.02: Building Materials

- #### A. Prohibited exterior materials.
- Exterior walls of any proposed new buildings or proposed additions or alterations to existing buildings shall not include exposed concrete masonry units above the ground floor level for elevations that face a non-alley public right-of-way.

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1111

Parking, Loading & Drive-Thrus

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1111.01: Parking Space Count

- A.** The minimum number of provided parking spaces shall be provided per the table below:

TABLE 1111.01 MINIMUM PARKING SPACES		
PARKING	ALL DISTRICTS	MAX. CAPACITY
Residential Uses	1 space per unit	Parking spaces shall not exceed 90% of the maximum per-person capacity of the building or site.
Commercial Uses (Including Office Uses)	0.5 spaces per person at full capacity; or 1 space per 500 GFA, whichever is less	
Industrial Uses	1 space per anticipated employee	
Mixed-Use Building	1 space per 600 GFA	
Public Uses	Decided per administrative approval	

1111.02: Pick-Up and Drop-Off Parking Spaces

- A.** Any use which provides delivery or pick-up of goods or services, or fulfillment of online orders, must designate at least one pick-up/drop-off parking space.
- B.** Where it is anticipated that 50% or more of sales will be generated from pick-up orders, delivery, or the fulfillment of online orders, an additional three pick-up and drop-off spaces must be designated.
- C.** Pick-up and drop-off parking spaces shall be counted within the minimum required parking and must be striped with a different color than other parking spaces, and must be clearly signed and striped to state that they shall be used only for pick-up/drop-off activity. Rideshare vehicles may also utilize pick-up/drop-off parking spaces.
- D.** Pick-up and drop-off spaces shall be the closest parking spaces to the building entrance with the exception of parking spaces for disabled persons.

1111.03

Parking Space Dimensions

1111.03: Parking Space Dimensions

- A. Parking spaces shall be a minimum of 8 feet in width and 16 feet in length.

1111.04: Shared Parking Spaces

- A. Nothing in this chapter shall be construed to prevent the joint use of off-street parking for two or more buildings or uses on the same parcel of land if the total of such spaces, when used together, is not less than the sum of the requirements for the individual uses computed separately.
- B. For mixed-use buildings containing both residential and commercial uses, the City Administrator may permit a reduction of the combined parking requirement by up to 25 percent where the property owner provides written evidence, such as a lease or condominium bylaws, which limits the hours of operation of individual tenants to ensure that peak parking demands do not exceed the number of parking spaces present.
- C. Public on-street parking directly in front of a property's lot line may be calculated toward the minimum required parking spaces.

1111.05: Location of Parking Areas

- A. No parking area may be situated closer to the front lot line than any front-facing exterior wall of any principal structure(s) on the same lot.
 - 1. This provision does not apply to both frontages of through-lots, however, the applicant must demonstrate that as much of the required parking as possible is being located as far as possible from thoroughfares.
- B. For any parking area on a lot without a principal structure, the parking area may not be closer to the front lot line than any front-facing exterior wall of any principal structure on any side-adjacent lot(s). For this requirement, a side-adjacent lot is a lot that abuts the lot in question and fronts the same street or streets as the lot in question.

PARKING, LOADING & DRIVE-THRU

- C. This provision does not prohibit vehicles from parking upon a driveway, even when such driveway is closer to a front lot line than any front-facing exterior wall of any principal structure(s) on the same lot.
- D. Parking may be located off-site as long as it is within 500 feet of an entrance to the building or site and connected by a paved pedestrian walkway.
 - 1. If the off-site parking is not under common ownership with the property for which the parking is provided, then a legal covenant permitting the use of the off-site parking shall be provided to the City.
- E. Any parking area must comply with the required applicable parking setback standards within **Title Two - Districts**.

1111.06: Pedestrian Walkways

- A. Pedestrian walkways must be provided within the vehicle use space of all parking area and drive-thru facilities, as follows:
 - 1. Pedestrian walkways must connect adjacent sidewalks on each street frontage with the entrance(s) of the establishment, and pedestrian walkways must connect parking areas for the establishment's employees and visitors with the entrance(s) of the establishment.
 - 2. The pedestrian walkways must be at least four (4) feet wide and must be unobstructed by vegetation, parking spaces, steps, utility poles, and other permanent objects. On lots with one or more commercial use(s), pedestrian walkways must be at least five feet in width and must be paved with a material that meets or exceeds the Americans with Disabilities Act accessibility requirements.
 - 3. If the pedestrian walkways are abutting or within a vehicle use area, the pedestrian walkways shall be clearly marked and distinguished with reflective pavement markings. Vehicle use lanes within parking areas should be designed to avoid such pedestrian walkways.

4. If a pedestrian walkway is crossed by a vehicle use lane, the pedestrian walkway must be constructed so that its elevation is at least four inches higher than the elevation of the vehicle use lane. To cross such an elevated pedestrian walkway, vehicles must mount the elevated pedestrian walkway via a ramped paved surface with at least a 1:1 rise:run steepness, effectively slowing the vehicles and enhancing pedestrian safety. Alternatively, a speed hump of at least four inches of height can be installed in the vehicle use lane exactly two feet in advance of the pedestrian walkway.

1111.07: Parking Area Surfaces

- A. Parking areas must have improved surfaces that do not contribute dust, gravel, sand, or soil to the air, water, or ground surface outside of the lot.
- B. No vehicle may be parked in a yard or grassy area.

1111.08: ADA Parking Requirements

- A. Nothing in this Zoning Code shall be construed to conflict with the regulations set forth by the Americans with Disabilities Act.
- B. Parking spaces designated and designed for people with disabilities shall be compliant with the universal parking space design set forth in the Americans with Disabilities Act Accessibility Standards, Section 208 and Section 502, which can be reviewed at the following website: [https:// www.access-board.gov/ada/](https://www.access-board.gov/ada/).
- C. All such spaces shall be designated by free-standing signs pursuant to the Ohio Secretary of State guidelines.

1111.09: Parking Lot Landscaping

- A. **Applicability.** All off-street surface parking lots shall comply with the requirements of this section.
- B. **Minimum required landscaping area.** The minimum total of landscaped area in the form of islands, peninsulas, medians, or other planted space shall be 10 square feet per parking space.

C. Design of parking lot landscaping.

1. Landscaping areas shall consist of grass or other living ground cover, deciduous and/or evergreen trees and/or shrubs.
2. Landscaped areas shall be curbed to protect the areas from vehicular intrusion.
3. The minimum landscaped area of any island, peninsula or median shall be 128 square feet with a minimum planting width of eight feet.
4. All required landscaped areas shall be more or less evenly distributed throughout, but the distribution may be adjusted to accommodate existing trees or other natural features.
5. Parking lots with 40 spaces or more shall be designed as a series of smaller units no more than five parking spaces wide, separated by a landscaped island, peninsula or median with at least one tree.
6. A landscaped screening area that is a minimum of five feet in width shall be provided along any side or rear lot line that a parking lot abuts. Screening shall consist of continuous walls, fences, natural vegetation, earth mound or acceptable combination of these elements, provided that screening must be at least six feet high and located not less than three feet from the property line. Fences or walls shall be located not less than 12 inches from the property line.
7. Natural vegetation shall have a minimum opaqueness of 75% during full foliage when viewed from two to five feet from the ground. Full opaqueness shall be achieved not more than three years from planting.
8. The use of year-round vegetation, such as coniferous evergreens, is encouraged.

D. Tree standards for parking lot landscaping.

1. The minimum number of trees shall be one per 75 square feet of required parking lot landscaping area. Trees that are part of a required or provided buffer yard may count towards meeting this minimum.

1111.10

Drive-Thru Standards

2. Each row of 10 or more parking spaces shall be bookended by a landscaping area with a tree.
3. The minimum trunk diameter of any new tree shall be two and one-half (2 ½) inches.
4. Trees shall be located at least four feet from any pavement edge and shall have a clear trunk space of at least four feet above the ground.

- E. Vehicle overhangs.** Parked vehicles may hang over a landscaped area up to two feet. Wheel stops shall be provided to ensure no greater overhang. Where parked vehicles will overhang, a three-foot minimum clearance shall be provided from the edge of pavement to all trees and shrubs.
- F. Coordination with other landscaping requirements.** Where other landscaping is required per Article 1113 - Landscaping, and where such required landscaping meets the standards of this Section 1111.09 - Parking Lot Landscaping, such landscaping may count towards the requirements of this Section.

1111.10: Drive-Thru Standards

- A.** Drive-throughs are permitted only within specific zoning districts as specified in Article 1108 - Comprehensive Use Table.
- B.** All queuing vehicles shall be located on the lot on which the drive-through services are being provided and shall not interfere with the movement of vehicles or pedestrians on public rights-of-way.
- C.** All establishments with drive-throughs must provide a by-pass lane whereby vehicles may exit the lot at any point without proceeding through the drive-through lane.
- D.** Menu boards may not flash or have any visible bulbs. All menu boards must be oriented toward the drive-through aisle that they are serving.
- E.** Drive-through speakers shall not be audible from adjacent properties. Drive-through speakers shall not emit outdoor music.

PARKING, LOADING & DRIVE-THRUS

1111.11: Loading Standards

- A.** The requirements for commercial off-street loading facilities shall be provided in accordance with the following standards for any new structure which requires the receipt or distribution of materials or merchandise by trucks or similar commercial vehicles.
1. All required loading berths shall be located on the same lot as the use served.
 2. Loading facilities shall not be located within 200 feet of a residential structure unless the loading facility is being installed within a mixed-use structure.
 3. No permitted or required loading berth shall be located within 50 feet of the nearest point of intersection of any two streets.
 4. All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements.
 5. Every building having over 5,000 square feet of gross floor area shall be provided with at least one truck loading and unloading space, not less than twelve feet in width, forty feet in length and with fourteen feet clearance. An additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof of gross floor area in the building.
 6. Loading areas may not be located closer to a street or road than the primary structure, with the exception of loading areas on through-lots. Loading areas facing a public street or road on a through-lot must be fully shielded through screening or landscaping.
 7. Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from any right of way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
 8. Loading space as required under this section, shall be provided as an area additional to off-street parking spaces required and shall not be considered as supplying off-street parking space.

1112

Signs

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1112.01: Intent and Purpose

- A. Purpose.** The purpose of this chapter is to regulate all exterior signs to:
1. Protect and preserve safety and promote the public welfare.
 2. Minimize visual clutter and promote desired aesthetics.
 3. Minimize conflicts between advertising signs and traffic control signs and signals.
- B. Intent.** This chapter is intended to regulate the size, location and character of all exterior signs in the City in order to ensure they are:
1. Compatible with their surroundings.
 2. Appropriate to the type of activity to which they pertain.
 3. Expressive of the identity of individual proprietors or of the community.
 4. Legible, clear, and consistent with the sign's physical context.

1112.02: Applicability

- A. Permit Required.** No sign shall be erected, altered , or relocated, and no sign's face shall be changed without an application being made and without a permit being issued by the Building Department.
1. Within 90 days from the effective date of Ordinance 110-71 (passed May 16, 1972), application for permits shall be made for all signs presently erected whether or not a permit has been previously issued.
 2. The application shall be submitted in the same form as that required for a new sign.
 3. If the application is made within the 90 days specified in subparagraph (1). hereof, no additional fee shall be collected.
- B. Compliance.** It shall hereafter be unlawful to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign that is visible from a public right-of-way or an adjacent property, in any zoning district, in the City except in accordance with the provisions of this chapter.
- C. Permit Required.** Unless otherwise provided by this chapter, all signs shall require a zoning permit.
- D. Non-Conforming Signs.** Any sign established prior to the effective date of this code, and which is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of **Section 1121.03 - Nonconforming Signs.**

1112.03: Exemptions

- A.** The following signs do not require a permit; however, they are still subject to any applicable regulations within this chapter.
1. Any sign located entirely within buildings or other structures and/or otherwise not visible from a public right-of-way or adjacent property.
 2. Cornerstone inscriptions or other signs that are part of masonry façades.
 3. Signs of less than one square foot each in sign area, such as religious symbols like crucifixes, security system window or door stickers, identification of store hours, emblems of credit cards accepted, seals indicating membership in business or trade associations, and the like.
 4. Bulletin boards and bulletin board signs, as defined herein.
 5. Signs and/or notices issued by any court, officer, or other person in performance of a public duty.
 6. For the purposes of safety and emergency access, signs indicating the street number of a building or structure are permitted without a zoning permit but shall not exceed three square feet in sign area.
 7. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation.
 8. Any holiday lighting, signs, or related decorations for up to 30 days after an observed holiday or celebration.
 9. Painted signs, decals, or other signs located directly inside or on the window and/or door of the ground floor of a commercial use, if less than 40% of the area of a windowpane, up to a total of two windows.
 10. Door signs if less than three square feet in total area and not more than one sign per door.
 11. Government mandated signs in compliance with the manual of uniform traffic control devices that comply with the requirements of state law for such signs placed or required to be placed by a government entity.
 12. Menu signs/ordering kiosks placed adjacent to a commercial drive through, with a maximum of four such signs per property, so long as any ground-mounted menu sign does not exceed 50 square feet and any wall-mounted menu-sign does not exceed nine square feet.
 13. Small yard signs that are under 24 square feet in surface area and less than five feet in height.
 14. One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed one square foot.
 15. Signs for home occupations that meet the applicable standards of ***Article 1112 - Signs***.
 16. Flags of any fabric or bunting containing colors, patterns, or symbols; attached to a flagpole as a freestanding structure, or a structure attached to a building or to the roof of a building, on a parcel of record and used for the sole purpose of displaying flags, the height of which shall be measured from the average grade.
 17. A-frame or T-frame signs.
 18. Temporary banner sign for identification of a new business for up to 90 days after the business opens after which time a permanent sign must be erected.
 19. One neon (or LED tube or rope lighting resembling neon) window sign not larger than three square feet in total area per individual tenant suite that does not incorporate any blinking.

1112.04: Prohibited Signs

- A.** Balloon or air-activated signs.
- B.** Pole Signs.
- C.** Off-Premises Signs.
- D.** Signs within the right-of-way with the exception of warning signs or traffic safety signs required by public utility providers, by a public transit or transportation agency.
- E.** Dilapidated signs, or signs that are not secure, including sign structures.

- F.** Signs that do not conform to City or State building, fire, or electrical codes.
- G.** Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- H.** Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
- I.** Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this code.
- J.** Vehicle signs include those attached to or placed on a vehicle or trailer, including, but not limited to, vehicle wraps. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment.
- K.** Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way.
- L.** Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign.
- M.** Signs attached to a fire escape or that obstruct any fire escape, any means of egress or ventilation.
- N.** Signs that contain words, pictures, or statements which are obscene, as defined by the Ohio Revised Code Section 2907.01.
- O.** Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- P.** Animated Signs.
- Q.** Beacons and searchlights, except for emergency purposes.
- R.** Except for identification signs on agricultural buildings, no sign or billboard shall be painted or erected directly upon the roof of any building or structure.

- S.** Signs made of cardboard.

1112.05: General Provisions

- A.** Permanent signs shall be constructed in compliance with all applicable regulations of the City or State's applicable building, fire, or electrical codes, as may be applicable.
- B.** No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- C.** No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device.
- D.** No sign shall obstruct or interfere with emergency vehicle movement, ingress or egress from any door, window, or fire escape, nor shall it obstruct or interfere with traffic or traffic visibility or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.
- E.** No part of a sign shall have animation, moving parts, flashing lights or changing colors unless specifically permitted by **Section 1112.07 - Sign Illumination**.
- F.** All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to electronic message centers.
- G.** Unless otherwise specifically stated, all permanent signs hereafter erected, constructed or modified shall be set back no less than 5 feet from all rights-of-way and in all cases shall permit full visibility within the vision triangle as defined herein.
- H.** Signs, sign posts, or sign mounting hardware which are no longer functional, or are abandoned, shall be removed in compliance with the provisions of this code, within 90 days following such dysfunction or abandonment. For purposes of this section, "abandoned" means the owner or user of the sign has completely given up the use of the sign for the purpose it was intended as ascertained by the reasonable investigation and inquiry of the City Administrator.

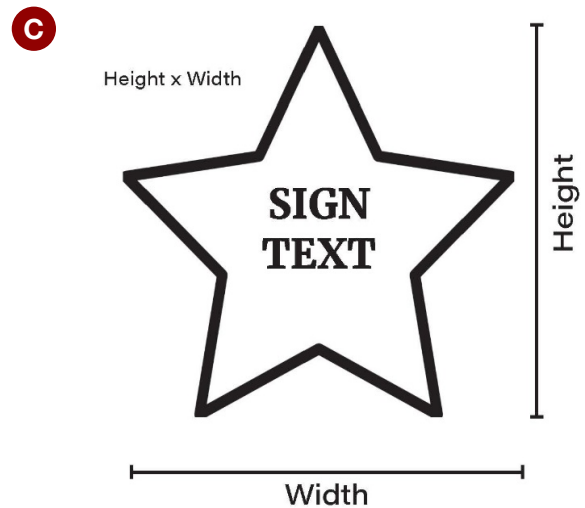
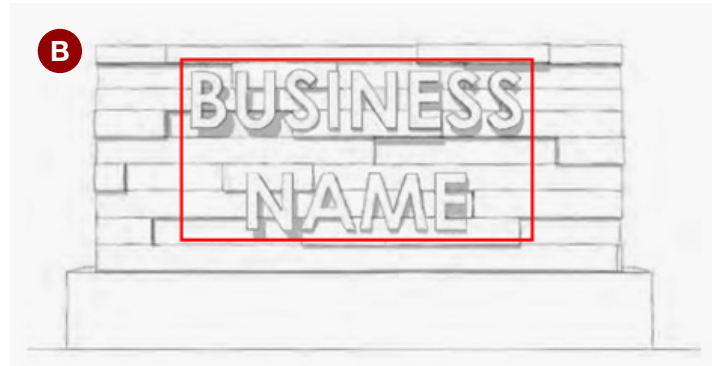
1112.06

Sign Area Measurement

SIGNS

1112.06: Sign Area Measurement

- A.** For signs on a background, the entire area of the framework or background of the sign is calculated as the sign area, including any material or color forming the sign face or background used to differentiate the sign from the sign structure against which it is placed. (See diagram “A” on the right).
- B.** For signs consisting of freestanding letters or features attached to a wall, the sign area is calculated as the smallest rectangle that encapsulates all logos, symbols, and lettering. Sign area does not include any supporting framework or bracing unless such framework or bracing is part of the message or sign face (see diagram “B” on the right).
- C.** For signs that are abnormal shapes, window signs, including neon window signs, the total sign area is measured by multiplying the full width of the overall sign copy, including the lettering, logo, and graphics, by the overall height of the sign copy in a rectangular manner, regardless of the arrangement of the copy (see diagram “C” on the right).
- D.** When two sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time and part of the same sign structure and are not more than 24 inches at its furthest distance apart, the sign area shall be computed by the measurement of one of the faces.



1112.07: Sign Illumination

- A.** The following types of sign illumination are permitted unless otherwise specified within this Article:
 - 1.** Front-lit channel letter signs.
 - 2.** Backlit / reverse-lit / halo-lit channel letter signs, or backlit sign with cutout letters.
 - 3.** External sign illumination.
- B.** All sign illumination shall comply with the following provisions:
 - 1.** Be shielded from all adjacent residential buildings and all streets.
 - 2.** Not have an intensity to cause glare visible to pedestrians or vehicle drivers, nor shall the illumination be of such brightness as to cause reasonable objection from adjacent residential districts.
 - 3.** No illuminated sign shall be permitted if any part of the sign flashes on or off, has lighting that moves or illustrates movement, or displays changing degrees of intensity in illumination. This regulation applies to signs located outside of buildings and to window signs inside buildings that can be seen from the outside. This prohibition on flashing, moving, or intermittent lighting shall not apply to permitted electronic message centers as regulated by **Section 1112.08 - Electronic Message Center (EMC) or Changeable Copy Sign.**
 - 4.** Signs shall not be illuminated in a manner that obstructs traffic control or other public information signs.
- C.** Where permitted, an EMC or Changeable Copy Sign may not comprise more than 25% of the permitted sign area for a given sign.
- D.** Only light emitting diodes (LED) technology or similar quality signs shall be permitted for EMCs.
- E.** Any electronic message center that is located within 300 feet of any residential use shall automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily.
- F.** An electronic message sequence must be accomplished by means of fading or dissolving but shall not scroll, travel or flash. A transition sequence must be completed in no more than one second.
- G.** No portion of any sign may change its message or background in a manner or by a method of display characterized by motion, other than fading or dissolving, or pictorial imagery or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes.
- H.** EMCs shall be designed to display a full black screen, or turn off, in the event of a malfunction.
- I.** Portable electronic message signs are prohibited except for instances of construction or road projects.
- J.** The EMC shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- K.** No EMC shall be permitted to be included as part of any limited duration sign.
- L.** The brightness level shall not increase by more than 0.3 foot candles over ambient levels (or 3.23 lumens per square meter or lux) as measured using a foot candle meter at a pre-set distance.
- M.** The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommend Night-time Brightness Levels for On-Premise EMCs.

1112.08: Electronic Message Center (EMC) or Changeable Copy Sign

- A.** EMCs are permitted only for gas stations and institutional uses.
- B.** A marquee sign may include changeable copy only to advertise events occurring on-site, to be located on the awning portion of the sign.

1112.09: Permanent Signs Permitted for Residential Properties and Residential Subdivisions

A. Sign Illumination. Where illumination is allowed, only external illumination shall be permitted.

B. Signs for individual dwellings.

1. One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed one square foot. Such sign shall not be directly or internally illuminated. A zoning permit shall not be required for this type of sign.
2. For dwellings where a home occupation or bed and breakfast is located, one ground-mounted sign or window sign is permitted per lot with a maximum sign area of two square feet and a maximum height of three feet for ground-mounted signs.

C. Signs at multi-unit buildings and subdivision entrances.

1. Two wall signs or one permanent ground-mounted sign may be permitted at the entrance of any subdivision or multi-unit dwelling development provided that the sign meets the following requirements:
 - a Each sign may have a maximum sign area of 30 square feet.
 - b The sign may only be illuminated through an external light source.
2. Ground-mounted signs must meet the following additional requirements:
 - a A maximum of one ground-mounted sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the City Administrator.
 - b The ground-mounted sign shall not exceed six feet in height.

c The sign shall be set back five feet from the public right-of-way and five feet from any adjacent lot lines.

d If an applicant proposes to use a ground-mounted sign, no wall signs shall be permitted.

3. Wall signs on entry fences or walls must meet the following additional requirements:

- a A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector.
- b The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- c The sign shall be set back five feet from the public right-of-way with no minimum setback required from adjacent lot lines.
- d If an applicant proposes to use wall signs, no ground-mounted sign shall be permitted.

4. Signs for institutional uses in residential districts. Institutional uses shall be permitted the same sign allowance as the INDD District.

1112.10: Permanent Signs Permitted by Zoning District

A. Applicability.

1. Buildings, developments, and subdivisions that are 100% residential within a non-residential district shall be subject to the permanent sign allowances for **Section 1112.09 - Permanent Signs Permitted for Residential Properties and Residential Subdivisions.**

2. Permitted signs by zoning district are divided into freestanding signs and building signs.
 - a A freestanding sign is a ground-mounted monument sign affixed to a freestanding base; the base of the sign shall not be comprised of one or more poles or posts.
 - b A building sign comprises any sign type that is affixed to a building and is not supported by a freestanding base.

- B. The following table displays the permitted signs by zoning district:

TABLE 1112.10 PERMITTED SIGNS BY ZONING DISTRICT	ZONING DISTRICT							USE DEFINITION & STANDARDS
	BRD	MAIN	SD	YEAR	CCD	INDD	MILO	
FREE STANDING SIGNS								
Free-Standing Signs	■	■	■	N/A	N/A	■	■	1112.18 (C)
Changeable Copy (Allowed area no more than 25% of an already permitted freestanding sign)	■	■	■	N/A	N/A	N/A	N/A	1112.18 (C)
BUILDING SIGNS								
Flat Wall Signs	■	■	■	■	■	■	■	1112.18 (A)
Projecting Signs	■	■	■	■	■	N/A	■	1112.18 (B)
Marquee Signs	■	■	■	■	■	N/A	N/A	1112.18 (D)
Window and Door Signs	■	■	■	■	■	■	■	1112.18 (E)
Awning Signs	■	■	■	■	■	■	■	1112.18 (G)
Canopy Signs	■	■	■	■	■	■	■	1112.18 (G)
Roof Signs*	■	■	■	N/A	■	N/A	N/A	1112.18 (F)

■ Permitted

*Permitted only in areas with a setback greater than 40 feet

1112.11

Number of Signs Permitted

SIGNS

1112.11: Number of Signs Permitted

- A. Building Signs.** Two building signs are permitted per unit, which includes individual storefronts within multi-unit commercial buildings.
- B. Free-Standing Signs.** Where freestanding signs are permitted, a property may have one freestanding sign per street frontage.

1112.12: Sign Area

- A. Applicability.** These standards are applicable to signs permitted in Section 1112.10 - Permanent Sign Permitted by Zoning District.
- B. Total Sign Area.** The total area of all signs erected on the lot and building of any single business shall be within the allowable square footages described in the table below:

TABLE 1112.12 SQUARE FOOTAGE ALLOWANCES	
SIGN TYPE	MAXIMUM TOTAL PERMITTED SIGN AREA
Freestanding Sign	<ul style="list-style-type: none"> A freestanding sign setback 75 70 feet or less from a public right-of-way shall not be larger than 40 square feet. A freestanding sign setback greater than 7075 feet from a public right-of-way shall not be larger than 50 square feet. In districts where a free-standing sign is permitted, if a property has a second street- facing frontage, one additional freestanding sign shall be permitted on the side street.
Flat Wall Sign	<ul style="list-style-type: none"> Building Sign Total. The total sign area on each elevation of a building for any single business shall not exceed 1 square foot for each lineal foot of building elevation. If the building setback is greater than 70 feet, an additional half (0.5) of a square foot of building sign shall be allowed for each lineal foot of the building frontage (i.e., 1.5 square feet of sign area for each lineal foot of building frontage). When erected on a multi-story building, an additional 0.2 square feet per foot of building frontage may be added for all stories two or above (i.e. a two story building would be permitted 1.2 square feet of sign area for each lineal foot of building frontage)
Marquee Signs	A marquee sign may not be larger than 160 square feet per each of two sides, to include signage face only, not any constructed awnings that are attached to the sign.
Awning Signs	Signage shall not cover more than 50% of an awning, calculated by adding the area of the valance and the sloping portion, and it may be located on either the valance or the sloping portion of the awning.
Projecting Signs	A projecting sign may not be larger than 10 square feet on each two sides. Every face of a projecting sign shall be considered as a separate sign for purposes of computing the allowable area.
Canopy Signs	A canopy sign shall not exceed the lesser of 2 square feet per lineal foot of building frontage or 24 square feet
Window Signs	A window sign may not exceed more than 40% of the window on which it is affixed but shall not occupy more than two windows.
Roof Signs	The total area of a roof sign shall be limited to a width not to exceed one-third of the width of the building's front façade, which must be parallel to the sign, and a sign height no greater than 6 feet.

1112.13: Permitted Sign Height

- A. Applicability.** These standards are applicable to signs permitted in Section 1112.10 - Permanent Sign Permitted by Zoning District.
- B. Free-Standing Signs.** No free-standing sign shall exceed eight feet in height.
- C. Building Signs.** A building sign may not extend above the roof line of the building on which it is erected, except where specifically permitted in Section 1112.10 - Permanent Sign Permitted by Zoning District.
- D. Roof Sign.** The maximum height of a roof sign shall not exceed six feet above the finished roof line. In no event shall it exceed the height permitted in the district.

1112.14: Sign Location

- A. Applicability.** These standards are applicable to signs permitted in Section 1112.10 - Permanent Sign Permitted by Zoning District.
- B. Flat Wall Signs.** Flat wall signs may be located on the front wall of a building or, when properties have a side street frontage, on the side wall on the secondary frontage – flat wall signs may not protrude more than 24 inches from the wall on which it is affixed.
- C. Marquee Signs.** Signs may be placed on a marquee or may project below the lower edge of a marquee not more than twenty-four inches, but the bottom of a sign placed on a marquee shall be no less than eight feet above the sidewalk or grade at any point.
- D. Projecting signs.** Projecting signs may be located only on the front wall of the building, except in the case of a second frontage allowance.
 - 1. No projecting sign or supporting structure shall project more than forty-two inches from the wall of a building nor be less than ten feet from the ground level at the base of the building nor higher than twenty-five feet from the ground level to the top of the sign on a multi-story building.
 - 2. No projecting sign or supporting structure shall attach to an unbraced parapet wall.

- E. Awning and Canopy Signs.** All components of the awning or canopy shall have a minimum clearance of eight feet from the sidewalk and must be located a minimum of three feet from the closest curb of any street or road.
- F. Roof Signs.** In districts where roof signs are permitted, roof signs shall be allowed only in instances where the front setback is greater than 40 feet.
 - 1. The supporting members of a roof sign shall appear to be an integral and architectural part of the building and any bracing, if required, shall be minimized.
- G. Free-Standing Signs.** All parts of a free-standing sign shall be located five feet or more behind the front property line and elsewhere within building restriction lines as provided for by the Zoning Code and no closer than fifty feet to a residential district.
 - 1. No freestanding sign may be located within 60 feet of any other freestanding sign.

1112.15: Temporary Signs

- A. General standards.** The following standards apply to all temporary signs:
 - 1. Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
 - 2. Temporary signs may be erected up to the maximum applicable time limit as specified in Table 1113.15 – Temporary Sign Allowances.
 - 3. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so that it protrudes above the roofline of a structure.
 - 4. Unless otherwise specifically stated, temporary signs shall not be illuminated.
 - 5. No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.

6. No streamers, spinning, flashing, or similarly moving devices shall be allowed as part of or attachments to temporary signs unless approved through a special event permit.
 7. All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
 8. Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
 9. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.
- B.** Temporary signs in residential zoning districts, on fully residential properties, or in a residential PUD.
1. A zoning permit shall not be required.
 2. Up to a total of 24 square feet of temporary signs are permitted on each lot in a residential zoning district, including any lot in a residential PUD.
 3. The signs are limited to yard signs or banner signs subject to the sign-specific standards in **Article 1112 - Signs.**
 - a. Large yard signs are permitted only on lots larger than one-acre.
 4. The maximum sign area for any individual sign shall be six square feet with a maximum height of four feet.
 5. In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted the same amount of temporary signs permitted on non-residential properties as specified in paragraph C. on the next column.
- C.** Temporary signs in nonresidential zoning districts. The following temporary signs are allowed on any lot in a nonresidential zoning district or in a nonresidential PUD, without time restrictions:
1. A zoning permit shall not be required for temporary signs with the following exception:
 - a. A zoning permit shall be required for any sign over 16 square feet in sign area unless otherwise stated in this section.
 2. Up to a total of 24 square feet of temporary signs are permitted on each lot.
 3. The signs are limited to yard signs or banner signs subject to the sign-specific standards in **Article 1112 - Signs.**
 4. There shall be no more than three temporary signs on a lot at any one time.
 5. Each individual temporary sign shall not exceed the maximum surface area and maximum height established in **Table 1112.15A – Temporary Sign Allowances.**

D. Standards Applicable to Individual Temporary Sign Types

- Table 1112.15 – Temporary Sign Allowances** establishes the total square footage, height, and allowances for each temporary sign type.

TABLE 1112.15 TEMPORARY SIGN ALLOWANCES			
SIGN TYPE	MAXIMUM SIGN AREA (SQUARE FEET)	MAXIMUM SIGN HEIGHT (FEET)	TIME LIMITS
A-Frame or T- Frame Sidewalk Signs (Non-Residential Districts Only)	8	4	Sign may be placed on sidewalk only during the business' hours of operation
Balloon or Air Activated Graphics (Retail and Services Uses Only)	50	12	14 consecutive days, one time per calendar year
Yard Signs – Large (permitted on residential properties greater than one acre and any non-residential property)	24	8	120 consecutive days, once per calendar year
Yard Signs - Small	24	5	90 consecutive days, once per calendar year

E. Additional regulations for A-frame or T-frame sidewalk signs

- The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas.
- If the sign is placed on a sidewalk or walkway, the sign may only be placed where the paved sidewalk or walkway width, not including curb top, is at least six feet wide, maintaining a minimum 36-inch horizontal clearance between the closest point of the sign and any obstructions that are between zero and 80 inches above grade level.
- The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise permanently secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.

- The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- The sign shall be internally weighted so that it is stable and windproof.
- The sign shall only be placed outside during the hours of the establishment's operation.
- Whitehall shall be held harmless from any liability resulting from accident or injury caused by erection and maintenance of such sign.

F. Additional regulations for A-frame or T-frame sidewalk signs

- Banner signs may be attached to a building, fence, or other similar structure.
- The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.
- When a new use is approved for a property, a banner sign may be approved for up to 90 consecutive days to cover the existing permanent signs and provide identification until a new permanent sign has been approved and erected. Such banner sign shall not exceed the sign area allowance of the permanent sign and shall require a zoning permit.

G. Additional regulations for Pennant signs.

- There shall be a minimum separation distance of 40 feet for all pennant signs as measured along the street frontage.
- The signs shall be securely anchored in the ground or within a portable base designed for such function.
- The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height.

1112.16: Sign Permits, Applications, and Fees

A. Applications. Permits may be granted by the Building Department upon application being made and upon the basis of representations made by the applicant with drawings and specifications showing:

1. The design, full dimensions, and locations of the sign.
2. The type and quality of sign materials.
3. The manner of fastening the sign to the support structure.
4. Number, type, and wattage of electric lamps or illuminating tubes and their location on the sign.
5. Approximate weight of the sign.
6. Name and address of the sign owner and property owner.
7. Name and address of the sign erector.
8. Lot location, frontage and depth.
9. Building frontage and setback distance.
10. Total area of all other signs on the premises.
11. Any further requirements established by Council or requirements deemed necessary by the Building Department to satisfy the requirements of this chapter or of the Building Code.
12. Such applications shall be made on blanks furnished by the Building Department, signed by the applicant, and when the applicant is any person other than the owner of the property, the application shall also be signed by the owner of the property or the agent for the owner.

B. Fees. Fees for sign permits shall be established by the City Administrator.

1. **Double fees.** The amount of any and all fees as have been established, shall be doubled if the erection of the sign or supporting structural framework has been commenced before a permit for such work has been obtained from the Building Inspector.

2. **Deposit of fees.** The Building Inspector Department shall deposit fees collected by him in the General Fund of the City.

C. Nullification.

1. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit; or, when a sign and/or sign structure was not used for its intended purpose or otherwise abandoned for a period of six months.
2. A permit may be renewed once and no additional fee shall be collected for one renewal.

D. Permit Exceptions. The following operations shall not require a sign permit:

1. The changing of the advertising copy or message or an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
2. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
3. Signs exempt through Section 1112.03 - Exemptions and window signs are also exempt from permit requirements.
4. Any sign containing less than four square feet of advertising area.

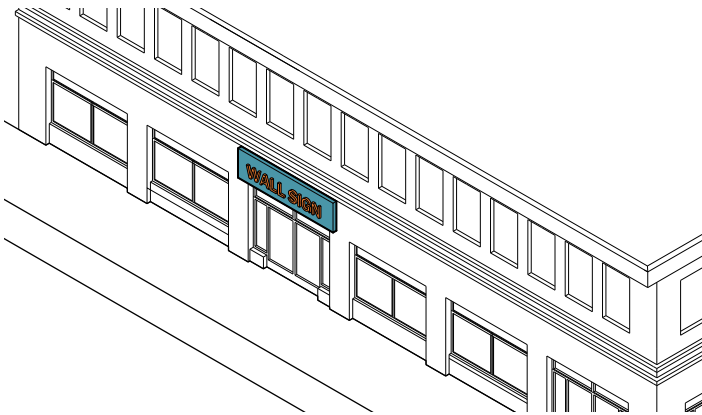
1112.17: Maintenance

- A.** Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of the sign.
- B.** Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, monument, cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.

1112.18: Sign Typologies

A. Flat Wall Signs

1. Typical Lot Configuration



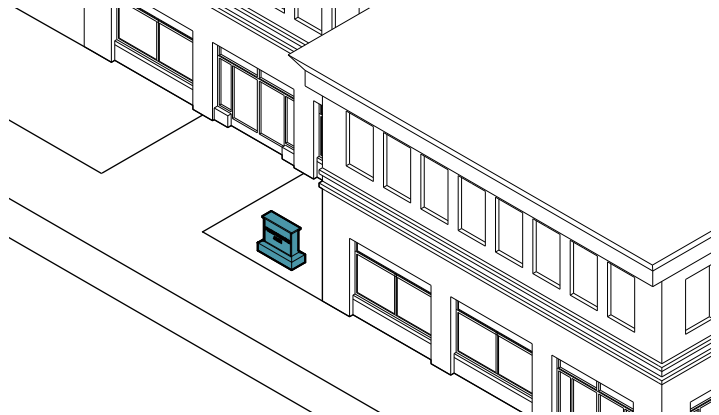
Note: image is illustrative, not regulatory.

2. Description

A sign attached flat or mounted parallel to the facade of a building that identifies a commercial establishment. Wall signs are intended to be viewed by pedestrians on the opposite side of street.

C. Free-Standing Signs

1. Typical Lot Configuration



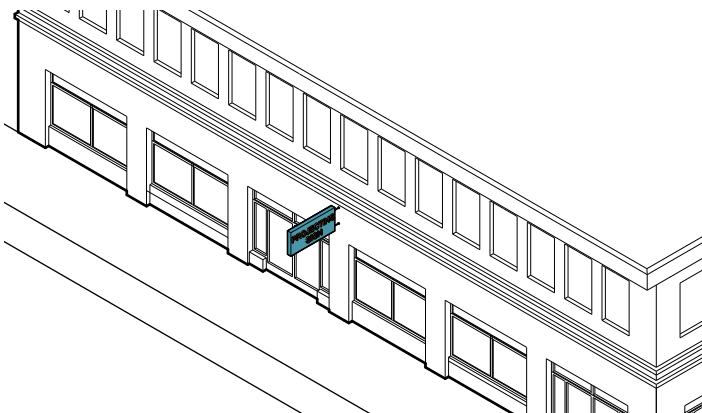
Note: image is illustrative, not regulatory.

2. Description

A sign supported permanently upon the ground by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs are meant to be viewed by pedestrians from a distance and motorists passing by.

B. Projecting Signs

1. Typical Lot Configuration



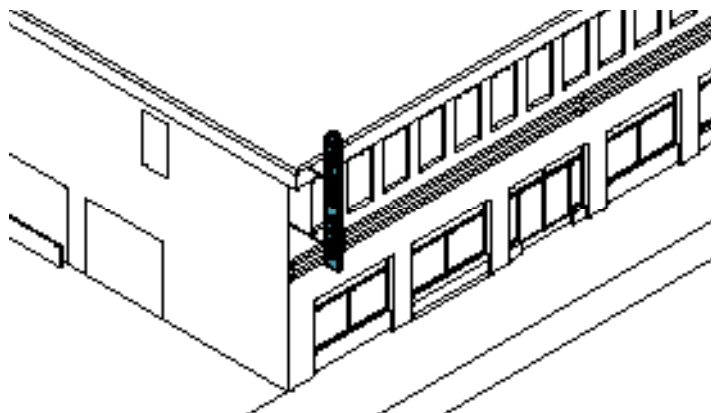
Note: image is illustrative, not regulatory.

2. Description

A small, two-sided, non-illuminated sign that is attached to and projecting perpendicularly from the facade of a building that identifies a commercial establishment. Projecting signs are intended to be viewed by pedestrians on the same side of the street.

D. Marquee Sign

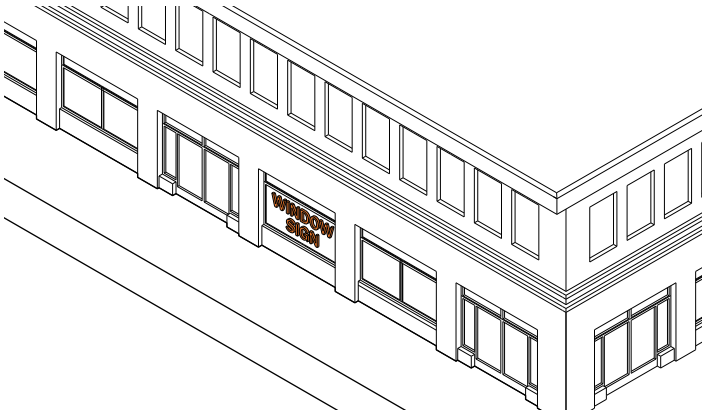
1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

E. Window and Door Sign**1. Typical Lot Configuration**

Note: image is illustrative, not regulatory.

2. Description

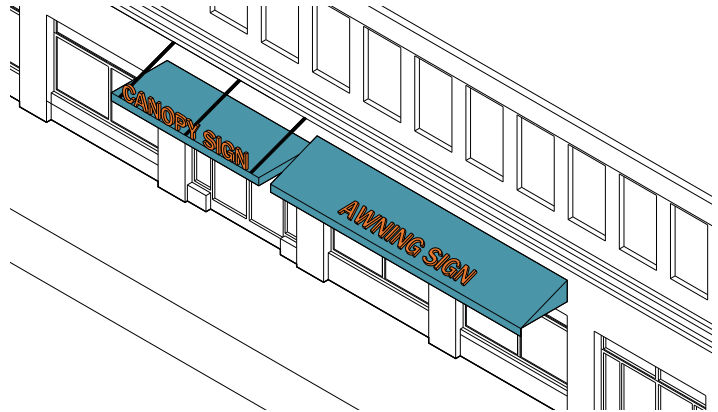
Individual letters, numerals, or a logo applied directly to the inside of a window or door to identify a commercial establishment. Window and door signs are intended to be viewed at close range by pedestrians.

F. Roof Signs**1. Typical Lot Configuration**

Note: image is illustrative, not regulatory.

2. Description

A sign erected on the roof or mounted to the uppermost horizontal architectural band of a building to identify the name of the building or primary tenant. Roof/skyline signs are intended to be viewed by pedestrians and motorists from a distance and serve as an icon for the building.

G. Awning or Canopy Sign**1. Typical Lot Configuration**

Note: image is illustrative, not regulatory.

2. Description

A sign that is painted, screen printed, sewn, or adhered onto the surface of an awning or attached above, below, or to the face of an entry canopy that identifies a commercial establishment. Awning/canopy signs are intended to be viewed by pedestrians on the opposite side of street.

1113

Landscaping

Sections

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1113.02: Credit for Mature Trees Retained.....	4-21
1113.03: Street Tree Requirements	4-22
1113.04: Foundation Landscaping Requirements.....	4-22
1113.05: Buffer Yard Requirements	4-23

1113.01: General Provisions

- A. Applicability.** The provisions of this Chapter apply to the following types of development:
1. Construction of a new residential subdivision (eight housing units or more).
 2. Construction or expansion of a residential multi-unit development.
 3. Construction or expansion of institutional uses.
 4. Construction or expansion of commercial uses.
 5. Construction or expansion of industrial uses.
- B. Parking lot landscaping.** Landscaping is required for parking lots per **Section 1111.09 - Parking Lot Landscaping**. Where landscaping required by that section overlaps with and meets the landscaping standards of this section, such landscaping may count towards the requirements of this section.
- C. Required landscaping.** For any applicable development types, such development shall provide:
1. Street trees per Section **1113.03 - Street Tree Requirements**.
 2. Foundation landscaping per **Section 1113.04 - Foundation Landscaping Requirements**.
 3. Buffer yards per **Section 1113.05 - Buffer Yard Requirements**.

- D. Overlapping landscaping requirements.** Where required foundation landscaping and required bufferyards overlap or would abut one another, any provided landscaping, screening, and buffering may be counted towards both requirements, provided that all minimum standards are met. For example, if a development would require a 10' wide planting strip with two trees along the street frontage and a 30' wide buffer yard with 14 trees in the same location, the development may only provide a 30' wide buffer yard with 14 trees to satisfy both requirements.
- E. Minimum figures round up.** Where any calculated figure for a minimum requirement is not a whole number, the calculation will be rounded up to the next whole number. For example: if one new tree is required for every 33' of lot frontage along a street, then two new trees would be required for a lot that has 34' of frontage along a street.

1113.02: Credit for Mature Trees Retained

- A. Credit for retained mature trees.** For any given property, each mature tree that is at least eight inches in diameter at breast height, that is protected from construction activities, and that is retained onsite shall reduce the minimum required new tree plantings by three new trees. For example, if a development would be required to plant 10 trees but retains two mature trees over eight inches in diameter at breast height, the minimum required new tree plantings would be reduced from 10 new trees to four new trees.

1113.03: Street Tree Requirements

- A. Minimum street tree plantings.** Subject to the applicability standards of this Chapter, new construction where a building has a frontage along a street greater than 40 feet shall provide one street tree per 40 feet of building frontage.
- B. Minimum spacing.** The minimum spacing between tree trunks shall be no less than the minimum recommended spacing per tree species.
- C. Location of tree plantings.** Any trees planted towards the requirements of this section shall be located within 500 feet of the subject property.
- D. Credits and reductions.** The street tree requirements shall be considered partially or fully met, depending on the number of required street trees, in any of the following situations:
1. The public right-of-way within 500 feet of the subject property already has sufficient trees to meet these requirements.
 2. Along the applicable street frontage, the subject property provides foundation landscaping (per [Section 1113.04 - Foundation Landscaping Requirements](#)) or a buffer yard (per [Section 1113.05 - Buffer Yard Requirements](#)) that contains enough trees.

3. The public right-of-way within 500 feet of the subject property does not physically have enough room for additional trees at the time of application and upon determination by the Whitehall Service Department.

1113.04: Foundation Landscaping Requirements

- A. Minimum foundation landscaping requirements.**
1. Applicable development types shall provide foundation landscaping per the standards of [Table 1113.04 – Foundation Landscaping Requirements](#).
 2. These standards shall apply to all front yards and/or street-facing yards. (E.g., corner lots and double-frontage lots shall have two sets of foundation landscaping required.)
- B. Small setback exemption.** Any buildings that provide a front yard setback of 10 feet or less are exempt from the foundation landscaping requirements of this section.
- C. Decorative solid masonry wall exemption.** Any properties that provide a decorative solid masonry wall along their street frontage(s) shall be exempt from providing foundation landscaping in the areas of the decorative masonry wall.

TABLE 1113.04 FOUNDATION LANDSCAPING REQUIREMENTS

STANDARD	DEVELOPMENT TYPE			
	NEW RESIDENTIAL SUBDIVISION	MULTI-UNIT DEVELOPMENT	COMMERCIAL USES (UNDER 25,000 S.F. GFA), AND INSTITUTIONAL USES	COMMERCIAL USES (25,000 S.F. GFA OR MORE), AND INDUSTRIAL USES
Minimum Street Frontage Landscaping ¹	3-foot-wide planting strip	5-foot-wide planting strip	10-foot-wide planting strip	15-foot-wide planting strip
Minimum Non-Tree Planting Specifications ²	Native plants at recommended spacing	Shrubs, flowers, and long grasses	Shrubs, flowers, and long grasses	Shrubs, flowers, and long grasses
Minimum Tree Planting Specifications	One shade tree per street frontage	One shade tree or evergreen tree per 100 feet of building foundation along street frontage	One shade tree or evergreen tree per 100 feet of building foundation along street frontage	One shade, ornamental, or evergreen tree per 40 feet of building foundation along street frontage

GFA = gross floor area s.f. = square feet

¹ Applies to the full length of the foundation that faces a street.² Spacing of any plant shall not exceed the recommended spacing.

1113.05: Buffer Yard Requirements

A. Buffer yard required. Applicable development types shall provide a buffer yard type per Table 1113.05B – Required Buffer Yards, which shall meet the associated specifications of Table 1113.052A – Buffer Yard Specifications.

B. Exemption for certain commercial properties. Where a major commercial use is proposed, if the difference between an abutting minor commercial use and the proposed major commercial use is less than 10,000 square feet of gross floor area, then a buffer yard is not required between those uses or properties.

C. Buffer yard locations. Except for within applicable residential subdivisions:

1. Buffer yards are required along the full length of shared lot lines that separate different district(s) or use(s) per Table 1113.05B – Required Buffer Yards.
2. Buffer yards are not required along lot lines that abut a public right-of-way.

TABLE 1113.05A BUFFER YARD SPECIFICATIONS

BUFFER YARD SPECIFICATIONS	BUFFER YARD TYPE		
	SMALL	MEDIUM ¹	LARGE ¹
Minimum Width	20'	30'	40'
Minimum Canopy or Evergreen Trees	1 per 33' of lot frontage	1 per 25' of lot frontage	1 per 20' of lot frontage
Minimum Ornamental Trees	1 per 50' of lot frontage	1 per 33' of lot frontage	1 per 25' of lot frontage
Minimum Shrubs	1 per 10' of lot frontage	1 per 7' of lot frontage	1 per 5' of lot frontage

¹ The minimum width of a medium or large buffer yard may be reduced by 10 feet where a 6-foot-tall high-quality fence of wood or masonry is constructed within the required buffer yard area. The remaining balance of required buffer yard (and associated landscaping) must be installed on the street-facing or adjacent-property-facing side of the fence.

TABLE 1113.05B REQUIRED BUFFER YARDS

DISTRICT OF ADJOINING PROPERTY	DISTRICT WHERE DEVELOPING USE/CONSTRUCTION IS LOCATED			
	MUR / STUR	BRD / MAIN / SH / CCD / YEAR	INDD / MILO	ID
MUR / STUR	N/A	Small	Medium	Large
BRD / MAIN / SH / CCD / YEAR	Small	N/A	Small	Medium
INDD / MILO	Medium	Small	N/A	Small
ID	Large	Medium	Small	N/A

D. Residential subdivision buffer yards. For applicable residential subdivisions, a 20-foot-wide buffer yard shall be constructed around the perimeter of the development wherever such edges of the development abut a public right-of-way, irrespective of whether front, side, or rear yards abut the thoroughfare. Such buffer yards shall be located within common areas and not on an individual lot or lots.

E. Substitution for berms. Undulating mounds or berms may be substituted for a required buffer yard provided:

1. Mounds or berms shall be a minimum height of six feet.
2. The crown width of the mounds or berms shall be a minimum of two feet.
3. The side slope of the mounds or berms shall be no greater than three feet horizontal to one foot vertical.
4. Mounds or berms shall be planted and covered with live vegetation.
5. One tree shall be planted on the mounds or berms for every 40 feet in length.

1114

Fences, Walls, & Screening

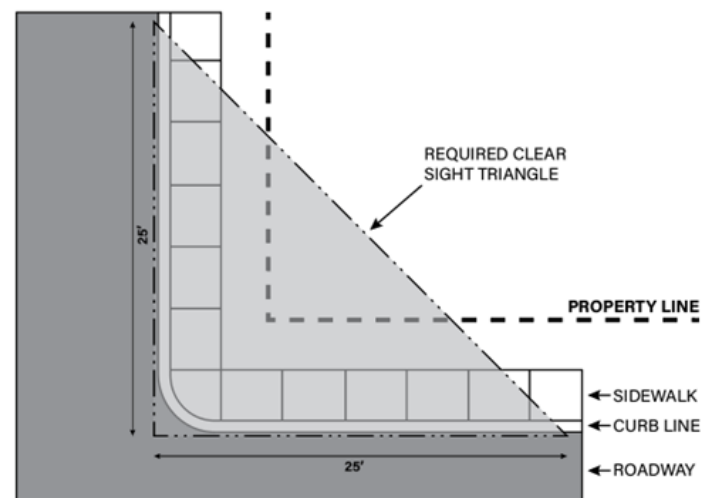
Sections

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1114.02: Permit Requirements	4-26
1114.03: Fence and Wall Material and Design	4-26
1114.04: Fence and Wall Heights	4-26
1114.05: Required Fences and Walls	4-27

1114.01: General Provisions

- A. Permit required.** A zoning permit is required for any fence, wall, or screening unless explicitly exempted within this Code.
- B. Exemptions from permit.** The following types of work do not require a zoning permit:
1. Any retaining wall which is less than three feet high.
 2. Repair or replacement of any legally established fence or wall, not including any posts, in the same location with the same materials and dimensions.
- C. Clear sight triangle at intersections.** On any corner lot or lot that is near the intersection of two public rights-of-way that are paved for vehicular use, no fences, walls, or other screening shall obstruct vision at or above three feet from the curb level within the triangular area that includes a 25-foot line drawn along each curb line with the end points connected, and shown in Figure 1114.01 – Clear Sight Triangle.

FIGURE 1114.01 CLEAR SIGHT TRIANGLE



1114.02

Permit Requirements

FENCES, WALLS, & SCREENING

1114.02: Permit Requirements

- A. Required submittals.** A complete zoning permit application for a fence, wall, and/or screening shall include, in addition to the printed name, mailing address, and signature of the property owner, a site plan with the following information:
1. The shape and listed dimensions of the subject property.
 2. The location of any buildings on the subject property.
 3. The locations and listed heights, lengths, and materials of the proposed fence, wall, or screening, including posts .
 4. The location of any abutting City rights-of-way.
 5. Any recorded easements on the subject property.
- B. Fees.** The City may impose an application fee for certificates and permits per **Chapter 1303 – Administration and Permits** of the Codified Ordinances of the City of Whitehall, Ohio, as may be amended.

1114.03: Fence and Wall Material and Design

- A. Permitted materials.**
1. Fences and walls in any district shall be constructed of wood, vinyl, vinyl-clad material, metal (excluding chain link), iron, stone, concrete block, and/or brick.
 2. In addition to other permitted types of fences and walls, fences in the Industrial District (INDD) may be constructed of chain link.
- B. Prohibited materials.** No fence or wall shall have wire, corrugated metal, metal prongs, spikes, slats, cutting points, or edges such as barbed wire. No fence or wall shall be electrified. No fence shall use or incorporate wood pallets or materials arranged in a manner that resembles wood pallets. Any fence constructed of material or a combination of materials not in conformance with this code shall be prohibited.

C. Post spacing.

1. Chain link fences, which are only permitted in the Industrial District (INDD), shall have posts installed no less than 24 inches apart into the ground, embedded in concrete .
2. For all other fences that require posts, such posts shall be installed no less than 34 inches in the ground, embedded in concrete.

- D. Design of fencing.** All fence posts and/or related supporting members of a fence shall be installed to face inside the property that is constructing the fence. The finished side of the fence shall face out towards the adjacent property and/or public right-of-way.

1114.04: Fence and Wall Heights

- A. References to district types.** For the purposes of this section, references to a type of district shall include the following districts, in addition to any new or amended districts that are similarly categorized:
1. “Residential districts” may refer collectively or individually to Single and Two-Unit Residential District and Multi-Unit Residential District.
 2. “Corridor districts” may refer collectively or individually to Broad Street District (BRD), Main Street District (MAIN), South Hamilton District (SH), Yearling Road District (YEAR), or Community Crossroads District (CCD).
 3. “Employment districts” may refer collectively or individually to Military/Office District (MILO) or Industrial District (INDD).
 4. “Special districts” may refer collectively or individually to Existing Planned Unit Developments (PUD) or Flood Plain District (FP).

TABLE 1114.04 FENCE AND WALL HEIGHTS

HEIGHT STANDARDS ¹	TYPE OF DISTRICT			
	RESIDENTIAL DISTRICTS	CORRIDOR DISTRICTS	EMPLOYMENT DISTRICTS	SPECIAL DISTRICTS
Front Yard (Maximum)	4 feet ²	Not permitted	Not permitted	4 feet ²
Side Yard (Maximum)	4 feet	8 feet	8 feet	4 feet
Rear Yard (Maximum) ³	6 feet ³	8 feet ³	8 feet ³	7 feet ³

¹ These standards may be modified by other provisions within this Section.

² Such fences shall not be more than 50% opaque when viewed perpendicular to a length of the fence.

³ Where a rear yard abuts a front yard and/or side yard of an adjacent property, the maximum height of the rear yard fence shall not exceed the maximum permitted height of the front and/or side yard fence along shared property lines.

1114.05: Required Fences and Walls

A. Required fencing for certain commercial uses.

Where a commercial use abuts a residential use, the commercial use shall construct a six-foot-tall opaque fence for the entire length of the shared property line(s) that are not within a front yard. Such a fence may be incorporated into any required buffer yard or perimeter landscaping requirements, provided any applicable requirements are met.

B. Accessory uses.

In all districts, the following accessory uses shall be screened to shield their direct view from 6' above grade level from an adjacent public right-of-way or an abutting property:

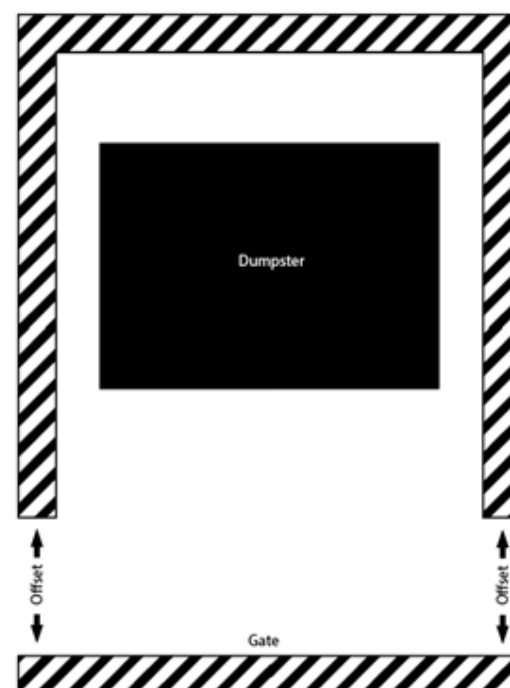
1. Prefabricated storage sheds.
2. Satellite dish (or similar) antennas or receivers.

C. Dumpsters and storage areas.

1. All dumpsters and storage areas shall be screened on three sides by a continuous edge of a building, solid fence, solid wall, or combination that is a minimum of one foot taller than the dumpster or the material within the storage area to be screened. The fourth side shall also be a building edge, solid fence, or solid wall and may include an opaque gate.
2. The fourth side of the enclosure for a dumpster or storage area may be offset up to five feet from the other sides to provide pedestrian access without requiring the operation of a gate, as shown in *Figure 1114.05 – Dumpster Enclosure*.

3. Any provided fences, walls, and gates that enclose a dumpster or storage area shall not be made of concrete masonry units and shall not be taller than eight feet. This provision shall not be construed to limit the height or materials of a building.
4. Where the minimum required height of a fence, wall, or gate enclosing a dumpster or storage area would exceed the maximum height permitted in *Table 1114.05 – Fence and Wall Heights*, the minimum height described herein shall be the maximum permitted height.

FIGURE 1114.05 DUMPSTER ENCLOSURE



1114.05

Required Fences and Walls

FENCES, WALLS, & SCREENING

- D. Swimming pools.** To prevent uncontrolled access from children or pets, all swimming pools shall be fully enclosed by a continuous fence, wall, building, or combination that is not less than four feet tall at any given point and maintained in good condition with a gate and lock. A swimming pool that is entirely within a secured building shall not require any additional fence or wall.
- E. Wireless Telecommunication Facilities.** Regardless of the use of surrounding or abutting properties, all wireless telecommunication facilities and equipment shelters that do not meet the definition of a small cell facility shall be enclosed by a continuous solid fence or wall that is a minimum of six feet tall. A fence or wall shall not be required if the wireless telecommunication facility is located on a rooftop where access to the roof or building is secure.

1115

Outdoor Lighting

Sections

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1115.01: Purpose and Applicability

A. Purpose. The purpose of these standards for outdoor lighting is to accomplish the following:

1. Manage and/or limit outdoor lighting to prevent light pollution, light trespass, and glare.
2. Conserve energy and protect natural resources.
3. Facilitate safety and security of persons and property.

B. Applicability. The lighting standards herein shall apply to the following:

1. All exterior lighting fixtures that are installed within the City, unless expressly exempted herein.
2. Streetlights installed prior to the effective date of this Article shall be replaced with compliant light sources when the streetlight becomes inoperable.
3. All established exterior lighting fixtures that are replaced on or after the effective date of this Article.

C. Exempted fixtures. The following types of lighting are exempt from the standards of this Article:

1. Lighting approved through and as part of federally funded and state-funded roadway construction projects, only to the extent that is necessary to comply with federal and state requirements.

2. Full cutoff street lighting that is part of a federal, state, or municipal installation.
3. Holiday lighting and other seasonal illuminated decorations that are not in use for more than 75 consecutive days.
4. Specialized lighting necessary for safety, such as navigation or runway lighting of airports, temporary lighting associated with emergency operations, or roadway hazard warnings.
5. Traffic control signals and devices.
6. Lighting of the United States flag pursuant to U.S. Flag Code guidelines.
7. Motion-activated, intermittent home security lighting within residential districts.

1115.02: Lighting Standards**A. Prohibited light features and elements.**

1. All light trespass, lighting that spills over property lines and exceeds an average intensity of one-half footcandle along the property line, onto residentially zoned property is prohibited.
2. In all districts except residential districts, accent lighting shall not be directed upward into the sky or onto adjacent properties. Emissions from accent lights shall not be visible above the roofline of the associated building or the tallest point of the associated structure.
3. Strobe and/or flashing lights are prohibited.

B. Lighting fixture design requirements.

1. All area lights, including street lights and parking area lights, shall be full cut-off fixtures.
2. In all districts except residential districts, accent lighting shall be directed downward onto the illuminated object or area.
3. Canopy lights shall be recessed sufficiently so that no light spills onto adjacent property or rights-of-way.
4. Illumination levels and uniformity ratios shall be in accordance with current recommended standards set by the Illumination Engineering Society of North America (IESNA).
5. All non-essential exterior commercial and residential lighting shall be turned off after business hours or when not in use.
6. Sports fields and other outdoor recreation facilities shall use full cut-off fixtures unless it is demonstrated that such fixtures prevent the safe operation of the activity, including but not limited to baseball, softball, and football. For such facilities, partially shielded exterior light fixtures may be used and shall be turned off between the hours of 10:00pm and 6:00am.
7. Security lighting shall include full cut-off fixtures, that are shielded and aimed so that illumination is directed to the designated areas.

8. The height of parking lot lighting shall not exceed 22 feet and shall be black in color.
9. Exterior building illumination shall be from concealed sources.
10. When indirectly lighting a ground sign, the light source shall be screened from direct view by motor traffic.

C. Sign lighting. Illumination and lighting of signs is subject to the provisions of **Article 1112 - Signs**.

1116

Accessories

Sections

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1116.02: Accessory Uses.....	4-31
1116.03: Accessory Structures	4-33

1116.01: General Provisions

A. Classifying Accessory Uses and Buildings.

Accessory uses and accessory buildings are defined in the Definitions section of this Zoning Code. Where a given use or structure or a proposed use or structure does not clearly meet the definition of a primary use, accessory use, primary structure, or accessory structure, the City Administrator shall classify the use or structure based on, as appropriate:

1. Information provided by the property owner, including the contents of a zoning permit application.
2. Signage located on the property.
3. Signage that identifies the property.
4. The operation of similar uses and their common association with other uses.
5. The size of a structure (including footprint area and height) in relation to the size of other structures on the same property.
6. The location of a structure in relation to the location of other structures on the same property.

B. Zoning Permit Required. Unless explicitly exempted, a Zoning Permit is required to establish, construct, or operate an accessory use and/or accessory structure.

C. Conflict with Other Sections. The standards within this Section control unless a separate standard within this Zoning Code explicitly changes these provisions.

1116.02: Accessory Uses

A. Location. Accessory uses shall be located on the same property as the associated primary use.

B. Permitted uses and size. Any use permitted within the given district shall be permitted as an accessory use so long as it is subordinate to the primary use in total gross floor area devoted to the accessory use.

C. Operation. Accessory uses must continuously meet the definition of an accessory use. Should a change in operation cause the accessory use to meet the definition of a primary use, a new Zoning Permit shall be required.

D. Home occupations as accessory uses. Home occupations may be permitted as accessory to a residential dwelling under the following conditions:

1. The home occupation shall be carried on solely within the property of the residential dwelling and may be within the primary structure or within an accessory structure.
2. The home occupation shall occupy no more than 20% of the total floor area of the dwelling unit or 50% of the total floor area of the accessory structure within which the home occupation is operated.
3. No more than three non-resident employees shall work on said premises.
4. Services may be rendered on the premises or elsewhere.
5. No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses outside of the subject property of the home occupation.
6. All activities, materials, and equipment associated with the business shall take place or be stored within an enclosed building.
7. No equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances that are used off the subject property, nor cause fluctuation in line voltage off the subject property.
8. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
9. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Franklin County Public Health and do not create a burden on adjoining property.

E. Solar facilities as accessory uses - generally.

1. Freestanding and roof-mounted solar panels or solar panel arrays shall be considered a permitted accessory use in all zoning districts in the City, subject to the regulations set forth below.
2. Solar panels or solar panel arrays shall comply with all applicable building and electrical codes and, except as otherwise provided herein, comply with the zoning regulations for the district in which they are to be installed.
3. A zoning permit shall be required for freestanding solar panels or ground-mounted solar panel arrays.

F. Roof-mounted solar facilities. Roof-mounted solar panels or solar arrays shall conform to the following:

1. **Roof Line.** A roof-mounted solar panel or solar panel array shall not be located so that it extends beyond the roof line in any direction including above and beyond the roof peak.
2. **Roof Height Projection.** When located on a flat roof, solar panels or solar panel arrays shall not be project vertically more than ten feet from the surface of the flat roof. For purpose of this subsection, "flat roof" shall mean any roof that is less than 17 degrees or 2/12 pitch.
3. **Glare.** Roof mounted solar panels or solar panel arrays shall not be positioned so as to create glare on to adjacent roads, buildings, lots, or rights-of-way.

G. Freestanding solar facilities. Free-standing solar panels or solar arrays shall conform to the following:

1. **Location:** Freestanding solar panels or solar panel arrays shall not be located in front of any principal building and shall not project past the width of the principal building.
2. **Height:** The maximum height for any freestanding solar panel or solar panel array shall be the maximum height of an accessory structure in the base zoning district in which the solar panel or solar panel array is located.

3. **Glare:** Freestanding solar panels or freestanding solar panel arrays shall be located so as not to create glare onto adjacent roads, buildings, lots, or rights-of-way.
4. **Lot Coverage:** The maximum lot coverage for any freestanding solar panel or freestanding solar panel array shall be 10% of the total lot area with the lot coverage being determined based upon the area of the face of the solar panels.
5. **Screening:** All freestanding solar panels or freestanding solar panels with a ground storage battery shall secure such battery with a secure cover.
6. **Wind Resistance:** All freestanding solar panels and freestanding solar panel arrays shall be able to withstand velocities of no less than 110 miles per hour.

1116.03: Accessory Structures

- A. **Exempt from Zoning Permit.** Accessory structures that have a footprint area of less than 100 square feet and that are not located in a front yard are exempt from requiring a zoning permit. This provision shall not be construed to exempt signage from requiring a zoning permit.
- B. **Location and design.** Accessory structures shall meet the following standards:
 1. Accessory structures shall not be located in a front yard.
 2. Accessory structures shall not exceed the height or footprint area of the primary structure on the same property.
 3. Accessory structures shall observe the same setback requirements that apply to primary structures on the subject property unless explicitly exempted in **Section 1110.01 - Permitted Exceptions to Dimensional Standards.**
- C. **Signage.** Signage on accessory structures is subject to the applicable provisions of **Article 1112 - Signs.**

- D. **Parking.** Parking that is associated with accessory structures is subject to the applicable provisions of **Article 1111 - Parking, Loading, and Drive-Throughs.**
- E. **Specific to accessory dwelling units.** An accessory dwelling unit may only be constructed on a lot with a legally existing principal residential use, and it shall comply with the following:
 1. An ADU shall not be located any closer to any public right-of-way than the main building.
 2. An ADU shall satisfy the side and rear setbacks for the applicable zoning district.
 3. An ADU shall not exceed 50% of the size of the primary dwelling unit.
 4. An ADU shall not exceed the lesser of (a) the height of the primary dwelling unit or (b) the maximum permitted height of the district standards.
 5. An ADU shall have exterior finish materials that are compatible with the primary dwelling unit.
 6. An ADU shall be allowed one entrance, which is to be located on the primary façade facing the street.

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1117

Manufactured or Mobile Homes

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1117.01: Prohibited Development

- A. Manufactured or mobile homes prohibited.**
Manufactured homes, mobile homes, or similar portable residential structures are prohibited within the City.
- B. Manufactured or mobile home park.** Manufactured or mobile home parks, also known as trailer parks, are prohibited within the City.

1117.02: Nonconforming Dwellings

- A. Legally established dwellings.** Legally established nonconforming dwellings shall be subject to the provisions of ***Title Five - Nonconformities***.
- B. Illegally established dwellings.** Nonconforming dwellings that are not legally established shall be brought into compliance or shall be removed.

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1118

Telecommunications

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1118.01: Purpose

The purpose of this Code is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, the purposes of the Code are:

- A.** To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City.
- B.** To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.
- C.** To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.
- D.** To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- E.** To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, and adequately constructed or modified, appropriately maintained, and fully removed upon abandonment.

- F.** To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
- G.** To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

1118.02: Applicability

- A. Applies to all telecommunications.** All towers, antenna support structures, and wireless telecommunication facilities, any portion of which are located within the City, are subject to this Code.
- B. Nonconforming telecommunications.** Except as provided in this Code, any use being made of an existing tower or antenna support structure on the effective date of this Code shall be deemed a nonconforming structure and shall be allowed to continue, even if in conflict with the terms of this Code.

1118.03: General Standards

- A. Construction standards.** All wireless telecommunication facilities and support structures shall be certified by an engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- B. Natural resource protection standards.** The location of the wireless telecommunication facility shall comply with all natural resource protection standards established either in this Zoning Code or in other applicable regulations, including those for flood plains.
- C. Color and appearance standards.** All wireless telecommunication facilities shall be painted a non-contrasting gray or a similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the City.
- D. Advertising prohibited.** No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.
- E. Artificial lighting restricted.** No wireless telecommunication facility shall be artificially lit except as required by the Federal Aviation Administration.
- F. Co-location.** All wireless telecommunication facilities shall be subject to the co-location requirements set forth in **Section 1118.04 - Co-Location Requirements**.
- G. Abandonment.** All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in **Section 1118.10 - Abandonment and Termination of Use**.
- H. Setback from edge of roof.** Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one foot from the edge of the roof for each one foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two inches in thickness mounted to the sides of antenna support structures and do not protrude more than six inches from the side of such an antenna support structure. This requirement is subject to change by the

City upon the review of the photo simulation provided in compliance with **Section 1118.11 - Application and Review Requirements**.

- I. Security enclosure required.** All towers and equipment shelters shall be completely enclosed by a fence or solid wall. The City and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
- J. Existing vegetation and buffer plantings.** Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. All telecommunications towers and related structures shall be landscaped with a continuous six-foot-high planting or hedge. Earth mounding of three feet in height may be used to achieve the overall buffer height of six feet. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) during full foliage when viewed from two to five feet above the ground. Full opaqueness shall be achieved not more than three years from time of planting.
- K. Access control and emergency contact.** "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a twenty-four-hour telephone number of who to contact in the event of any emergency.
- L. Annual certification of continued use and structural integrity.** All wireless telecommunications providers shall annually file a declaration with the City Administrator to the continuing operation of every facility installed subject to this Zoning Code. The owner/operator of antennas or antenna towers shall provide annually a certification from a registered professional engineer regarding the structural integrity and safety of the antennas or antenna towers in conformance with this Zoning Code.

1118.04: Co-Location Requirements

- A. Co-location design required.** No new tower shall be constructed in the City unless such tower is capable of accommodating at least one additional wireless telecommunication facility owned by another person.

- B. Technically suitable space.** Authorization for a tower shall be issued only if there is no technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.
- C. Application requirements.** With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonable proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, the applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant on reciprocal terms with the City, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

1118.05: Wireless Telecommunication Facilities in Specified Areas

- A. Permitted locations.** Telecommunication towers and facilities may be constructed as a permitted use within the Industrial District (INDD).
- B. Special permit locations.** Telecommunication towers and facilities may be constructed upon approval of a Special Permit (per [Section 1125.04 - Special Use Permit](#)) in the following locations:
1. Publicly owned properties that are not within the Main Street District (MAIN) or Broad Street District (BRD).
 2. BRD and CCD districts located on the north side of Broad Street.
- C. Co-locations.** When a telecommunication provider wishes to co-locate on an existing tower in an area where special permits are required, no additional special permit shall be needed provided any accessory structures or equipment does not exceed the space already set aside by the original use.

1118.06: Special Permits for Personal Radios

Antennas used for personal or “ham” radios and citizens band (CB) radios are permitted in any district by special permit (per [Section 1125.04 - Special Use Permit](#)) provided they meet the following requirements:

- A. Location of antenna.**
1. No antenna installation shall be constructed in any front or side yard.
 2. All installations shall be constructed to the rear of the residence or main structure, unless a tower would be attached to the principal structure, in which case it may be located to the side.
 3. In no instance shall an antenna installation be erected within a required minimum setback.
- B. Height restrictions.** No antenna installation shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less than 10% of the height of the antenna, unless the design of the antenna foundation and guying system have been designed by, and the plans and computations imprinted with the seal of, a professional engineer registered to practice in the State of Ohio, and these plans and computations are placed on file with the City Administrator.
- C. Ground-mounted satellite dishes.** Ground-mounted satellite dishes shall be governed by the following additional requirements:
1. All satellite dish antenna installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
 2. All satellite dish antenna installations shall employ materials and colors that blend with the surroundings.
- D. Roof-mounted satellite dishes.** Roof-mounted satellite dish antennas may be permitted provided:
1. The applicant demonstrates that a ground-mounted installation would obstruct the antenna's reception window and that such obstructions involve factors beyond the control of the applicant.

2. The applicant provides certification by a registered engineer that the proposed installation conforms to the structural requirements of the Ohio Building Code.
3. Landscaping shall be provided in accordance with Article 1113 - Landscaping.

1118.07: Height and Setback Requirements

Telecommunication towers and facilities regulated herein are subject to the following requirements:

- A. Maximum height.** The maximum height shall be no greater than 130 feet.
- B. Minimum setback from property lines.** The minimum setback from property lines shall be 50% of the height of the tower.
- C. Minimum setback from residential structure.** No tower shall be located less than the height of the tower from a structure used as a residence on any adjoining lot.
- D. Equipment shelter.** The minimum setbacks and yard requirements for principal structures shall apply.

1118.08: Abandonment and Termination of Use

- A. Removal of nonfunctioning facility.** All providers utilizing towers shall agree to remove a nonfunctioning facility within six months of ceasing its use and return the site to its pre-existing condition or sell it at an agreed upon price to the real estate owner of the land upon which the tower is located.
- B. Required notification.** All providers utilizing towers shall present a report to the City notifying it of any tower facility located in the City whose use will be discontinued and the date this use will cease. Such report shall be filed with the City Administrator 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the City Administrator may declare the facility abandoned. If dismantling does not occur, the City will either remove the facility or will contract to have the facility removed and assess the tower owner/operator or real estate owner the costs.

1118.09: Application and Review Requirements

- A. Required information.** All applications for wireless telecommunication facilities, including towers, shall include the information required under this section.
- B. Plot plan required.** When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- C. Photo simulations required.** Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public rights of way taken at designated locations shall be provided.
- D. Technical necessity.** The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site is technically necessary.
- E. Land owner support and access.** Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.
- F. Required site and landscaping plan.** The applicant shall present a site and landscaping plan showing the following:
 1. Specific placement of the wireless telecommunication facility on the site.
 2. The location of existing structures, trees, and other significant site features.
 3. Type and locations of plant materials used to screen the facilities.
 4. The proposed color of the facilities.

5. Co-location and removal agreement. The applicant shall present signed statements indicating that:
 - a The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and
 - b The applicant agrees to remove the facility within 180 days after its use is discontinued.

G. Denial by jurisdiction. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

1118.10: **Variances**

Any request to deviate from any of the requirements of this Code shall require approval of a variance in conformance with the procedures set forth in the City Planning and Zoning Code.

1118.11: **Separability**

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Code be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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1119

Small Cell Facilities

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1119.01: General Standards

Defined terms in this section are given their meaning from **Section 4939.01 of the Ohio Revised Code**, as may be amended from time to time.

1119.02: Permits

A. Zoning permit required. A zoning permit is required for any of the following work in, along, across, upon, and under a privately owned property, where permitted by the applicable district and subject to applicable setback, height, and similar standards:

1. Collocation of a small cell facility.
2. Construction, maintenance, modification, operation, or replacement of wireless support structures.

B. Zoning permit not required. As required by **Section 4939.031(A) of the Ohio Revised Code**, as may be amended, the following work does not require a zoning permit from the City of Whitehall where such work takes place in, along, across, upon, and under the public way by an operator as defined per **Section 4939.01 of the Ohio Revised Code**:

1. Collocation of a small cell facility.
2. Construction, maintenance, modification, operation, or replacement of wireless support structures.

1119.03: Applications

A. Consolidated applications. As required and authorized by **Section 4939.0312(A) of the Ohio Revised Code**, as may be amended:

1. The City of Whitehall shall permit a person seeking to construct, modify, collocate, or replace more than one small cell facility or more than one wireless support structure within the jurisdiction of a single municipal corporation to file, at the person's discretion, a consolidated application for consent under **Section 4939.031 of the Ohio Revised Code** for up to thirty small cell facilities requests in a single application or up to thirty wireless support structure requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the small cell facilities or wireless support structures.
2. A single application may only address multiple small cell facilities or multiple wireless support structures if they each involve substantially the same type of small cell facilities or substantially the same type of wireless support structures.
3. The City of Whitehall may separately address small cell facility collocations or wireless support structures for which incomplete information has been received or which are denied.

B. Application fees.

1. As authorized by Section 4939.0316 of the Ohio Revised Code (and as may be amended), the City of Whitehall may impose a one-time fee of up to \$250.00 per application small cell facility, with adjustments to the fee authorized by that same Section.
2. As authorized by Section 4939.0312(B) of the Ohio Revised Code (and as may be amended), in the case of a consolidated application, the City of Whitehall may apply a cumulative fee, or may opt to reduce such fees to encourage the submission of consolidated applications.

C. Submittal information. A complete application for construction, modification, or replacement of a wireless support structure associated with a small cell facility shall include the following:

1. The name of the operator or person who owns or will own the small cell facility or wireless support structure.
2. A site plan that shows the footprint of a ground-mounted small cell facility and/or wireless support structure to scale, along with to-scale information of existing boundaries of public ways, locations of existing poles, and visible/above-ground infrastructure including sidewalks, curbs, crosswalks, and paved roadways within 300 feet of the proposed location.
3. An elevation drawing that lists the dimensions and shows the height and width of a ground-mounted small cell facility and/or wireless support structure with its associated small cell facility to scale.

D. Excluded submittal information. The City shall not require any of the information that is excluded from review and consideration as listed in Section 4939.0313 of the Ohio Revised Code, as may be amended.**1119.04: Construction and Design Requirements**

As authorized by Section 4939.0314 of the Ohio Revised Code (and as may be amended), the following standards apply to the placement of any small cell facility or wireless support structure in a public way.

- A. Spacing requirements.** New wireless support structures shall be spaced a minimum of 600 feet from any existing wireless support structure.
- B. Stealth design.** All externally viewable elements of a wireless support structure and/or small cell facilities shall be painted (or otherwise finished) in a solid black color, except for any required lights, identification markings, or elements whose operation would be negatively impacted by a solid black color paint or finish.

C. Avoiding sidewalks and intersections.

1. New wireless support structures shall not obstruct any existing sidewalks nor be installed within the footprint of a planned sidewalk, where such a plan specifically identifies the location of the sidewalk and where such a plan was formally adopted by the City prior to the date of a complete application for a wireless support structure.
2. A wireless support structure shall be located at least 50 feet away from a crosswalk, an ADA-compliant sidewalk ramp, and/or the corner point of a curb or sidewalk at an intersection or two or more public ways. This provision shall not be construed to prohibit the collocation of a small cell facility on an existing pole that does not require replacement to accommodate the small cell facility.

D. Location of wireless support structures. The City may require or propose an alternative location of a new wireless support structure where, within one hundred feet of the proposed location or within a distance that is equivalent to the width of the public way in or on which the new wireless support structure is proposed – whichever is greater, any of the following options for locating a new wireless support structure are available:

1. A wireless support structure shall be located within a curbed median.

2. If a curbed median is not available, a wireless support structure shall be located within a tree lawn or similar grass/soil strip between a sidewalk and a curb.
3. If neither a curbed median nor a tree lawn is available, a wireless support structure shall be located along the non-street-side edge of a sidewalk in a manner that does not reduce the width or maneuverability of the sidewalk for ADA compliance.
3. For an existing wireless support structure, any proposed antenna and associated shroud or concealment material shall not increase the height of the existing wireless support structure by more than five feet.

E. Landscaping and screening. A ground-mounted small cell facility shall incorporate the installation of a bike rack and/or native grasses and flowers within any non-paved areas extending up to four feet from the base of the small cell facility. This provision shall not be construed to require installation of a bike rack or native grasses and flowers in a manner that obstructs access to or operation of the small cell facility.

F. Completion of construction. A permit that is granted for a collocation or a new wireless support structure shall be completed within 180 days after the issuance of the permit, unless the City and the operator agree to extend this period. If such time passes before the completion of construction or implementation, the issued permit shall become void unless the City grants an extension in writing to the operator.

G. Height restrictions.

1. Generally, the overall height of a proposed wireless support structure and any collocated antennas shall not be more than 40 feet in height above ground level.
2. The overall height of a proposed wireless support structure and associated small cell facilities shall not exceed 35 feet above ground level where the proposed new wireless support structure is within 300 feet of the proposed site for a new wireless support structure in the same public way or a connecting public way, and there are no wireless support structures or utility poles taller than 30 feet in height above ground level; and where the maximum allowable height for building construction in the underlying zoning district is thirty-five feet in height above ground level or less.

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Title Five

Nonconformities

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1120

General Provisions

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1120.01: Continuance and Discontinuance

A. Continuing a Nonconformity. Legally established lots, uses of land, structures, and uses of structures exist which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code. Such lots, uses, and structures that were legally established may continue as a nonconformity, subject to the provisions of this Title.

B. Discontinuing a Nonconformity.

1. If a nonconformity is voluntarily discontinued or abandoned for a consecutive period of 12 months or more, any future use or improvement shall be in conformity with this Zoning Code.
2. A nonconformity shall be deemed vacated or abandoned when any of the following occurs:
 - a. Regarding a nonconforming use, said use has not operated for a consecutive period of 12 months or more.
 - b. Regarding a nonconforming structure or property, no use has legally operated in the structure or on the property for a consecutive period of 12 months or more.
 - c. The property owner has applied for a demolition permit of the sign, structure, addition, or similar element that is a nonconformity.

3. A statement of intent shall not be deemed sufficient evidence of continuing a nonconformity.

C. Previously Issued Zoning Certificates – Work Complete. Nothing within this Title shall be construed to require any change in the layout, plans, construction, size, or use of any sign, lot, structure, or structure and land in combination, for which a zoning certificate became effective prior to the effective date of this Zoning Code and for which the construction is complete.

D. Previously Issued Zoning Certificates – Work In Progress. Nothing within this Title shall be construed to require any change in the layout, plans, construction, size, or use of any sign, lot, structure, or structure and land in combination, for which a zoning certificate became effective prior to the effective date of this Zoning Code and for which the actual construction has been carried on diligently.

1. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner.
2. Where demolition or removal of an existing building has substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work is carried out diligently.
3. A continuous stop of 12 consecutive months, during which no actual construction has occurred, shall be deemed an abandonment of the zoning certificate after which the work shall cease and shall not continue without a new zoning certificate.

E. Special Permit Uses. Any use which is permitted as a special permit use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

F. Nonconformity Certificate. The City Administrator may, upon their own initiative, or shall, upon the request of any owner, issue a certificate for any sign, lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies the sign, lot, structure, or use as a valid and legally established nonconformity. A nonconformity certificate shall:

1. Specify the reason why the sign, lot, structure, and/or use is a nonconformity.
2. Describe the extent and kind of sign, lot, structure, and/or use that is the nonconformity.
3. Describe the portion of a structure or land this is occupied by the nonconforming use, where applicable.
4. Describe the extent of any applicable dimensional measurements that are nonconforming.

G. The City may impose an application fee for certificates and permits per Chapter 1303 – Administration and Permits of the Codified Ordinances of the City of Whitehall, Ohio, as may be amended.

3. Such work shall not include alterations that expand the size or height of a nonconforming sign, nor alterations that move the sign to a nonconforming location.

B. Addressing Safety Orders. Nothing in this section shall be construed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

1120.03: Restoration and Reconstruction

A. Determining Square Footage and Surface Area.

For the purposes of this section, square footage and/or surface area shall be determined by the City Administrator based on sources including:

1. Nonconformity certificates issued by the City of Whitehall.
2. In-person inspection by the City Administrator or designee.
3. Records maintained through the City of Whitehall's Geographic Information System (GIS).
4. Records maintained by the Franklin County Auditor.
5. Real estate listing(s) from a licensed professional of the subject property.
6. Information submitted by the property owner.

1120.02: Maintenance and Repair

A. Maintenance and Repair Permitted. Ordinary maintenance and repair may be completed with approved building permits, where appropriate, on any nonconforming structure, nonconforming sign, or portion of a structure containing a nonconforming use per the following:

1. Such work may include repair or replacement in-kind of nonbearing walls, fixtures, wiring, or plumbing.
2. Such work shall not include alterations to load-bearing walls or alterations that increase the square footage of a nonconforming structure or use.

B. Restoration after Damage (under 50%)

Permitted. Where less than 50% of the surface area of a nonconforming sign is damaged or destroyed by any means, or where less than 50% of the square footage of a nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means, the sign or structure may be restored, reconstructed, and/or reoccupied with the following conditions:

1. Nonconformity certificates issued by the City of Whitehall.
2. In-person inspection by the City Administrator or designee.
3. Records maintained through the City of Whitehall's Geographic Information System (GIS).

C. Restoration after Damage (50% or greater)

Prohibited. Where 50% or greater of the surface area of a nonconforming sign is damaged or destroyed by any means, or where 50% or greater of the square footage of a nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means, it shall not be restored, reconstructed, and/or reoccupied except in conformity with the provisions of this Zoning Code.

1120.04: Expansion and Substitution

A. Expansion of Nonconformity. Nonconformities shall not receive additional signage viewable from off of the subject property, nor be moved, extended, altered, expanded, or used as ground for any other uses or structure prohibited elsewhere by this Zoning Code without the approval of the Planning Commission and Council, except as otherwise explicitly provided for in this Zoning Code.

B. Substitution of Nonconformity. Nonconformities shall be prohibited from being substituted for a separate nonconformity except as provided in **Article 1121 - Nonconforming Uses, Structures, Lots, and Signs.**

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1121

Nonconforming Uses, Structures, Lots, and Signs

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1121.01: Nonconforming Structures

A. Continued Use of Nonconforming Structures.

Any nonconforming structure that was lawful at the effective date of adoption or amendment of this Zoning Code, but that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, may be continued to be used. This provision shall not be construed to prevent an authority from legally halting the use of any structure (e.g., condemning a building for safety hazards).

B. Limits on Alterations. A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

C. Permitted Alterations. A nonconforming structure may be altered in a manner that decreases its nonconformity.

D. Moving a Nonconforming Structure. A nonconforming structure may only be moved if the new location would cause the nonconforming structure to comply with the applicable development standards and land use standards, after which no changes shall cause the structure to become nonconforming.

1121.02: Nonconforming Lots

A. Construction on Nonconforming Lots. Construction of conforming structures for a permitted use may be permitted through a zoning certificate on any pre-existing lot of record which may have a deficient lot width or lot area per the requirements of the applicable zoning district. Such construction shall not require a variance of minimum lot width or minimum lot area from the Board of Zoning and Building Appeals.

B. Variances for Construction on Nonconforming Lots. A variance of any development standard such as minimum setback requirements may be obtained only through action of the Board of Zoning and Building Appeals as provided in **Section 1125.01 - Variances.**

C. Subdivision of Nonconforming Lots Limited. No existing nonconforming lots shall be subdivided or otherwise altered in a manner that would increase the degree(s) of nonconformity (e.g., a lot that has a deficient width shall not be subdivided in a manner that further decreases its width).

D. Subdivision of Conforming Lots. No existing conforming lots shall be subdivided or otherwise altered in a manner that would cause them to become nonconforming. This provision shall not be construed to prevent a property owner from seeking a variance of lot-related dimensional aspects from the Board of Zoning and Building Appeals as provided in **Section 1125.01 - Variances.** For example, an approved variance would establish the standard for a given property and would not create a nonconformity.

1121.03: Nonconforming Signs

A. Continued Use of Nonconforming Signs. Any nonconforming sign that was lawful at the effective date of adoption or amendment of this Zoning Code, but that could not be built under the terms of this Zoning Code by reason of restrictions on area, height, its location on the lot, bulk, illumination, or other requirements concerning the sign, may be continued to be used.

B. Alterations Limited. No structural alteration shall be made to any nonconforming sign except if:

1. The alteration is required by law.
2. The alteration will result in bringing the nonconforming sign into conformance.
3. The alteration will result in removal of the nonconforming sign.
4. The alteration will not maintain or increase the degree of nonconformity.

C. Revocation of Legal Nonconforming Status.

The legal nonconforming status of a sign shall be automatically revoked and the nonconformity must be removed or be brought into conformity with this Zoning Code if any of the following occurs:

1. The sign is damaged to an amount exceeding 50% of the sign's replacement value, as determined by at least two sign companies required to provide a quote.
2. The sign type or structure is altered.
3. The sign is relocated.
4. The sign and its structure (including supports, frames, and panels) are determined by the City Administrator to be unsafe or in violation of this code or the building code and declared a nuisance.

Title Six

Administration and Procedures

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1122

Comprehensive Decision Matrix

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1122.01: Authority

- A. Chief building inspector.** For the purposes of this Code, the City Administrator shall be authorized to serve as the Chief Building Inspector referenced in Administrative Code, Chapter 151 of the Codified Ordinances of Whitehall, Ohio.
- B. Administrative decision authority.** The City Administrator, who may request the input of the City Engineer or other municipal officials or consultants to the City as part of their review, is hereby authorized to review and make decisions on the following:
1. Zoning permits, per Section 1124.02 - Zoning Permits.
 2. Certificates of land use, per Section 1124.03 - Certificate of Land Use.
 3. Similar use interpretations, per Section 1125.03 - Similar Use Interpretations.
 4. Administrative interpretations, per Section 1124.04 - Administrative Interpretations.
- C. Quasi-judicial authorities.** Specified entities shall have the authorities to review and make recommendations or decisions on the following:
1. **Variances:** The Board of Zoning and Building Appeals shall review and decide on variance requests per Section 1125.01 - Variances.
 2. **Appeals of City Administrator decisions:** The Board of Zoning and Building Appeals shall review and decide on appeals of decisions of the City Administrator per Section 1125.02 - Appeals of City Administrator Decisions.
 3. **Special Use Permits:** The Planning Commission shall review and make recommendations on special use permits and the City Council shall review and make decisions on special use permits per Section 1125.04 - Special Use Permit.
- D. Legislative authorities.** Specified entities shall have the authorities to review and make recommendations or decisions on the following:
1. **Text and Map Amendments:** The Planning Commission shall review and make recommendations on text amendments and map amendments and the City Council shall review and make decisions on text amendments and map amendments per Article 1126 - Text and Map Amendments.

1122.02: Decision Matrix

- A. Decision matrix.** Each type of application or decision shall be reviewed and decided upon by the authority and per the applicable standards indicated in **Table 1122.02 - Comprehensive Decision Matrix.**

TABLE 1122.02 COMPREHENSIVE DECISION MATRIX						
APPLICATION OR DECISION TYPE	REVIEW AND DECISION AUTHORITY	APPLICATION FILING DEADLINE	NOTIFICATION REQUIREMENTS (MINIMUM DAYS BEFORE HEARING)			REQUIREMENTS, REVIEW STANDARDS, AND PROCEDURES
			PUBLISHED	MAILED	POSTED	
ADMINISTRATIVE DECISIONS						
Zoning Permits	City Administrator	N/A	N/A	N/A	N/A	<u>Article 1124 - Administrative Decisions</u>
Certificates of Land Use	City Administrator	N/A	N/A	N/A	N/A	<u>Article 1124 - Administrative Decisions</u>
Administrative Interpretations	City Administrator	N/A	N/A	N/A	N/A	<u>Article 1124 - Administrative Decisions</u>
QUASI-JUDICIAL DECISIONS						
Variances	Planning Commission	Within 20 days of denial of related zoning permit	10	10	N/A	<u>Administrative Code Section 151.04</u>
Appeals of City Administrator Decisions	Board of Zoning and Building Appeals	Within 20 days after the decision being appealed	10	10	N/A	<u>Administrative Code Section 151.03</u>
Similar Use Interpretation	Board of Zoning and Building Appeals	At least 20 days prior to the public hearing	10	10	N/A	<u>Administrative Code Section 151.05</u>
Special Use Permit	Recommendation: Planning Commission	At least 50 days before the date of the City Council public hearing	10	10	N/A	<u>Section 1125.04 - Special Use Permit</u>
	Final action: City Council		20	10	N/A	
LEGISLATIVE DECISIONS						
Text and/or Map Amendment	Recommendation: Planning Commission	At least 75 days before the date of the City Council public hearing	N/A	10	7	<u>Section 52, Section 53, and Section 54</u> of the Charter of the City of Whitehall
	Final action: City Council		20	10	20	

1123

Permits, Fees, and Records

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1123.01: General Provisions

A. Application submission.

1. All applications shall be submitted to the City Administrator who shall review applications for completeness before forwarding applications to appropriate entities.
2. In addition to the above, applications for appeals of the decisions by the City Administrator shall be submitted to the Chairperson of the Board of Zoning and Building Appeals.

B. Effect of false information in application.

1. Any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void and shall be revoked by the City Administrator.
2. Upon revoking an issued permit, the City Administrator shall provide notice in writing to the holder of the void permit in person or by mail and shall provide posted notice of revocation in a conspicuous place upon the property subject to the revoked permit.

- C. Additional provisions.** The City is hereby responsible to pay for public hearing announcements.

1123.02: Application Fees

- A. Complete applications require fees.** Applications shall be considered incomplete unless the application fee has been paid to the City of Whitehall and all other information required within this Title or by this Code is provided.
- B. Fee schedule.** The required fee for each type of application shall be as established by the City Administrator.

1123.03: Records Access

- A. Public review of records.** All records created and actions taken by the City Administrator and other parties authorized to act on behalf of the City in enforcing this Code shall be made available within a reasonable timeframe upon request.

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1124

Administrative Decisions

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1124.01: **Applicability and Exemptions**

A. Exempt work. Zoning permits and certificates of land use are not required for the installation, construction, alteration, removal, or occupancy of the following structures or for completing the following types of work:

1. Accessory structures that are less than 200 square feet and not on a permanent foundation.
2. Children's play equipment pieces that are less than 200 square feet in floor area each.
3. Landscaping, including removal of trees, on property that is within the Single- and Two-Unit Residential District (STUR).
4. Operation of a food truck, which is subject to **Chapter 739 – Transient Merchants** of the Codified Ordinances of the City of Whitehall.
5. Pools that are inside of, and completely enclosed within, a building.
6. Walkways on privately owned property that are not part of a vehicular parking area.

B. Zoning permit required. A zoning permit shall be required prior to all work that is not exempt from review per this Code, including the installation, construction, alteration, or occupancy (as applicable) of the following:

1. Non-residential development.
2. Residential dwellings.
3. Expansion or redevelopment of more than 50%25% of a building's gross floor area.
4. Change of use or occupancy of commercial or industrial sites that require a certificate of occupancy as issued by the City of Whitehall per **Chapter 1303 – Administration and Permits** of the Codified Ordinances of the City of Whitehall.
5. Parking lots, including expansion by more than 25% of a parking lot's existing surface area.
6. Signs.
7. Pools.
8. Landscaping, including removal of trees, unless exempted in **Section 1124.01 - Applicability and Exemptions**.
9. Fences and screening.
10. Outdoor lighting for properties in the BRD, MAIN, SH, YEAR, CCD, MILO, and/or INDD districts.

1124.02

Zoning Permits

ADMINISTRATIVE DECISIONS

C. Certificate of land use required. Unless exempted by this Code or expressly stated as not being required in an approved zoning permit, a certificate of land use shall be required per **Section 1124.03 - Certificate of Land Use** after the approval of a related zoning permit.

1124.02: Zoning Permits

A. Zoning permit application requirements. A zoning permit application shall not be considered complete, and the City Administrator shall take no action on said application, unless the following conditions are met:

1. In any application that involves the construction, reconstruction, enlargement, or other alteration of a structure, fence, wall, parking lot, sign, or other physical alteration to a lot, the zoning permit application shall include a site plan with the information specified in Paragraph B, below.
2. In any application that involves the construction, reconstruction, enlargement or other alteration of a structure or sign, the zoning permit application shall include elevation drawings with the information specified in Paragraph C, in the right column.
3. In any application that involves changing a use or expanding a use, the zoning permit application shall include the information specified in Paragraph D, in the right column.
4. The City Administrator may require any additional information necessary to provide a complete review of an application's compliance with this Code.

B. Zoning permit site plan requirements. Where a complete zoning permit application requires a site plan, the site plan shall include the following information:

1. Lot lines, lot dimensions, and address of the subject property.
2. A north arrow and scale.
3. Dimensions and locations of street right-of-way boundaries, utilities, and easements.
4. Existing and proposed building locations, footprints, and dimensions, including square footage.

5. Dimensions and locations of driveways, parking areas, and other vehicular use areas, including square footage.
6. Labeled dimensions of front, side, and rear yard setbacks between building footprints and relevant lot lines.
7. Existing and proposed signage locations, footprints, dimensions, and illumination descriptions.
8. Locations of pools and locations and heights of fencing, walls, and gates.
9. Locations, dimensions, and descriptions of any proposed grade changes.
10. Locations and dimensions of proposed new trees and existing trees, including labels of trees to remain and trees to be removed.
11. Locations, descriptions, and quantities of existing and proposed landscaping material.

C. Zoning permit elevation drawing requirements.

Where a complete zoning permit application requires elevation drawings, such drawings shall include the following information:

1. Address of the subject property.
2. Drawings with dimensions, to scale, of each affected elevation of an existing or proposed structure and each affected elevation of an existing or proposed sign.
3. Color and texture of the exterior finish materials.
4. Description of the exterior finish materials.
5. Locations and descriptions of illumination.

D. Zoning permit change/expansion of use requirements. Where a complete zoning permit application includes a change of use or expansion of a use, the application shall include the following information:

1. Address of the subject property.
2. Description of the current uses of the subject property, including the locations and extents of the uses.

3. Description of the proposed uses and/or proposed expansions of uses of the subject property, including the locations and extents of the uses.
- E. Classification of undefined use.** Where a complete zoning permit application includes a proposed use that is not defined within this Code, the Board of Building and Zoning Appeals shall classify the use per **Section 1125.03 - Similar Use Interpretations.**
- F. Approval and validity of zoning permit.**
1. The City Administrator shall issue approved zoning permits in writing to the applicant and property owner upon their determination that an application is complete and meets all applicable standards of this Code.
 2. An approved zoning permit shall be valid for one year from the date of approval, within which time the associated work must be completed.
 3. Work that is not completed before a zoning permit expires shall require an extension by the City Administrator or a new permit before the work may continue.
 4. The City Administrator may grant an extension of up to six months for an issued zoning permit upon good cause shown and where there are no substantial changes to the work.
- G. Disapproval of zoning permit.** The City Administrator shall issue notice of disapproval of a zoning permit in writing to the applicant and property owner upon their determination that an application is complete and that the application does not meet all applicable standards of this Code.
- H. Appeal for variance.** The disapproval of a zoning permit may be appealed within 20 days of the decision to the Board of Zoning and Building Appeals in search of a variance to permit the disapproved work per **Section 1125.01 - Variances.**
- I. Appeal of zoning permit decision.** A decision by the City Administrator on a zoning permit may be appealed to the Board of Zoning Building Appeals within 20 days of the decision per **Section 1125.02 - Appeals of City Administrator Decisions.**

1124.03: Certificate of Land Use

- A. Purpose of certificate of land use.** The purpose of a certificate of land use is to ensure and record that developments are complete, compliant with this Code, and legal to be occupied as far as is regulated by this Code. Such a certificate includes a record of compliance with the conditions required in an approved zoning permit.
- B. Certificate of land use required to occupy or use property.** Unless exempted by this Code or expressly stated as not being required in an approved zoning permit, a certificate of land use shall be required after the approval of a related zoning permit and/or prior to the following:
1. Occupancy or use of an installed, constructed, or altered structure, in whole or in part.
 2. Occupancy or use of land, in whole or in part.
- C. Certificate of land use review procedure.**
1. The applicant and/or property owner shall schedule an inspection with the City Administrator upon completion of all approved construction work included within an issued zoning permit. Such work shall include installation of any required landscaping.
 2. If the City Administrator determines that the work satisfies applicable requirements, they shall issue a certificate of land use.

D. Temporary land use certificate review procedure.

1. The City Administrator may issue a temporary land use certificate upon inspection of a property if some work included within an issued zoning permit is complete and the applicant and/or property owner has posted a performance bond or irrevocable letter of credit from a banking institution. Such temporary certificate of land use shall expressly list the deficient and incomplete work items.
2. Temporary land use certificates shall expire six months after their issuance. If the temporary land use certificate expires before a certificate of land use is issued, the occupancy of the property shall cease until a new zoning permit and/or certificate of land use and/or temporary land use certificate, as applicable, is approved.
3. The City Administrator may grant an extension of up to three months for an issued temporary land use certificate upon good cause shown and where there are no substantial changes to the work.
4. If the work is not complete before the temporary land use certificate expires, then the City shall proceed with foreclosure against the performance bond or irrevocable letter of credit.

1124.04: Administrative Interpretations

- A. Interpretation required.** The City Administrator may be required to interpret provisions of this Code in their application to novel issues or unanticipated types of work. Such interpretations shall be based on the practical and reasonable application of affected provisions and, to the extent feasible, shall be based on consistency with past precedent that is practical and reasonable.
- B. Recording interpretations.** The City Administrator shall maintain a written record of any interpretations of the provisions of this Code to aid in the consistent application of these standards and to aid in future amendments to this Code.
- C. Appeal of interpretation.** The City Administrator's interpretation of any provision of this Code may be appealed to the Board of Zoning and Building Appeals per **Section 1125.02 - Appeals of City Administrator Decisions.**

1125

Quasi-Judicial Decisions

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1125.01: **Variances**

A. Planning Commission review and decision. The Planning Commission is authorized to hear and decide on variances related to this Code.

B. Delegation to Board of Zoning and Building Appeals.

1. The Planning Commission may delegate its hearing and decision-making authority on variance applications per an adopted procedure within its bylaws to the Board of Zoning and Building Appeals, which is authorized per **Section 56** of the Charter of the City of Whitehall to hear and decide on variances related to this Code.
2. Such procedure for delegating review shall incorporate appropriate public notice practices.
3. If the review of a variance application is delegated by the Planning Commission to the Board of Zoning and Building Appeals, all references to the Planning Commission within this Section shall be construed to refer to the Board of Zoning and Building Appeals.

C. Review standards and procedure. The Planning Commission may, in appropriate cases and subject to appropriate conditions and standards, vary the strict application of the provisions of this Code in accordance with the application requirements, review standards, and procedure established in the **Administrative Code Chapter 151**.

D. Public hearing notice requirements. As provided in **Administrative Code Section 151.04** (Procedure for Variance):

1. As part of an application for a variance, the applicant shall provide names and mailing addresses of the property owners for the subject property and for any properties contiguous to the subject property according to information available through the County Auditor's current tax list or the Treasurer's real estate tax mailing list. Contiguous properties include those properties abutting the subject property and those immediately across a public right-of-way from the subject property.
2. At least 10 days before the date of the public hearing, at the direction of the Chairperson of the Planning Commission, the City Administrator shall cause written notice of the public hearing to be mailed to the property owners referenced above.
3. At least 10 days before the date of the public hearing, at the direction of the Chairperson of the Planning Commission, the City Administrator shall cause written notice of the public hearing to be published in a newspaper of general circulation in Franklin County, Ohio.

1125.02: Appeals of City Administrator Decisions

A. Board of Zoning and Building Appeals. Per Section 56 of the Charter of the City of Whitehall, and per Administrative Code Section 151.03 (Procedure for Administrative Appeal), the Board of Zoning and Building Appeals is established and authorized to hear and decide on appeals for exceptions related to this Code.

B. Public hearing notice requirements. At least 10 days before the date of the public hearing, at the direction of the Chairperson of the Board of Zoning and Building Appeals, the City Administrator shall cause written notice of the public hearing to be published in a newspaper of general circulation in Franklin County, Ohio.

C. Review procedure. Upon receipt of notice of a filed appeal, the City Administrator shall forward a copy of all records related to the appeal to the Board of Zoning and Building Appeals. The Chairperson of the Board of Zoning and Building Appeals shall set the hearing date of the appeal and cause the notice requirements to be met.

D. Criteria for appeal review. The Board of Zoning and Building Appeals shall make findings and affirm or reverse or modify an appealed interpretation of the City Administrator based on the following:

1. The interpretation's consistency with the goals of the Comprehensive Plan and any applicable purpose and intent statements within this Code.
2. The interpretation's consistency with applicable provisions of this Code including but not limited to applicable definitions.
3. If the affected work is eligible for a variance or other measure of relief in this Code, and if such measure of relief has been applied for and decided on.
4. The anticipated effect of this interpretation on the work at hand.
5. The effect of this interpretation on other similar work, when such data is available.

E. Effect of determination. The decision of the Board of Zoning and Building Appeals to affirm or reverse or modify an appealed interpretation of the City Administrator shall be final. Where additional review or actions by the City Administrator is required, the City Administrator shall proceed according to the determination of the Board of Zoning and Building Appeals.

1125.03: Similar Use Interpretations

A. Purpose of similar use interpretation. The purpose of similar use interpretations is to provide careful flexibility and adaptability to this Code to support novel uses that enhance the quality of life and quality of place in Whitehall.

B. Review criteria. Following receipt of a complete application for a zoning permit or other permit requiring review by this Code, the City Administrator shall classify any proposed, undefined uses as similar or dissimilar to defined uses based on the following factors:

1. The scale and scope of the proposed use, including the scale and location of structures and signage.
2. Commonly associated features of the use.
3. Information provided by the applicant.
4. Performance standards of the use, including associated odors, noise, lights, and demand on pedestrian and vehicular traffic.

C. Public hearing notice requirements. As provided in Administrative Code Section 151.05 (Nature of Similar Uses):

1. At least 10 days before the date of the public hearing, at the direction of the Chairperson of the Board of Zoning and Building Appeals, the City Administrator shall cause written notice of the public hearing to be mailed to the property owners on the application and to the owners of property that are contiguous to the subject property.
2. At least 10 days before the date of the public hearing, at the direction of the Chairperson of the Board of Zoning and Building Appeals, the City Administrator shall cause written notice of the public hearing to be published in a newspaper of general circulation in Franklin County, Ohio.

D. Effect of classification.

1. Where the Board of Zoning and Building Appeals classifies a proposed, undefined use as functionally similar to a use that is defined within this Code, the associated permit application may proceed according to the applicable regulations of the functionally similar defined use.
2. Where the Board of Zoning and Building Appeals cannot classify a proposed undefined use as functionally similar to any existing defined use within this Code, the proposed undefined use shall be presumed to be a prohibited use unless and until the text and/or map of this Code is amended per the applicable provisions of Article 1126 - Legislative Decisions.

B. Review procedure for special use permit. A special use permit shall be reviewed according to the following procedures:

1. An applicant shall submit a complete application to the City Administrator no less than 50 days before the date of the City Council public hearing.
2. As soon as is practically possible, the City Administrator shall confirm with the applicant if an application is complete, provide the complete application to the Planning Commission, and notify the City Council of the complete special use permit application. Incomplete applications shall be returned to the applicant for additional information.
3. The Planning Commission shall have no less than 20 days to hold a public hearing, study the contents of the application, and adopt a recommendation for the City Council. The Planning Commission shall provide its adopted recommendation to the City Council no less than 25 days before the date of the City Council public hearing, unless an extension is agreed upon by the applicant, the Planning Commission, and City Council as appropriate.
4. The City Council shall hold a public hearing to review and decide on the special use permit within 30 days of receipt of a recommendation from the Planning Commission, unless an extension is agreed upon by the applicant, the Planning Commission, and City Council as appropriate. The City Council shall cause the notice requirements of their public hearing to be met. A concurrence of at least five members of the City Council shall be required to approve a special use permit.

C. Application requirements. Any owner, or agent thereof, of property for which a special permit is proposed shall file an application with the City Administrator containing the following information:

1. Name, mailing address, and phone number of the applicant.
2. Legal description of the property.
3. Description of the property's zoning district.
4. Description of the property's existing uses.

1125.04: Special Use Permit

A. Purpose of special use permit. The purpose of special use permits is to carefully allow the establishment of certain uses that could be beneficial to the quality of life and quality of place in Whitehall while providing for appropriate constraints to prevent such uses from adversely impacting public health, safety, and welfare.

5. Description of the proposed special use.
6. A site plan for the proposed special use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, and landscaping features of the subject property.
7. A narrative statement discussing the compatibility of the proposed special use with the existing uses of adjacent properties and with the Comprehensive Plan. Such narrative statement shall include an evaluation of the effects of the proposed special use on adjoining properties, including traffic circulation, noise, glare, odor, fumes, and vibration.
8. Names and mailing addresses of the owners of property within, contiguous to, and directly across the street from the subject property, as taken from the County Auditor's tax list or the Treasurer's mailing list.
9. An affidavit certifying that the names and mailing addresses are current as of the date of submission and the information available from the County Auditor's office or Treasurer's office.
10. A narrative statement addressing each applicable criterion provided within this Section.
11. Any information in addition to the above that is required by the Planning Commission as part of their review.

D. Required public notices.

1. The Planning Commission shall cause notice of its hearing to be published in at least one newspaper of general circulation in Franklin County, Ohio no less than 10 days prior to its public hearing. The Planning Commission shall cause notice of its hearing to be mailed to the property owners included in the complete application no less than 10 days prior to its public hearing.
2. The City Council shall cause notice of its hearing to be published in at least one newspaper of general circulation in Franklin County, Ohio no less than 20 days prior to its public hearing. The City Council shall cause notice of its hearing to be mailed to the property owners included in the complete application no less than 10 days prior to its public hearing.

E. Review criteria. As part of the procedure for adopting a recommendation for the City Council, the Planning Commission shall review the facts and circumstances of each application for a special use permit per the following criteria and shall determine if there is or is not sufficient evidence showing that the proposed use at the proposed location:

1. Is eligible for a special use permit per the regulations of the applicable district.
2. Will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and/or this Code.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

F. Conditions placed on special use permits.

1. The Planning Commission is authorized to prescribe appropriate conditions and safeguards in addition to and in conformance with this Code as part of their recommendation regarding a special use permit to the City Council.
2. The City Council may incorporate the conditions recommended by the Planning Commission or may modify or substitute their own conditions as part of an approval of a special use permit.

G. Action by City Council. Within 30 days of receiving a recommendation from the Planning Commission, the City Council shall take one of the following actions:

1. Approve issuance of the special use permit by making affirmative findings in writing that the proposed special use meets all applicable criteria. Such written findings shall include any conditions and safeguards required by the City Council. Upon approval, the City Council shall direct the City Administrator to issue the special use permit.
2. Make a written finding that the application is deficient, requires additional information, or requires modifications. Such written findings shall specify the information required or modifications deemed necessary and shall be provided to the applicant.
3. Make a written finding that the application is denied. Such written findings shall specify the reasons for the disapproval.

H. Expiration of special use permit.

1. A special use permit shall automatically expire if the permitted use has not been established or utilized within one year of the date on which the special use permit was issued unless the City Council grants an extension.
2. A special use permit shall automatically expire if for any reason the permitted use ceases operation for more than 12 consecutive months.

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1126

Legislative Decisions

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1126.01: Text and Map Amendments

A. Procedure for text and map amendments.

1. An applicant shall submit a complete application for a text and/or map amendment to the City Administrator no less than 75 days prior to the public hearing of the City Council.
2. The Planning Commission is authorized to propose text and/or map amendments.
3. The City Council may amend or change the number, shape, area, or regulations of or within any district by submitting an ordinance for review through the procedures of this Section.
4. Per **Section 52** and **Section 53** of the Charter of the City of Whitehall, the Planning Commission shall review and make recommendations to the City Council on proposed ordinances or resolutions establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations.
5. The review by the Planning Commission shall take place at a public meeting within 30 days of receipt of a complete application. The Planning Commission may choose to hold a public hearing as part of their review. If the Planning Commission holds a public hearing on a proposed text and/or map amendment, they shall cause the Planning Commission public hearing notice requirements below to be met. Following their public meeting or public hearing, the Planning Commission shall certify their recommendations on the application to the City Council.
6. Per Section 54 of the Charter of the City of Whitehall, the City Council shall hold a public hearing on the proposed text and map amendments. The date of the public hearing shall be within 60 days of receiving the recommendations by the Planning Commission.

B. Planning commission public hearing notice requirements.

If the Planning Commission chooses to hold a public hearing as part of their review to adopt recommendations for the City Council on proposed text amendments and map amendments, then the Planning Commission shall cause the following notice requirements to be met:

1. Written notice of the hearing shall be mailed by first class mail to the property owners included in the application at least 10 days prior to the public hearing.
2. When an application involves a map amendment, a sign shall be posted in a conspicuous place or places on each affected property at least one time and at least seven days prior to the public hearing. The posted notice shall meet the standards of posted map amendment sign requirements, below.

C. City Council public hearing notice requirements.

Per **Section 54** of the Charter of the City of Whitehall, the City Council shall cause the following notice requirements to be met as part of their public hearing on a proposed text amendment or map amendment:

1. At least 20 days prior to the public hearing, written notice shall be published at least one time in at least one newspaper of general circulation in Franklin County, Ohio.
2. When an amendment, revision, change, or repeal involves 10 or fewer parcels of land, written notice of the hearing shall be mailed by first class mail to the property owners included in the application at least 10 days prior to the public hearing.
3. When an application involves a map amendment, a sign shall be posted in a conspicuous place or places on each affected property at least one time and at least 20 days prior to the public hearing. The posted notice shall meet the standards of posted map amendment sign requirements, in the right column.

D. Posted map amendment sign requirements.

Where posted notice of a sign is required, such sign shall meet the following standards:

1. The posted sign shall include the word "REZONING" in letters that are at least two-inches tall, the time and place of the public hearing, and the place where the application may be examined.
2. The posted sign(s) shall include any additional details determined necessary by the Planning Commission and/or City Council.
3. The City Administrator shall arrange for the installation and removal of posted notice signs.

E. Effect of deficient notice. The failure of publishing, delivering, and/or posting any required notices, including the failure to maintain posted notices over the duration of a notice period, shall not invalidate any action taken by the Planning Commission or the City Council.**F. Application requirements.** Any owner, or agent thereof, of property for which a map amendment or text amendment is proposed shall file an application with the City Administrator containing the following information, as applicable, regarding the property subject to the map amendment and/or the sections of the ordinance subject to a text amendment:

1. Legal description of the subject property. Where the legal description of a property subject to a map amendment request is described by metes and bounds, the application shall include a statement and plot plan from a duly licensed surveyor or a licensed professional civil engineer verifying the accuracy of the description and plot plan.
2. An authorization form signed by the property owner(s) of the subject properties permitting the City Administrator or designee to post public notice signs on the subject properties.
3. Current photos of the subject property that document existing conditions.
4. A site plan showing the existing conditions and proposed development of the property subject to the request and drawn to scale per the standards of **Table 1126.01 – Site Plan Scale Standards**.

TABLE 1126.01 SITE PLAN SCALE STANDARDS

ACREAGE OF SUBJECT PROPERTY	REQUIRED SCALE OF SITE PLAN
Less than 1 Acre	1 inch = 10 feet
1 Acre or more, less than 5 Acres	1 inch = 20 feet
5 Acres or more, less than 20 Acres	1 inch = 40 feet
20 Acres or more, less than 50 Acres	1 inch = 60 feet
50 Acres or more	1 inch = 100 feet

5. A site plan showing existing and proposed improvements and elements of the subject property including landscaping, fire hydrants, signs, curb cuts, driveways, parking areas, pools, fences, and building footprints.
6. A site plan marked with dimensions of existing and proposed improvements and elements of the subject property including length of lot lines, surface area of the lot, surface area of landscaping, surface area of parking areas, number of parking spaces, floor area of buildings, percentage of lot covered by buildings, distances between buildings, and setbacks between all buildings and all property lines.
7. A site plan showing abutting rights-of-way boundaries and utilities and easements on the subject property.
8. The location and existing use descriptions of all properties contiguous to and directly across the street from the subject property.
9. A description of all variances previously approved and/or presently requested for the subject property.
10. A description of any discrepancies between the existing conditions of the subject property and its conformance with applicable provisions of this Code.
11. A master plan and timetable for the total development, where the application involves a phased development.
12. Names and mailing addresses of the property owners for the subject property and for any properties contiguous to the subject property according to information available through the County Auditor's current tax list or the Treasurer's real estate tax mailing list. Contiguous properties include those properties abutting the subject property and those immediately across a public right-of-way from the subject property.
13. An affidavit certifying that the names and mailing addresses are current as of the date of submission and the information available from the County Auditor's office or Treasurer's office
14. An unedited copy of the current ordinances subject to the proposed text amendment.
15. An edited copy of the current ordinances subject to the proposed text amendment with proposed changes, deletions, and additions distinguished from other parts of the ordinance.
16. A description of the purpose and anticipated effects of the proposed text amendment.
17. Any additional information necessary to provide a complete review of an application's compliance with this Code.
18. The site plan(s) shall be prepared by a registered architect or registered engineer. The City Administrator may waive this requirement and accept a site plan not prepared by a registered architect or registered engineer if the nature and size of the map amendment would not have substantial effects on surrounding properties.

G. City Council action.

1. After receiving the certified recommendations of the Planning Commission and holding a public hearing on the application, the City Council shall consider the recommendations and vote on the passage of the proposed text amendment or map amendment.
2. If the Planning Commission adopts a favorable recommendation on an application, the City Council may pass and approve the text amendment or map amendment by a vote of a majority of the quorum. If the Planning Commission adopts an unfavorable recommendation on an application, or if the City Council decides to differ substantially from the plan or report submitted by the Planning Commission, then the City Council may only pass and approve the text amendment or map amendment by a concurring vote of at least five members of the Council.
3. Any action by the City Council which, at their discretion and determination, adds greater safeguards for protecting the public health, safety, and welfare and does not depart from the recommendation by the Planning Commission shall not be considered as differing substantially from the plan or report submitted by the Planning Commission.
4. Per Section 53 of the Charter of the City of Whitehall, if the Planning Commission fails to make a recommendation ahead of the City Council's public hearing, then the City Council may act upon the application as though it had received a recommendation of approval on the matter.

H. Expiration of approval. When an application involves a map amendment where specific development plans are part of the request, development shall commence within 12 months after an approval by the City Council. Unless extended by City Council, if the development does not commence within this period, the approval by City Council shall be voided and the property shall revert to the previous designation.

1127

Enforcement and Penalties

Sections

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1127.01: Enforcement and Penalties

- A. City Administrator.** This Code shall be enforced by the City Administrator.
- B. Permits withheld.** The City Administrator shall not grant any permit for work that is in violation of, or that would be in violation of, applicable provisions of this Code.
- C. Penalty.** The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist as having been placed thereafter the enactment hereof, shall, where no other penalty is provided be guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed upon each day that anything is placed or done on such premises, or remains placed or having been done on such premises, in violation of this Zoning Code.
- D. Violations.**
 - 1.** It shall constitute a violation of this Code for any person, either owner or agent, to implement any actions regulated by this Code without first having obtained the appropriate permits.
 - 2.** It shall constitute a violation of this Code for any person, either owner or agent, to implement any actions included in a revoked permit without first having obtained new appropriate permits.

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Title Seven

Glossary of
Terms

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1128

Defined Terms (A-Z)

Sections

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1128.01: **Defined Terms (A-Z)**

A

Abandoned. Any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the municipal corporation and receiving the municipal corporation's approval . (From [Section 4939.01 of the Ohio Revised Code.](#))

Abutting. Bordering.

Accessory Building. A subordinate building customarily incidental to and located on the same lot occupied by the main building and not utilized for business purposes.

Accessory Dwelling Unit. A secondary independent residential dwelling unit established on the same lot as a principal dwelling unit.

Accessory Use. A use that is incidental to and customarily found in connection with the principal use. With respect to a home occupation, an accessory use is the part of a dwelling that is used for the home occupation and that is wholly incidental to the primary use of the dwelling. An accessory use must be conducted on the same zoning lot as the principal use to which it is related, unless the district regulations permit another location for the accessory use. (Off-site accessory parking facilities, for example, are permitted in certain zoning districts.)

Adult Bookstore. An establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, and/or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, books, magazines, other periodicals, films, tapes, and cassettes which materials have as their major or dominant theme any matter depicting, describing or relating to “**Specified Sexual Activities**” or “**Specified Anatomical Areas**” as defined herein.

Adult Motion Picture Theater. An enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, and/or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, materials for observation by its patrons which have as their major or dominant theme any matter depicting, describing, or relating “**Specified Sexual Activities**” or “**Specified Anatomical Areas**” as defined herein.

Alley. A public right-of-way that is less than 30 feet in width, but not less than 10 feet in width, dedicated to public use for travel or transportation and affording secondary access to abutting property.

Alter or Alteration. Any change, rearrangement, or modification in construction of exit facilities, or the moving of partitions from one location or position to another. See also, **Structural Alteration**.

Amusement Arcade. Any place of business at which five or more mechanically or electrically operated amusement devices are located for the use of entertainment of persons patronizing the place of business.

Antenna. Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

Antenna. Communications equipment that transmits or receives radio frequency signals in the provision of wireless service. (From [Section 4939.01 of the Ohio Revised Code.](#))

Antenna Support Structure. Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a permit pursuant to this Zoning Code.

Applications. The process by which an applicant submits a request and indicates a desire to be granted a permit or special permit under the provisions of this Zoning Code. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

Art, Museum, or Cultural Facility. A facility operated for the acquisition, preservation, study, and exhibition of works of artistic, historic, cultural, and/or scientific value. Such a use may include the exhibition of live art and performances. Such a use may include accessory retail sale of works.

Artisan Manufacturing. The retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to 3-D printers or computer numerical control routers.

Assembly, Large-Scale. An establishment that serves as a venue for the congregation of people as a public or private meeting within a structure that has a gross floor area greater than 15,000 for the establishment's activities and events, which includes related support facilities like kitchens, bathrooms, and storage. Performances are permitted as ancillary to the congregation function of the establishment.

Assembly, Small-Scale. An establishment that serves as a venue for the congregation of people as a public or private meeting within a structure that contains no more than 15,000 square feet of gross floor area for the establishment's activities and events, which includes related support facilities like kitchens, bathrooms, and storage. Performances are permitted as ancillary to the congregation function of the establishment.

Awning. A sloped cover or shelter attached to a Building or portion thereof and that is constructed of rigid or non-rigid materials on or under a supporting framework that may be fixed or retractable.

B

Bed and Breakfast. A use that provides lodging to guests for no more than seven consecutive days, serves no meals other than breakfast, and serves breakfast exclusively to overnight guests.

Billiard Room. Any public place wherein the game of billiards is permitted to be played, and where there are five (5) or more tables for such use. For the purposes of this definition, "billiards" means any of the several games place on a table surrounding by an elastic ledge or cushions, with balls which are impelled by a cue, and shall include all forms of the game known as pool, except that form of pool known as skill pool heretofore defined as one of the several types of pinball games.

Boarding House. A building other than a hotel or motel where for compensation by the week or month, meals and/or lodging are provided for five (5) but not more than twenty (20) persons.

Brewery/Distillery. On-site production of beer or liquor which exceeds 15,000 barrels (465,000 gallons) of beer, or 12,000 gallons of liquor by single-batch production. Associated ancillary drinking establishments may be included on-site. This definition excludes uses that meet the definition of **Micro-Brewery** or **Micro-Distillery**.

Building. Any structure having a roof supported by columns or walls, that is used, or intended to be used, for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except in regards to minimum side yard requirements as provided in this Code.

Building Line. See **Setback**.

Building Material Dealers and Sales. Retailing, wholesaling or rental of building supplies or construction equipment. This classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments.

Business and Professional Offices. A building containing the office or offices of a business or businesses engaged in providing professional services, including, but not limited to, the following: accounting; auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home, but not including medical offices or offices that are incidental and accessory to another business or retail sales activity in the building.

C

Car wash establishments. A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

Cable Operator, or Cable Service, or Franchise. These terms have the same meanings as in the “Cable Communications Policy Act of 1984,” 98 Stat. 2779, 47 U.S.C.A. 522. (From Section 4939.01 of the Ohio Revised Code.)

Canopy. A flat cover or shelter attached to a **Building** or portion thereof and that is constructed of rigid materials on or under a supporting framework that is fixed in place.

Car Wash Establishments. A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

CDC. The Centers for Disease Control and Prevention and any legally appointed, designated, or elected agent or successor.

Child Care. See **Day Care Facility** and **Day Care Home.**

Civic, Social, and Cultural Organizations or Clubs. A public, commercial, or non-profit establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and may not include any form of adult entertainment business or retail sales.

Co-Location. The use of a wireless telecommunication facility by more than one wireless telecommunications provider.

Collocation or Collocate. To install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure. (From Section 4939.01 of the Ohio Revised Code.)

Commercial Indoor Recreation. Indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis clubs.

Commercial Outdoor Recreation. May include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners' association or property owner primarily for the use of the residents of the development, and which is also accessible for use by the public through associate membership subscription or user fees. The term includes community golf courses, swimming pools, tennis courts, basketball courts, and the like.

Commercial Retail Sales and Services. Establishments that engage in the sale of general retail goods with accessory commercial services.

Commercial Vehicle. Any vehicle used or designed to be used for business or commercial purposes including but not limited to: buses, concrete trucks, dump trucks, garbage trucks, box trucks, stake bed trucks, flatbed trucks, semi tractors, semi trailers, step vans, tack trucks, tar trucks, and tow trucks; whether used for business, commercial or personal purposes. Pickup trucks, panel trucks, or light trucks which have the operating characteristics similar to those of a passenger car are not considered commercial vehicles unless they are used for business or commercial purposes.

Commission. The Planning Commission of the City of Whitehall (unless otherwise expressly provided).

Court. An open, uncovered, unoccupied space other than a yard on the same lot with a building either surrounded by the building walls or bordered by such walls on two or more sides.

Crematories. A facility used for the cremation of corpses.

D

Day Care Facility. An establishment, other than a **Day Care Home**, licensed by the State of Ohio when required and providing care and supervision for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

Day Care Home, Type A. A child care facility located in a permanent residence where an occupant of the residence provides care and supervision for seven to twelve children at one time, including children under the age of 6 related to the provider. The provider must be licensed by the State of Ohio Department of Human Services.

Day Care Home, Type B. A child care facility located in a permanent residence where an occupant of the residence provides care and supervision for six or fewer children at one time, including children under the age of 6 related to the provider. No employees are permitted. The provider must be licensed by the State of Ohio Department of Human Services.

Decorative Pole. A pole, arch, or structure other than a street light pole placed in the public way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following (From **Section 4939.01 of the Ohio Revised Code**):

1. Electric lighting;
2. Specially designed informational or directional signage;
3. Temporary holiday or special event attachments.

Density. The number of dwelling units on a net acre of land.

Dispensing of Combustible Liquids and

Compressed Gases. The dispensing or transferring, for sale, of any combustible liquid and compressed gas from bulk storage to portable containers or from one vessel to another vessel.

Distillery. See **Brewery/Distillery**.

Drilling or Extracting Activities. Activities necessary for removing natural gas or oil from underground and bringing it up to ground level, or any activities, the purpose of which is to remove these materials from natural pools or reservoirs beneath the earth's surface, including well drilling, injection, pumping, and including ancillary activities and facilities necessary for such extraction, without which the extraction could not occur.

Drive-In Windows and Drive-Through Facilities. Any facility where goods are sold or services provided to a person riding on or seated within a motor vehicle; or where services or inspections are performed on motor vehicles that stand or wait in line immediately prior to the service being performed. Drive-through facilities include, but are not limited to, uses such as car washes, motor vehicle lubrication and oil change facilities, and motor vehicle inspection stations as well as facilities such as financial institutions, dry cleaners, and restaurants with one or more drive-through windows. Uses excepted from this definition include: (1) inspections utilizing not more than one bay at a motor vehicle service station; (2) fuel service components of motor vehicle service stations; and (3) the on-site parking of motor vehicles prior to servicing at motor vehicle service facilities.

Dwelling, Multi-Unit (Eight or More Dwelling Units). A building containing at least eight dwelling units used exclusively for occupancy.

Dwelling, Single-Unit, Attached. A residential dwelling with one unit that is attached to two or more single-unit dwellings by common vertical walls.

Dwelling, Single-Unit, Detached. A detached building designed or used exclusively for occupancy by one residential unit.

Dwelling, Three- to Seven-Unit. A building or portion thereof designed for occupancy by at least three and up to seven independent residential units in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

Dwelling, Two-Unit. A building containing two dwelling units, arranged one above the other or side by side.

E

Eating and Drinking Establishments. Establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption.

Education Institution. A public or private institution that teaches primary, secondary, post-secondary students. Instruction can include industrial, clerical, managerial, commercial, trade, or artistic skills; or a school conducted as a commercial enterprise, such as a driving school for non-commercial automobiles.

Eligible Facilities Request. This term has the same meaning as in 47 U.S.C. 1455(a)(2). (From [Section 4939.01 of the Ohio Revised Code](#).)

Emergency. A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

Engineer. Any engineer licensed by the State of Ohio.

Equipment Shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Erect. Construct, build, raise, raise, or establish either under, upon, or above the ground surface.

F

FAA. The Federal Aviation Administration and any legally appointed, designated, or elected agent or successor.

FCC. The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Fence. An artificially constructed barrier of any material or combination of materials erected to fully or partially enclose, screen, or separate any part of any premises. This definition does not include walls that are part of a **Building**.

Food Trucks. A licensed, motorized vehicle that is temporarily parked in a location to sell food and/or non-alcoholic beverages to the public. This definition includes food concession trailers pulled by licensed vehicles that are used to prepare or sell consumable foods.

Footcandle. A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot (one lumen per square foot).

Fronting. Bordering in the sense of affording principal access to a lot and/or a building on a lot.

Funeral Home and Services. An establishment providing services related to death, including funerals, cemeteries, or mausoleums, for burial and memorials. This term excludes **Crematories**.

G

Garage, Private. A building or portion of a building used for the storage of motor vehicles and other permitted uses that are accessory to a dwelling.

Garage, Public. A building or portion of a building that does not meet the definition of Private Garage and is used for the storage of motor vehicles. This definition excludes surface parking lots where storage of motor vehicles is provided at grade level.

Gasoline Stations. A facility or system which includes tanks, piping or gas equipment (or any combination thereof); is used or intended to be used for the storage, dispensing or other utilization of petroleum gas.

Governmentally Owned and/or Operated Buildings and Facilities. A facility or area used for public purposes and owned or operated by an instrumentality or agency of federal, state, or local government.

Group Care Facility. Development which provides resident services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs.

Group Home A. A facility providing 24-hour care in a protected living arrangement for not more than 15 residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.

Group Home B. A facility providing 24-hour care in a protected living arrangement for not more than 15 residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than 15 victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Gyms and Physical Fitness Facilities. A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, organized fitness class or other customary and usual recreational activities operated for profit or not-for-profit.

H

Heavy Industrial. A principal use consisting of an establishment engaged in manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes but is not limited to: (a) processing and packaging; (b) chemical manufacturing; (c) stonework or concrete product manufacturing; (d) fabrication of metal products; (e) manufacturing of agricultural, construction, or mining machinery; (f) motor vehicle manufacturing; (g) lumber milling; (h) ship or boat construction (i) permanent concrete/batch plant. This term excludes any uses that qualify as **Light Industrial**.

Historic District. A building, property, or site, or group of buildings, properties, or sites that are either of the following (From [Section 4939.01 of the Ohio Revised Code](#)):

1. Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;
2. A registered historic district as defined in section 149.311 of the Ohio Revised Code.

Home Occupation. Any use or profession customarily conducted entirely within a residential dwelling, carried on only by the inhabitants thereof, that is incidental and secondary to the use of the dwelling for dwelling purposes. See also [Section 1116.02 - Accessory Uses](#).

Hospital. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including but not limited to a general hospital, emergency room, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions provided by a licensed practitioner.

Hotels, Motels, or Tourist Houses. Any building or portion thereof which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy on a transient basis and which together are intended to provide for accommodations for compensation to ten or more individuals at any given time. A hotel will be considered a commercial establishment.

I

Impervious Surface. Surfaces or elements on a site that prevent stormwater from immediately reaching soil beneath it, including but not limited to buildings; parking areas; driveways; streets; sidewalks; pavers; and areas of concrete, asphalt, or other sealed surfaces.

Industrial, Commercial, or Construction Services.

The processing, manufacturing, or compounding of materials, products, or energy, having impacts on the environment or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

Instructional Spaces and Studios. A room or space used primarily for instruction classes and that is not tied to a specific subject or discipline by equipment in the room or the configuration of the space.

J

Jurisdiction. The City of Whitehall, State of Ohio.

K

L

Light Industrial. A principal use consisting of an establishment engaged in the indoor warehousing, manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. This term excludes any uses that qualify as **Heavy Industrial**.

Light Industrial, Large-Scale. Principal structures of 25,000 square feet or more per lot that are used primarily for light industrial uses. Renewable energy generation systems with 25,000 square feet of structure or more per lot are considered large scale light industrial uses.

Light Industrial, Small-Scale. A principal use of a lot consisting of an establishment engaged in the indoor warehousing, manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. Small light industrial uses have principal structures of less than 25,000 square feet per lot.

Live/Work Units. A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents. The use of chemicals deemed toxic by the CDC within their toxic chemical classifications is prohibited within a live-work unit.

Lot (Lot of Record). A tract of land whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record. Such tracts of land include any that are filed on record in the Franklin County Recorder's Office.

Lot, Corner. A lot at the intersection of, and abutting on, two streets.

Lot, Double-Frontage. A lot other than a corner lot having frontage on two street. Such a lot may also be called a through lot.

Lot Line. A line of demarcation between two separate lots and/or between a lot and a right-of-way.

Lot Line, Alley. A lot line bordering an alley public right-of-way.

M

Maker Space. A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand tools, mechanical tools, and electronic tools and may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Fumes, noise, dust, or ambient particulate matter from chemicals may not be emitted from the space.

Manufactured Home. Per Ohio Revised Code Section 3781.06(C)(4), as may be amended: a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. **Mobile Home** is defined separately.

Medical and Health Care Offices. A facility in which substantially all of the services provided constitute the practice of medicine, surgery, dentistry, optometry, podiatry, chiropractic, acupuncture, acupressure, psychology, psychiatry, counseling, medical-related laboratory services, or similar health services; are provided by state licensed health professionals; and are rendered on a one-to-one patient to health professional ratio, on an out-patient or less than 24 hour a day basis.

Micro-Brewery or Micro-Distillery. On-site production of beer or liquor which does not exceed 15,000 barrels (465,000 gallons) of beer, or 12,000 gallons of liquor by single-batch production. Associated ancillary drinking establishments may be included on-site.

Micro Wireless Facility. A small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures. (From [Section 4939.01 of the Ohio Revised Code.](#))

Mobile Home. Per Ohio Revised Code [Section 4501.01\(O\)](#), as may be amended: a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a “**Manufactured Home**” as defined in division (C)(4) of [Section 3781.06](#) of the Ohio Revised Code, as may be amended, or as an “industrialized unit” as defined in division (C)(3) of [Section 3781.06](#) of the Ohio Revised Code, as may be amended.

Modular Home. Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

Monopole. A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

Municipal Electric Utility. The same meaning as in section 4928.01 of the Ohio Revised Code. (From [Section 4939.01 of the Ohio Revised Code.](#))

N

Non-Industrial Food Production and Catering. A food service establishment that prepares food for the public and include restaurants and catering companies.

Nursery and Garden Supply Stores. A facility, generally operated on a commercial basis, for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Nursing Home. A facility operated and dedicated to the care of persons who cannot care for their own needs either partially or totally. This term includes nursing homes, skilled nursing facilities, convalescent homes, special care facilities (e.g., Alzheimer unit), assisted living facilities, adult day care facilities, independent living units such as patio homes, and other similar facilities.

O

Occupy or Use. With respect to a public way, to place a tangible thing in a public way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator. (From [Section 4939.01 of the Ohio Revised Code.](#))

Off-Street Public Parking Lots and Garages. Off-street parking that serves a particular use without being on the same lot of the use it serves, or a public garage where automobiles are parked or stored.

Opaqueness. The degree to which a wall, fence, structure, landscaping, or other element that serves as screening is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

Operator. A wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service. This definition includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum. (From [Section 4939.01 of the Ohio Revised Code.](#))

Organizations and Associations Organized on a Profit or Non-Profit Basis for Promotion of Membership Interests. An establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and may not include any form of adult entertainment business or retail sales.

P

Parcel. See **Lot (Lot of Record)**.

Passenger transportation agencies and terminals. A facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal.

Parks and Trails. A park, playground, recreation facility and open space. This classification includes playing fields, courts, public gymnasiums, public community centers, public swimming pools, spraygrounds, picnic facilities, public golf courses and associated facilities, zoos and botanical gardens, as well as related food concessions.

Passenger Transportation Agencies and Terminals. A facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal.

Person. Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

Person. Any natural person, corporation, or partnership and also includes any governmental entity. (From **Section 4939.01 of the Ohio Revised Code.**)

Personal Service. An establishment which accommodates two or more clients at one time providing nonmedically related services, including, but not limited to, beauty salons, barber shops and tanning salons by professionals, which may also include accessory retail sales of products related to the services provided.

Places of Worship. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except child day care center, primary, secondary, college/ university, vocational schools, community facility, active and outdoor recreation, and enterprise, indoor and outdoor.

Property. See **Lot (Lot of Record)**.

Public Utility. A wireless service provider as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code or any company described in section 4905.03 of the Ohio Revised Code except in divisions (B) and (I) of that section, which company also is a public utility as defined in section 4905.02 of the Ohio Revised Code; and includes any electric supplier as defined in section 4933.81 of the Ohio Revised Code. (From **Section 4939.01 of the Ohio Revised Code.**)

Public Utility Rights-of-Way and Pertinent Structures and Telecommunication Towers. Any cables, wires, lines, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, “wireless telecommunications facilities” shall not include: dish type signal-receiving satellites up to ten feet in diameter, antennas used for personal or “ham” radios; and citizens band (CB) radios.

Public Way. The surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which, on or after July 2, 2002, is owned or controlled by a municipal corporation. “Public way” excludes a private easement. (From **Section 4939.01 of the Ohio Revised Code.**)

Public Way Fee. A fee levied to recover the costs incurred by a municipal corporation and associated with the occupancy or use of a public way. (From **Section 4939.01 of the Ohio Revised Code.**)

Q

R

Research and Development Facilities. A building or group of buildings for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

Retail Sales (Less Than 5,000 Square Feet). A retail establishment containing consumer goods that is no greater than 5,000 square feet.

Retail Sales (Greater Than 25,000 Square Feet). A retail establishment containing consumer goods that exceeds 25,000 square feet.

Retail Sales (5,000 Square Feet to 25,000 Square Feet). A retail establishment containing consumer goods that is between 5,000 and 25,000 square feet.

Retaining Wall. Any artificially constructed barrier that retains soil at the soil's grade level on at least one side. This definition does not include any portion of a barrier that extends above the grade level of the retained soil.

S

Senior Assisted Living Facility. Residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

Senior Independent Living Facility. An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Setback. A required distance between a structure or other regulated feature and a property line, or a required distance between two separate structures or other separate regulated features, wherein a structure or feature may not be constructed or extended.

Sexually Oriented Business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio, or sexual device shop.

Short-Term Rental. A living space that is made available for rent for a period ranging from as short as one day and up to 90 days.

Sign, Awning. A sign that is painted on, printed on, or attached to an **Awning**, and that may be attached to a vertical awning face or to the sloped awning face.

Sign, Canopy. A sign that is attached to a vertical face of or on top of a **Canopy**.

Sign, Flat Wall. A sign applied on a non-window surface of a **Building** with a sign face parallel to such surface. This definition excludes signs that qualify as **Awning Sign, Canopy Sign, Marquee Sign, Projecting Sign, and Roof Sign**.

Sign, Free-Standing. A sign that is attached to the ground, and not to a **Building**.

Sign, Marquee. A sign that is attached to or integrated within a marquee.

Sign, Projecting. A sign that is substantially perpendicular to the surface to which it is attached.

Sign, Roof. A sign that is attached to or supported by the roof of a **Building**; or a sign that extends above the roofline of the **Building** to which it is attached.

Sign, Window and Door. A sign that is attached to the panes of glass of a window or door and is viewable from the exterior of the **Building**. This definition excludes customary displays of merchandise behind a store window.

Skilled Care Facility. A dwelling devoted to two or more persons who have a physical or mental impairment or handicap, or both, that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing, or working. A physical or mental impairment may include orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, presenile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

Small Cell Facility. A wireless facility that meets both of the following requirements (From **Section 4939.01 of the Ohio Revised Code**):

1. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
2. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Solar Facilities. An integrated assembly of solar panels with a support structure or foundation and other components.

Solid Masonry. Load-bearing or non-load-bearing construction using masonry units where the net cross-sectional area of each unit in any plane parallel to the bearing surface is not less than seventy-five percent (75%) of its gross cross-sectional area.

Specified Anatomical Areas. Areas of the human body including genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, and male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Activities including and similar to human genitals being in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Storage/Mini Storage. The use of a property for storage spaces that are leased or rented on an individual basis and that may be of various sizes.

Story. That portion of a **Building** included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. When the ceiling of the lower story of a building can be used for any purpose other than containing service equipment, such lower and/or attic level shall be a story for the purpose of this Zoning Code.

Street, Front. The street abutting a **Lot Line** that affords principal access by pedestrians and/or vehicles to a given **Lot**.

Street, Side. The street(s) abutting a **Lot Line** other than a **Front Street**.

Structure. See **Building**.

Structural Alteration. Any change in the supporting members of a building such as bearing walls, columns, lintels, beams, girders, or floor construction.

T

Tower. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. "Tower" shall not include amateur radio operator's equipment, as licensed by the FCC.

Transitional Dwelling. A dwelling unit occupied on a short-term basis by persons assigned by a court of law or public or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration or other court-ordered treatment and other such short-term supervised assignments.

U

Urgent Care or Clinic. An establishment for outpatient-only medical services that apply to medical issues whereby a patient requires more immediate attention or care than can be provided by an appointment with a household doctor or general licensed practitioner, but not including emergency ambulance services.

Utility Pole. A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles. (From [Section 4939.01 of the Ohio Revised Code](#).)

V

Vehicle and Large Equipment Repair. A facility where providing vehicular service is the primary use of the structure/ business. This use may include storage of vehicles and equipment outside for limited periods of time.

Vehicle Sales. An establishment for the storage and display for sale of vehicles where accessory repair services may be provided and where such repair services are incidental to the sale of new or used vehicles. This definition does not include uses which qualify as **Recreational Vehicle Sales** or **Small Vehicle Sales**.

Vehicle Sales, Recreational. An establishment for the storage and display for sale of more than two passenger vehicles and where repair or body work is incidental to the operation of the new or used vehicle sales, which include motor vehicle retail or wholesale sales.

Vehicle Sales, Small. New and used dealers in motorcycle, motorized bicycle and tricycle and not including motor homes, snowmobiles and their parts and accessories and including repair services thereto. An establishment for the storage and display for sale of motorcycles, motorized bicycle or tricycles and where repair services are incidental to the operation of the new or used vehicle sales.

Veterinarian, Animal Boarding, and Services. An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

Video Service Provider. This term has the same meaning as in section 1332.21 of the Ohio Revised Code. (From [Section 4939.01 of the Ohio Revised Code](#).)

W

Warehousing, Wholesaling, and Transportation Services. An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process.

Wireless Facilities. (From [Section 4939.01 of the Ohio Revised Code](#).)

1. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following: (a) Equipment associated with wireless communications; (b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
2. The term includes small cell facilities.
3. The term does not include any of the following: (a) The structure or improvements on, under, or within which the equipment is collocated; (b) Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Service. Any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities. (From [Section 4939.01 of the Ohio Revised Code](#).)

Wireless Service Provider. A person who provides wireless service as defined in division (A)(19) of section 4927.01 of the Ohio Revised Code. (From [Section 4939.01 of the Ohio Revised Code](#).)

Wireless Support Structure. A pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities. As used in this chapter, “wireless support structure” excludes all of the following (From **Section 4939.01 of the Ohio Revised Code.**):

1. A utility pole or other facility owned or operated by a municipal electric utility;
2. A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

Wireless Telecommunication Facility. Any cables, wires, lines, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, “wireless telecommunications facilities” shall not include:

1. Dish type signal-receiving satellites up to ten feet in diameter.
2. Antennas used for personal or “ham” radios.
3. Citizens band (CB) radios.

Wireline Backhaul Facility. A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire. (From **Section 4939.01 of the Ohio Revised Code.**)

Work Permit. A permit issued by a municipal corporation that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the public way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the public way. (From **Section 4939.01 of the Ohio Revised Code.**)

X

Yard, Front. The space between the front lot line and the front setback of the principal structure on the same lot, exclusive of steps, extending the full width of the lot. A **Corner Lot** may have more than one front yard.

Yard, Rear. The space between the rear lot line and the rear setback of the principal structure on the same lot, exclusive of steps, extending the full width of the lot.

Yard, Side. The space between a side lot line and the nearest exterior walls of the principal structure on the same lot in areas that do not qualify as a front yard or rear yard.

Y

Z

Zoning Codes. The Planning and Zoning Code of the City of Whitehall.

