



**Vandalia**<sup>ohio</sup>  
small city. big opportunity.

## **Planning and Zoning Code**

*Effective Date: January 17, 2019  
As Amended: October 03, 2024*

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# **Chapter 1210: General Provisions**

## **1210.01 Purpose**

It is the purpose of this, the City of Vandalia's Planning and Zoning Code, to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Vandalia through the establishment of minimum regulations governing the development and use of land, buildings, and structures. Furthermore, the intent of this planning and zoning code is:

- (a) To implement the City of Vandalia's Comprehensive Plan and any other policies or plans adopted by the City as it relates to the development and use of land, buildings, and structures;
- (b) To ensure and encourage the use and development of land to stabilize and preserve property values;
- (c) To provide safety from hazards including, but not limited to fire, flood, and water contamination;
- (d) To preserve the aesthetics, values, character and quality of residential neighborhoods and business activity areas;
- (e) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses without limiting the potential for the mixture of compatible uses;
- (f) To regulate the area and dimension of lots, yards, setbacks, and other open spaces to provide adequate open spaces for light and air;
- (g) To provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;
- (h) To ensure efficient and safe traffic and pedestrian circulation, manage congestion on the streets, and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (i) To facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation, and other public necessities;
- (j) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan of the City;
- (k) To accomplish the specific intents and purposes set forth in the introduction of the respective chapters;
- (l) To define the powers and duties of the officers and bodies charged to administer this code; and
- (m) To provide regulations, standards and procedures for the administration, amendment and enforcement of the City of Vandalia Planning and Zoning Code.

*(Amended 01-19-2024, Ordinance 23-31)*

## **1210.02 Title**

These rules, regulations, procedures and accompanying maps shall be known, cited and referred to as the "City of Vandalia Planning and Zoning Code", or referred to as the "planning and zoning code" or the "code." This code may also be referred to as Part 12 of the Codified Ordinances of Vandalia, Ohio.

## **1210.03 Authority**

The authority for the preparation, adoption, and implementation of this code is derived from the City of Vandalia Charter and the legislative enactments of the City Council.

#### **1210.04 Effective Date**

This code and any amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

#### **1210.05 Applicability**

##### **(a) General Applicability and Compliance**

- (1) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this code and, when required, after the lawful issuance of the certificates or approvals required by this code.
- (2) The design and layout of all subdivisions shall conform to the requirements of this code including the platting procedures of [Chapter 1214: Review Procedures](#), and all applicable design requirements.
- (3) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this code are subject to the regulations set forth in [Chapter 1240: Nonconformities](#).

##### **(b) Essential Services Exempted**

- (1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (except for wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
- (2) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed in a manner as determined in [Section 1218.03](#).
- (3) Utility structures that are not located in the right-of-way shall be regulated in accordance with [Section 1238.14](#).

#### **1210.06 Relationship to Plans**

- (a) The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of a comprehensive plan for the City of Vandalia, as supplement or amended and herein referred to as the "comprehensive plan." Such plan, or references to such plan, shall also include other adopted plans within the City that are related to development including, but not limited to, a thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the comprehensive plan.
- (b) City Council hereby expresses its intent that neither this code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any adopted planning document.

## **1210.07 Interpretation and Conflict**

### **(a) Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

### **(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

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

### **(c) Repeal of Conflicting Ordinance**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

## **1210.08 Relationship with Third-Party Agreements**

- (a)** This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.
- (b)** Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.
- (c)** In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the City is a named party in the agreement.

## **1210.09 Severability**

- (a)** If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b)** If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c)** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## **1210.10 Transitional Rules**

### **(a) Purpose**

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

### **(b) Violations Continue**

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Chapter 1242: Enforcement and Penalties](#), unless the use, development, construction, or other activity complies with the provisions of this code.
- (2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

### **(c) Nonconformities Continue**

- (1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by [Chapter 1240: Nonconformities](#).
- (2) If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

### **(d) Processing of Applications Commenced or Approved Under Previous Regulations**

#### **(1) Pending Projects**

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.
- B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.
- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

#### **(2) Approved Projects**

- A. Approved planned unit developments, site plans, variances, conditional uses, zoning certificates, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such

building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.

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

**(e) Vested Rights**

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

**1210.11 Restoration of Unsafe Buildings**

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

**1210.12 Use of Graphics, Illustrations, Figure, and Cross-References**

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

**1210.13 Burden of Proof**

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

**1210.14 Falsifying Information**

No person shall make any false statement, representation or certification in any report or other document filed or required to be maintained pursuant to this section.

**1210.15 Deadlines**

- (a) Unless otherwise specified, an application filed under this code shall be deemed timely filed if it is received by the Administrative Officer by 5 pm on the date of the published deadline for that application.
- (b) Applications may either be submitted in person or via US Mail, Courier, Delivery Service (such as is provided by United Parcel Service, Federal Express, and similar entities), digitally via the internet, or by such other means as may be specified by the Administrative Officer.
- (c) The application date shall be deemed as the date on which such applications are received, irrespective of postmarks or shipping dates, except that electronic filings shall be considered filed as of the date on which they were successfully transmitted.

*(Amended 01-19-2024, Ordinance 23-31)*

# **Chapter 1212: Administration and Enforcement**

## **1212.01 Purpose**

The purpose of this chapter is to set forth the powers and duties of the City of Vandalia Administrative Officer, the City of Vandalia Staff, the Vandalia City Planning Commission, the City of Vandalia Board of Zoning Appeals, and the City Council of the City of Vandalia with respect to the administration and enforcement of the provisions of this code.

## **1212.02 City Council**

### **(a) Powers and Duties of City Council**

In addition to any other authority granted to the City Council by charter, ordinance, or State law, City Council shall have the following powers and duties as it relates to this code:

- (1) Hear, review, and render final decisions related to amendments to the text of this code or the zoning map;
- (2) Hear, review, and render final decisions related to applications for conditional use permits;
- (3) Hear review, and render final decisions related to applications for variances; and
- (4) Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code and State law.

## **1212.03 Administrative Officer**

### **(a) Appointment**

The City Manager shall appoint an Administrative Officer and necessary assistants for the administration and enforcement of this code.

### **(b) Powers and Duties of Administrative Officer**

In addition to any other authority granted to the Administrative Officer by charter, ordinance, or State law, the Administrative Officer, or his or her designee, shall have the authority to perform all functions reasonably necessary to administer and enforce this code including:

- (1) Interpreting the text of the code;
- (2) Enforcing the provisions of this code, including the inspections of any buildings, structures, or uses that may be in violation of this code (See [Chapter 1242: Enforcement and Penalties](#);
- (3) Advising the Planning Commission, the Board of Zoning Appeals, and the City Council on all matters pertaining to the review processes established in this code;
- (4) Accepting, reviewing, and processing all applications required under this code in forms and in a manner (digital or hard copy) as established by the Administrative Officer, and made available to the public;
- (5) Collecting all application and administrative fees established pursuant to this code;
- (6) Publishing public notice for public hearings as provided in this code; and
- (7) Reviewing and approving or denying applications for zoning certificates under this code.

## **1212.04 Director of Public Services**

### **(a) Appointment**

The City Manager shall appoint a Director of Public Services and necessary assistants for the administration and enforcement of this code.

**(b) Powers and Duties of the Director of Public Services**

In addition to any other authority granted to the Director of Public Services by charter, ordinance, or State law, the Director of Public Services shall have the following powers and duties related to this code including:

- (1)** Develop and recommend the City of Vandalia's standard drawings, engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;
- (2)** Review and make recommendations to the Administrative Officer on minor subdivision applications and stamp the final conveyance;
- (3)** Review and make recommendations to the Planning Commission and City Council on major subdivision applications;
- (4)** Review and make decisions on engineering plans and construction drawings for major subdivisions;
- (5)** Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code;
- (6)** Maintain permanent and current records of all public improvements and improvement drawings that are part of major subdivision applications; and
- (7)** Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.

**1212.05 Planning Commission**

**(a) Appointment**

- (1)** The Planning Commission shall consist of the City Manager, who shall serve without voting power, and five electors of the City appointed by City Council, in accordance with Section 7-1 of the City Charter.
- (2)** The Planning Commission shall elect a Chairperson, adopt rules necessary to conduct its affairs that are consistent with this code and the City Charter, and keep a record of its proceedings.
- (3)** The Planning Commission shall meet at the call of the City Manager or the Chairperson upon a schedule determined by the Planning Commission or upon the call of two or more of its members.
- (4)** Three voting members shall constitute a quorum for the consideration of any application submitted to the Planning Commission for review, and an affirmative vote of three members shall be required for any action permitted by law or this code.

**(b) Powers and Duties of the Planning Commission**

- (1)** Pursuant to the authority granted to the Planning Commission by the City Charter, this code, and State law, the Planning Commission shall have the power and duty to initiate, hear, review, and take the actions described below on the following reviews and approvals:

- A. Make recommendations to City Council on amendments to the text of this code and amendments to the Official Zoning Map;
- B. Make recommendations to City Council on applications for conditional use permits and major changes to conditional uses;
- C. Make recommendations to City Council on applications for Planned Unit Developments (PUD), including any major amendments to the PUDs;
- D. Render final decisions on minor amendments to Planned Unit Developments;
- E. Render final decisions on site plan reviews;
- F. Render final decisions on similar use determinations under this Code; and
- G. Review and approve or deny applications for minor subdivisions and major subdivisions.

*(Amended 12-16-2020, Ordinance 20-31)*

## **1212.06 Board of Zoning Appeals (BZA)**

### **(a) Appointment**

- (1) The Board of Zoning Appeals shall consist of five electors of the City, appointed by City Council for terms of three years, in accordance with Section 7-4 of the City Charter.
- (2) The Board shall adopt such rules that are necessary to the conduct of its affairs and are consistent with this code.
- (3) The Board of Zoning Appeals shall meet at the call of the Chairperson or a majority of the members.
- (4) Three voting members shall constitute a quorum for the consideration of any application submitted to the BZA for review, and the affirmative vote of three members shall be required for any action permitted by law or ordinance.
- (5) The Board may subpoena witnesses, administer oaths, and authorize the production of documents. The BZA may call upon the City Manager, or the City Manager's designee, for assistance in the performance of its powers and duties.

### **(b) Powers and Duties of the Board of Zoning Appeals**

Pursuant to the City Charter, this code, and State law the Board of Zoning Appeals shall have the power and duty to initiate, hear, review, and take the actions described below on the following reviews and approvals:

- (1) Make recommendations to City Council on dimensional and locational variances;
- (2) Make recommendations to City Council on appeals of decisions of the Administrative Officer; and
- (3) Make recommendations to City Council on the substitution of nonconforming uses, expansion of a nonconforming use, and termination of nonconforming uses as set forth under Chapter 1240.

*(Amended 12-16-2020, Ordinance 20-31)*

# Chapter 1214: Review Procedures

## 1214.01 Purpose

The purpose of this chapter is to establish review procedures to ensure that the regulations set forth in this code are consistently applied and administered.

## 1214.02 Common Review Standards

Except as otherwise provided, the requirements of this section shall apply to all applications and procedures subject to development review under this code.

### (a) Authority to File Applications

- (1) Except as otherwise provided in this code, the reviews and approvals provided herein may be initiated by:
  - A. An owner of the property that is the subject of an application; or
  - B. An agent authorized in writing by the owner of the property that is the subject of an application.
- (2) Notwithstanding anything to the contrary in this code, the Planning Commission or the City Council may initiate an amendment to the Official Zoning Map or to the text of the zoning code with or without written authorization or application from the property owner or owners who may be affected by such amendment.

### (b) Applications and Application Materials

- (1) Applications materials required under this code shall be submitted in a form, in such numbers and in a manner (digital or hard copy) as established by the Administrative Officer and made available to the public.
- (2) Applications shall be submitted together with such fees as are established by City Council. Unless otherwise approved by City Council, no application shall be processed or determined to be complete until the established fee has been paid in full.

### (c) *(Section Repealed 01-19-2024, Ordinance 23-31)*

### (d) Contents of Notice

Notices for public hearings shall at a minimum set forth the following information:

- A. Identify the address or location of the subject property and the name of the applicant or the applicant's agent;
- B. Set forth the date, time, and location of the public hearing;
- C. Describe the nature, scope, and purpose of the application or proposal;
- D. Identify the location where the public may view the application and application materials;
- E. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
- F. Include a statement describing where written comments may be submitted prior to the public hearing.

### (e) Form of Notice

#### (1) Published Notice

Published notice shall be provided in a newspaper of general circulation with contents and forms consistent with the requirements set forth under this code.

**(2) Written (Mailed) Notice**

Written notice shall be postmarked no later than the number of days set forth in [Table 1214-1](#), below. Any written notice provided for hereunder shall be sent to the address of the applicable owners that appears on the County Auditor's current tax list or the County Treasurer's mailing list.

**(f) Notice Requirements**

Published and mailed notice for public hearings shall be provided as set forth in [Table 1214-1](#), below.

<b>TABLE 1214-1: NOTICE REQUIREMENTS</b>		
<b>Development Review Procedure</b>	<b>Published Notice</b>	<b>Written (Mailed) Notice</b>
Code Text Amendment	The published notice shall be published least 10 days prior to the public hearing.	Where the proposed amendment is to amend the Official Zoning Map and 10 or fewer parcels are to be rezoned, written notice shall only be required to be mailed by first-class mail, at least 10 days prior to the hearing date to the owners of all property within 200 feet of the boundaries of the area to be rezoned. For zoning map amendments that affect more than 10 properties, written notice is not required.
Official Zoning Map Amendment		
Non-Administrative Site Plan Review, Conditional Use, Similar Use Determination, Variances, Subdivision Modifications, and Appeals	The published notice shall be published at least 10 days prior to the public hearing.	Written notice mailed by first-class mail at least 10 days before the hearing date to all property owners contiguous to and directly across the street from the subject property with such notice containing the same content as the published notice.
Planned Unit Developments	The published notice shall be published at least 10 days prior to the initial public hearing of any board required in <a href="#">Section 1214.08</a> .	Written notice shall give notice by first class mail a minimum of 10 days prior to the initial public hearing of any board, of the time, place and purpose of the public hearing to all owners of record of real estate within 200 feet of the boundaries of the property in question with such notice containing the same content as the published notice.

*(Amended 12-16-2020, Ordinance 20-31)*

**(g) Defects in Notice**

Notwithstanding anything to the contrary provided under this code, any defect in the contents of notice or the delivery of notice shall not invalidate any review or approval provided for herein.

**(h) Computation of Time**

- (1)** In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by the City of Vandalia where the City administrative offices are open for the entire day.
- (2)** When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

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

*(Amended 12-16-2020, Ordinance 20-31)*

**(i) Simultaneous Processing of Applications**

Whenever two applications for review and approval are required under this code, the Administrative Officer shall determine the order and timing of review. The Administrative Officer may authorize a simultaneous review of applications so long as each application satisfies all requirements for the applicable applications.

**(j) Completeness Review of Applications**

The Administrative Officer is authorized to review all applications submitted in accordance with the provisions of this code to ensure that such applications are complete prior to being transmitted to the relevant reviewing body or bodies.

**(1) Determination of Application Completeness**

The Administrative Officer shall determine that an application is complete if the applicant has submitted all of the forms, maps, fees, and such other submission materials required for the corresponding application. If the Administrative Officer determines that an application is complete, the application shall then be processed according to the procedures and timelines set forth in this code.

**(2) Notice of Deficiency and Correction Period**

If the Administrative Officer determines that an application is deficient, the Administrative Officer shall deliver a written notice to the applicant setting forth the application's specific deficiencies. Upon the delivery of such notice, the consideration of the merits of the application shall be suspended until the applicant addresses the deficiencies set forth therein. If the applicant fails to correct the deficiencies, within 90 days of the date of the written notice, the applicant's original filing fee shall be forfeited and the incomplete application shall be deemed incomplete and withdrawn.

**(3) Relief**

The Administrative Officer may grant one extension of not more than 60 days beyond the 90-day correction period, if, after the receipt of the written notice, an applicant can demonstrate just cause for such extension with credible evidence.

**(k) Conduct of Public Hearings, Decisions, and Appeals**

**(1) Right to Present Evidence**

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

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

- A. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Administrative Officer prior to the publication of notice as may be

required by this code. The Administrative Officer may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

- B. A request for deferral of consideration of an application received by the Administrative Officer after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- C. The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place. No additional notice is required if the fixed date, time, and place is announced at the time of the continuance.

**(3) Form of Recommendations and Decisions**

The recommendations and decisions of the respective bodies as described herein shall be recorded in the minutes of the decision-making body and be made available to any party upon request.

**(4) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission, Board of Zoning Appeals, or City Council shall have the right to appeal the decision to the court of common pleas as provided in ORC Chapters 2505 and 2506; provided however, nothing within this section shall be construed to create a right to appeal any legislative process or determination.

**(5) Withdrawal of Application**

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

### **1214.03 Zoning Certificates**

**(a) Purpose**

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

**(b) Applicability**

No building or other structure shall be erected, moved, added to or structurally altered, and no building, structure or land shall be established or changed in use according to zoning category, without a zoning certificate issued by the Administrative Officer.

**(c) Zoning Certificate Review Procedure**

The review procedure for a zoning certificate shall proceed as follows:

**(1) Step 1—Submission of Application**

The applicant shall apply in accordance with Section [1214.02](#), and with the provisions of this section.

**(2) Step 2—Administrative Officer Review of Application**

Within 14 days after the Administrative Officer determines an application is complete, the Administrative Officer shall review the application and all materials to determine whether additional reviews and approvals are required under this code and advise the applicant accordingly. If the Administrative Officer determines that no additional reviews or approvals are required under this code, the Administrative Officer shall proceed to decide on the application.

**(3) Step 3—Decision on Application by Administrative Officer**

The Administrative Officer shall either approve or deny an application for a zoning certificate in conformity with the standard of review set forth below.

*(Amended 12-16-2020, Ordinance 20-31)*

**(d) Zoning Certificate Review Criteria**

Prior to approving an application for a zoning certificate, the Administrative Officer must find the following:

- (1)** That the application complies with all applicable provisions of this code and the applicable zoning district; and
- (2)** That the application complies with all approved plans, conditions or other development reviews and approvals issued under this code, including but not limited to, conditional use permits, variances, and site plan reviews.

**(e) Expiration**

If the work described in any zoning certificate has not been completed within twelve-months from the date of issuance thereof, such certificate shall expire. A six-month extension of the zoning certificate may be granted by the Administrative Officer for good cause shown by the applicant.

*(Amended 01-19-2024, Ordinance 23-31)*

**(f) Revocation**

The Administrative Officer may revoke a zoning certificate if the actual development activity does not conform to the terms of the application and certificate granted thereon.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Administrative Officer shall have the right to appeal the decision to the Board of Zoning Appeals as provided under Section [1214.12](#).

## **1214.04 Site Plan Review**

**(a) Purpose**

The purpose of the site plan review is to ensure that residential multi-family development and all nonresidential developments comply with the development and design standards of this code. Zoning certificates for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved final development plan.

*(Amended 12-16-2020, Ordinance 20-31)*

**(b) Applicability**

**(1) Development Subject to Site Plan Review**

The following forms of development within the RMF, DB, O-R, O-S, and MBO districts shall require site plan review by the Planning Commission in accordance with this section:

- A. New construction, structural alterations, and site improvements of all permitted uses, conditional uses, and similar uses;
- B. Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development; or changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

**(2) Exemptions**

The following forms of development within the above zoning districts shall be exempt from site plan review:

- A. Single-family dwellings; and
- B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
- C. Accessory and temporary uses as established in [Chapter 1224: Accessory and Temporary Use Regulations](#).

**(3) Modification to Design Standards**

- A. This section shall also apply to applications for the modification of the applicable design standards pertaining to the subject development. This section shall also apply to applications for the modification of design standards applicable to planned unit developments.
- B. A modification of a design standard is not a variance as the intent of the modification is to allow an applicant to propose an alternative to the design standard that meets or exceeds the intent of the applicable design standard. Where an applicant wishes to reduce or eliminate a design standard, a variance request shall be required.

*(Amended 12-16-2020, Ordinance 20-31)*

**(c) Site Plan Review Procedures**

The site review procedures shall proceed as follows:

**(1) Step 1—Pre-Application Meeting**

An applicant is encouraged to engage in informal discussions with the Administrative Officer and City staff prior to the submission of an application for site plan review. The purpose of these meetings is to discuss the development concept's adherence to the applicable design standards and proposed modifications to the applicable design standards, where applicable. It is understood that any statement or representation by the Administrative Officer or City staff shall not be binding.

**(2) Step 2—Application**

Following a pre-application meeting, the applicant shall submit an application together with a site plan, additional materials as required, and the required fees to the Administrative Officer for confirmation of completeness pursuant to the standards set forth herein and transmittal to the Planning Commission for review. The relevant design standards set forth within this code shall be clearly identified on drawings, renderings, or a combination of both, submitted to Planning Commission for review. Site plans shall be drawn at a scale to adequately depict the proposed development or redevelopment project. Site plans and elevations shall be included and noted, as necessary, to accurately depict the proposed development or redevelopment project. Where applicable the site plan must illustrate proposed modifications to the applicable design standards.

**(3) Step 3—Review and Decision by Planning Commission**

Following the determination that an application is complete, the Planning Commission shall review the application at its next regular meeting, or a special meeting. Notice of the public hearing shall be given pursuant to Section 1214.02(c) to Section 1214.02(f). In reviewing the application, Planning Commission shall apply the review standards set forth below to approve, approve with conditions, or deny the application. Upon approval of the site plan, and any modifications to the design standards, the applicant shall be authorized to apply for a zoning certificate.

*(Amended 12-16-2020, Ordinance 20-31)*

**(d) Review Criteria**

**(1) Site Plan Review Criteria**

The Planning Commission shall not approve an application for site plan review unless it finds the following:

- A. That the proposed development is consistent with this code, and other related codes and ordinances enforced by the City;
- B. That the proposed development complies with the applicable zoning district regulations;
- C. That the proposed development adequately provides for emergency vehicles access and circulation; and
- D. If the project is to be carried out in successive phases, that each stage of the proposed development shall comply with the foregoing criteria.

**(2) Modification of Design Standards Review Criteria**

The Planning Commission shall not approve an application for the modification of a design standard or design standards unless it finds the following:

- A. That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
- B. That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
- C. That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and
- D. That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

**(e) Effect of Site Plan Approval**

An approved site plan, and any approved modification to a design standard, shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such transfer shall occur only upon approval of the Administrative Officer. A request for such a transfer or change of ownership shall be presented to the Administrative Officer and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original site plan. All construction and development under any building permit shall be in accordance with the approved site plan. Any departure from an approved site plan shall be cause for revocation of the zoning certificate and/or building permit, and the property owner or other responsible parties shall be subject to penalties as prescribed by this code.

**(f) Conditions on Approval**

The Planning Commission may impose conditions on an approval for site plan review or a modification of design standards provided such conditions are related to ensuring the performance of the design standards or the modification to meet or exceed the subject standard. Such conditions may include required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for a site plan or modification.

**(g) Expiration of Approvals**

An approval of a modification to design standards shall expire if the zoning certificate applicable to the property expires under Section [1214.03\(e\)](#) of this code. Upon expiration of an approved modification to design standards, a new application, including all applicable fees, shall be required before a new application will be reviewed.

**(h) Appeal of Planning Commission Decision to City Council**

- (1) Any person or entity claiming to be injured or aggrieved by a final Planning Commission decision on a site plan review or a modification to design standard, shall have the right to appeal the decision to City Council. The appeal shall be filed within 10 days of Planning Commission's final decision.
- (2) City Council shall hear any petition to appeal filed under this section no later than 45 days after the final decision of the Planning Commission. City Council shall decide whether to approve or deny the petition to appeal based upon its application of the applicable review criteria above and as set forth in Section [1214.12\(c\)](#). Notice of the public hearing shall be transmitted as part of the meeting agenda for the regular or special council meeting when the matter is heard.

*(Amended 12-16-2020, Ordinance 20-31)*

## **1214.05 Conditional Uses**

### **(a) Purpose**

The purpose of the conditional use permit is to allow certain uses that based upon the use's unique nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis in order to protect the public health, safety and welfare.

### **(b) Applicability**

#### **(1) New Conditional Use**

This section shall apply to all applications for establishment of a new conditional use on property located within the City of Vandalia in any district in which such conditional use is designated as such.

#### **(2) Major Change to an Existing Conditional Use**

This section shall apply to a major change to a previously approved conditional use, with such major change including either of the following:

- A. Expansions of conditional uses that comprise more than 25 percent of the structure within, or the land upon which, such conditional use has been approved when accounting for all prior expansions; or
- B. Any other change that, in the reasonable discretion of the Administrative Officer, materially alters the general intent and character of the approved conditional use permit that is the subject of the application.

#### **(3) Minor Change to and Existing Conditional Use**

This section shall apply to a minor change to a conditional use, which shall include any change that, in the reasonable discretion of the Administrative Officer is an incidental change in the character of the approved conditional use permit that is the subject of the application; provided however, the Administrative Officer shall be entitled to refer any application for a change to a conditional use to the Planning Commission for review.

### **(c) Review Procedure for Minor Changes**

#### **(1) Step 1—Application**

The applicant shall submit an application in accordance with Section [1214.02](#), and with the provisions of this section.

#### **(2) Step 2—Review and Decision by Administrative Officer**

Upon receipt of an application for a minor change to an existing conditional use, the Administrative Officer may approve such minor change in accordance with the review standards set forth below or may forward the application to the Planning Commission for review in accordance with the procedure set forth in Section [1214.05\(d\)](#).

### **(d) Review Procedure for New Conditional Use or Major Change to an Existing Conditional Use**

The review of an application for a conditional use, a major change to an existing conditional use, or a minor change to a conditional use forwarded to the Planning Commission by the Administrative Officer shall proceed as follows:

#### **(1) Step 1—Application**

The applicant shall apply in accordance with Section [1214.02](#), and with the provisions of this section.

**(2) Step 2—Review and Recommendation by Planning Commission**

- A. The Administrative Officer shall transmit any completed application for the establishment of a new conditional use or for a major change to an existing conditional use to the Planning Commission for review and recommendation.
- B. The Planning Commission shall conduct a public hearing on the application at its next regularly scheduled meeting, or a special meeting. Notice of the public hearing shall be given pursuant to Section 1214.02(c) to Section 1214.02(f).
- C. Planning Commission's recommendation shall be transmitted to the Council Clerk for final determination by City Council.

**(3) Step 3—Review and Final Determination by City Council**

- A. Following the transmission of Planning Commission's recommendation to the City Council Clerk, City Council shall determine whether to approve, approve with conditions, or deny the application for a conditional use or major change to a conditional use.
- B. Such conditions or limitations may relate to location, construction, maintenance, landscaping, operation, and other factors or features of the subject property or the use of it that City Council determines to be necessary or appropriate to protect the health and safety of the community and to carry out the general purpose and intent of this code.

**(4) Step 4—Issuance of Conditional Use Permit or Approval of Major Change**

Upon the approval or approval with conditions of an application for a conditional use permit or a major change to a conditional use permit, City Council shall direct the Administrative Officer to issue the requisite approval to the applicant.

*(Amended 12-16-2020, Ordinance 20-31)*

**(e) New Conditional Uses and Major Changes to an Existing Conditional Use Review Criteria**

The Planning Commission shall not recommend in favor of, and City Council shall not approve, an application for a conditional use permit or a major change to a conditional use unless it finds the following:

- (1)** The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare;
- (2)** The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;
- (3)** The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (4)** Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (5)** Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
- (6)** The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

**(f) Minor Change to an Existing Conditional Use Review Criteria**

Before approving a minor change to a conditional use permit, the Administrative Officer shall find that the proposed minor change will not adversely impact the health, safety, or public welfare of the City of Vandalia.

**(g) Expiration of Conditional Use Permit or Change to Conditional Use Permit**

The approval of a conditional use permit shall become null and void upon the occurrence of any of the following:

- (1)** The building permits have not been issued for all buildings or structures within six months after approval of a conditional use permit;
- (2)** The conditional use has ceased by discontinuance or abandonment for a period of more than six months; or
- (3)** The conditional use does not commence within one year after City Council approval.
- (4)** Any party that has been issued a conditional use permit by City Council and is seeking an extension of an expiration date set by the terms of this code, shall request such extension in writing to the Administrative Officer no later than 30 days prior to the date upon which the conditional use permit would otherwise expire.

*(Amended 12-16-2020, Ordinance 20-31)*

**(h) Revocation of Conditional Use Permit**

The Administrative Officer may revoke a conditional use permit for failure to comply with all provisions of such permit provided that 30 days' notice has been given by first-class mail to the recipient of the conditional use permit prior to such revocation.

**1214.06 Similar Use Determination**

**(a) Purpose**

The purpose of the similar use determination is to authorize the operation of certain uses that are substantially similar to those uses permitted in zoning districts but which are not specifically set forth within this code.

**(b) Applicability**

The applicant shall submit an application in accordance with Section [1214.02](#), and with the provisions of this section.

**(c) Similar Use Determination Procedures**

**(1) Step 1—Application**

The applicant shall submit an application in accordance with Section [1214.02](#), and with the provisions of this section. Within 10 days of receipt of an application for a similar use determination, the Administrative Officer shall make a determination of completeness in accordance with the provisions of this chapter.

**(2) Step 2—Review and Final Decision by Planning Commission**

Following the Administrative Officer's determination that an application is complete, the Planning Commission shall conduct a public hearing at its next regularly scheduled meeting, or a special meeting, to determine whether to approve, approve with conditions, or deny the application based on the review standards set forth below. Notice of the public hearing shall be given pursuant to Section 1214.02(c) to Section 1214.02(g).

**(d) Similar Use Determination Review Criteria**

Planning Commission shall not approve an application for a similar use determination unless it finds the following:

- (1)** Such similar use is not specified in any other zoning district as a permitted or conditional use listed in a classification of permitted building or uses;
- (2)** Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification;
- (3)** Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influence to an extent greater than those resulting from the uses listed in the classification to which such proposed similar use is to be added; and
- (4)** Such use creates traffic to no greater extent than uses listed in the classification to which it is to be added.

**(e) Revocation**

The Administrative Officer may revoke a similar use determination for failure to comply with all provisions of such approval provided that 30 days' notice has been given by first-class mail to the recipient of the conditional use permit prior to such revocation.

**1214.07 Amendments to the Zoning Map and Text of This Code**

**(a) Purpose**

The purpose of the code text amendment and Official Zoning Map amendment procedures is to provide a process for amending the zoning map and text of this code.

**(b) Applicability**

This section shall apply to applications for amendments to the official text of this code and to applications for the amendment of the Official Zoning Map.

**(1) Text Amendment**

Only the Administrative Officer, Planning Commission, City Council or by a petition signed by qualified electors equal in number to at least fifteen percent of the number voting in the last general election shall have the authority to initiate an amendment to the text of this code.

**(2) Amendment of Official Zoning Map**

Subject to the limitations set forth herein, an applicant, Planning Commission, or City Council are authorized to submit an application to initiate an amendment to the Official Zoning Map.

*(Amended 12-16-2020, Ordinance 20-31)*

**(c) Amendment Review Procedure**

Amendments to the text of this code and to the Official Zoning Map shall proceed according to the following procedures:

**(1) Step 1—Adoption of Motion or Submission of Application**

Planning Commission or City Council may initiate an amendment to the text of this code or to the Official Zoning Map by an affirmative vote. An applicant may initiate an amendment to the Official Zoning Map by filing an application with the Administrative Officer.

**(2) Step 2—Review by Planning Commission and Recommendation**

Within 30 days of the date that the Administrative Officer determines an application for an amendment to the Official Zoning Map is complete, or within 60 days of the date upon which City Council or the Planning Commission passes a motion to initiate a text amendment or an Amendment to the Official Zoning Map, the Planning Commission shall hold a public hearing in accordance with this chapter on the proposed amendment at a regularly scheduled meeting, or special meeting. Notice of the public hearing shall be given pursuant to Section 1214.02(c) to Section 1214.02(g).

**(3) Step 3—Recommendation by Planning Commission to City Council**

Within 60 days of the close of the public hearing, the Planning Commission shall recommend approval or denial to City Council based upon its application of the review standards set forth below. The failure of the Planning Commission to make a recommendation to City Council within the 60-day timeframe, shall be deemed to be a recommendation of denial.

**(4) Step 4—Final Decision by City Council on Proposed Amendment**

Following the receipt of Planning Commission's recommendation, City Council shall hold a public hearing in accordance with this chapter to consider the proposed amendment. Upon considering the proposed amendment, City Council shall apply the review standards set forth below to approve the amendment, approve the amendment with conditions (Official Zoning Map Amendment), or deny the amendment.

**(d) Zoning Map Amendment Review Criteria**

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

- (1)** The proposed amendment will further the purposes of this overall code;
- (2)** The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;
- (3)** The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (4)** The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;
- (5)** The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;
- (6)** The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7)** The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and
- (8)** The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

**(e) Code Text Amendment Review Criteria**

Recommendations and decisions on planning and zoning code amendment applications shall be based on consideration of the following review criteria:

- (1) The proposed text amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions; and
- (3) The proposed amendment will promote the public health, safety, and general welfare.

**(f) Effect of Denial of Proposed Amendment to Official Zoning Map**

Following City Council's denial of an application for an amendment to the Official Zoning Map, no application for an amendment to the Official Zoning Map shall be permitted for the same property for at least six months from the date of City Council's denial. If after such six-month period, City Council denies a second application, no third application shall be considered for the same property until the date that is one year from the date of the second refusal.

## **1214.08 Planned Unit Developments**

**(a) Purpose**

The purpose of planned unit developments is to facilitate unique development within the City of Vandalia in accordance with the standards and the subdivision regulations set forth in this code.

**(b) Applicability**

This section shall apply to the following processes pertaining to planned unit developments:

**(1) New Planned Unit Developments**

A tract of land for a Planned Unit Development may be owned or controlled either by a single person, partnership or corporation, or by a group of individuals, partnerships or corporations. An application shall be filed by the owner(s) of all property included in the Planned Unit Development or the agent of the owner(s) with written authorization from the owners designating such agent to act on their behalf.

**(2) Major Amendments to Approved Planned Unit Developments**

This section shall apply to major amendments to previously approved plans for planned unit developments. For the purposes of this section. An amendment shall be major if the Administrative Officer determines that it involves significant changes to the character of an approved plan. Such significant changes would include, but not be limited to:

- A. Any increase in housing density or nonresidential building floor area;
- B. Changes in the approved plan's boundaries;
- C. Significant changes in the location, area, or character of open space, or perimeter screening for nonresidential properties;
- D. Changes in signage that are not permitted under the underlying zoning;
- E. The development of a parcel of unimproved land;
- F. The development of improved land in which existing structure(s) are substantially removed or significantly altered for purpose of constructing one or more new structures or major exterior remodeling; or
- G. Changes to a property consisting of more than five acres.

**(3) Minor Amendments to Approved Planned Unit Developments**

This section shall apply to applications for minor amendments to previously approved plans for planned unit developments, which shall be characterized by any change to an approved plan which the Administrative Officer does not deem to be major.

**(4) Modification to Design Standards**

This section shall apply to applications for the modification of design standards applicable to planned unit developments as set forth in [Chapter 1222: Planned Unit Developments \(PUDs\)](#).

**(5) Incidental Change to Approved Planned Unit Development**

This section shall apply to incidental changes to previously approved plans for planned unit developments, which shall be characterized as changes to an approved plan, which shall be characterized as changes to an approved plan which include the location of utilities, roadbeds, drainage lines and building footprints that do not materially alter the approved plan.

**(c) Planned Unit Development Review Procedures**

The review of applications for planned unit developments and amendments to approved planned unit developments shall proceed as follows:

**(1) Step 1—Pre-Application Meeting**

An applicant is encouraged to engage in informal discussions with the Administrative Officer and City staff prior to the submission of an application for a planned unit development or an amendment to an approved planned unit development. The purpose of these meetings is to discuss the development concept's adherence to the applicable standards and subdivision regulations. The applicant may present a conceptual plan during the pre-application meeting for staff review and comment. It is understood that any statement or representation by the Administrative Officer or City staff shall not be binding.

**(2) Step 2—Application**

Following a pre-application meeting, the applicant shall submit an application together with plans or proposed amendments to approved plans, such supporting materials as set forth in this chapter, and the required fees to the Administrative Officer for confirmation of completeness pursuant to the standards set forth herein and transmittal to the Planning Commission for review. Upon receipt of such application materials, the Administrative Officer shall review all materials to decide of completeness and also verify the processes that apply to the application and communicate such processes to the applicant.

**(3) Step 3—Review of Plans or Amendments to Approved Plan**

Within 30 days following the determination that an application is complete, the Administrative Officer and City staff shall review all plans and materials, and shall return the plans and materials to the applicant with comments. After review of the preliminary plan, and as applicable the final plan, the applicant may submit corrected plans, in quantities as specified by the Administrative Officer, to the Planning Commission for its consideration. To the extent any amendment to an approved plan is submitted, and the Administrative Officer or his or her designee determines that such amendment is an incidental change, then the Administrative Officer, or such designee may make a final determination on such incidental change based upon the review standards set forth below.

**(4) Step 4—Review and Recommendation by Planning Commission**

Following review of a preliminary plan, and as applicable a final plan, the Planning Commission shall hold a public hearing on such plans and may recommend to City Council disapproval or approval of such plans. The Planning Commission shall also review all applications for minor or major amendments to approved plans, and proposed modifications to standards for planned unit developments. To the extent that an application pertains to a minor amendment to an approved plan or a proposed modification to standards, the Planning Commission shall make a final determination based upon the applicable review standards set forth below. Notice of such public hearing shall be delivered as provided in Section 1214.02(c) to Section 1214.02(g).

**(5) Step 5—Review and Determination by City Council**

After making a recommendation on any plan or major amendment to an approved plan, the Planning Commission shall certify one copy of such plan to City Council for a public hearing and final determination in accordance with the applicable review standards below. Action on a final development plan may occur concurrently with action on the subdivision plat and shall follow the procedures specified in Section [1214.09](#). In approving any preliminary plan, final plan, or major amendment to an approved plan, City Council may prescribe appropriate conditions and safeguards in conformity with this code. Notice of such public hearing shall be delivered as provided in Section 1214.02(c) to Section 1214.02(g).

**(d) Review Criteria**

The following shall establish the review criteria for the various review procedures established for PUDs.

**(1) Planned Unit Development Preliminary Plans**

The Planning Commission shall not recommend in favor of and City Council shall not approve a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan:

- A. Is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;
- B. Could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
- C. Provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and

- driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;
- D. Shall not impose an undue burden on public services such as utilities, fire, school and police protection;
  - E. Contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;
  - F. Shall include adequate open space, landscaping, screening and other improvements, and;
  - G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;
  - H. Shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
  - I. Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
  - J. Shall not create excessive additional requirements for public facilities and services at public cost;
  - K. Shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;
  - L. Has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development; and
  - M. Has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

**(2) Planned Unit Development Final Development Plans**

Prior to Planning Commission recommending in favor of or City Council approving a final development plan for a planned unit development each body shall find that the final development plan:

- A. Conforms to and is consistent with the approved preliminary plan;
- B. Complies with any and all conditions, that may have been imposed in the approval of the preliminary plan; and
- C. Complies with the requirements of this Section and [Chapter 1222: Planned Unit Developments \(PUDs\)](#).

**(3) Major Amendment to Approved PUD Plans**

Planning Commission shall not recommend in favor of and City Council shall not approve a major amendment to an approved plan, unless each body makes the findings set forth for preliminary development plans and final development plans, as applicable, above.

**(4) Minor Amendments to Approved PUD Plans**

Planning Commission shall consider all other amendment requests, which it determines to be in substantial agreement with the approved preliminary plan or final development plan to be minor. In determining whether to grant a minor amendment to an approved plan for a planned unit development, Planning Commission shall apply the standards set forth for preliminary development plans and final development plans, as applicable, above.

**(5) Incidental Changes to Approved Plans**

At any time after the approval of a preliminary plan or final development plan, the Administrative Officer, or his or her designee, may approve incidental change of a technical nature to the location of utilities, roadbeds, drainage lines and building footprints that do not materially alter the approved plan.

**(e) Appeal of Minor Amendments**

- (1)** If the Planning Commission denies an application for a minor amendment to an approved plan, then the applicant may appeal the decision to City Council. The appeal shall be filed within 10 days of Planning Commission's final decision.
- (2)** City Council shall hear any petition to appeal filed under this section no later than 45 days after the final decision of the Planning Commission. City Council shall decide whether to approve or deny the petition to appeal based upon its application of the applicable review criteria above and as set forth in Section [1214.12\(c\)](#). Notice of the public hearing shall be transmitted in accordance with Section 1214.02(c) to Section 1214.02(g).

*(Amended 12-16-2020, Ordinance 20-31)*

**(f) Filing of Approved Plan and PUD Designation**

- (1)** The approved preliminary plan shall be signed and dated by the Administrative Officer and filed in the office of the City Manager. Thereafter, there shall be no change, modification or deviation from the approved preliminary plan, unless the procedures to amend approved plans, as defined in this chapter, are followed.
- (2)** The Official Zoning Map shall be amended at this time to identify the subject properties as being zoned PUD.

**(g) Time Limitations of Approvals**

- (1)** Preliminary Plan approval shall lapse if the approved completion schedule of any section is delayed more than 12 consecutive months unless otherwise provided in the legislation approving the Plan.
- (2)** Final Plan Approval shall lapse if construction has not commenced pursuant to the approved final development plan within 12 months after its approval unless otherwise provided in the legislation approving the Plan.
- (3)** The effective date of legislation approving a Preliminary or Final Plan (or a revision to same) shall be deemed the approval date for that plan, and any time limitations set herein shall commence from and after that date.
- (4)** Council may, for good cause shown, grant extensions by written resolution to the time limitations set by this section. Such extensions shall not exceed 12 consecutive months in the case of Preliminary Plans. An applicant may request such an extension by submitting a written request to the City Manager stating the reason for the delay and the length of the proposed extension.

*(Amended 01-19-2024, Ordinance 23-31)*

## **1214.09 Major Subdivisions**

### **(a) Purpose**

The purpose of the City of Vandalia subdivision review and approval is to facilitate the subdivision of more than five parcels of land in accordance with the regulations set forth herein.

### **(b) Applicability**

This section shall apply to any subdivision of land that is not a minor subdivision of land as described under Section [1214.10](#), below. A preliminary plat shall not be required for a single-phased development where a plat or replat includes the development in its entirety; provided however, a preliminary plat shall be required for a planned unit development.

### **(c) Subdivision Approval Procedures**

The subdivision of land shall proceed as follows:

#### **(1) Step 1—Pre-Application Meeting**

An applicant shall engage in informal discussions with the Administrative Officer and City staff prior to the submission of an application for a subdivision approval. The purpose of these meetings is to discuss the proposed subdivision's adherence to the subdivision design standards set forth in [Chapter 1238: Subdivision and Public Improvement Design Standards](#). To facilitate the review of a proposed subdivision, the applicant shall present a conceptual drawing to staff at the pre-application meeting. It is understood that any statement or representation by the Administrative Officer or City staff shall not be binding.

#### **(2) Step 2—Application and Submission of Preliminary or Final Plats**

Following a pre-application meeting, the applicant shall submit an application together with a preliminary or final plat, as applicable, in conformance with the subdivision standards set forth in [Chapter 1238: Subdivision and Public Improvement Design Standards](#) and the required fees to the Administrative Officer for confirmation of completeness pursuant to the standards set forth herein and transmittal to the Planning Commission for review. Following receipt of such application materials, the Administrative Officer shall circulate the preliminary plat for comment and within 10 days of receipt return the preliminary plat to the applicant for any necessary revisions.

#### **(3) Step 3—Planning Commission Review and Recommendation**

Within thirty days of the date that the Administrative Officer determines an application for a preliminary plat is complete, the Planning Commission shall review the application at its next regular meeting, or a special meeting to review the preliminary plat, or as applicable the final plat, and recommend in favor of or against the plat based its application of the review standards set forth below.

#### **(4) Step 4—City Council Review and Final Determination**

Planning Commission shall certify one copy of any preliminary plat or final plat, to City Council for review and approval or disapproval based upon the review standards set forth below.

### **(d) Review Criteria**

#### **(1) Preliminary Plat**

In reviewing and making recommendations and decisions on preliminary plats, the Planning Commission and City Council shall take into consideration the following criteria:

- A. That the subdivision plat complies with all applicable provisions of this code;
- B. That the subdivision plat does not conflict with other regulations, the comprehensive plan, or other adopted plans and policies of the City;
- C. That applicable review agencies have no objections that cannot be resolved by the applicant;
- D. That public facilities, including but not limited to streets, water, sanitary and storm sewers will be adequate to support and service the area of the proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
- E. That the proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
- F. That the subdivider has allowed sufficient area to meet the requirements for open space, if applicable;
- G. That the subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision; and
- H. That the subdivider has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission or the Director of Public Services.

**(2) Final Plat**

In reviewing and making recommendations and decisions on final plats, the Planning Commission and City Council shall take into consideration the following criteria:

- A. That the proposed subdivision complies with the preliminary plat review criteria established in Section [1214.09\(d\)\(1\)](#);
- B. That the final plat complies with all applicable provisions of this code;
- C. That the final plat and construction drawings substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary plat, and any commitments made or conditions agreed to with approval of the preliminary plat, and any applicable regulations in this code.
- D. That applicable review agencies have no objections that cannot be resolved by the applicant; and
- E. That the final plat is in full compliance with the approved preliminary plat, where applicable.

**(e) Effect of Approval of Preliminary Plat**

- (1)** Approval of a preliminary plat by City Council shall constitute approval of the layout of the streets and public grounds shown thereon and shall evidence City Council's intention to accept the dedication of the same upon approval by City Council of the final plat.
- (2)** Approval of the preliminary plat shall be effective for a maximum period of twenty-four months after the date of approval or after the date of recording of the most recent section (final plat), whichever is greater, unless an extension is granted by City Council.

- (3) Approval of the preliminary plat does not constitute acceptance of the subdivision, but merely authorizes the developer to proceed with work on the final plat. One copy of the approved preliminary plat, signed by the Chairperson of the Planning Commission and the Mayor, shall be retained by the City, and one signed copy shall be given to the applicant.
- (4) Receipt of such signed copy is authorization for the applicant to prepare detailed plans and specifications for the minimum improvements required under [Chapter 1238: Subdivision and Public Improvement Design Standards](#) and to prepare the final plat.

**(f) Recording Final Plats**

After a final plat has been approved by City Council, the final plat shall then be filed by the applicant for recording in the office of the County Recorder, as required by law, within one hundred and eighty (180) days after the date of final approval of public improvements or subdivision approval in the case of plats without improvements. Extensions of time may be granted by the Administrative Officer, for good cause shown, upon written request submitted by the applicant.

*(Amended 01-19-2024, Ordinance 23-31)*

## **1214.10 Minor Subdivisions and Replats of Existing Lots**

**(a) Purpose**

The purpose of the minor subdivision process is to facilitate minor subdivisions of less than five lots, lot splits, and transfer of land between properties through an administrative designee of the Planning Commission.

**(b) Applicability**

- (1) Whenever the division of a parcel of land shown as a unit on the preceding tax list and duplicate of real and public utility property is proposed along an existing public street, not involving the opening, widening or extension of any street or road, not contrary to any zoning, flood damage prevention, or Health Department regulations, not involving the subdivision of previously platted land, and involving not more than five lots, including the original tract, the division may be submitted to the Administrative Officer for a minor subdivision approval.
- (2) Where land is proposed to be transfer between two existing platted lots and where the resulting lots shall still comply with the site development standards of the applicable zoning district, such application may be submitted to the Administrative Officer for a minor subdivision approval.

**(c) Minor Subdivision Procedures**

The procedures for a minor subdivision shall proceed as follows:

**(1) Step 1— Application**

Prior to receiving consideration for a minor subdivision, an applicant shall prepare and submit to the Administrative Officer a minor subdivision application consisting of:

- A. A survey drawn by a registered professional surveyor, meeting minimum State surveying standards;
- B. Legal descriptions for the proposed minor subdivision; and
- C. A completed application form together with such fees as specified by the Administrative Officer.

**(2) Step 2—Review by Administrative Officer**

The Administrative Officer, on behalf of the Planning Commission, shall make a decision on the application for a minor subdivision within 14 days following the date that application is determined complete.

**A. Step 2(A) (as applicable)—Review by Planning Commission**

If a minor subdivision is not approved by the Administrative Officer, the applicant may submit the application to the Planning Commission for consideration at its next regular meeting.

**B. Step 2(B) (as applicable)—Final Decision by Planning Commission**

Upon consideration of an application for a minor subdivision, the Planning Commission may approve, disapprove or recommend modifications to the application for the minor subdivision.

**(3) Step 3—Stamping**

A minor subdivision approval shall not be deemed approved unless signed and stamped by the Director of Public Services.

**(4) Step 4—Recording**

After approval of the minor subdivision by the Planning Commission, the approved conveyance shall be filed for recording in the office of the County Recorder within 60 days after the date of approval. For purposes of recording, both the legal description and the survey of the proposed minor subdivision shall be approved by the County Engineer. The applicant is advised to contact that office prior to the preparation of these documents.

**(d) Minor Subdivision Review Criteria**

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

- (1) That the minor subdivision complies with all applicable provisions of this code;
- (2) That the minor subdivision complies with all other applicable regulations and plans of the City; and
- (3) That the Director of Public Services and any other applicable review agencies have no objections that cannot be resolved by the applicant.

**1214.11 Dimensional and Locational Variances**

**(a) Purpose**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose of property owners in general.

Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

**(b) Applicability**

This section shall apply to applications for dimensional and locational variances. A variance is not an appeal from a decision of the Administrative Officer, but is intended to provide relief from strict application or literal enforcement of the requirements of this Code. No variance from any provision of this Code related to use shall be permitted.

*(Amended 12-16-2020, Ordinance 20-31)*

**(c) Variance Review Procedure**

The review procedure for a variance shall proceed as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section 1214.02, and with the provisions of this section. Within 10 days of receipt of an application for a variance, the Administrative Officer shall make a determination of completeness in accordance with the provisions of this chapter.

**(2) Step 2 – Staff Review and Transmission to the Board of Zoning Appeals**

Upon the determination that an application is complete, the Administrative Officer shall transmit the application to the Board of Zoning Appeals for consideration pursuant to the standards set forth under this Section.

**(3) Step 3 – Recommendation by Board of Zoning Appeals**

Within thirty days of receipt of a complete application, the Board of Zoning Appeals shall schedule a public hearing to consider an application for a variance at a regular meeting or a special meeting. The recommendation of the Board shall be based upon the review standards set forth below and transmitted to the Council Clerk for final decision by City Council. Notice of the public hearing shall be sent in accordance with Section 1214.02(c) to Section 1214.02(g).

**(4) Step 4 – Final Decision by City Council**

Within 30 days of the date on which the Council Clerk receives the recommendation of the Board of Zoning Appeals, unless a longer time is requested by the applicant, City Council shall hold a public hearing to determine whether to grant the propose variance based upon the application of the review standards set forth below.

*(Amended 12-16-2020, Ordinance 20-31)*

**(d) Variance Review Criteria**

In determining whether a property owner has suffered practical difficulties, the Board of Zoning Appeals and City Council shall weigh the following factors; provided however, an applicant need not satisfy all of the factors and no single factor shall be determinative, to determine the following:

- (1)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
- (2)** Whether the variance is substantial;
- (3)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4)** Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and
- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

## **1214.12 Appeals of Administrative Decisions**

### **(a) Applicability**

Any aggrieved party or parties alleging there is an error in any order, requirement, decision or determination by the Administrative Officer under this code may appeal to the Board of Zoning Appeals.

### **(b) Appeal Initiation and Review Procedure**

The review procedure for filing an appeal under this code shall proceed as follows:

#### **(1) Step 1 – Filing a Petition**

Any aggrieved party or parties shall file a petition with the Clerk of Council within fifteen days of the date of the decision being appealed. The petition shall set forth the facts of the case being reviewed.

#### **(2) Step 2—Recommendation by Board of Zoning Appeals**

The Board of Zoning Appeals shall hear any petition filed under this Section not later than thirty days after the petition has been filed with the Clerk of Council and transmit its recommendation on such petition to City Council based upon its application of the review standards set forth below. Notice of the public hearing shall be transmitted in accordance with Section 1214.02(c) to Section 1214.02(g).

#### **(3) Step 3—Final Decision by City Council**

City Council shall hear any petition filed under this Section not later than thirty days after the recommendation of the Board of Zoning Appeals has been transmitted to the Council Clerk. City Council shall decide whether to approve or deny the petition based upon its application of the review standards set forth below. Notice of the public hearing shall be transmitted in accordance with Section 1214.02(c) to Section 1214.02(g).

### **(c) Review Criteria**

The Board of Zoning Appeals shall not recommend in favor of reversal and City Council shall not reverse an administrative decision, unless such body finds that there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

### **(d) Stay of Proceedings**

- (1) An appeal made pursuant to this section, shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Zoning Appeals, after a notice of appeal has been filed with him or her, that by reasons of facts stated in the certificates, a stay would, in his or her opinion, cause imminent peril to life or property.

- (2)** In such case, proceedings shall not be stayed or otherwise changed other than by an order which may, on due cause shown, be granted by the Board of Zoning Appeals on application, after notice to the Administrative Officer, or by judicial proceedings.
- (3)** Notwithstanding anything to the contrary contained within this code, under no circumstances shall a stay of proceedings authorize or permit the continuance of a proposed use within the application, which, in the reasonable discretion of the Administrative Officer, and irrespective of the applicant's classification of such proposed use, is not specifically enumerated as permitted use under this code.

*(Amended 12-16-2020, Ordinance 20-31)*

# Chapter 1216: Zoning Districts and Zoning Map

## 1216.01 Districts Established

The City hereby establishes the following zoning districts to carry out the purposes of this code, and to assist in the implementation of the comprehensive plan.

TABLE 1216-1: ZONING DISTRICTS	
Abbreviation	District Name
<b>Residential Base Zoning Districts</b>	
RSF-1	Residential Single-Family District
RSF-2	Residential Single-Family District
RSF-3	Residential Single-Family District
RSF-4	Residential Single-Family District
RTF	Residential Two-Family District
RFF	Residential Four-Family District
RMF	Residential Multi-Family District
<b>Nonresidential Base Zoning Districts</b>	
OR	Office-Residential District
DB	Downtown Business District
GB	Gateway Business District
NB	Neighborhood Business District
HB	Highway Business District
OS	Office-Service District
O	Office District
O/IP	Office/Industrial Park District
I	Industrial District
I/I	Industrial Innovation
<b>Special Base Zoning Districts</b>	
A	Agricultural District
PF	Public Facilities District
PUD	Planned Unit Development District
<b>Overlay Zoning Districts</b>	
WPO	Well Field Protection Overlay District
AEO	Airport Environs Overlay District
MBO	Miller-Benchwood Overlay District
IHSO	Interstate And Limited-Access Highway Sign Overlay District
NRSO	National Road Sign Overlay District

(Amended 01-20-2022, Ordinance 21-33)

## **1216.02 Relationship of Overlay Zoning Districts to Base Zoning Districts**

- (a) Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay zoning district shall apply in addition to the regulations governing the underlying base district.
- (b) In the event of an express conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.
- (c) In some instances, land may be classified into multiple overlay districts. In the event of an express conflict between the standards of the multiple overlay districts, the most restrictive standards shall apply.

## **1216.03 Official Zoning Map and District Boundaries**

- (a) Official Zoning Map and District Boundaries
  - (1) All land within the City of Vandalia shall be placed into one of the base zoning districts established in [Table 1216-1](#), and such zoning shall be shown on the Official Zoning Map of the City of Vandalia, Ohio. This map, together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this code.
  - (2) The Official Zoning Map shall be identified by signatures of the City Manager and the Mayor, at the time of the most recent amendment, and shall be on file in the office of the Administrative Officer.
  - (3) The boundaries of the districts are shown on the Official Zoning Map of the City of Vandalia which may be amended from time to time which is hereby incorporated as if fully set forth herein.

*(Amended 12-16-2020, Ordinance 20-31)*

- (b) Interpretation of Zoning District Boundaries

The boundaries of the zoning districts are shown upon the Official Zoning Map. When uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Where zoning district boundaries are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (2) Where zoning district boundaries are indicated as approximately following street lines or highway right-of-way lines, the street lines or highway right-of-way lines shall be construed as boundaries.
- (3) Where zoning district boundaries are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- (4) Where zoning district boundaries are indicated as approximately following City limits, such City limits shall be the zoning district boundary.
- (5) Where district boundaries do not coincide with the location of street, alley, or lot lines, or where no specific distance is given, the zoning district boundaries shall be determined by the use of the scale shown on the Official Zoning Map.

- (6) Where district boundaries are indefinite, or their locations are uncertain, the matter shall be referred to the BZA for interpretation and clarification. The person contesting the location of the zoning district boundary shall be given a reasonable opportunity to present their case to the City and to submit technical evidence, if so desired, pursuant to the appeals process as established in Section [1214.12](#).

**(c) Annexed Land or Land Not Otherwise Designated**

Any land annexed into the City after the effective date of the code shall be zoned in accordance with Section 210.02 of the Codified Ordinances of Vandalia, Ohio.

## 1216.04 References to Previous Zoning Districts

Some of the district classification and names established within this code differs from previous versions of this code. In instances where there may be references to the previous zoning district nomenclature, [Table 1216-2](#), identifies how each of the previous district classifications was renamed for this code. This section shall only be used for comparison purposes only.

TABLE 1216-2: DISTRICT TRANSITION TABLE			
Zoning Districts in the Planning and Zoning Code Effective Prior to January 17, 2019		Zoning Districts in the Planning and Zoning Code Effective After January 17, 2019	
Abbrev.	District Name	Abbrev.	District Name
Base Zoning Districts			
A	Agricultural District	A	Agricultural District
RE	Residential Estate District	---	District Eliminated – Previously Zoned Properties Rezoned to Other Districts
RSF-1	Residential Single-Family District	RSF-1	Residential Single-Family District
RSF-2	Residential Single-Family District	RSF-2	Residential Single-Family District
RSF-3	Residential Single-Family District		
RSF-4	Residential Single-Family District		
RSF-5	Residential Single-Family District	RSF-3	Residential Single-Family District
RTF-1	Residential Two-Family District	RSF-4	Residential Single-Family District
RFF-1	Residential Four-Family District	RTF	Residential Two-Family District
RMF	Residential Multi-Family District	RFF	Residential Four-Family District
PF	Public Facilities District	RMF	Residential Multi-Family District
OR	Office-Residential District	PF	Public Facilities District
DB	Downtown Business District	OR	Office-Residential District
GB	Gateway Business District	DB	Downtown Business District
NB	Neighborhood Business District	GB	Gateway Business District
HB	Highway Business District	NB	Neighborhood Business District
OS	Office-Service District	HB	Highway Business District
O	Office District	OS	Office-Service District
O/IP	Office/Industrial Park District	O	Office District
I	Industrial District	O/IP	Office/Industrial Park District
---	Planned Unit Development Overlay District	I	Industrial District
		PUD	Planned Unit Development District
Overlay Zoning Districts			
WP	Well Field Protection Overlay District	SWPO	Source Water Protection Overlay District
---	Airport Environs Overlay District	AEO	Airport Environs Overlay District
---	Miller-Benchwood Overlay District	MBO	Miller-Benchwood Overlay District

# Chapter 1218: Base Zoning Districts and Principal Use Regulations

## 1218.01 Purpose for Chapter

The purpose of this chapter is to set out the individual purpose statements for each of the base zoning districts as well as the list of uses that are allowed within each base zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to the individual uses alone in addition to all other applicable standards of this code.

## 1218.02 Base Zoning District Purpose Statements

The following are the purposes statements for each of the established base zoning districts. The purpose statements for all overlay districts is established in [Chapter 1220: Overlay Zoning Districts](#) and the purpose statement for Planned Unit Development Districts (PUDs) is established in [Chapter 1222: Planned Unit Developments \(PUDs\)](#).

### (a) Agricultural District (A)

The purpose of the Agricultural District (A) is to create areas within the City of Vandalia exclusively reserved for agricultural purposes including farming, raising of animals, farm houses, and very low-intensity residential development that is developed in a manner to conserve agricultural and natural resources until such time as it is proven that the area is suitable for higher density development.

### (b) Residential Single-Family District 1 (RSF-1)

The Residential Single-Family District 1 (RSF-1) is established to provide for primarily single-family detached residential developments in a low-density environment but where developments are served by public water and sewer, along with certain other facilities sited to serve the residents who live in the district.

### (c) Residential Single-Family District 2 (RSF-2)

The Residential Single-Family District 2 (RSF-2) is established to provide for primarily single-family detached residential developments in a moderate-density environment but where developments are served by public water and sewer, along with certain other facilities sited to serve the residents who live in the district.

### (d) Residential Single-Family District 3 (RSF-3)

The Residential Single-Family District 3 (RSF-3) is established to provide for primarily single-family detached residential developments in a moderate to high-density environment but where developments are served by public water and sewer, along with certain other facilities sited to serve the residents who live in the district.

### (e) Residential Single-Family District 4 (RSF-4)

The Residential Single-Family District 4 (RSF-4) is established to provide for the highest density, single-family detached developments in the City with design standards intended to provide for high-quality, dense developments, with access to public services, nearby amenities, and quality open space through an enhanced review process.

**(f) Residential Two-Family District (RTF)**

The Residential Two-Family District (RTF) is established to provide for an area of the City where there could be a mixture of single-family detached, single-family attached, and two-family dwellings to provide a variety of housing choices in areas with access to amenities and public services.

**(g) Residential Four-Family District (RFF)**

The Residential Four-Family District (RFF) is established to provide for an area of the City where there could be a mixture of dwelling types with a range of two to four dwelling units in a single structure with close proximity to commercial business areas and access to amenities and public services.

**(h) Residential Multi-Family District (RMF)**

The Residential Multi-Family District (RMF) is established to provide for an area of the City for a variety of multi-family dwelling types that provide housing options in a range of values and with the closest access to commercial business areas, amenities, and public services.

**(i) Public Facilities District (PF)**

The purpose of the Public Facilities District (PF) is to establish and protect sites for various governmental, institutional, educational, civic, or other public or quasi-public uses that are integral parts of the community while also ensuring compatibility with the surrounding neighborhoods and minimizing traffic congestion.

**(j) Office-Residential District (OR)**

The purpose of the Office-Residential District (OR) is to establish areas of the City where both residential and office or professional services are appropriate both as a way to encourage mixed uses but also to serve as transitional areas between primarily residential neighborhoods and zoning districts and more intense uses. The establishment of design standards will help ensure neighborhood compatibility both internally and between adjacent uses.

**(k) Downtown Business District (DB)**

The purpose of the Downtown Business District (DB) is to provide for commercial and mixed-use development within Downtown Vandalia. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural, and governmental center. Development is intended to be intense with high building coverage and buildings within close proximity to each other. Development is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape.

**(l) Gateway Business District (GB)**

The purpose of the Gateway Business District (GB) is to provide appropriate and convenient locations for goods and services to motorists and to provide facilities for entertainment and destination retail and eating establishments in close proximity to the intersections of major arterial streets and freeway interchanges while minimizing the potential congestion on the freeway entrance/exit and the immediate surrounding areas.

**(m) Neighborhood Business District (NB)**

The purpose of the Neighborhood Business District (NB) is to establish areas of the City that provide suitable areas for the orderly development of a broad range of commercial and office activity which is less intensive in nature than other business districts and that serves the immediate needs of the surrounding residential neighborhoods.

**(n) Highway Business District (HB)**

The purpose of the Highway Business District (HB) is to provide areas for the orderly development of traffic oriented commercial uses that serve the needs of the community as a whole. The uses in this district generally generate a high degree of business activity resulting in higher traffic volumes on adjacent roadways.

**(o) Office-Service District (OS)**

The purpose of the Office-Service District (OS) is to provide areas for suitable environments for small-medium scale office, service and limited commercial uses in a low intensity manner that may also serve as a transitional area between lower intensity and higher intensity uses.

**(p) Office District (O)**

The purpose of the Office District (O) is to provide for the appropriate and convenient locations for the provision of a broad range of professional, business and administrative offices, services and similar ancillary uses in a large-scale environment with limited commercial uses.

**(q) Office/Industrial Park District (O/IP)**

The purpose of the Office/Industrial Park District (O/IP) is to provide sites for offices, light industrial, and research and development facilities in a large scale or campus like environment. Offices, banks and other financial institutions and supporting non-office uses (business services and personal services) are permitted as principal or accessory uses.

**(r) General Industrial District (I)**

The purpose of the General Industrial District (I) is to create, preserve and enhance areas of the City that are appropriate for a wide variety of supporting and related manufacturing establishments that may have the potential to generate off-site impacts. These impacts, such as noise, light, glare, odor, traffic, shall be mitigated through the use of specific performance standards. These uses typically require sites with good transportation access. Uses that may inhibit industrial development are prohibited.

**(s) Industrial Innovation (I/I)**

The purpose of the Industrial Innovation District (I/I) is to create, preserve and enhance areas of the City that are appropriate for a wide variety of supporting and related to innovative high-tech manufacturing and design establishments as well other large innovative businesses, warehouses, and large offices that may have the potential to generate off-site impacts. These impacts, such as noise, light, glare, odor, traffic, shall be mitigated through the use of specific performance standards. Uses such as robotic, aeronautical, automotive, biomedical research and development facilities, innovative industrial incubators, and advanced indoor agricultural facilities are encouraged. The uses under this district typically require sites with good transportation access. Uses that may inhibit innovative development or design are prohibited.

*(Amended 01-20-2022, Ordinance 21-33)*

## 1218.03 Principally Permitted Uses

### (a) General Provisions

- (1) [Table 1218-1](#) lists the principal uses allowed within all base zoning districts. Uses permitted in the base zoning districts may differ based on the regulations of any applicable overlay districts as established in [Chapter 1220: Overlay Zoning Districts](#).
- (2) Uses permitted within a PUD shall be controlled by the regulations of [Chapter 1222: Planned Unit Developments](#).

### (b) Explanation of Table of Permitted Uses

#### (1) Permitted Uses

- A. A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B. Permitted uses are approved administratively by the Planning Commission through the site plan review process (See [Section 1214.04](#).) or by the Administrative Officer through the zoning certificate procedure unless subject to additional review (e.g., variance, etc.).

*(Amended 12-16-2020, Ordinance 20-31)*

#### (2) Permitted Uses with Standards

- A. A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1218-1](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process (See [Section 1214.04](#).) or by the Administrative Officer through the zoning certificate procedure unless subject to additional review (e.g., variance, etc.).

*(Amended 12-16-2020, Ordinance 20-31)*

#### (3) Conditional Uses

- A. A “C” in a cell indicates that a use may be permitted if approved by City Council through the conditional use review procedure (See [Section 1214.05](#).). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1218-1](#). Conditional uses are subject to all other applicable standards of this code.
- B. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in [Section 1214.05](#).
- C. Where a use is listed as P/C or PS/C, there may be certain circumstances in which a conditional use approval may be required rather than the use being permitted or

permitted with standards. The specific approval required shall be as established in the use-specific standards.

**(4) Prohibited Uses**

- A. A blank indicates that a use is prohibited in the respective zoning district.
- B. Any use not specific listed shall be considered prohibited unless approved through a code amendment or similar use determination.
- C. The cultivation, processing, and dispensing of marijuana is specifically prohibited under all zoning districts within the City and shall not be permitted through a similar use determination.
  - i. This prohibition applies to both medical marijuana and adult use marijuana, as defined herein.
  - ii. This prohibition shall not be applicable to the extent it limits any research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.
  - iii. Nothing herein shall prohibit the legal personal use or legal possession of marijuana by individuals within the City or prohibit or limit home cultivation of adult use marijuana as permitted by Chapter 3780 of the Ohio Revised Code.
- D. **Retail Sales, Manufacturing, and Wholesaling of 1.3G and Certain 1.4G Fireworks**
  - i. The retail sales of 1.3G and 1.4G fireworks are prohibited under all zoning districts within the City. This prohibition shall not include “novelties and trick noise makers” or “wire sparklers”.
  - ii. The manufacturing and wholesaling of 1.3G and 1.4G fireworks is prohibited in all zoning districts within the City.

*(Amended 06-17-2022, Ordinance 22-17; Amended 10-03-2024, Ordinance 24-18)*

**(5) Use-Specific Standards**

- A. The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) or a conditional use (C).

**(6) Use Determination and Unlisted Uses**

- A. The Administrative Officer shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.
- B. If a use is not listed or the Administrative Officer cannot determine how a specific use is to be allowed, the applicant may seek a similar use determination in accordance with Section [1214.06](#).

**TABLE 1218-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS**

Land Uses  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	Base Zoning Districts																		Use-Specific Standards	
	A	RSF-1	RSF-2	RSF-3	RSF-4	RTF	RFF	RMF	PF	OR	DB	GB	NB	HB	OS	O	O/P	I	I/I	See Section:
Agricultural Uses																				
Agricultural (Raising of Crops)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural (Limited Livestock)	C																			
Aquaculture (Indoor Only)																			P	
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1218.04(b)
Mulch Processing Facility	C																			1218.04(c)
Wholesale Greenhouses	C																			
Residential Uses																				
Bed and Breakfast Establishments	C	C								C	C									1218.04(d)
Dwellings, Four-Family							P	P												
Dwellings, Multi-Family								P		C										
Dwellings, Single-Family	P	P	P	P	P	P				P										
Dwellings, Three-Family							P	P												
Dwellings, Two-Family						P	P			P										
Dwellings, Zero Lot Line Double						P														
Group Homes	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C		PS/ C										1218.04(e)
Skilled Nursing or Personal Care Facilities								C		C		C	C							1218.04(f)
Transitional Housing	C	C	C	C	C	C	C	C	C	C										1218.04(g)
Public, Institutional, and Recreational Uses																				
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1218.04(h)
Botanical Garden/Arboretum																			P	
Cemeteries	C	C	C	C	C	C	C	C	P											
Cultural Facilities	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	C			
Educational Institutions (Higher Education)									C					C		C	C		P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C	C	C	P											
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

**TABLE 1218-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS**

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	A	RSF-1	RSF-2	RSF-3	RSF-4	RTF	RFF	RMF	PF	OR	DB	GB	NB	HB	OS	O	O/I/P	I	I/I	See Section:
Fraternal, Charitable, and Service Oriented Clubs	C									C	C			C				C		1218.04(i)
Hospitals								C	C			C	C	C			C		P	
Passive Parks, Open Space, and Natural Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	C	PS	C	PS				1218.04(j)
Public Buildings	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C		
Public Incinerator									C											
Public Utility Buildings and Facilities									P								C			
Residential Community Centers		C	C	C	C	C	C	C												1218.04(k)
Wireless Telecommunication Facilities	C												C			C	C	C		1218.04(l)
Zoological Gardens																			P	
Commercial, Office, and Mixed Uses																				
Administrative, Business, or Professional Offices									PS	P	P	P	P	P	P	P	P		C	1218.04(m)
Adult Uses																		C		1218.04(n)
Animal Boarding Facilities and Animal Hospital/Clinics	P/C										P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	P	1218.04(o)
Assembly Halls or Conference Centers									C		C	C		C					C	
Automobile and Motorcycle Sales and Leasing												C		PS						1218.04(p)
Automotive Repair and Service														PS						1218.04(r)
Automotive Repair and Service (Heavy)																		P		1218.04(s)
Automotive Sales and Leasing														C						1218.04(p)
Brewery, Distillery, Meadery, Winery																			P	
Commercial and Business Support Services												C	P	P	C	P	P			
Commercial Parking Facilities														P						
Commercial Recreational Facilities (Indoors)											PS	PS		PS					C	1218.04(q)

**TABLE 1218-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS**

Land Uses  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	Base Zoning Districts																		Use-Specific Standards	
	A	RSF-1	RSF-2	RSF-3	RSF-4	RTF	RFF	RMF	PF	OR	DB	GB	NB	HB	OS	O	O/P	I	I/I	See Section:
Commercial Recreational Facilities (Outdoors)	C													PS					C	1218.04(h)
Financial Institutions											P	P	P	P	P	C	C			
Fuel Stations											C	PS	C	PS						1218.04(t)
Funeral Homes										C	C		C	C						
Gun Range (Indoors)																	C	C	C	
Hotels and Motels												P		P			C		C	
Large Animal Boarding Facilities and Animal Hospital/Clinics																			P	
Live/Work Units										C										1218.04(u)
Lumber and Home Improvement Centers												P		P					P	
Medical/Dental Clinics									PS		P	P	C	P	P	P			P	1218.04(m)
Microbrewery, Microdistillery, or Microwinery											C	C	C	C			PS	PS		1218.04(v)
Mixed Use Buildings											PS									1218.04(w)
Multi-Tenant Use											C	P	C	P	P	P	P	P		
Nursery Schools and Day Care Centers										P	C		C	C	C	C	C			
Personal Services										P	P	C	P	P						
Radio, Television, or Transmission Towers	C																	C		
Restaurants											P	P	PS	P						1218.04(x)
Retail Businesses											PS /C	P	PS	P						1218.04(y)
Retail Greenhouses and Garden Centers														C						
Taverns or Bars											C	C		PS						1218.04(z)
Vehicle Washing Establishments														C			C			
Warehouse Store																			P	

**TABLE 1218-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS**

Land Uses  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	Base Zoning Districts																		Use-Specific Standards	
	A	RSF-1	RSF-2	RSF-3	RSF-4	RTF	RFF	RMF	PF	OR	DB	GB	NB	HB	OS	O	O/P	I	I/I	See Section:
Industrial Uses																				
Asphalt and Concrete Manufacturing and Contractors																		C		
Building Materials and Sales Yards																		P		
Contractor Equipment and Storage Yards																		C		
Gravel Pits and Mining																		C		
Light Manufacturing																	P	P	P	
Research and Development Laboratories																	P		P	
Self-Storage Facilities																	C	P		
Truck and Heavy Equipment Sales																	C	C		1218.04(p)
Truck Facilities																		C		
Warehouses																	C	P	P	
Wholesale Establishments																	P	P		

(Amended 01-20-2022, Ordinance 21-33)

## **1218.04 Use-Specific Standards**

### **(a) Purpose and Applicability**

- (1) This section provides site planning, development, and/or operating standards for certain land uses that are permitted with additional standards or conditionally permitted in [Table 1218-1](#).
- (2) The land uses and activities covered by this section shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

### **(b) Community Gardens**

- (1) Community gardens may only be permitted as a principal use of a property when the lot is owned by the City, County, State, or approved land bank.
- (2) Community gardens are permitted in any yard.
- (3) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (4) The name and telephone number of the owner and any person designated as the person in-charge of the garden coordination along with a copy of the operating rules shall be kept on file with the Administrative Officer.
- (5) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (6) There shall be no retail sales on site, except for produce grown on the site.
- (7) Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.
- (8) The community garden may include one storage shed and one farm market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that is grown on-site.
- (9) Fences and walls shall be subject to the provisions of Section [1224.01](#).

### **(c) Mulch Processing Facilities**

- (1) No processing or grinding equipment shall be operated within 500 feet of any residential use and no processing or grinding equipment shall be operated within 150 feet of any lot or right-of-way line.
- (2) Outdoor storage may not be located within 50 feet of any lot or right-of-way lines.
- (3) The facility shall be located on an arterial street or higher classification as defined by the City and this code.
- (4) The minimum lot area shall be at least 10 acres.
- (5) Grinding, equipment operation, and any loading and unloading of vehicles for any or all commercial enterprise whether or not directly associated with mulch processing shall take place only between the approved operating hours which shall not be before 8:30 a.m. or after 5:00 p.m. Monday through Friday with potential to be open Saturday for public drop-off only.
- (6) No heavy motor vehicles as defined in section 448.01 of the Vandalia Codified ordinances shall be operated on the site outside of approved hours of operation.

- (7) All driveways and maneuvering areas must be a hard-paved surface (paved with concrete, asphaltic concrete or other hard surface, not gravel) for a minimum distance of 100 feet from the front property line. Any other dirt or gravel surfaces beyond the 100-foot minimum must be maintained to reduce dust. Adequate space shall be maintained around all material piles to allow access for emergency fire-fighting equipment and procedures, as described in the operational plan and approved by the Vandalia Fire Department
- (8) There shall be no burning of any materials on site. Operations including, but not limited to, any potential effect on surface water and storm water detention/retention and air quality shall meet all applicable regulatory standards and approved by the Ohio Environmental Protection Agency (EPA), the Director of Public Service and his/her designee and any other entity with regulatory authority over said use. No zoning certificate shall be issued until all necessary approvals are obtained.
- (9) The owner/operator applying for conditional use permit or zoning certificate shall provide an operational plan that will be kept on site and readily available for use by facility staff and the Administrative Officer. The operational plan shall include a site plan and general maintenance policies and procedures for the facility including, but not limited to, procedures relating to dust control, traffic, public access, fire prevention, staffing, the materials accepted for compost, and the prevention of unauthorized disposal of materials.
- (10) If open to the public, the facility shall be designed to prevent public access during non-business hours. An attendant shall be on duty during public business hours to ensure no prohibited materials are disposed of on site.
- (11) Adequate screening shall be required as a visual and noise buffer around all property lines where no other adequate screening exists. Screening must include a buffer of a minimum of 50 feet in width and an 8-foot mound with a minimum 2-foot top width in conjunction with plantings. Plantings on the mound shall include trees and/or shrubs which maintain year-round foliage such as evergreens. One tree must be provided for every 15-20 lineal feet and staggered to create an average opacity of 80 percent. Trees shall be a minimum of six feet in height at planting. Required screening must be provided and maintained for entire duration of the use.

**(d) Bed and Breakfast Establishments**

- (1) The owner of the bed and breakfast establishment shall reside on the property.
- (2) The establishment shall conform to state or local health, building, and fire codes, as applicable, and shall show proof of inspection or proof of proper operating licenses by the State and/or county prior to the issuance of the certificate of occupancy.
- (3) The operation of a bed and breakfast establishment is considered a principal use of the lot and is not defined as a home occupation.
- (4) Only overnight guests shall be served unless otherwise authorized as part of the conditional use approval.
- (5) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- (6) No external vending machines shall be allowed and there shall be no kitchen or kitchenettes in any guest rooms.
- (7) Accommodations shall not be provided to a particular guest for more than 14 consecutive days.

- (8) No ancillary commercial use shall be operated in connection with an approved bed and breakfast establishment.

**(e) Group Homes**

- (1) Where a person may operate a group home, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the A, RSF-1, RSF-2, RSF-3, RSF-4, RTF, and OR districts. Such facilities must comply with the site development standards (See Section [1226.04.](#)), architectural standards (See [Chapter 1228: Architectural Standards.](#)), and any other standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a group home, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use (See Section [1214.05.](#)) in any the RTF, RFF, and RMF districts. Such facilities must comply with the site development standards (See Section [1226.04.](#)), architectural standards (See [Chapter 1228: Architectural Standards.](#)), and any other standards in this code that apply to all multi-family dwellings within the applicable district.

**(f) Skilled Nursing or Personal Care Facilities**

- (1) Development standards for the applicable zoning district shall apply, except as otherwise noted herein.
- (2) Where abutting a residentially zoned property or a residential use, the side yard and rear yard setbacks shall be 35 feet or that which is required by the applicable zoning district, whichever is greater.
- (3) All paved areas shall be set back a minimum of five feet from all lot lines except when abutting a residentially zoned property or a residential use, in which case the paved area shall be set back a minimum of 25 feet. Such measurement shall be made between where the shortest distance is located between the paved area and a residential zoning district or lot that contains a residential use.

**(g) Transitional Housing**

- (1) No exterior alteration of the structure shall be made which departs from the residential character of the building. All new structures prepared shall be of compatible residential design with the surrounding neighborhood including, but not limited to, scale, massing, and materials of surrounding dwellings, to the maximum extent possible.
- (2) In order to prevent the concentration of such facilities, no transitional housing shall be located within 1,500 feet of any other transitional housing or group home. Such distances shall be measured along a straight line from the corner of the building containing one facility to the nearest corner of the building containing the second facility.
- (3) The facility shall have 24-hours supervision consistent with pertinent supporting agency standards subject to review and final approval by the Planning Commission.
- (4) Prior to the issuance of a zoning certificate or final certificate of occupancy, as applicable, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for this proposed use on the subject property. If licensing is not available, a verified affidavit so stating shall be presented.

**(h) Active Recreational Facilities and Commercial Recreational Facility (Outdoors)**

- (1) The minimum lot area shall be at least two acres.
- (2) All structures, viewing areas or seating areas shall be setback at least 200 feet from any residential zoning district.

- (3) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets.
- (4) The hours of operation shall be identified by the applicant and approved by City Council as part of the conditional use permit process.
- (5) In the HB District, a Commercial Recreational Facility (Outdoors) shall only be permitted between the hours of 8:00 a.m. and 9:00 p.m., Sunday through Thursday and 8:00 a.m. and 11:00 p.m., Friday and Saturday, unless otherwise approved by the City Manager.

*(Amended 12-16-2020, Ordinance 20-31)*

**(i) Fraternal, Charitable, and Service Oriented Clubs**

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards however, such uses where the conduct of business is the principal activity, shall be prohibited.

**(j) Places of Worship**

- (1) Places of worship shall be located on a thoroughfare or arterial street as designated on the Official Thoroughfare Plan.
- (2) The minimum lot frontage shall be 100 feet or the minimum lot frontage of the applicable zoning district, whichever is greater.

**(k) Residential Community Centers**

- (1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development.
- (2) The residential community center shall only be for the use of residents and their guests.

**(l) Wireless Telecommunications Facilities**

**(1) Purpose**

The purpose of this section 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. Specifically, the purposes of the section are:

- A. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City of Vandalia;
- 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 that such structures are soundly designed,

constructed, and modified, appropriately maintained, and are fully removed when abandoned;

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

**(2) Applicability**

Wireless telecommunication facilities must be situated in zoning districts wherein such facilities are listed as permitted or conditional uses and are subject to this section. Except as provided in this section, any use of an existing tower or antenna support structure on the effective date of this section shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this section. Any tower site that has received approval in the form of a building permit by the City of Vandalia, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

**(3) Application and Review Requirements**

- A. All applications for wireless telecommunications facilities, including towers, shall include the information required under this section.
- B. 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 to 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 of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.
- D. The applicant shall demonstrate that the telecommunications 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 are technically necessary.
- E. The evidence submitted by the applicant shall be reviewed by a radio frequency engineer, who will support or refute the evidence.
- F. Where the wireless telecommunications 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 that vehicular access is provided to the facility.
- G. The applicant shall present signed statements indicating that:
  - i. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
  - ii. The applicant agrees to remove the facility within 180 days after its use is discontinued.

- H. 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.

**(4) Application Timing**

- A. An application for a wireless telecommunication facility shall be reviewed by the Administrative Officer for completeness and if the application is incomplete, the Administrative Officer shall notify the applicant within 30 days of the filing of the application with the City of the deficiencies which make the application incomplete.
- B. A final decision on an application for a collocation on an existing tower or structure shall be made by the applicable City decision maker within 90 days of a complete application therefor being submitted to the City.
- C. A final decision on an application for a new facility shall be made by the applicable City decision maker within 150 days of a complete application therefor being submitted to the City.
- D. Final decisions by the City decision maker shall be provided to the applicant in writing and any denial of an application or any approval with conditions shall be supported by substantial evidence in writing (if the denial and reasons are not in the same document, both must be provided to the applicant at the same time).

**(5) Standards Applicable to all Wireless Telecommunications Facilities**

- A. All wireless telecommunications 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 Building Code.
- B. The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this section or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.
- C. Any application to locate a wireless telecommunications facility on a building or structure that is listed on a Federal, State or local historic register, or is in an historic district established by the City of Vandalia, shall be subject to review by the City of Vandalia Architectural Review Board, or by the Building Commissioner if there is no such Board, to ensure that architectural and design standards are maintained.
- D. All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under subsection (C) hereof. All appurtenances shall be aesthetically and architecturally compatible with the surrounding

environment by the means of camouflage deemed acceptable by the City of Vandalia

- E. No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.
- F. No wireless telecommunications facility shall be artificially lit except as required by the Federal Aviation Administration.
- G. All wireless telecommunications facilities shall be subject to the co-location requirements set forth in Section [1218.04\(l\)\(6\)](#).
- H. All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in Section [1218.04\(l\)\(7\)](#).
- I. All towers and equipment shelters shall be enclosed either completely or individually as determined by the City of Vandalia. The City of Vandalia 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 (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Vegetative plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the City of Vandalia. An evergreen screen may be required around the perimeter of the property in lieu of such vegetation.
- K. "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of whom to contact in the event of an emergency.
- L. Construction Specifications in the Agricultural District.**
  - i. The tower height shall not exceed 200 feet.
  - ii. The tower shall be located such that the distance from the tower to any property line is at least equal to the height of the tower.
  - iii. No tower shall be located such that the distance from the tower to a residentially zoned property or residential use is less than 200 feet.
  - iv. All equipment shelters, located above ground, shall meet the required setbacks for the Agricultural District.
- M. Construction Specifications in the Industrial District.**
  - i. The tower height shall not exceed the distance of such tower from the nearest property line.
  - ii. The tower shall meet all setback and yard requirements of the Industrial Zoning District.
  - iii. No tower shall be located such that the distance from the tower to a residentially zoned property or residential use is less than the height of the tower.
  - iv. All equipment shelters, located above ground, shall meet the required setback and yard requirements for the Industrial Zoning District.
- N. Construction Specifications in all Other Districts where Permitted**
  - i. The tower height shall not exceed 200 feet.
  - ii. The tower shall meet all setback and yard requirements of the HB District.
  - iii. No tower shall be located such that the distance from the tower to a residentially zoned property or residential use is less than 200 feet.

- iv. All equipment shelters, located above ground, shall meet the required setbacks for the HB District.

**(6) Co-Location Requirements**

- A. No new tower shall be constructed in the City of Vandalia unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.
- B. Authorization for a tower shall be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the City of Vandalia or the surrounding region to be served.
- C. 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 within the City of Vandalia, 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.

**(7) Abandonment of Towers**

- A. All providers utilizing towers shall present a report to the Director of Public Services supplying notification regarding the discontinuation of any tower facility and the date this use will cease. Such report shall be filed at least thirty days prior to the cessation date. If at any time the use of the facility is discontinued for 180-days, the Administrative Officer may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Administrative Officer and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the City of Vandalia will both remove the facility or contract to have the facility removed and assess the owner/operator the costs.
- B. The City of Vandalia must provide the tower owner thirty-day notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action. After such notice has been provided, the City of Vandalia shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or, in the alternative, order the demolition of the tower and all appurtenances.
- C. The City of Vandalia shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty-day notice required in subsection (B) hereof. All interested parties shall be allowed an opportunity to be heard at the public hearing.
- D. After a public hearing is held pursuant to subsection (C) hereof, the City of Vandalia may order the abatement or demolition of the tower. The City of Vandalia shall require the licensee to pay for all expenses necessary to acquire or demolish the tower.

**(m) Administrative, Business, or Professional Offices and Medical/Dental Clinics**

- (1)** Administrative, business, or professional offices and medical or dental clinics are permitted in the PF District if they are associated with an approved public, institutional, and recreational use.
- (2)** Such uses may include accessory services such as laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic.

**(n) Adult Uses**

**(1) Purpose**

- A. The purpose of this section is to regulate the time, place, and manner of adult entertainment facilities through the application of uniform zoning requirements to:
  - i. Promote the health, safety, morals and general welfare of the citizens of Vandalia;
  - ii. Establish reasonable and uniform regulations for the operation of adult entertainment facilities with the goal of reducing or eliminating the adverse secondary effects associated with such facilities; and
  - iii. Protect minors, by reason of age, from exposure to unsuitable or sexually oriented materials.
- B. It is not the intent of this section to limit or restrict the content of communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material. The standards in this chapter are intended to ensure that residential districts, religious uses, educational uses, parks, and other areas where large numbers of minors regularly travel or congregate are located in areas free from the adverse secondary effects of adult uses. The location of residential districts, religious uses, educational uses, parks and other areas where large numbers of minors regularly travel or congregate within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.
- C. Based on evidence concerning the adverse secondary effects of adult uses on a community in reports and studies made available to the Council including, but not limited to, St. Paul, Minnesota; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; and Oklahoma City, Oklahoma and on findings incorporated in cases decided by the United States Supreme Court, other Federal courts and Ohio courts, City Council finds: that the enactment of this section to regulate the adult uses is a substantial government interest for the City in preserving the quality of urban life, and that it is in the interest of the health, safety,

morals, and general welfare of the citizens of the City that adult uses are regulated pursuant to the standards herein.

**(2) Use Regulations**

For purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the closest boundary of the property on which the adult use facility is located to the closest boundary of the property on which the facility or residence of use as listed in this section is located. The presence of a political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section. Adult uses shall be subject to the following standards in addition to the general conditional use review criteria established in this code:

- A. No adult use shall be established within 1,000 feet of a zoning district where residential dwellings are a permitted use.
- B. No adult use shall be established within a radius of 1,000 feet of any educational institution, cultural facility, or place of worship, regardless of ownership, which educational institution, cultural facility, or place of worship is attended by persons under 18 years of age.
- C. No adult use shall be established within a radius of 1,000 feet of any active recreational facility or parks, open space, or natural areas attended by persons under 18 years of age.
- D. No adult use shall be established within a radius of 1,000 feet of any other adult use or within a radius of 2,000 feet of any two commercial enterprises that offer the sale of beer or intoxicating liquor for consumption on the premises.
- E. No advertisements, displays or other promotional materials shall be shown or exhibited to be visible to the public outside of the adult use. This prohibition shall not extend to lawful advertising of the name, nature, or location of such adult use.
- F. All building openings, entries, windows, etc., for adult uses shall be located, covered or serviced to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- G. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public outside of the adult use.
- H. Adult uses shall comply with all standards of development required for permitted uses within the I Industrial District as appropriate.

**(o) Animal Boarding Facilities or Animal Hospitals/Clinics**

- (1)** Care and boarding of animals shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals.
- (2)** All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.
- (3)** A conditional use approval shall be required in cases where the use will include outdoor kennels or outdoor runs.

- (4) Outdoor kennel or runs shall be set back a minimum of 250 feet from any residential or O, OR, and OS Districts and shall only be permitted in the rear yard. Such measurement shall be made between where the shortest distance is located between the outside edge of the kennel or run and the nearest lot line in any of the applicable districts.
- (5) Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance.
- (6) Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

**(p) Automobile and Motorcycle Sales and Leasing; Automotive Sales and Leasing; and Truck and Heavy Equipment Sales**

- (1) There shall be a minimum lot area of four acres if there is to be outdoor display areas and sales lots, with a minimum lot frontage shall be 200 feet. If the lot is smaller, the use shall require approval of a conditional use application.
- (2) All outdoor display, storage, and sales facilities must be screened to their full height from view from adjacent property in the rear and side yard when adjacent to residential districts. See Section [1232.06](#).
- (3) The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan.
- (4) The use shall be located on an arterial street as designated on the Official Thoroughfare Plan.
- (5) No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

**(q) Commercial Recreational Facilities (Indoors)**

- (1) Commercial recreational facilities shall be located on a thoroughfare or arterial street as designated on the Official Thoroughfare Plan.
- (2) The minimum lot frontage shall be 100 feet or the minimum lot frontage of the applicable zoning district, whichever is greater.

**(r) Automotive Repair and Service**

- (1) All repair and service of vehicles shall occur within a completely enclosed building.
- (2) No vehicles awaiting repair work shall be located within the front yard of the lot or visible from any right-of-way or adjacent property and must be completely screened from view.
- (3) All outdoor display and storage must be screened to their full height from view from adjacent property in the side and rear yard.
- (4) No off-site impacts regarding noise, odor, hazardous materials discharge or vibration shall occur on adjacent properties.
- (5) No storage of wrecked or salvage vehicles is permitted outside of a completely enclosed structure or building.
- (6) Vehicles being serviced or waiting for service shall be stored for no longer than 14 days on the site if in unenclosed areas.
- (7) Any major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (heavy)” and shall be subject to Section [1218.04\(s\)](#).

- (8) All areas not paved or covered by the building shall be landscaped.
- (9) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, State, and local requirements.
- (10) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [1232.06](#).

**(s) Automotive Repair and Service (Heavy)**

- (1) No vehicles awaiting body or major parts repair shall be located within the front yard of the lot or visible from any right-of-way or adjacent property and must be completely screened from view.
- (2) A heavy automotive repair and service establishment shall be subject to the same requirements as an automotive repair and service facility as established in Section [1218.04\(r\)](#).
- (3) There shall be no wrecking or salvaging of parts from vehicles on the site.
- (4) The storage of non-operational and/or disassembled vehicles for longer than a 24-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.

**(t) Fuel Stations**

- (1) The building shall be enclosed and have a minimum floor area of 1,200 square feet if any service is offered on or from the premises, other than the delivery of fuels. If a station offers no service other than the delivery of fuels into vehicles, the enclosed building shall have minimum floor area of 600 square feet.
- (2) No automotive repair or service activities shall take place unless such use is permitted in accordance with this code.
- (3) The sale of convenience goods and food is permitted as an accessory use within the enclosed building.
- (4) The use shall be located on an arterial street as designated on the Official Thoroughfare Plan with a minimum lot frontage of 150 feet.
- (5) Fuel stations shall be set back a minimum of 200 feet from any residential zoning district. Such measurement shall be made between where the shortest distance is located between the fuel pump and a lot line in a residential zoning district.
- (6) Fuel stations shall be separated from other fuel stations on the same side of the street by a minimum of 500 feet as measured along the centerlines of the street. Fuel stations shall be separated from other fuel stations on the opposite side of the street by a minimum of 300 feet as measured along the centerlines of the street.
- (7) Gasoline pumps and islands shall be set back a minimum of 25 feet from all lot lines.
- (8) The edge of any canopy shall be set back a minimum of five feet from all lot lines and 25 feet from all adjacent residential lot lines.
- (9) All buildings shall be set back a minimum of 50 feet from the right-of-way line.
- (10) Only one permanent or one portable display rack for oil, antifreeze, or other automotive products shall be permitted on each pump island. No rack shall be located closer than 25 feet to the street right-of-way line or adjoining lot line.
- (11) Any other outdoor storage and outdoor display, including vending machines, shall be subject to the standards in Section [1224.01](#).

**(u) Live/Work Units**

- (1)** Any nonresidential use permitted in the applicable zoning district is permitted in the live/work unit.
- (2)** The majority of the floor area of the unit shall be designated for the nonresidential use.
- (3)** A minimum of 50 percent of a structure's street front façade, at street level, shall be occupied by nonresidential uses.
- (4)** The unit must be constructed with a complete dwelling unit as part of the structure, but residential occupancy of the unit is not required (i.e., the living space could be used as an extension of the nonresidential use area) but where there will be occupancy, the occupant shall be the owner or employee of the nonresidential use.
- (5)** Parking shall be prohibited in front of the building unless located on an approved driveway.

**(v) Microbrewery, Microdistillery, or Microwinery**

- (1)** A microbrewery, microdistillery, and microwinery shall be allowed in the DB, GB, NB, and HB Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts.
- (2)** A microbrewery, microdistillery, and microwinery in the O/IP and I Districts may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 25 percent of the total footprint of the use.

**(w) Mixed-Use Buildings**

- (1)** All dwelling units shall be located above the ground floor.
- (2)** The design shall provide for internal compatibility between the residential and nonresidential uses on the site.
- (3)** The design shall ensure that the residential units have privacy from other uses on the same or adjacent site.
- (4)** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in a location that is convenient for both the residential and nonresidential uses.
- (5)** A mixed-use building shall be designed to provide the residential uses with public or private outdoor space, which may be in the form of open yard areas, roof gardens, individual balconies, or other means acceptable to the Administrative Officer. The minimum required open space shall be equal to 10 percent of the gross floor area of all dwelling units.

**(x) Restaurants**

- (1)** In the NB District, restaurants shall have a floor area of 5,000 square feet or less.

**(2) Entertainment Activities**

- A. All entertainment activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock. Furthermore, no interior activity shall be noticeable beyond the subject property line.
- B. For the purpose of this section the term "entertainment activities" shall include live performances, live bands, or the playing of televisions or recorded music by one or more persons either electronically amplified or not.
- C. Entertainment activities shall be permitted outdoors as an ancillary activity of normal operations under the following conditions:
  - i. The activity receives approval as a conditional use;
  - ii. The area that contains the activity shall be set back a minimum of 750 feet from any residential lot. Such measurement shall be made between where the shortest distance is located between the entertainment activity area and the lot line of the residential lot;
  - iii. Outdoor entertainment activities shall only be permitted between the hours of 2:00 p.m. and 11:00 p.m., Sunday through Thursday and 2:00 p.m. - midnight, Friday and Saturday, unless otherwise approved by the City Manager; and
  - iv. Outdoor entertainment activities shall take place within the confines of a designated deck or patio and shall not be permitted in the parking lot area, yard or other areas unless otherwise approved by the City Manager.
- D. Entertainment activities shall not include outdoor dining as may be allowed under Section [1224.01](#).

**(y) Retail Businesses**

- (1)** In the NB District, retail business establishments shall have a floor area of 5,000 square feet or less.
- (2)** In the DB District, retail business establishments are permitted but if the use is located in a building with more than 10,000 square feet of floor area, then the use may only be permitted if approved as a conditional use (See Section [1214.05](#)).

**(z) Taverns and Bars**

- (1)** Such establishments shall conform to the standards established in Chapter 612, Alcoholic Beverages, of the Vandalia Municipal Code.
- (2)** There shall be a minimum setback of 200 feet from any residential zoning district, places of worship, or educational institutions (preschool and K to 12). Such measurement shall be made between where the shortest distance is located between the tavern or bar and lot line of any residential zoning district, places of worship, or educational institutions (preschool and K to 12).
- (3)** Entertainment activities shall only be permitted in accordance with Section [1218.04\(x\)\(2\)](#).

# **Chapter 1220: Overlay Zoning Districts**

## **1220.01 Source Water Protection Overlay District (SWPO)**

### **(a) Purpose**

The Source Water Protection Overlay District (SWPO) is designed to safeguard the public health, safety and welfare of citizens and institutions that are customers of any "protected public water supply" by regulating the land use and the storage, handling, use and/or production of regulated substances. The areal extent of the affected zone is described as the land area within the City of Vandalia adjacent to existing and proposed protected public wells which lie within the larger Source Water Protection Area (SWPA) and the Water Resource Area. The intent of this designation is to protect the region's potable water supply against contamination.

### **(b) Applicability**

- (1) The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the Source Water Protection Overlay District (SWPO) on the Official Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- (2) It shall be the responsibility of any person owning real property and/or owning or operating a business within Vandalia to determine the applicability of this section as it pertains to the property and/or business, and failure to do so shall not excuse any violations of this section.
- (3) Nothing contained in this section shall be construed so as to interfere with any existing or future lawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this section.

### **(c) Uses**

- (1) The permitted principal and accessory uses, permitted principal and accessory uses with standards, and permitted and accessory conditional uses allowed in the underlying base zoning district shall be those allowed in the SWPO District except as specified in Section below. Uses that prohibited in the underlying base zoning district shall be prohibited in the SWPO District.
- (2) No temporary uses shall be permitted in the SWPO District that would result in the sum or the regulated substances being handled by all of the uses on the lot to exceed the zoning lot's Total Maximum Daily Inventory, and/or to be of a type and quantity of regulated substances of such hazard that the Facility Hazard Potential Rating assigned to the lot is exceeded.
- (3) The site development standards of the underlying base zoning district shall be applicable in the SWPO District except as specified in this section.
- (4) Every wireless telecommunication facility in the SWPO District shall file a Regulated Substance Activity Inventory Report. No wireless telecommunication facility shall be permitted which would result in the sum of the regulated substances and/or to be of a type and quantity of regulated substances exceed the Facility Hazard Potential Rating or Total Maximum Daily Inventory, assigned to the lot.
- (5) The following uses are specifically prohibited in the SWPO District. Where such uses are defined in this code, the use shall be as defined and/or determined by the City of Dayton Environmental Advisory Board:

- A. Any use of chlorinated solvent compounds and/or perfluorinated liquid compounds;
  - B. Any prohibited uses as identified in state or federal law;
  - C. Bulk fuels storage facilities;
  - D. Class I, II, III, IV, and VI underground injection wells;
  - E. Concentrated animal feeding facilities;
  - F. Dry wells;
  - G. Grade and fill sites;
  - H. Hazardous liquid pipeline facilities;
  - I. Junkyards, including vehicle crushing;
  - J. Chemical manufacturing;
  - K. Manufacturing, extraction, mixing or warehousing of Pharmaceuticals and Personal Care Products (PPCP);
  - L. Manure storage and/or treatment facilities;
  - M. Plating;
  - N. Large and small recycling collection facilities;
  - O. Indoor and outdoor recycling processing facilities;
  - P. Salt piles unless stored inside structures with an impermeable floor;
  - Q. Sand, limestone, shale, clay, dirt and gravel operations;
  - R. Indoor self-storage facilities;
  - S. Underground storage tanks;
  - T. Vehicle fueling stations;
  - U. Construction and demolition waste facilities;
  - V. Hazardous waste facilities; and
  - W. Sanitary waste facilities.
- (6)** Where permitted in the underlying base zoning district, the specific regulations for sand, limestone, shale, clay, dirt and gravel operations shall be as follows:
- A. The minimum lot size shall be 50 acres and the minimum lot width shall be two 250 feet.
  - B. A distance of no less than 200 feet shall be maintained at all times from the nearest edge of the excavation area or quarry to any residential zoning district boundary. All other aspects of operations shall maintain a minimum setback of 150 feet from residential zoning district boundaries and 75 feet from all other lot lines.
  - C. Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
  - D. Truck parking areas maneuvering lanes and access ways to streets shall be designed to cause no interference with the convenient movement of automobile and

- pedestrian traffic on. And adjacent to the site and shall be built or treated to prevent the creation of dust and drainage problems.
- E. The owner of the facility shall be responsible for the cost maintenance and cleaning of access routes and other off-site facilities and improvements required to bring access routes and facilities up to City standards.
  - F. Processing equipment shall be located at the site in such a way that will minimize the adverse noise impact on surrounding land uses.
  - G. Existing natural or manmade barriers at the site shall be provided as protection and screening against dust and visual protection for all operations. At a minimum, a 50-foot buffer yard shall be planted adjacent to any public street and all site boundaries. It shall be planted with large and small evergreen trees and one row of evergreen shrubs. The large evergreen trees shall be at least six feet in height when planted and allowed to grow to a minimum of 10 feet. The small evergreen trees shall be at least four feet in height when planted and permitted to grow to a minimum of six feet.
  - H. Stakes of one color shall be set and maintained along the perimeter of the area designated for mineral removal at 100-foot intervals or less.
  - I. All facilities, structures, and activities shall meet all applicable State of Ohio codes.
  - J. Any area being excavated shall be enclosed by a fence having a minimum height of seven feet for the entire periphery of the excavated area. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.
  - K. No excavated materials shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business.

**(7) Existing Businesses and Nonconforming Uses**

All legal uses located within the SWPO District, as of the effective date of this section, shall be "grandfathered" in and have the maximum quantities (determined by peak business cycle) for each reportable regulated substance, "grandfathered" in at the reported maximum quantity with no annual use limitation. Existing uses and Total Maximum Daily Inventory, in combination with "Facility Hazard Potential Rating" shall run with the land and be administered in conformance with all other applicable nonconforming provisions of this code and the ORC.

**(d) Ground Water Protection Standards**

- (1)** Use, storage, handling, and/or production of regulated substances in conjunction with permitted and conditional uses in the SWPO District shall be limited to such that the aggregate of regulated substances in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time.
- (2)** A limited exclusion from the provisions of Paragraph [1220.01\(d\)\(1\)](#), hereof, is authorized for nonroutine maintenance or repair of property or equipment. The use, storage, handling, and/or production of regulated substances under this exclusion shall be limited such that the aggregate of regulated substances in use, storage, handling, and/or production may not exceed 50 gallons or 400 pounds at any time.

- (3) A limited exclusion from the provisions of Paragraph [1220.01\(d\)\(1\)](#), hereof, is authorized for medical and research laboratory uses, provided, however, that regulated substances shall be stored, handled, or used in containers not to exceed five gallons or 40 pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.
- (4) A limited exclusion from the provisions of Paragraph [1220.01\(d\)\(1\)](#), hereof, is authorized for regulated substances which are cleaning agents, provided, however, that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided, further, that the aggregate inventory of such cleaning agents shall not exceed 200 gallons or 1,600 pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
- (5) Regulated Substances associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site provided such regulated substances do not pose a real and present danger of contaminating surface and/or ground water. For the on-site storage of fuel and lubricants for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated substances not used in the construction process and all wastes generated during construction shall be removed from the construction site no later than at the time of completion of the construction. If construction activity has ceased for 60 days, all regulated substances shall be removed from the site until such time as the construction activity is to resume.
- (6) With the exception of residential use of heating fuels, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be secondarily contained and monitored. Such installations shall be subject to approval by the Administrative Officer.
- (7) Notwithstanding other provisions of this section, nonconforming uses in the SWPO District presently utilizing underground storage tanks on September 6, 2011 for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Paragraph [1220.01\(d\)\(6\)](#), hereof, and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above noted fuels and lubricants is not permitted.
- (8) As part of the findings required under [Chapter 1240: Nonconformities](#), the Administrative Officer shall use the Total Maximum Daily Inventory and Facility Hazard Potential Rating to assist in the determination of intensity of use within this district. No substitutions of a non-conforming use shall be permitted which result in an increase in the Total Maximum Daily Inventory of Regulated Substances or that result in an increase of the Facility Hazard Potential Rating on a parcel within this district.
- (9) Existing legal businesses within the SWPO District as of the effective date of this section may make application to increase the maximum quantities of regulated substances maintained on site in response to changes in the market and/or need to increase production.

- (10) The Administrative Officer is authorized to exempt certain regulated substances that pose no threat to groundwater, from the provisions of this section. Prior to authorizing the exemption of any regulated substance, the Administrative Officer shall have such request for exemption reviewed by the City of Dayton's Environmental Advisory Board (EAB). The recommendation of the E.A.B. shall be binding on the Administrative Officer.
- (11) The City of Dayton EAB may exempt a substance from being designated as a regulated substance if the EAB determines that the substance does not pose a risk to groundwater. A request for such an exemption shall be submitted to the Administrative Officer in writing, containing all of the supporting documentation that the requestor has to establish that the substance does not pose a risk to groundwater. In addition to any other information or documentation that the EAB may reasonably require to make its determination. Within 90 days of receiving the written request and all of the information or documentation that the EAB reasonably requests to make its determination, the EAB shall issue a written decision listing its reasons for granting or denying the request. The decision of the EAB shall be final and binding and may not be appealed to any other City board or agency. If a decision is not made within 90 days, the request is deemed denied. The EAB, subject to the approval of the Dayton City Commission, shall adopt rules and regulations for the determination of exempted substances that are consistent with this section. All substances be kept by the Administrative Officer and made available upon request.
- (12) The EAB may revoke an exemption previously granted under this section if new information suggests the substance is a threat to groundwater.

**(e) Removal of Regulated Substances**

- (1) Any nonresidential use of property that becomes unoccupied or has discontinued operation for a period of 60 days or more shall remove all regulated substances other than those used exclusively for heating, cooling and providing electrical lighting from the property upon which it is located within 30 days.
- (2) Except in the case of seasonal discontinuation of operation, in the event any nonresidential property either becomes unoccupied or discontinues operation for a period of 90 consecutive days or longer, the owner or operator shall remove all regulated substances and excluded and exempted substances from the property other than those used exclusively for heating, cooling, and providing electrical lighting from the premises within 90 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or occupant shall secure the regulated substances and excluded and exempted substances on the property until they have been removed. The owner or operator shall notify the director in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address.

**(f) Determination of the Total Maximum Daily Inventory (TMDI)**

- (1)** The purpose of the TMDI is to quantify and memorialize the non-conformity of a Zoning Lot for the handling of regulated substances. The City of Dayton first adopted the well Head Operation District and the Well Field Protection Overlay District restricting the use of regulated substances on September 6, 2011. The Administrative Officer, upon the recommendation of the Combined Health District technical staff, determined the TMDI of lots within the Well SWPO District based on uses of the lots at the time that the districts were adopted, analysis of RSAIRs, and inspection of the properties. Now, with the passage of the amendments to this section, the boundaries and the name of the districts are changed. This change will require Public Health – Dayton & Montgomery County (PHDMC—formerly known as the Combined Health District) technical staff to analyze and make a recommendation as to the TMDI of properties that are now in the Source Water Protection Area, but that were not in the Well Field Protection Districts. All of the lots located in the SWPO District that were nonconforming with respect to the amount of regulated substances have been assigned a TMDI. The remaining lots were deemed conforming and have a TMDI of 160 pounds.
- (2)** The lots that were a part the SWPO District and continue to be a part of the Source Water Protection Area shall have the same TMDI as they last had in the Well Field Protection Districts, subject to further reduction based upon discontinuance of use or risk point buy downs by the Source Water Protection Fund Board.
- (3)** For those lots that are now in the Source Water Protection Area and that were not in the Well Field Protection Districts, the Administrative Officer, upon the recommendation of PHDMC technical staff, shall determine the TMDI of the lot based upon the uses of the lot at the time it became part of the Source Water Protection Area, analysis of the RSAIRs, and inspection of the lot.
- (4)** The TMDI established for properties located in the Well Field Protection Districts and that are also located in the Source Water Protection Area shall remain in effect, subject to further reduction based upon discontinuance of use or Risk Point Buy Downs by the Source Water Protection Fund Board.
- (5)** Once the TMDI is established for a lot, it shall not be exceeded, except as may be allowed through an approved variance in [Section 1214.11](#).
- (6)** Lots with dwellings, single-family or two-family dwellings shall have a TMDI of 160 pounds.

**(g) Facility Hazard Potential Rating (FHPR)**

- (1)** The purpose of the FHPR is to quantify the risk for potential groundwater contamination for the regulated substances that comprise the TMDI for a lot. While the TMDI limits the amount of regulated substances that can be handled on a lot at one time, the FHPR limits the type of regulated substances that a lot can handle. The Administrative Officer, upon the recommendation of the PHDMC technical staff, determined the FHPR for a lot by deciding the appropriate chemical class a range of hazard potential ratings for each regulated substance stored on the lot. Then, a weighted average of all of the hazard potential ratings was performed to determine the FHPR for each lot. The FHPR was only assigned to a lot that exceeded the 160-pound conforming use. Conforming use properties were not assigned an FHPR. Now, with the passage of the amendments to this section, the boundaries and the name of the districts are changed. This change will require the PHDMC technical staff to analyze and make a recommendation as to the FHPR of the properties that are now in the Source Water Protection Area, but that were not in the Well Field Protection Districts.

- (2) The lots that were a part of the Well Field Protection Districts and continue to be a part of the Source Water Protection Area shall have the same FHPR as they last had in the Well Field Protection Districts. subject to further reduction based upon discontinuance of use or risk point buy downs by the Source Water Protection Fund Board.
- (3) For those lots that are now in the Source Water Protection Area and that were not in the Well Field Protection Districts, the Administrative Officer. upon the recommendation of the PHDMC technical staff, shall determine the FHPR of the lot based upon the type and quantity of regulated substances lawfully handled on the zoning lot at the time it became part of the Source Water Protection Area, analysis of the RSAIRs, and inspection of the lot. The PHDMC technical staff, subject to approval from City Council, shall adopt rules and regulations for the determination of the FHPR of these properties.
- (4) Once the FHPR is established for a lot, it shall not be exceeded.

**(h) Hazard Potential Ranking System**

- (1) [Table 1220-1](#) lists the hazard potential reflecting the overall threat and potential adverse impacts to groundwater presented by the chemical activity, regulated substances, and uses on a lot is ranked on a scale of one to nine, with one representing the lowest threat and nine representing the highest threat.

TABLE 1220-1: CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE	
Description	Hazard Potential Initial Reading
Organic Chemicals (must be chemically classified)	
Aliphatic (Fatty) Acids	3-5
Aromatic (Benzene) Acids	7-8
Alcohols	7
Aliphatic Hydrocarbons	6
Aromatic Hydrocarbons	8
Sulfonated Hydrocarbons	7-8
Halogenated Hydrocarbons	7-9
Alkaloids	7-9
Aliphatic Amines and Their Salts	1-4
Anilines	6-8
Pyridines	2-6
Phenols	7-9
Aldehydes	6-8
Ketones	6-8
Organic Sulfur Compounds	7-9
Organometallic Compounds	7-9
Cyanides	7-9
Thiocyanides	2-6
Sugars and Cellulose	1-4
Esters	6-8
Inorganic Chemicals (must be chemically classified)	
Mineral and Metal Acids	5-8
Mineral and Metal Bases	5-8
Metal Salts, Including Heavy	6-9
Oxides	5-8
Sulfides	5-8

**TABLE 1220-1: CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE**

Description	Hazard Potential Initial Reading
Carbon or Graphite	1-3
Other Chemical Process Wastes Not Previously Listed (must be chemically classified)	
Inks	2-5
Dyes	3-8
Paints	5-8
Adhesives	5-8
Pharmaceutical Wastes	6-9
Petrochemical Wastes	7-9
Metal Treatment Wastes	7-9
Solvents	6-9
Agricultural Chemicals (Pesticides Herbicides, Fungicides, etc.)	7-9
Waxes and Tars	4-7
Fermentation and Culture Wastes	2-5
Oils, Including Gasoline, Fuel	5-8
Soaps and Detergents	4-6
Other Organic or Inorganic Chemicals, includes Radioactive Wastes	4-8
Conventional Treatment Process Municipal Sludges from Biological Sewage Treatment	4-8
From Water Treatment and Conditioning Plants (must be chemically classified)	2-5
Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Mich.: West Michigan Shoreline Regional Development Commission, November 1980).	

**(i) Reporting Requirements**

**(1) Regulated Substance Activity Inventory - Applicability**

- A. Except as provided in Subsection [1220.01\(i\)\(2\)](#) hereof, any owner or occupant of any land in the SWPO District, at the effective date of this section, (Ordinance 90-08, passed May 21, 1990), shall file a Regulated Substance Activity Inventory Report with the Administrative Officer. Said report shall be filed by July 1 of every even-numbered calendar year.
- B. Any prospective new owner or occupant of any land in the SWPO District shall file a Regulated Substance Activity Inventory Report prior to receipt of a certificate of occupancy and henceforth as required in Subsection 1220.01(i)(1)A, hereof. Any prospective new owner or occupant that is also required to obtain a new zoning certificate shall obtain such certificate before occupying the site. For purposes of this section, "new" shall be defined as subsequent to the effective date of this section.
- C. Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

**(2) Exclusions to Activity Inventory Reporting**

- A. Any exclusion set forth in this subsection shall apply, provided that said exclusion does not substantially increase any risk or hazard to the public health or water supply, wells or well fields, and provided, further, that any spill, leak, discharge or mishandling shall be subject the provisions of this section. Any exclusions granted

herein shall not remove or limit the liability and responsibility of any person or activity involved.

- B. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for routine uses of regulated substances provided the uses are limited such that the aggregate of regulated substances in use may not exceed 20 gallons or 160 pounds at any time.
- C. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for nonroutine maintenance or repair of property in the SWPO District, provided the uses are limited such that the aggregate of regulated substances in use may not exceed 50 gallons or 400 pounds at any time.
- D. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances which are cleaning agents, provided, however, that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided, further, that the aggregate inventory of such cleaning agents shall not exceed 200 gallons or 1,600 pounds at any time. In no case shall regulated substances claimed under the exclusion include halogenated hydrocarbon solvents.
- E. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for medical and research laboratory uses in the SWPO District, provided, however, that regulated substances shall be stored, handled or used in containers not to exceed five gallons or 40 pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.
- F. An exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for the transportation of regulated substances through the SWPO District, provided that the transporting vehicle complies with applicable City ordinances and Federal and Ohio laws and regulations and provided, further, that the transporting vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed 72 hours.
- G. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances that are contained within tanks that are designed as an integral part of the motor vehicle or watercraft, and used specifically and solely for the operation of the motor vehicle or watercraft. This exclusion does not apply to inoperative motor vehicles. Except as provided for in Paragraph [1220.01\(i\)\(2\)F](#), hereof, in no case shall the tanker portion of a tractor-trailer truck be included in this exclusion.
- H. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for owners and occupants of single or two-family dwellings, provided, however, that the storage and use of regulated substances are related to the maintenance or heating of the residence or maintenance of vehicles at the residence, and provided, further, that waste regulated substances are handled and disposed of properly.
- I. A limited exclusion from Regulated Substance Activity reporting is authorized for regulated substances for melting ice from walking and driving areas of a property or

use in water softeners, provided such regulated substances are salts and are stored inside a building that has an impervious floor.

- J. A limited exclusion from Regulated Substance Activity reporting is authorized for regulated substances for swimming pool water quality maintenance, provided that the total of regulated substances does not exceed 110 gallons or 880 pounds at any time.
- K. A limited exclusion from Regulated Substance Activity reporting is authorized for regulated substances for the operation of elevators, escalators, moving walkways, and similar devices that are an integral part of the building or structure.
- L. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for refrigerants contained in equipment used for onsite air cooling or contained in household appliances.
- M. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for the solid form of plastic resins, solid inks, dry wall mud, caulking, joint and topping compounds and similar solids and semi-solids that have been determined by the Administrative Officer to pose a minimal threat to the ground water, provided the substances are stored inside a building that has an impervious floor. Plastic resins containing chlorine or coal tar are not excluded from reporting.
- N. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for gasses, with the exception of ammonia, halogens and halogenated compounds. Gasses for retail are not excluded from reporting. Regulated substances used in the manufacturing and extraction of gasses and repackaged or warehoused gasses are not excluded from reporting.
- O. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for food grade citric acid.
- P. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for batteries in use in equipment and the storage of new replacement batteries provided the batteries are stored inside a building that has an impervious floor. Batteries for retail, to be disposed, or to be recycled are not excluded from reporting. Regulated substances used in the manufacturing of batteries and repacked or warehoused batteries are not excluded from reporting.
- Q. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Cosmetics as defined by Section 321 of Title 21 of the United States Code. Regulated Substances used in manufacture and extraction of cosmetics and repackaged or warehoused cosmetics are not excluded from reporting.
- R. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances for personal or household use as food or drink for a person or animal, except that regulated substances used in the manufacture and extraction of such are not excluded from reporting.
- S. Regulated Substances Handled for onsite paving, pouring of concrete, or construction for which all necessary permits have been obtained pursuant to the requirements listed in Section [1220.01\(i\)\(3\)C](#).

**(3) Notification of Spills, Leaks or Discharges and Liability for Damages**

- A. Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the SWPO District shall, if such spill, leak or discharge escapes

containment, contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the Public Service Director, and the operator on duty at the affected water treatment facility by telephone within 30 minutes. When it is impractical for a person to give notice of a spill within the first 30 minutes, notice shall be given as soon as it becomes practicable to do so. The notification shall include, at a minimum, the location of the incident, the name and telephone number of the person, the date and time of the spill, leak or discharge, the type of substance(s), the concentration and volume, of the same, and control or corrective action taken. Such notification shall in no way alleviate other local, State and Federal reporting obligations as required by law.

- B. Any entity or person who spills, leaks or discharges said substances(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Vandalia in response to such an incident, in addition to the amount of any fines imposed on account thereof under Ohio and Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.
- C. Vandalia shall post signs in conspicuous places advising transporters of regulated substances of notification procedures in the event of a spill or accidental discharge.

**(4) Management of Regulated Substances**

- A. No person shall handle any regulated substance on public or private property within the SWPO District in a manner inconsistent with this section.
- B. With the exception of single-family and two-family dwellings wherein the regulated substances are for the maintenance of the residence or vehicles under control of the occupant, the use of any land, building, or structure in the SWPO District in which any regulated substances are handled for which a zoning certificate has not been issued is hereby determined to be a public nuisance.
- C. Regulated substances used for onsite paving, pouring concrete, or construction in the SWPO District for which all necessary permits have been obtained may be handled in the SWPO District provided the following management practices are implemented:
  - i. Storage containers of 55 gallons or 440 pounds or more containing any amount of regulated substances shall have secondary containment constructed of impervious material of sufficient thickness, density, and composition that will prevent the discharge to the land groundwater, surface water or storm sewer catch basins of any containment which may emanate from said storage container.
  - ii. Each containment system shall be able to contain 150 percent of the contents of all storage containers above or within the containment system.
  - iii. Upon completion of construction, all unused and waste regulated substances and containment systems shall be removed from the construction area by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.
  - iv. Regulated substances not used in the construction process and all wastes generated during construction shall be removed from the construction site no later than at the time of the completion of the project.

- v. If construction activity has ceased for 45 days, all regulated substances shall be removed from the site until such time as the construction activity is to resume.

**(j) Underground Storage Tanks**

- (1) Owners and operators of underground storage tank systems that are located within the SWPO District shall comply with the requirements of OAC 1301:7-9-10, as amended, irrespective of whether they are located within a sensitive area as defined in Ohio Administrative Code Section 1301:7-9-09, as amended.
- (2) Owners and operators of any underground storage tank system in the SWPO District, shall comply with the requirements of this subsection irrespective of whether they are located within a sensitive area as defined in Ohio Administrative Code Section 1301:7-9-09, as amended.
- (3) Owners and operators of any underground storage tank system in the SWPO District when required to file a Closure Assessment Report by OAC Section 1301.7-9 shall file one copy of the Closure Assessment Report with the Administrative Officer.

**(k) Retention of Records**

Any reports or records compiled or submitted pursuant to this section shall be maintained by the user for a minimum of five years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

**(l) Administration**

Unless otherwise designated by City Council or otherwise provided herein, the Administrative Officer shall administer, implement and enforce this section.

**(m) Technical Consultants**

Upon application for a zoning certificate or a conditional use for a use or activity within the SWPO District, the Administrative Officer may employ such technical expertise as needed to ensure compliance with the provisions of this Article. All documented costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the City to review the application.

**(n) Inspections**

Subject to applicable provisions of law, the Administrative Officer, bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination pertaining to the requirements of this section to ensure that activities are in accordance with this section. Upon request of the entity which is the subject of the inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Administrative Officer for the above stated purposes, the Administrative Officer may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

**(o) Enforcement**

**(1) Violations**

If any activity or use of regulated substance is deemed by the Administrative Officer to be in violation of this section or poses a real and present danger of contaminating surface and/or ground water which would normally enter the public water supply, in accordance with [Chapter 1242: Enforcement and Penalties](#) or other applicable State laws, the Administrative Officer is authorized to:

- A. Cause cessation of said activity or use of the regulated substance;
- B. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
- C. Cause the provision of pollution control and/or abatement activities.

**(2) Considerations**

When considering the exercise of any of the above authorities or actions, the Administrator shall notify and consult with the Director or designated representative of the affected water supply to determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Administrator may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

**(p) Appeals**

Any person may appeal an action of the Administrative Officer in accordance with Section [1214.12](#).

## **1220.02 Airport Environs Overlay (AEO)**

**(a) Purpose**

- (1)** The Airport Environs Overlay (AEO) District is hereby established to protect the public health, safety, and welfare by regulating development and land use within airport environs and airport hazard areas; to ensure compatibility between the Dayton International Airport and surrounding land uses; and to protect said airport from incompatible encroachment.
- (2)** Airport hazards within the AEO District are hereby declared a public nuisance.
- (3)** Within the AEO District, and its three subdistricts, specific airport standards and requirements shall apply to each property in addition to the standards and requirements of the underlying base zoning district.

**(b) Boundaries of Overlay**

- (1)** The AEO District shall contain all airport environs for the Dayton International Airport and as indicated on the Official Zoning Map.
- (2)** The AEO District is subdivided into three subdistricts that represent different levels of noise impact. The geographic location of these noise zone subdistricts shall be indicated on the Zoning Map, as per the requirements of this code, as follows:
  - A. Subdistrict 1 shall include the area within the 75 DNL and greater noise contour.
  - B. Subdistrict 2 shall include the area within the 70 to 75 DNL noise contour.
  - C. Subdistrict 3 shall include the area within the 65 to 70 DNL noise contour.
- (3)** The boundaries of the AEO District and its subdistricts, as adopted herein, may be reviewed and amended by the Administrative Officer at such times as appropriate in consultation with the operating authority of the airport.
- (4)** Copies of all appropriate Noise Exposure Maps shall also be on file and open to public inspection in the City of Vandalia's Development and Engineering Services Office.

**(c) Application**

Within the AEO District, any proposed building, structure or use shall be subject to review and evaluation relative to the standards and requirements set forth in this section.

**(d) Exemptions**

The provisions of this section shall not be deemed applicable to the following uses in the AEO District when permitted in the underlying district:

- (1)** A use existing on the effective date of this section shall not be required to change in order to comply with these regulations. The nonconforming use requirements of this code shall apply to the future applicability of the standards and requirements contained herein;
- (2)** A temporary building or structure that is not used for residential purposes and which meets applicable requirements as contained within this code, so long as it is constructed incidental to a permitted use, as per the requirements of this code;
- (3)** Bona fide agricultural buildings, structures, improvements, or associated nonresidential development; and
- (4)** Accessory use or structure incidental to a permitted principal structure or use and within the intent, purpose, or objectives of these regulations.

**(e) Temporary Use**

Any temporary use including, but not limited to, a public celebration, entertainment event, or similar activity shall require a zoning certificate. The application shall be submitted by the applicant to the operating authority of the airport for review and recommendation by the City no less than two weeks prior to issuance of the permit.

**(f) Development Standards**

[Table 1220-2](#) identifies land uses that may be permitted or prohibited within the AEO, regardless of how the use is permitted in the underlying base zoning district. Any proposed uses and structures shall comply with the allowances in this table. Any residential structure in existence prior to September 6, 2004, shall not, by the provisions of this section, be prevented from expanding or rebuilding and shall not be subject to the limitations assigned to nonconforming uses per [Chapter 1240: Nonconformities](#).

**(g) Aviation Easement**

The applicant for a variance or conditional use permit for properties located within the AEO District, prior to receiving final approval of the building permit application, shall convey to the operating authority of the appropriate airport, an aviation easement granting the right to fly in the airspace above the subject property. Aviation easements may be obtained for all other new uses. Such easement shall be supplied in a form prescribed by the City of Vandalia Administrative Officer in conjunction with the operating authority of the Dayton International Airport and shall be recorded in the Montgomery County Recorder's Office.

**(h) Notice**

The Engineering and Inspection Department shall provide a notice to an applicant for a development-related permit in the AEO District that the subject property is located, either partially or wholly, within the AEO District and may be subject to aircraft overflights. Additionally, a statement shall be placed on all new subdivision plats located either partially or wholly within the zoning district controlled by these regulations that the plat may be subject to noise impacts from aircraft overflights.

**(i) Development Plan**

A development plan as identified herein shall be submitted with any application for a building permit or application for rezoning in addition to other submittal requirements therefore and said plan shall include at a minimum technical substantiation, maps, plans, drawings, and such other information as is necessary to show:

- (1)** The zoning district boundaries shall be superimposed on a site plan of the development site to indicate FAA approved noise contours for the subject property. All maps shall be drawn to scale designated by the Director of Public Services;
- (2)** The location of all existing and proposed buildings and structures shall be identified on the site/DNL contour map;
- (3)** A list and designation of uses to occur within each building, structure, or activity area shall be specified on the site/DNL contour map; and
- (4)** A narrative shall be provided describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed development plan to the Vandalia Land Use Plan and any applicable area plan.

**(j) Development Plan Review Criteria**

All elements of the proposed development shall be consistent with [Table 1220-2](#).

<b>TABLE 1220-2: LAND USE COMPATIBILITY STANDARDS</b>			
<b>Land Use Name</b> Y=Land Use is Permitted in the AEO N=Land Use is Prohibited in the AEO	<b>Subdistrict 3</b> <b>(65 DNL)</b>	<b>Subdistrict 2</b> <b>(70 DNL)</b>	<b>Subdistrict 1</b> <b>(75 DNL)</b>
<b>Residential</b>			
Single-, Two-, Three-, or Four-Family Dwellings	Y	N	N
Multi-Family Dwellings	Y	N	N
Mobile Homes	N	N	N
Hotels or Motels	Y	Y	N
Places of Workshop	Y	Y	N
Active Recreational Uses, Passive Parks, Open Spaces, and Natural Areas	Y	Y	Y
All Other Recreational Uses	Y	Y	N
<b>Commercial</b>			
Retail Business	Y	Y	Y
Business Services	Y	Y	Y
Personal Services	Y	Y	N
Professional Services	Y	Y	Y
Offices	Y	Y	N
All Other Commercial and Office Uses	Y	Y	Y
<b>Industrial</b>			
Manufacturing, Warehousing, or Distribution	Y	Y	Y
Park Facilities	Y	Y	Y
All Other Industrial Uses	Y	Y	Y
<b>Services</b>			
Hospitals and Skilled Nursing Facilities	Y	Y	N
Other Medical Facilities	Y	Y	Y
Educational Institutions	Y	Y	N
Places of Public Assembly	Y	Y	N
Government Facilities	Y	Y	Y
All Other Public and Semi-Public Uses	Y	Y	Y
<b>Industrialized Unit</b>			
Industrialized Unit	N	N	N
<b>All Other Uses</b>			
All Other Uses	N	N	N

### **1220.03 Miller/Benchwood Design Overlay District (MBO)**

**(a) Purpose**

The Miller/Benchwood Design Overlay District (MBO) is established to provide guidelines and regulations to ensure that the site design, physical function, and appearance of the Miller Lane and Benchwood Road area properties reinforce the Comprehensive Plan and the Miller Lane and Benchwood Road Redevelopment Area Master Plan's visions and goals.

**(b) Application**

These guidelines and regulations shall apply to all properties located within the MBO District as identified on the Official Zoning Map of the City of Vandalia. The guidelines and regulations shall be applied as follows:

- (1) Development or redevelopment which occurs within this overlay district that is not part of an approved PUD shall conform to all of the standards in Section [1220.03\(d\)](#), as mandatory requirements, where applicable.
- (2) The Planning Commission and City Council should use the regulations of Section [1220.03\(d\)](#), as guidelines for the approval of any plans related to the PUD.

**(c) Development Review in the MBO**

The review of any development or redevelopment of properties within the MBO District shall occur as follows:

- (1) Development or redevelopment which occurs within this overlay district that is not part of an approved PUD shall be reviewed during the approval process specified in Section [1214.04](#).
- (2) Development or redevelopment which occurs within the MBO District that is part of a PUD shall be reviewed for compliance of all standards of the PUD and this section, where applicable, during the approval process specified by Section [1214.08](#).

**(d) Design Standards**

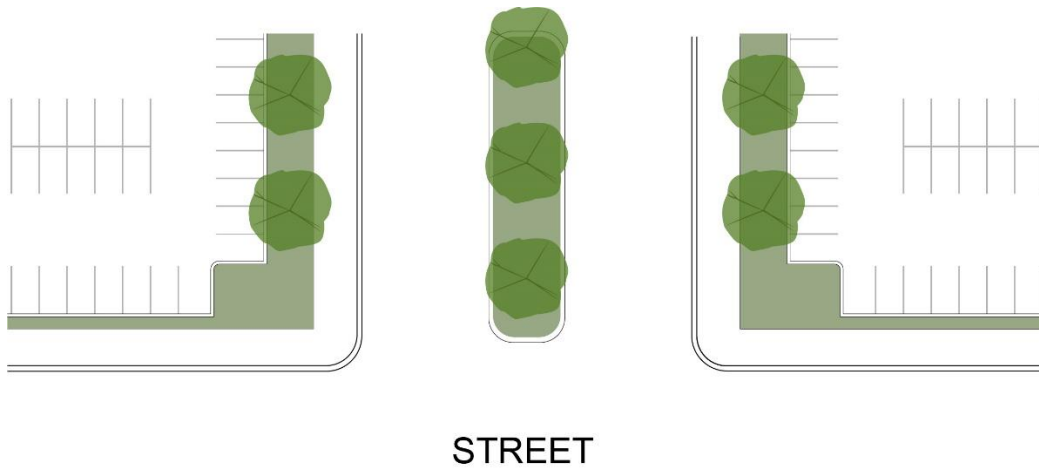
- (1) The following design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the City for review and approval as per Sections [1220.03\(b\)](#) and [1220.03\(c\)](#) of this section.
- (2) Plans shall be drawn at a scale to adequately depict the proposed development or redevelopment project. Site plans and elevations shall be included and noted, as necessary, to accurately depict the proposed development or redevelopment project.
- (3) All development shall be subject to the design standards applicable to the base zoning district unless otherwise specified in this section. Where there is a conflict, the standards of this overlay district shall apply.

**(4) Site Development Standards**

- A. A maximum of one driveway opening shall be permitted to a particular site from each abutting street for every 250 linear feet of frontage. For corner lots the locations of the driveways shall be set back a minimum of fifty feet from the face of curb of the intersecting street or as approved by the Director of Public Services. If a

driveway is not shared between parcels, the minimum setback from a property line should be twenty feet.

- B. As properties develop, they shall provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment. Drive aisles shall be planned so as to provide continuity with adjacent properties.
- C. Primary entrances to any developments that are greater than 100,000 square feet in floor area under one roof, including multi-tenant uses, shall include a boulevard style entrance to separate ingress and egress traffic or extended continuous landscaped islands, on either side of the driveway, extending into the parking field fifteen feet in width, to promote green space. See [Figure 1220-A](#).



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*Figure 1220-A: Illustration of a boulevard entry for a large development.*

**(5) Building Design Standards**

- A. Facade colors shall not include metallic, black or fluorescent colors. Building trim may include brighter colors than the facade colors.
- B. Building or structures shall be physically separated from any off-street parking area by a full depth, vertical barrier curb per City engineering standards, and planted areas. Sidewalks should be installed to provide safe pedestrian access to and from the building.
- C. The predominant exterior building material (greater than 60 percent) shall be brick, wood, natural stone, smoked or non-reflective glass, tinted/textured concrete masonry units or similar material. Vinyl or metal cladding is not allowed with the exception of minor trim. Smooth face concrete block may only be used for buildings greater than 20,000 square feet in floor area for no more than 20 percent of the cladding in areas not visible to the public. Tilt up concrete panels, mirrored glass or prefabricated steel panels shall not be permitted as exterior materials.
- D. Building facades shall include a repeating pattern including no less than three of the following elements: color change, texture change, material change or the inclusion

of architectural features no less than 36 inches in width such as offsets, bays, marquees, etc. At least one of these elements shall repeat horizontally.

**(6) Signage**

- A. At a minimum, all signage shall be landscaped at the base of the sign in an area equal to twice the total square footage of all faces of the sign when a sign or sign structure is attached to the ground.
- B. For single-tenant buildings, free-standing signage shall not exceed eight feet in height and 42 square feet per face for lots with 150 feet of frontage or less. The sign area can increase by one square foot for every 2.5 feet of lot frontage in excess of 150 feet. The maximum size of a sign however, shall be 84 square feet per side. The base and frame of monument signs shall be constructed of brick or stone.  
*(Amended 12-16-2020, Ordinance 20-31)*
- C. Where multiple tenants are located in one building, one free-standing sign shall be permitted to identify all tenants. Such free-standing sign shall not exceed 15 feet in height and shall conform to the sign area permitted in [Chapter 1236: Sign Standards](#) for each base zoning district. The base and frame of monument signs shall be constructed of brick, or stone, or materials with colors which match the principal building.
- D. Multiple tenants on one parcel shall share one free-standing sign at a maximum height of 15 feet.
- E. Highway identification signage shall be commonly located at a north and south location in the redevelopment area to minimize visual impact of excessive signage and to provide continuity to the design of the site. Developers desiring highway identification signage, in Subareas "A", "B" and "C" shall co-locate on these offsite signs.
- F. Private on-site tower highway signs as found north of the planning area along Miller Lane are discouraged. However, the Planning Commission may recommend to City Council approval for signs in excess of the standards of [Chapter 1236: Sign Standards](#) within Subarea "A" of the Miller Lane and Benchwood Road Redevelopment Area Plan, but only as part of a PUD approval process. This waiver of standards shall only be granted when the development is deemed by the City as substantially contributing to the economic vitality and diversity of the planning area. The size of the sign shall be reviewed during the PUD process.
- G. Wall signs shall be limited to 30 percent of the wall area facing a street and not exceed 75 square feet per frontage. For double frontage lots, both frontages shall be counted when a private tower sign is not approved. For the purposes of this overlay zone, lots adjoining interstate right-of-way may be considered frontage. The size of the wall sign may be increased by 33 percent if no freestanding sign is constructed.

**(7) Parking**

- A. No more than 60 percent of all required off-street parking should be located between the front facade of the primary building and the right-of-way unless additional interior landscaping is incorporated into the parking lot beyond the standards of Section

[1232.05\(b\)](#), and as approved by the Planning Commission as part of the site plan review.

- B. No parking should be located in the rear of any commercial use unless a safe pedestrian access into the structure is provided. See also Section [1234.08](#).

**(8) Landscaping and Screening**

- A. Mulch beds without plant material shall not be acceptable. Furthermore, mulch shall not extend more than two feet beyond the plant material.
- B. Landscaping located continuously around the perimeter of off-street parking areas shall be installed, with the exception of access drives and areas where cross easements or cross access between properties occurs. Such landscaped area shall be a minimum of eight feet in width with one tree provided for every 25 to 30 feet plus one shrub for every three feet. Such landscaping shall be arranged in attractive groups. All other areas should be planted with grass or other suitable groundcover and maintained in a healthy condition, free of weeds, trash and other debris.
- C. Earth mounding shall be incorporated in the perimeter landscape areas surrounding parking lots to enhance the ability of the landscaped area in the visual buffering of a parking lot from adjoining right-of-way and residentially zoned property. A minimum of 51 percent of the perimeter landscaping shall be visually buffered. The visual buffer shall extend for a height of three feet from the finished grade of the parking lot and shall be constructed with the use of plant material and earth mounding, as required. The visual buffer shall have an average opacity of 80 percent.

**(e) Modifications to the Design Standards**

The Planning Commission may consider a request to modify any design standards from this section in accordance with the provisions of Section [1214.04\(b\)\(3\)](#).

**1220.04 Vandalia City Center Overlay (VCCO)**

**A. Purpose**

It is the purpose of the Vandalia City Center Overlay District (VCCO) is to establish a uniquely vibrant and distinct downtown core for the City of Vandalia with emphasis on reinforcing the Vision Vandalia Comprehensive Plan and the following:

- (1)** Walkability, bikeability, and livability within a compact urban environment
- (2)** Unique and cohesive architectural standards and design
- (3)** Cultural and historical significance as the original “Crossroads of America”
- (4)** A gathering place for all to enjoy a “hometown” atmosphere where residents and visitors can live, work, and play
- (5)** Strong wayfinding elements such as signage, street furniture, and landscaping

**B. Application**

These guidelines and regulations shall apply to all properties located within the VCCO District as identified on the Official Zoning Map of the City of Vandalia. The guidelines and regulations shall be applied as follows:

- 1. Development or redevelopment which occurs within this overlay district including as part of an approved PUD shall conform to all of the standards in Section 1220.04(D), as mandatory requirements, where applicable.

2. The Planning Commission, the Board of Zoning Appeals, and City Council should use the regulations of Section 1220.04(D), as guidelines for the approval of any plans related to the PUD.

**C. Development Review in the VCCO**

The review of any development or redevelopment of properties within the VCCO District shall occur as follows:

1. Development or redevelopment which occurs within this overlay district shall be reviewed during the approval process specified in Section 1214.04.

**D. Principal Use Regulations**

All proposed uses within this overlay district shall follow Table 1218-1: Principal Permitted Uses in Base Zoning Districts as it pertains to the underlying zoning district in addition to the principally permitted uses as seen below.

**1. Principally Permitted Uses**

- a. Medical/Dental Clinics
- b. Microbrewery, Microdistillery, or Microwinery
- c. Mixed Use Buildings
- d. Restaurants (sit-down only)
- e. Coffee Shops/Cafes
  - i. Permitted with or without drive-through
- f. Boutique Hotel / Bed and Breakfast
  - i. Residential Houses may not be used

**2. Prohibited Uses**

- a. Loan and Cash Advance Establishments
- b. Pawn Shops
- c. Tattoo Parlors
- d. Laundromat
- e. Automotive Sales and Leasing
- f. Automotive Repair and Service

**E. Development Standards**

**1. Applicability**

All development shall be subject to the design standards applicable to the base zoning district unless otherwise specified in this section. Where there is a conflict, the standards of the Vandalia City Center Overlay district shall apply.

**2. Submittal Requirements**

- a. Design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the City for review and approval as per Section 1220.04(B) and 1220.04(C).
- b. Plans shall be drawn at a scale to adequately depict the proposed development or redevelopment project. Site plans and elevations shall be included and noted, as necessary, to accurately depict the proposed development or redevelopment project.

3. Site Development Standards

a. Yard and Lot Type Requirements

i. Yards Required for Buildings

A yard or other open space required for any structure for any structure shall be located on the same lot unless otherwise specified within this overlay.

ii. Measurements

1. Setbacks refer to the unobstructed, unoccupied open area between the right-of-way line or lot line of the lot on which the structure is located to the closest portion of the building line near the applicable right-of-way line or lot line. Setbacks shall not contain any structure except when in conformance with this code. See example below, figure 1220-1.

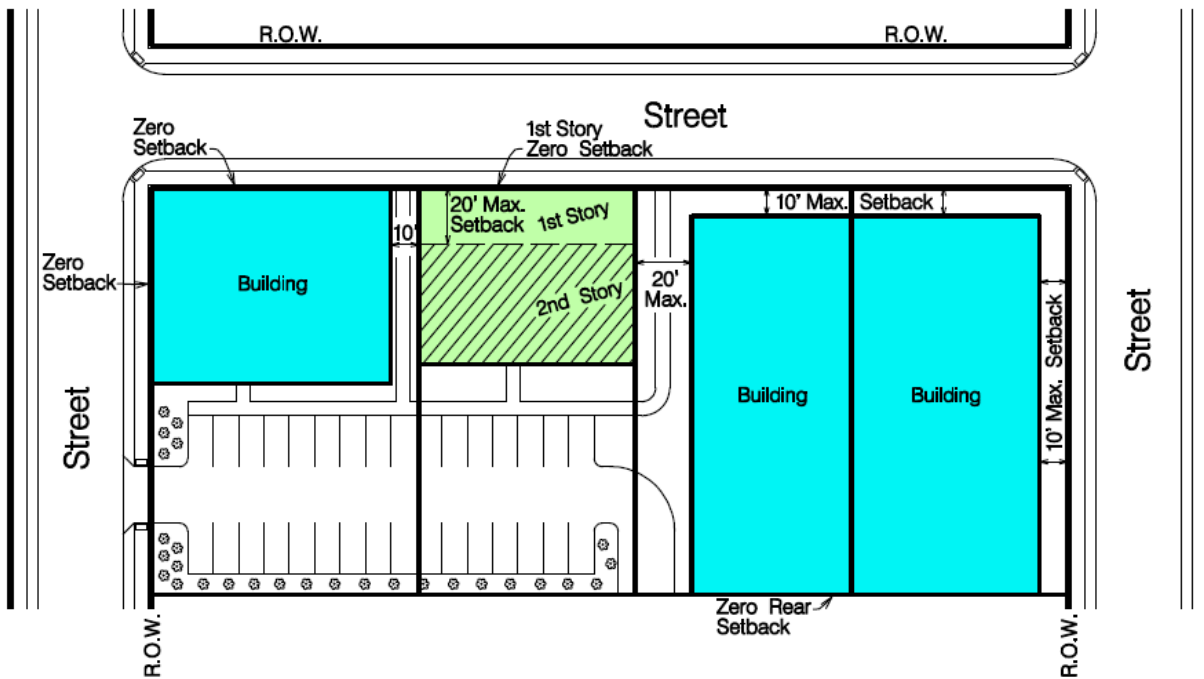


Figure 1220-1: Typical Setback Measurements

b. Building Orientation

Unless otherwise stated within this overlay, all buildings shall be orientated towards the public street. The primary entrance to the building shall be located on the front façade and oriented towards the street, private or public. For corner lots, both façades facing the street, public gathering space, or public plaza shall be treated as fronts. The primary façade shall face the street with the highest traffic count.

**c. Setback Requirements**

Table 1220-1: Setback Requirements					
Use	Minimum Front Yard (Feet)	Minimum Side Yard Setback (Feet) (Each Side)		Minimum Rear Yard Setback (Feet)	
		From Residential Lot or Residential District (Feet)	From All Other Lots and Districts (Feet)	From Residential Lot or Residential District (Feet)	From All Other Lots and Districts (Feet)
<b>Residential</b>	None [1]	10 or 0	None	10 or 0	<b>None</b>
<b>Non-Residential</b>	None [1]	10 or 0 [2]	None [2]	10 or 0	<b>None</b>
<b>Mixed-Use</b>	None [1]	10 or 0 [2]	None [2]	10 or 0	<b>None</b>

[1] The maximum front yard setback shall be 10 ft for the first story and 20 ft for the second level and above. The Planning Commission may authorize a deeper setback for Non-Residential or Mixed-Use if the applicant proposes outdoor dining, public art, or other pedestrian amenities. In the case of a single-family residences, a greater setback may be authorized if the front yard is utilized as an active green space and shall be fenced in. The maximum front yard setback shall be 20 feet for all uses.

[2] The Planning Commission may authorize a larger side setback if the area is being used for public access such as a walking path to a rear seating/dining area or pedestrian/vehicle passthrough. The maximum side setback shall be 20 feet.

**d. Projections into Required Yards**

- i. All projections shall follow 1226.02(d)(4).

**e. Other Site Development Requirements**

Table 1220-2: Other Site Development Requirements				
Use	Minimum Lot Area (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Maximum Building Height
<b>Residential</b>	None	None	80% [1]	<b>70</b>
<b>Non-residential</b>	None	None	80% [1]	<b>70</b>
<b>Mixed-Use</b>	None	None	80% [1]	<b>70</b>

[1] 100% impervious coverage shall be permitted if the additional impervious area is an outdoor dining area, public gathering place, or other pedestrian amenities or payment in-lieu-of is made to fund public spaces

**4. Architectural Standards**

In addition to the requirements below, the Planning Commission and City Council may use the general development guidelines of the 2020 Comprehensive Plan in deciding on site plan review applications for development in the VCCO.

a. Façade Design Standards

i. Nonresidential/ Mixed-Use

1. The first above-ground story of all non-residential or mixed-use buildings shall have facades constructed of stone, brick, stucco, or cultured stone, when such facades are visible from a public street, public plaza, public parking lot, public sidewalk, or other public gathering places or spaces. All other exterior walls areas may be constructed of other durable building materials.
2. Areas excluded from the building material requirements stated above are limited to any exterior wall areas where normal building practices prohibit the use of the material stated above.
3. Blank building walls, those walls lacking architectural detail, shall be prohibited; however these requirements shall not apply to those walls that are not visible from a public or private street, public plaza, public parking lot, public sidewalk, or other public gathering places or spaces or are completely hidden due to topography or natural features preserved as open space.
4. Exterior architectural embellishments are highly encouraged and expected.
5. All siding shall be either horizontal or vertical in placement.
6. The maximum linear length of an uninterrupted facade plane shall be 50 feet. This shall mean that the building design shall incorporate pilasters, material variations, height variations, awnings, storefronts, or other elements to divide a long façade plane into distinct sections with no individual section exceeding 50 feet in width.
7. The front building façade shall occupy at least 80 percent of the lot frontage at the front building face line. See Figure 1220-2.

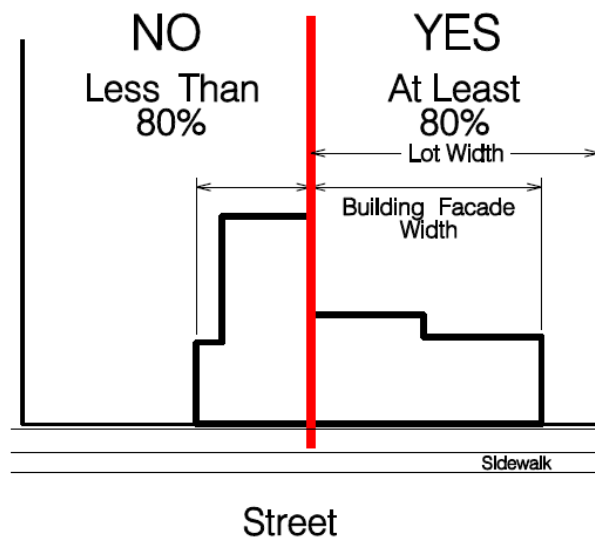


Figure 1220-2

8. Window and door openings shall be rectangular in shape and have a vertical orientation and alignment between floors.
9. The building shall incorporate pedestrian-scale architectural features on the first floor of buildings and at entrances including, but not limited to, canopies, awnings, dining areas, and plazas with pedestrian amenities.
10. Building elevations that are visible from a public street should contain window and door openings that occupy at least 50 percent of the total wall surface area of the first floor. Windows shall occupy at between 30 and 50 percent of each of the upper floors. Any residential uses shall contain window and door openings that occupy a minimum of 35 percent of the front façade. Such window and door openings shall be clear glass, tinted glass on the third floor and above, or similar transparent material.
11. Buildings facing public gathering spaces or along Dixie Drive except for buildings located at the intersection of rights-of-way shall be permitted to setback the second story to allow for a balcony area for dining, seating, etc. See Figure 1220-3 below.

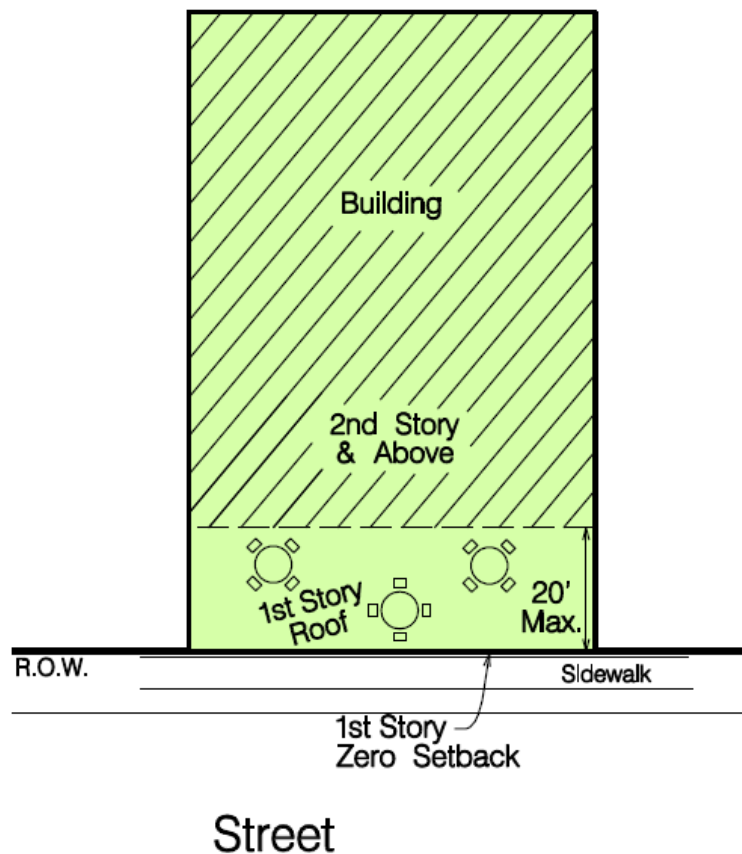


Figure 1220-3: Illustration of a second story balcony area

**ii. Multi-Family**

1. The first above-ground story of a residential dwelling shall have facades constructed of stone, brick, wood, stucco, cultured stone, cement siding, or hardy plank when such facades are visible from a public street, public plaza, public parking lot, public sidewalk, or other public gathering places or spaces. All other exterior walls areas may be constructed of other durable building materials.
2. Areas excluded from the building material requirements stated above are limited to any exterior wall areas of the dwelling where normal building practices prohibit the use of the material stated above including gas fireplace insert cantilevers, gables, overhangs, downspout and gutters, kitchen and other bays and other types of protrusions for which it is not reasonably practical to use the materials stated above.
3. All siding shall be either horizontal or vertical in placement.
4. All potential below grade living areas shall be constructed with poured concrete walls.
5. Front facades of multi-family buildings shall incorporate variation in mass through one or more of the following methods every 50 feet of façade frontage:
  - a. Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
  - b. Bay windows;
  - c. Façade Color changes;
  - d. Use of Pilasters, columns, or other detailing to articulate the facades; or
  - e. Roofline Changes when coupled with correspondingly aligned façade material changes.
6. In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
  - a. One or more dormer windows or cupolas;
  - b. A recessed entrance;
  - c. A covered porch;
  - d. Pillars, posts, or pilasters;
  - e. One or more bay windows with a minimum of 12-inch projection from the façade plane;
  - f. Eaves with a minimum of six-inch projection from the façade plane;
  - g. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
  - h. Multiple windows with a minimum of four-inch-wide trim.

7. Facade colors shall not include metallic or fluorescent colors. Building trim may include brighter colors than the facade colors.
8. Blank building walls shall be prohibited.
9. The front building façade shall occupy at least 75% percent of the lot frontage at the front building façade line.

**b. Roof Styles**

This section shall apply to all non-residential, mixed-use and multi-family buildings within the overlay.

- i. The height of any pitched roof shall not exceed one-half of the overall building height.
- ii. **Roof Line Changes**
  1. Rooflines changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
  2. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.
- iii. **Flat Roofs**
  1. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
  2. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.
- ii. **Asymmetric or Dynamic Roofs**
  1. Asymmetric dynamic roof forms are prohibited within the VCCO.

**5. Requirements for All Vehicular Use Areas**

**a. Location**

- i. Shared parking, collective, or joint use of parking facilities is encouraged and permitted within the VCCO. These facilities must be within 500 feet of the primary entrance.
- ii. On-street parking spaces within 250 feet of the primary entrance shall count as part of the overall available parking spaces.
- iii. On-site single use parking is permitted, however discouraged.
- iv. Off-site single use parking is not permitted, must be shared with other uses.
- v. Safe pedestrian access shall be required from rear parking areas to into the structure. Rear entrance shall be treated as a secondary entrance and appropriate façade treatment shall be required that clearly denotes the entrance.

**b. Setback Requirements**

**i. Front Yards**

1. All parking, loading, and stacking areas shall be set back a minimum setback of 10' from any street or alley right-of-way.
2. Shall be completely screened from right-of-way.

**ii. Side and Rear Yards**

1. There shall be no side or yard setback requirements for parking unless adjacent to a residential use, then a 10' setback is required. If adjacent to mixed-use, no setback shall be required.
2. Shall be completely screened if adjacent to residential uses.

**c. Access**

- i. Curb openings within the VCCO shall be located as shown on the Vandalia City Center Master Plan.
- ii. Additional curb openings may be permitted by the Public Services Director as deemed necessary for development.
- iii. As properties develop, they shall provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment. Drive aisles shall be planned so as to provide continuity with adjacent properties.

**d. Drive-Through Facilities**

- iv. Drive-through facilities shall be incorporated into the design of the building or surrounding streetscape, such as a pass through in the front façade. See example below, Figure 1220-4.

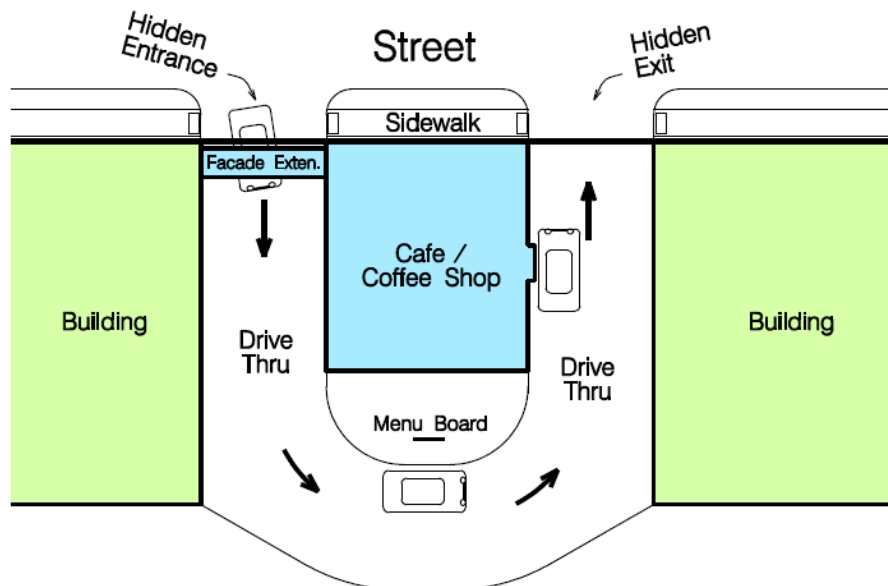


Figure 1220-4; Illustration of a hidden drive-through facility.

- v. Stacking lines shall be completely screened from right-of-way, public park or plaza, or other public gathering place.

**6. Utilities**

- a. For all new development and redevelopment with site or building improvements of 50% or greater, above ground utilities shall be prohibited with the exception of necessary above-ground equipment.

**7. Signage**

**a. Prohibited Signs**

The following types of signs are prohibited within the VCCO:

- i. Monument
- ii. Pylon
- iii. Electronic Message Center signs unless utilized as part of a drive-through facility. Must be Completely Screened from rights-of-way, public parks or plazas, or other public gathering places.
- iv. Commercial Temporary Yard Signs
- v. Banner signs except when used for a special event. Businesses may receive one permit per year for a period not to exceed 30 days.

**b. Building Signs**

**i. Maximum Building Sign Area**

- 1. 1.0 square foot of sign area per lineal foot of façade width with a maximum of 50 square feet of aggregate sign area for a building with more than 3 tenants. A maximum of 25 square feet of aggregate sign area shall apply to single occupancy buildings.

**c. Projecting or Hanging Signs**

- i. Only one projecting or one hanging sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
- ii. A hanging sign may be perpendicular or parallel to the front façade of the building.
- iii. Projecting or hanging signs may extend over the sidewalk or internal drive with vehicular access if the appropriate height is provided.
- iv. Projecting signs may be internally or externally illuminated.

**d. Awning, Canopy, or Marquee Signs**

- i. Signage shall not cover more than 75 percent of any individual awning, canopy, or marquee.

**e. Wall Signs**

- i. Cabinet style wall signs are prohibited within VCCO.

**f. Window Signs**

- i. Window signs shall not occupy more than 30 percent of the window area. In multiple tenant buildings, each tenant shall have 30 percent for their space. The calculation is based on the window area only, does not include awnings.
- ii. For a multi-story building, each occupant above the ground floor shall be permitted one window sign for each individual tenant provided the sign does not exceed six square feet or 30 percent of the area of the window in which the sign is placed, whichever is smaller.
- iii. The use of neon colors shall be prohibited.
- iv. Frosted glass shall not be permitted on the ground floor.

**g. Sandwich Board Signs**

- i. Sandwich Board Signs shall be permitted on the sidewalk in such a way that it does not impede pedestrian or bicycle traffic

**h. Wayfinding Directional Signs**

- i. The sign shall be a post sign, single or double post, monument or pylon signs are not permitted. These types of signs may be attached to the façade of a building.
- ii. The sign shall be in harmony with the overall character of the downtown district.
- iii. The maximum sign area shall be 3 square feet per sign with an overall aggregate of 21 square feet.

**8. Landscaping and Screening**

**a. Purpose**

- i. To promote attractive development, preserve the appearance, and enhance the Vandalia brand.

**b. Applicability**

- i. This section shall apply to all developments, redevelopments, and substantial expansion (as defined in Table 1232-1), change in land use, expansion of vehicular areas, except single-family and two-family dwellings.

**c. Prohibited**

- i. Mulch beds without plant material
- ii. Mulch shall not extend more than two feet beyond the plant material.
- iii. Rock Mulch beds without plant material.
- iv. Mounds or Berms used as screening

**d. Accessways**

- i. Necessary accessways shall be permitted to traverse required landscaping and buffering areas, however must be incorporated into the landscape design.

**e. Fencing and Walls**

- i. All fencing or walls used for screening purposes must be combined with landscaping if facing a right-of-way, public park or plaza, or other gathering places, a blank wall or fence facing said areas is prohibited.

- f. Street Tree and Landscaping Requirements
  - i. Street Trees and Plantings within Public Right-of-Way
    - 1. If 100% of the lot is covered by a building, an applicant or owner must plant within the public right-of-way to satisfy landscaping requirements.
    - 2. Applicant or owner wishes to plant within the public right-of-way, they shall be permitted to do so such that the plantings are in compliance with code requirements set in section 1232.05(a).
    - 3. Planters may be placed with the right-of-way in such a manner that they will not impede pedestrian, bicycle, or vehicular traffic.
  - ii. Interior Landscaping of Off-Street Vehicular Use Areas
    - 1. Off-street vehicular use areas shall follow regulations set forth within section 1232.05(b) unless otherwise specified within this overlay.
    - 2. Space required for interior landscaping may include peninsulas garden beds that penetrate the vehicular use areas and are connected to perimeter landscaping beds. This area shall not count towards perimeter screening nor landscaping.
  - iii. Perimeter Landscaping of Vehicular Use Areas
    - 1. Any property bordering residential property, not including mixed use, shall provide perimeter landscaping of all vehicular use areas.
    - 2. Perimeter landscaping of vehicular use areas within front yards may be combined with screening requirements.
  - iv. Screening of Vehicular Use Areas
    - 1. Vehicular use areas shall be screened from residential properties, not including mixed use, however perimeter landscaping shall be required.
    - 2. Vehicular use areas shall be screened from right-of-way, public parks and plazas, or other public gathering place.
    - 3. The use of mounding as a method of screening is prohibited within the VCCO.
    - 4. When a fence is incorporated as part of the screening for a vehicular use area, landscaping shall be used on both sides of the fence.

## **9. Modifications and Exceptions to the Design Standards**

- a. The Planning Commission may consider a request to modify any design standards from this section in accordance with the provisions of Section 1214.04(b)(3).
- b. Exceptions
  - 1. Existing legal nonconforming signs in the VCCO shall be governed by the development standards applicable to signs in the underlying zoning district.

2. Signs meeting the criteria of 1220.04(E.)9.b.1., and which would otherwise be prohibited under the development standards of the VCCO, may be repaired or replaced.
  - (1) Replacement signs must meet the following criteria:
    - i. Development standards of the underlying zoning district shall apply to the replacement sign,
    - ii. The new sign must be substantially similar in size and structural design to the sign being replaced, and must be a sign of the same type, and
    - iii. The new sign must be placed in the same location as the sign being replaced, except that the sign may be moved to accommodate public right-of-way improvements.
  - (2) Repair of signs shall be subject to section 1236.14 and shall be brought into compliance with either the VCCO development standards or the underlying zoning district requirements.

*(Amended 06-06-2024, Ordinance 24-08)*

## **1220.05 Sign Overlay Districts**

The Interstate and Limited-Access Highway Sign Overlay District and the National Road Sign Overlay District may be found in Section 1236.13 of this code.

*(Amended 01-19-2024, Ordinance 23-31)*

# **Chapter 1222: Planned Unit Developments (PUDs)**

## **1222.01 Purpose**

The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of development that would not otherwise be possible with the strict application of this code under a base zoning district. The PUD is designed to allow land planning that responds to the unique characteristics of the site and its surroundings while better fulfilling the needs of both the community and applicant than conventional zoning and subdivision standards permit. PUDs will accomplish this by allowing and encouraging:

- (a) Flexibility in design and location of structures;
- (b) A mixture of types of structures and uses on a single development site;
- (c) An effective use of land to facilitate the more efficient arrangement of buildings, traffic circulation systems and utilities;
- (d) A development pattern which preserves and utilizes natural topography, geologic features, scenic vistas, trees and other vegetation and which prevents the disruption of natural drainage patterns;
- (e) A more usable and suitably located area for recreation facilities, open space and other public and common facilities than would otherwise be provided under conventional land development regulations;
- (f) A development pattern in harmony with surrounding land use and community development objectives outlined in the comprehensive plan;
- (g) A harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties; and
- (h) Increased attention to architectural design that will contribute to the overall character of Vandalia.

## **1222.02 Scope and Applicability**

- (a) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PUD project or plan shall be ten acres.
- (b) PUDs are encouraged for large-scale developments that will have a mixture of uses, including a mixture of housing types, that are not all permitted within a single zoning district but where the PUD process will provide for a uniform review and set of standards that will create a cohesive, well-planned part of the City.
- (c) The Planning Commission may authorize a PUD application on lots less than ten acres if the land is currently located in the MBO or DB District or where there proposed uses are of such a density or intensity that would not be otherwise permitted under a base zoning district in this code but is otherwise envisioned as part of the comprehensive plan.
- (d) PUD applications shall not be applied to small lots or areas as a means of bypassing traditional zoning district regulations or applications where the Administrative Officer decides that a zoning map amendment to another zoning district or a variance application is the more appropriate option.

- (e) Any PUD approved and constructed prior to the effective date of this code amendment shall be subject to the requirements of the plans approved as part of that PUD. All future construction or changes shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this code and the procedures of Section [1214.08](#).

### **1222.03 General Provisions**

- (a) The applicant must own in fee simple or have an option to purchase all lands within the proposed PUD. The exception to this is if the applicant is the authorized agent for the property owner, in which case, the applicant need not own the lands.
- (b) Any transfer of land within the development resulting in a change of ownership within the development after an application has been filed shall not alter the applicability of the regulations contained herein provided any new owners authorize the continuation of the PUD process.
- (c) No zoning certificate or building permits may be issued until the PUD final development plan is approved and a final subdivision plat, if required, has been recorded in accordance with this code.

### **1222.04 Conflict of Laws and PUD Variances**

- (a) Unless otherwise noted below or elsewhere in this chapter, the site development standards and design standards of this code are not mandatory but shall serve as a guide for reviewing a proposed PUD plan. Other subjects not addressed by this chapter shall be governed by the respective provisions found elsewhere in the Codified Ordinances.
- (b) Except as provided in subsection (c) below, deviations from the underlying zoning requirements shall not be considered variances and shall be determined by the Planning Commission and City Council as part of the PUD plan approval.
- (c) Following approval of the PUD, any deviations from the underlying PUD requirements for a single lot in the PUD shall be reviewed as part of a variance application. If the proposed deviation will apply universally across the entire PUD or apply to areas of the same use, then such deviation shall be reviewed as a modification of the PUD in accordance with Section [1214.08](#). Where a variance is reviewed as part of a PUD, the BZA may consider any uniformity requirements in the existing PUD as a part of the variance review criteria.
- (d) The Administrative Officer shall provide Planning Commission and City Council a report for any proposed PUD creation or modification that requires City Council approval, identifying all zoning matters where the proposed PUD or modification differs from an underlying zoning requirement.

### **1222.05 Use Regulations**

#### **(a) Principal Uses**

- (1) Only those uses listed in Section [1218.03](#), as a permitted use, whether permitted as-of-right or as a conditional use, may be considered in the application of a PUD.
- (2) In general, any use-specific standards that applies to a specific use in Section [1218.03](#) shall also apply to those same uses in a PUD. However, the Planning Commission and City Council may adjust or waive any of those use-specific standards.
- (3) Where multiple uses are proposed for the same PUD that are traditionally seen as incompatible (e.g., residential and industrial), such uses may be permitted in the same PUD but the applicant shall demonstrate that screening or buffering is incorporated that is equal to or better than what is required by this code under the base zoning districts.

- (4) As part of any approval, the Planning Commission and/or City Council may restrict the uses permitted within an individual PUD.
- (5) No land or structure shall be used or occupied so as to create any nuisance or hazard involving fire, explosion, noise, vermin, brilliant light, vibration, smoke, dust, fumes, odor, heat, cold, disease, dampness, electrical or electronic disturbance, radiation and/or toxic agents.
- (6) Any changes in principal uses within an approved PUD shall be required to be reviewed as part of a major PUD modification.

**(b) Accessory Uses**

- (1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PUD shall be allowed in accordance with the following:
  - A. Accessory uses permitted in the RSF-1 district shall be allowed for any single-family dwelling.
  - B. Accessory uses allowed in the RMF district shall be allowed for any two-family, three-family, or multi-family dwelling.
  - C. Accessory uses allowed in the GB and I zoning districts shall be allowed for nonresidential uses.
- (2) Any allowed accessory uses shall still comply with the applicable accessory use standards established in [Chapter 1224: Accessory and Temporary Use Regulations](#).
- (3) As part of any approval, the Planning Board and/or City Council may restrict the accessory uses permitted within an individual PUD.

## **1222.06 Development Standards**

Where this code provides for design and development standards not specifically addressed in this chapter, development within a PUD shall comply with the applicable standard of this code.

**(a) Land Use Density and Intensity**

- (1) Final land use density and intensity of uses shall be subject to approval of the Planning Commission and City Council during the PUD Preliminary Plan review process.
- (2) There shall be no minimum lot size requirements, however, the application shall demonstrate that the proposed lots are sufficient in size to accommodate stormwater runoff and all the site features (e.g., parking, accessory uses, landscaping etc.) otherwise required by this chapter and code. All residential uses shall have a maximum impervious surface coverage of 50 percent on all lots.
- (3) In general, the overall gross density of a residential component of a PUD shall comply with the comprehensive plan. Residential densities shall not exceed six dwellings units per gross acre for single-family development, eight units per acre for two-family residential development, and 12 units per acre for multi-family dwelling development. However, the Planning Commission and City Council may require a lower density to ensure compatibility with the densities of surrounding developments.
- (4) In the case of a PUD with a mixture of housing types, the preliminary plan shall demonstrate a design where densities adjacent to existing development are similar in density or where some type of buffering is provided to serve as a transition.
- (5) For nonresidential uses, the overall intensity of development shall be compatible with the recommendations of the comprehensive plan and with the capacity of public streets, drainage facilities, and utilities.

- (6) The preceding density guidelines may be varied at the discretion of the Planning Commission and the City Council if it can be demonstrated that a variance to a guideline is necessary to achieve an improved site design, that surrounding neighborhoods and public facilities will not be adversely affected, and that a common open space will be provided. However, the approved density in the PUD shall not exceed more than 15% the density which is permitted in this section.
- (7) Where there are mixed-use structures that contain both residential and commercial or commercial and industrial uses, the applicant shall provide information indicating the appropriate use groups for various areas within such structures and type of construction separating them.

**(b) Yards**

The applicant shall arrange the buildings to guarantee adequate provision for all units to open space, air, and light. In no case shall the minimum separation between principal buildings be less than 15 feet. Zero lot line clusters and variations in building setbacks are encouraged. The arrangement of structures must be approved as a part of the PUD review process.

**(c) Maximum Building Height Standards**

- (1) Residential buildings or mixed-use buildings that contain residential dwellings may exceed 35 feet only if the Fire Department determines the proposed building allows adequate fire emergency access and is of an appropriate scale to its surroundings.
- (2) All other buildings shall not exceed 60 feet in height.
- (3) The building height standards for airport environs in [Section 1220.02](#) shall also apply.

**(d) Open Space**

All PUD applications shall comply with [Chapter 1230: Public Sites and Open Space Standards](#).

**(e) Arrangement of Areas**

- (1) The location and arrangement of areas with specific uses or densities shall be arranged and distributed so that the development of higher bulk or intensity shall be appropriately balanced by open space and/or a transition to areas of lower bulk or intensity.
- (2) All residential buildings shall be set back a minimum of 50 feet from the boundary of the PUD. This setback may be reduced if the proposed development is similar in use, scale, and density or intensity as the adjacent use along the boundary, or portion thereof.
- (3) Nonresidential building setbacks from the boundary of the PUD shall be commensurate to those properties' sensitivity to the uses and structures proposed, as established by the Planning Commission.
- (4) All principal buildings shall have a minimum setback of 25 feet from public rights-of-way or 35 feet from the edge of pavement along private streets.

**(f) Signs**

- (1) See [Chapter 1236: Sign Standards](#) for general sign standards that apply to PUDs.
- (2) Signs in the PUD should be of a cohesive design throughout the development to promote continuity

**(g) Parking, Loading, and Mobility**

Adequate off-street parking, loading, and stacking spaces shall be provided in a manner that complies with [Chapter 1234: Parking, Access, and Mobility Standards](#).

**(h) Landscaping and Buffering**

- (1)** All PUDs shall comply with the applicable landscaping and buffering requirements of [Chapter 1232: Landscaping and Screening Standards](#), which shall be established as the minimum landscaping and buffering requirements.
  - (2)** Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.
  - (3)** Where this is not practical, attractive groupings of nursery materials shall be planned.
  - (4)** The amount of landscaping shall be comparable to the intensity of the development proposed. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas.
- (i)** Utilities  
Utilities shall be located completely underground.

# **Chapter 1224: Accessory and Temporary Use Regulations**

## **1224.01 Accessory Uses and Structures**

### **(a) Purpose**

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

### **(b) General Provisions**

- (1)** An accessory use or structure shall be incidental to the primary use of the lot, and shall not alter the character of the principal use.
- (2)** Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3)** No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure to which it is supposed to be an accessory on the following conditions:
  - A. Up to two years, consistent with that allowed by [Chapter 1240: Nonconformities](#); or
  - B. A zoning certificate and building permit is obtained for the reconstruction of the main or principal structure, the construction of which shall take place within two years. Failure to reconstruct the main or principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense.
- (4)** Small accessory structures such as doghouses, benches, garden decorations, barbeque equipment, etc. shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 50 square feet individually.
- (5)** Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard except the front yard, without a permit.
- (6)** An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards (See Sections [1226.04](#) and [1226.05](#).) and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (7)** The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Montgomery County, Five Rivers Metro Parks, or the State of Ohio.
- (8) Height Limit**

Unless otherwise stated, the maximum height of a detached accessory structure shall be 20 feet in all districts except the I District, where the maximum height shall be 30 feet. In no case shall an accessory structure exceed the height of the principal building.
- (9) Number and Size Requirements**
  - A. Accessory buildings and structures in all zoning districts shall be subject to lot coverage standards in Sections [1226.04](#) and [1226.05](#).

- B. In the agricultural and residential zoning districts, the total area of all accessory buildings and structures identified in [Table 1224-1](#), shall not occupy more than 4 percent of the total lot area with the exception of swimming pools.
- C. Any lot in a residential zoning district, regardless of size, shall be permitted to have structures allowed in [Table 1224-1](#), below, that have an aggregate square footage of 600 square feet or a square footage equal to 40 percent of the footprint of the principal building, whichever is less with the exception of swimming pools.
- D. In the agricultural and residential zoning districts, the area of all swimming pools shall not occupy more than 10 percent of the total lot area.
- E. In no case shall the sum of all accessory structures listed in [Table 1224-1](#) exceed 3,000 square feet on any single lot. This square footage may be increased to 4,500 square feet in the A District.
- F. The accessory structures identified in [Table 1224-1](#), shall be considered as part of the maximum lot coverage and number requirements established in this section.

TABLE 1224-1: LIMITS OF CERTAIN ACCESSORY STRUCTURES	
Accessory Structure	Maximum Number of Structures
Detached Garages and Carports	1
Detached Storage/Utility Sheds, Barns, Gazebos, and Other Similar Structures	1 if a detached garage and carport is located or proposed for the same lot, otherwise there shall be a maximum of 2
Swimming Pools, Hot Tubs, and Spas	1 each
Tennis and Other Recreational Courts	1
Other Accessory Structure similar in nature to the above-mentioned structures, as determined by the Administrative Officer	1

*(Amended 06-02-2023, Ordinance 23-08)*

- G. Accessory uses that are located within the principal building shall not occupy more than the 25 percent of the total floor area of the principal building. Where there are multiple tenants or dwellings within a single principal building, the maximum percentage of accessory use floor area shall be based on the floor area of each individual dwelling or tenant space.

*(Amended 06-02-2023, Ordinance 23-08)*

**(10) Setback and Location Requirements**

- A. Accessory uses and structures shall only be located in the yards identified in [Table 1224-2](#).
- B. Section [1226.02](#) shall establish the front, side, and rear yards for all lot types as it relates to accessory uses.
- C. Unless an accessory use or structure is specifically permitted in a front yard, then such use or structure shall be set back so that it is not located closer to the street than the front building line of the principal building.
- D. Unless otherwise required in this section, all accessory uses and structures shall be set back a minimum of five feet from all side and rear lot lines in residential zoning district, ten feet in all other zoning districts, and in no case shall they be located in any recorded utility easement.
- E. Additional setbacks may be required from the principal building, adjacent structures, or streets based on the applicable building or fire code regulations.

- F. No detached accessory structure shall be located less than six feet from the principal building.
- G. All accessory buildings in agricultural and residential zoning districts shall be set back a minimum of 10 feet from all buildings located on adjacent lots. This setback shall be increased to 20 feet for all accessory buildings in nonresidential zoning districts.

*(Amended 12-16-2020, Ordinance 20-31)*

**(c) Prohibited Structures for Accessory Uses**

Except as provided in this code, the use of inflatable garages or storage structures, portable carports or garages that are not permanently anchored into a foundation, temporary structures as established in Section [1224.02](#), portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

**(d) Permitted Accessory Uses**

The following is an explanation of [Table 1224-2](#).

- (1)** The symbols for permitted uses (P), permitted uses with standards (PS), and conditional uses (C) are defined in the same manner as Section [1218.03\(b\)](#).
- (2) Prohibited Uses**  
An “X” in a cell or a blank cell indicates that a use is prohibited in the respective zoning district.
- (3) Yards Permitted**  
This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards. See Section [1226.02](#) for a determination of where front yards, side yards, and rear yards are located on different lot types.
- (4) Zoning Certificate Required**  
A “Yes” in the “Zoning Certificate Required” column shall mean that the applicable accessory structure requires a zoning certificate in order to be constructed.
- (5) Lot Coverage**  
A “Yes” in the “Lot Coverage” column shall mean that the footprint of the applicable accessory structure shall be calculated as part of the maximum lot coverage standards established in Sections [1226.04](#) and [0](#).
- (6) Use-Specific Standards**  
The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- (7) Use Determination and Unlisted Uses**
  - A. The Administrative Officer shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.
  - B. Section [1214.06](#) identifies the procedure the City will use in addressing uses that are similar to other uses in [Table 1224-2](#), or uses that are unlisted.

**(8) Accessory Uses in the Planned Unit Developments**

- A. The types of accessory uses allowed in a Planned Unit Development (PUD) shall be considered as part of the PUD review. Generally:
- i. Accessory uses for residential dwellings shall be those allowed in the RSF-1 District.
  - ii. Accessory uses for commercial uses shall be those allowed in the GB District.
  - iii. Accessory uses for industrial uses shall be those allowed in the I District.
- B. The Planning Commission and City Council may approve alternative accessory uses and structures within a PUD if allowed as part of the PUD preliminary development plan approval process.

**TABLE 1224-2: PERMITTED ACCESSORY USES AND STRUCTURES**

Use Category and Use Type  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use X=Prohibited Use	A, RSF-1, RSF-2, RSF-3, RSF-4, RTF, RFF, or RMF	OR, GB, NB, HB, OS, or O	DB	O/IP, I/I, or I	PF	Yards Permitted F = Front S = Side R = Rear	Zoning Certificate Required	Lot Coverage	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	PS	PS	F, S, or R	Yes	No	<a href="#">1224.01(e)(1)</a>
Amateur Radio Towers and Antennae	PS	PS	X	PS	PS	S or R	Yes	No	<a href="#">1224.01(e)(2)</a>
Basketball Hoops	PS	PS	X	PS	PS	F, S, or R	No	No	<a href="#">1224.01(e)(3)</a>
Beekeeping	PS	X	X	PS	PS	S or R	No	No	<a href="#">1224.01(e)(4)</a>
Bike and Skateboard Ramps	PS	PS	X	PS	PS	R	Yes	Yes	<a href="#">1224.01(e)(5)</a>
Community Gardens	PS	PS	PS	PS	PS	F, S, or R	Yes	No	<a href="#">1224.01(e)(6)</a>
Detached Garages and Carports	PS	PS	X	PS	PS	S or R	Yes	Yes	<a href="#">1224.01(e)(7)</a>
Detached Storage/Utility Sheds, Barns, Gazebos, Pool Houses, and other Similar Buildings	PS	PS	X	PS	PS	R	Yes	Yes	
Drive-Through Facility	X	PS	X	PS	PS	S or R	Yes	Yes	<a href="#">1224.01(e)(8)</a>
Fences and Walls	PS	PS	PS	PS	PS	F, S, or R	Yes	No	<a href="#">1224.01(e)(9)</a>
Home Occupations	PS	PS	PS	PS	PS	Not Applicable	Yes	No	<a href="#">1224.01(e)(10)</a>
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	PS	PS	PS	Not Applicable	Yes	Yes	<a href="#">1224.01(e)(11)</a>
Outdoor Dining	X	PS	PS	PS	PS	F, S, or R	Yes	Yes	<a href="#">1224.01(e)(12)</a>
Outdoor Displays and Sales	X	PS	PS		X	F, S, or R	Yes	Yes	<a href="#">1224.01(e)(13)</a>
Outdoor Storage and Bulk Sales	X	PS	X	PS	X	S or R	Yes	Yes	<a href="#">1224.01(e)(14)</a>
Outdoor Vending Machines and Drop-Off Boxes	X	PS	X	PS	PS	See Section <a href="#">1224.01(e)(15)</a> .	No	Yes	<a href="#">1224.01(e)(15)</a>
Patios (Unenclosed)	PS	PS	PS	PS	PS	F, S, or R	Yes	Yes	<a href="#">1224.01(e)(16)</a>
Porches and Decks	PS	PS	PS	PS	PS	F, S, or R	Yes	Yes	<a href="#">1224.01(e)(17)</a>
Playsets, Treehouses, and Trampolines	P	P	X	P	P	R	No	No	<a href="#">1224.01(e)(18)</a>
Private Water Towers, Tanks, or Reservoirs	X	X	X	PS	X	S or R	Yes	Yes	<a href="#">1224.01(e)(19)</a>
Raising of Chickens	PS	X	X	X	X	R	No	No	<a href="#">1224.01(e)(20)</a>

**TABLE 1224-2: PERMITTED ACCESSORY USES AND STRUCTURES**

Use Category and Use Type  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use X=Prohibited Use	A, RSF-1, RSF-2, RSF-3, RSF-4, RTF, RFF, or RMF	OR, GB, NB, HB, OS, or O	DB	O/IP, I/I, or I	PF	Yards Permitted F = Front S = Side R = Rear	Zoning Certificate Required	Lot Coverage	Use-Specific Standards in Section:
Retail Businesses, Restaurants, and Personal Services	PS	PS	PS	PS	PS	Not Applicable	No	Yes	<a href="#">1224.01(e)(21)</a>
Satellite Dishes	PS	PS	PS	PS	PS	See Section <a href="#">1224.01(e)(22)</a> .	No	No	<a href="#">1224.01(e)(22)</a>
Secondary Dwellings	C	X	X	X	X	S or R	Yes	Yes	<a href="#">1224.01(e)(23)</a>
Solar Energy Systems	PS	PS	PS	PS	PS	See Section <a href="#">1224.01(e)(24)</a>	Yes	No	<a href="#">1224.01(e)(24)</a>
Swimming Pools (Outdoors)	PS	PS	X	PS	PS	R	Yes	Yes	<a href="#">1224.01(e)(25)</a>
Tennis and Other Recreational Courts (Outdoor)	PS	PS	X	PS	PS	R	Yes	Yes	<a href="#">1224.01(e)(26)</a>
Type-A Day Care Home	C	X	X	X	X	Not Applicable	Yes	No	<a href="#">1224.01(e)(27)</a>
Type-B Day Care Home	PS	PS	PS	PS	PS	Not Applicable	No	No	<a href="#">1224.01(e)(28)</a>

(Amended 01-20-2022, Ordinance 21-33)

**(e) Standards for Specific Accessory Uses and Structures**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [1224.01\(b\)](#).

**(1) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, easement, right-of-way, or street.

**(2) Amateur Radio Towers and Antenna**

- A. No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.

- G. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section 1214.05.). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

**(3) Basketball Hoops**

- A. Basketball courts shall be subject to the standards of Section 1224.01(e)(26).
- B. Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(4) Beekeeping**

- A. Beekeeping as an accessory use shall be permitted in the A and all residential districts except for the RTF, RFF, and RMF Districts.
- B. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- C. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- D. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.
- E. For each colony permitted to be maintained under this code, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8-inch depth 10-frame hive body with no supers.
- F. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- G. Flyaway Barrier
  - i. Except as otherwise provided in this code, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height.
  - ii. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
  - iii. If a flyway barrier of dense vegetation is used, the initial planting may be four feet in height, so long as the vegetation normally reaches six feet in height or higher.

- iv. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least six feet in height.
- v. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, is outside of the City, or is zoned agricultural or O/IP or I.
- H. No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:

TABLE 1224-3: BEE COLONY DENSITY	
Lot Size	Maximum Number of Colonies
0 to 21,780 square feet	2
21,781 to 32,670 square feet	4
32,671 to 43,560 square feet	6
43,561 square feet or larger	8 [1]
NOTE: [1] Lots that are over five acres in an A zoning district may have an unlimited number of colonies.	

- I. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this code limiting the number of colonies if he/she temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.
- (5) Bike and Skateboard Ramps**  
Bike ramps and skateboard ramps shall be set back at least 15 feet from the rear and side lot lines.
- (6) Community Gardens**  
Community gardens shall be subject to the operational and design standards as identified in Section [1218.04\(b\)](#) with the exception that community gardens that are an accessory use shall only be permitted where they are accessory to a nonresidential use.
- (7) Detached Garages and Carports**  
Attached and detached garages and carports shall be served by a paved driveway.
- (8) Drive-Through Facilities**  
The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).
- A. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 150 feet of any residential dwelling unit.
  - B. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way nor shall it interfere with pedestrian circulation on site.

- C. Drive-through facilities shall be required to include vehicle stacking spaces as established in Section [1234.06](#).
- D. The drive-through facility shall not have a separate curb cut.
- E. Drive-through facilities shall be subject to the screening requirements of Section [1232.06](#).

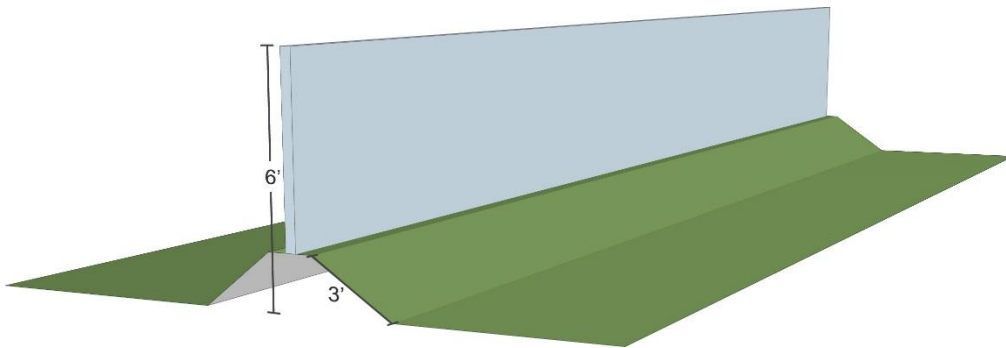
**(9) Fences and Walls**

- A. Permits and Inspections
  - i. No person shall construct or erect a fence or wall without first obtaining an approved zoning certificate and a building permit, if applicable.
  - ii. Zoning certificates are not required for repairs of existing fences, for replacement of a fence for which the original zoning certificate can be produced, or for invisible fences.
  - iii. Where a new fence is erected adjacent to an existing fence, on the same lot, the existing fence shall be removed if the new fence is intended to serve the same purpose as the existing fence.
  - iv. Zoning certificates and fence construction permits shall not be required for vegetative hedges or invisible fences but they shall be subject to any applicable requirements of this section.
  - v. Where a fence construction permit is required, the application for such permit shall include payment of a fee as by City Council.
  - vi. The City may furnish a necessary inspection.
- B. General Requirements
  - i. All fences and walls, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
  - ii. It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the City issuing any applicable certificate or permit, and that the fence or wall does not encroach on another lot or existing easement. The issuance of the certificate or permit, and any inspection by the City, shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.
  - iii. All fences, walls, and hedges shall be subject to the visibility clearance requirements of Section [1226.07](#).
  - iv. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. All supporting posts must be located on the side facing the interior of the property upon which the fence or wall is located. If a fence has two similarly finished sides (including supporting posts), either side may face the adjacent property.
  - v. Both sides of all fences or walls and the surrounding property, where reasonably accessible, shall be maintained in equally good condition in accordance with City maintenance standards.

- vi. Walls shall be prohibited within all utility easements. Fences that are placed in utility easements are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Replacement of the fence shall be at the property owner's expense.
- vii. Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.
- viii. If any provision of this section is violated, the Division of Inspection may order that the fence or wall be removed. No property owner shall fail to remove such fence or wall within ten days of the order.

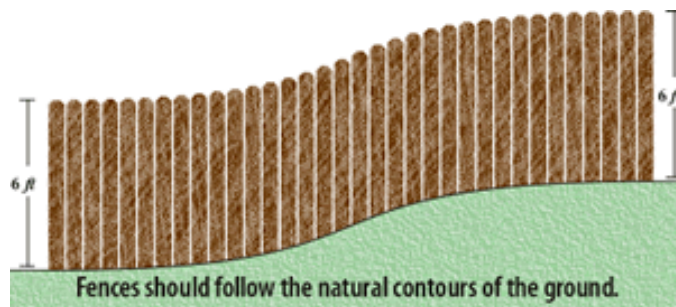
**C. Measurement**

- i. The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 1224-A](#).



*Figure 1224-A: Fencing shall be measured from the lowest point within three feet on either side of the fence.*

- ii. Supporting posts, including decorative features, may exceed the fence or wall height a maximum of six inches in agricultural and residential districts, and 12 inches in commercial and industrial districts.
- iii. Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 1224-B](#).



*Figure 1224-B: This image illustrates how fencing is measured along a natural contour.*

- iv. A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

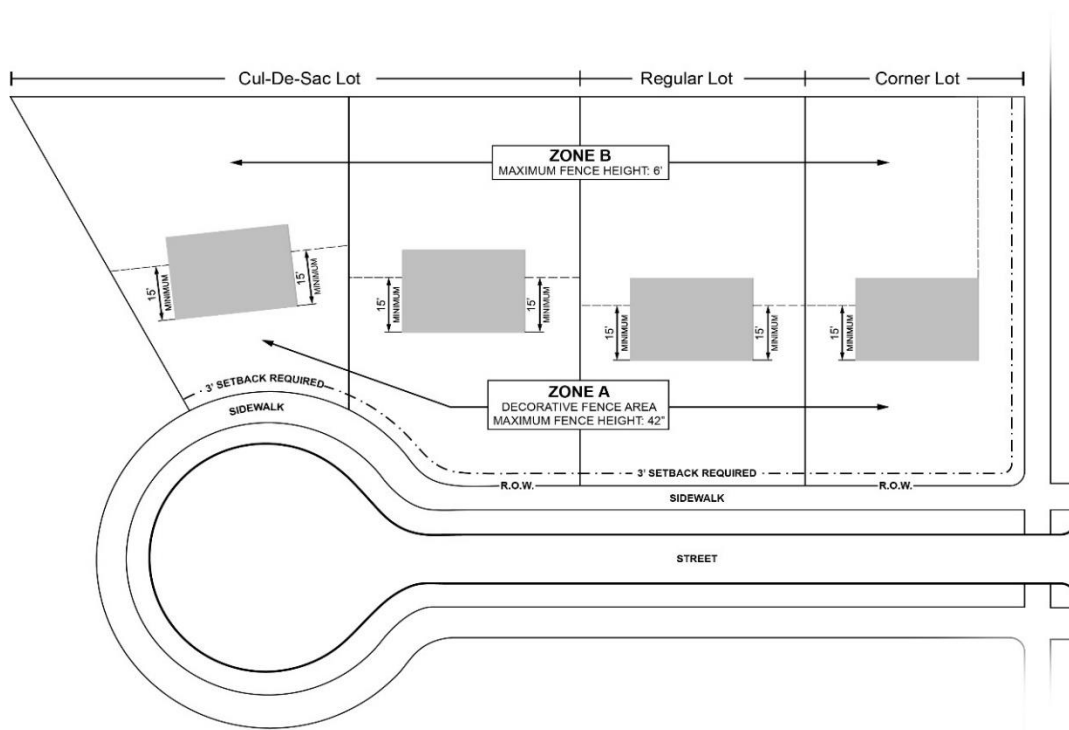
**D. Fences and Walls in Agricultural and Residential Districts**

- i. Any lot in an agricultural or residential district within the City shall be divided into two zones (Zone A and Zone B) related to the permitted location and height of fencing and walls.
- ii. On vacant plats, Zone A and Zone B shall be determined by the building set-back line in lieu of the foundation line.
- iii. **Zone A (Decorative Fence Zone) Fences and Walls**

Zone A shall be that area lying between the street right-of-way line and a line parallel to and a minimum of 15 feet behind the existing front line of the building foundation. See [Figure 1224-C](#).

  - a. Such fencing may not exceed 42 inches in height in any residential zoning district or 48 inches in height in any agricultural district.
  - b. Such fences shall not be constructed within three feet of:
    - 1. An existing right-of-way line;
    - 2. An existing easement for roadway purposes; or
    - 3. A proposed future right-of-way line as established by the Official Thoroughfare Plan. Where the future right-of-way line differs from the existing right-of-way line, the most restrictive shall apply.
- iv. **Zone B Fences and Walls**
  - a. Zone B shall be all areas of a lot not included in Zone A. See [Figure 1224-C](#).
  - b. Fences and walls in Zone B shall not exceed six feet in height.

Figure 1224-C: Location of Zones A and B based on lot types.



E. Fences and Walls in Nonresidential Districts

- i. No fence or wall shall exceed six feet in height in any side or rear yard of the OR, GB, NB, HB, OS, DB, PF, or O Districts.
- ii. No fence or wall shall exceed eight feet in height in any side or rear yard of the O/IP, I/I, or I Districts.
- iii. Fences and walls may be constructed behind the front building line.

(Amended 01-20-2022, Ordinance 21-33)

F. Temporary Fences or Barriers

No person shall install or cause to be installed along or adjacent to the boundary line of the front yard of any lot or parcel of ground any temporary fence or barrier stretched between stakes, poles, trees or other supports. However, a readily visible temporary barrier may be installed to prevent damage to a newly planted lawn, new planting, new driveway, new vehicular use area, or new sidewalk. The temporary barrier shall be maintained only as long as is reasonably necessary, as determined by the Administrative Officer.

G. Materials and Design

- i. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:

- a. Metal, welded and woven wire shall only be allowed in Zone A of the A District to fence in farm animals and protect crops but shall be set back a minimum of 60 feet from the right-of-way line or from any future right-of-way line as established by the Official Thoroughfare Plan. Where the future right-of-way line differs from the existing right-of-way line, the most restrictive shall apply.
- b. Wire mesh, chicken wire, and welded wire shall only be allowed in Zone B, as a backing material for split-rail fences in residential districts.
- ii. Welded wire and chain link style fencing shall all be required to be vinyl coated.
- iii. Fencing that is electrically charged shall only be permitted for the containment of livestock on lots used for agricultural purposes in the A District. Such fencing shall be set back a minimum of 50 feet from all adjacent lot lines.
- iv. Fencing that includes barbed wire, razor wire, or other sharp-pointed material shall be prohibited except in the O/IP and I Districts where they may be permitted, for security purposes. Such fencing shall:
  - a. Only be allowed in the side and rear yards;
  - b. Shall be mounted on the opposite side of the fence from any adjacent public right-of-way or sidewalk;
  - c. Be located a minimum of eight feet off the finished grade;
  - d. Shall be set back a minimum of 20 feet from any adjacent lot line in a residential zoning district; and
  - e. Contain no more than 18 inches of razor wire or barbed wire.
- v. Picket fences shall have blunt points.
- vi. All latches, hinges and hardware shall be made of non-rusting materials.
- vii. Materials used for fences or walls shall be of weather resistant materials or treated so that they are weather resistant.
- H. Nonconforming Fencing

If more than 50 percent or more of a nonconforming fence is to be removed or replaced, the entire portion of a fence that is nonconforming shall either be completely removed or replaced with fencing that complies with the standards of this section.

*(Amended 12-16-2020, Ordinance 20-31)*

## **(10) Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- A. The use shall be clearly incidental and secondary to the residential use of the dwelling, and not more than twenty-five percent of the dwelling unit floor area shall be devoted to the home occupation.
- B. The home occupation shall only occur within the principal dwelling other than for the incidental storage of materials in an enclosed structure such as a shed or detached garage.

- C. Only members of the immediate family residing at the premises shall engage in such occupation.
- D. Any need for additional parking generated by conduct of the home occupation shall be met in the driveway.
- E. Adequate parking shall be provided on the premises for all vehicles of both the owner and customers/clients. No on-street parking shall be permitted.
- F. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
- G. No retail or wholesale goods except that which are produced or processed on the premises shall be exchanged on the property.
- H. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- I. All storage of materials, goods, supplies or equipment related to the operation of a home occupation shall be inside the structure.
- J. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- K. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- L. There shall be no signs other than the wall signs allowed on a dwelling in [Section 1236.10\(a\)](#).
- M. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- N. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- O. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- P. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Administrative Officer.
- Q. Permitted Home Occupations

The following uses, and other uses determined by the Administrative Officer to be similar in nature and impact, may be approved as a home occupation when in compliance with this section:

- i. Art and craft work including, but not limited to ceramics, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, consultant, counselor, insurance agent, planner, tutor, or writer;

- iii. Personal service establishments including, but not limited to, fitness/health facilities, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy, when services are provided to one client at a time;
- iv. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) may be allowed where there is no stock-in-trade on the site; and
- v. Other similar uses as determined by the Administrative Officer.

**R. Prohibited Home Occupations**

The following are business activities that are prohibited as home occupations:

- i. Animal hospitals and boarding facilities;
- ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
- iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- iv. Fitness/health facilities that provide group activities or services;
- v. Medical clinics, laboratories, or doctor's offices;
- vi. Tattoo or piercing parlors;
- vii. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
- viii. Welding and machine shop operations;
- ix. Retail uses where there is stock-in-trade on site;
- x. Wood cutting businesses; or
- xi. Other similar uses as determined by the Administrative Officer.

**(11) Nursery Schools or Day Care Centers (Children or Adults)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

**(12) Outdoor Dining**

- A. Outdoor dining areas shall be located along a sidewalk or on a patio adjacent to the principal building or between the principal building and parking area.
- B. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the dining area and the principal building.
- C. Outdoor dining areas shall be set back a minimum of 50 feet from adjacent residential uses.
- D. The seating capacity of the outdoor seating areas shall not exceed the seating capacity of the indoor seating area.

- E. If no grade separation is provided between vehicular traffic and the outdoor dining area of a height sufficient enough to stop a vehicle, permanent railings or fencing shall be provided around the dining area to provide safety protections from moving vehicles. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- F. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for pedestrian circulation.
- G. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions. Such umbrellas shall not contain signage but awnings may include signage in compliance with [Chapter 1236: Sign Standards](#).
- H. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- I. Mobile food vendors shall be considered a temporary use, regulated by Section 825.19 of the Codified Ordinances.

**(13) Outdoor Displays and Sales**

- A. Facilities or areas that are intended to be used permanently for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to the principal use may be permitted upon compliance with the following:
  - i. Such uses shall not be placed within the street right-of-way, within a vehicular use area, or in a location which will interfere with the vision clearance requirements.
  - ii. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
  - iii. Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
  - iv. Outdoor displays and sales areas shall be shown on the plan approved as part of the zoning certificate application.
  - v. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
  - vi. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots used for residential purposes.
  - vii. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
  - viii. The outdoor display and sales areas shall be maintained in good order and appearance.

- ix. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [1224.01\(e\)\(14\)](#).
- x. If the proposed sales activity is temporary in nature, it shall comply with Section [1224.02](#).
- B. Seasonal sales that are not associated with the principal use or one-time special events that incorporate outdoor displays and sales shall be subject to Section [1224.02](#).

**(14) Outdoor Storage and Bulk Sales**

- A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.
- B. In no case shall the outdoor storage and bulk sales areas reduce the number of parking spaces available below the minimum number of spaces required by [Chapter 1234: Parking, Access, and Mobility Standards](#).
- C. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 100 feet from any adjacent lot lines of lots used for residential purposes.
- D. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in a similar fashion to the principal building or structure.
- E. Outdoor storage areas shall not occupy an area larger than 25 percent of the principal building's footprint.
- F. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- G. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

**(15) Outdoor Vending Machines and Drop-Off-Boxes**

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations:

- A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required vision clearance requirements in Section [1226.07](#).
- B. The facility or equipment shall be maintained in good operating order and appearance.
- C. There shall be no more than one vending machine for every 50 feet of building frontage. Where multiple vending machines are permitted, they may be clustered together in one location in accordance with these provisions.



Figure 1224-D: The above is an image of a vending machine that is appropriately located along the façade of the building.

- D. Drop-off boxes shall only be permitted in the side or rear yard.
- E. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Administrative Officer at the expense of the property owner or business owner.
- F. The City shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

**(16) Patios (Unenclosed)**

- A. Unenclosed patios are permitted in any yard. Such patios may extend up to five feet into the minimum front yard requirement.
- B. Patios in the rear yard may have built-in grills or kitchen areas provided such use complies with any applicable building code requirements.

**(17) Porches and Decks**

- A. Porches or decks that are enclosed (with walls made of screening or other materials), have a roof, are physically attached to the principal structure, or have floors that extend more than three feet above the average grade shall meet the minimum side yard setback requirements of the applicable zoning district.
- B. For front and rear yards, the above-mentioned porches and decks shall comply with the following setbacks:
  - i. If the porch or deck extends across more than 25 percent of the width of the front or rear façade, the entire porch or deck shall meet the minimum building setback requirements for principal buildings in the applicable zoning district.
  - ii. If the porch or deck extends across 25 percent of the width of the front or rear façade or less, then the porch or deck may encroach into any required front or rear yard up to eight feet.

**(18) Playsets, Treehouses, and Trampolines**

If a playset, treehouse, or trampoline has more than 200 square feet of enclosed play area, the use shall be reviewed in the same manner as a “detached storage/utility sheds, barns, gazebos, pool houses, and other similar building.”

**(19) Private Water Towers, Tanks, or Reservoirs**

- A. The use shall be set back from all lot lines a minimum of one foot for every foot in height;
- B. The use shall be a pedisphere, fluted column, or standpipe design only. Multi-leg designs are prohibited;
- C. Any signage on the tower, tank, or reservoir shall be calculated as part of the allowable building signage pursuant to Section [1236.11\(e\)](#);
- D. The use shall not artificially lighted or marked, except as required by law;
- E. The use shall be galvanized and/or painted with rust preventive white paint in its entirety and shall be maintained in accordance with the requirements of this code.

**(20) Raising of Chickens**

- A. Raising of chickens shall be permitted with the standards as set forth in this Section, in the A, RSF-1, RSF-2, RSF-3, RSF-4 and PUD Zoning Districts, unless otherwise restricted by private development standards, as an accessory use to a principal single-family use when the lot size is 2 acres or more. Nothing in this section shall limit the raising of chickens as a conditional use in the A Zoning District.
- B. The following standards must be met for the raising of chickens as a permitted use with standards:
  - i. No chickens shall be permitted at a ratio greater than 2 chickens per acre with a maximum of 8 chickens per property, regardless of acreage
  - ii. Chickens shall be kept in a coop or enclosed pen which shall be no closer than 25 feet from any lot line
  - iii. Chickens and their subsequent enclosures shall be kept only in the rear yard including on corner lots
  - iv. Chickens shall be provided an enclosed coop that is properly ventilated and must comply with City Code Section 1482.10(f) "Exhaust Vents"
  - v. Coops and pens shall be maintained to prevent offensive smells becoming injurious to the health, comfort, or property of individuals or of the public
  - vi. If chicken coop exceeds 50 square feet in size, it shall be deemed an accessory structure and an accessory structure permit shall be required. If the chicken coop does not exceed 50 square feet in size, other applicable codes may still apply.
  - vii. Wings shall be clipped
  - viii. All individuals must comply with City Code Section 618.19 "Outdoor Feeding Prohibited" and may not store feed outdoors
  - ix. No individual shall keep a rooster
  - x. No individual shall sell chickens or products produced by chickens from a residential property
  - xi. Chicken wire is permitted around the chicken coop or pen when setback 25 feet from any lot line

*(Amended 06-07-2019, Ordinance 19-05)*

**(21) Retail Businesses, Restaurants, and Personal Services**

Retail businesses, restaurants, and personal services are permitted in all zoning districts where such uses are not principally permitted provided:

- A. Such uses are an accessory use;
- B. The uses are located completely within a principal building of a nonresidential use; and
- C. The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the principal building.

**(22) Satellite Dishes**

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.
- B. To the maximum extent feasible, the dish should be located in the side or rear yard, in the most inconspicuous place that permits reception on the property.
- C. Satellite dishes larger than one meter in diameter may be permitted in nonresidential zoning districts if approved as a conditional use and shall be subject to the following additional standards:
  - i. The dish shall only be located in the rear yard;
  - ii. The dish shall have a maximum height of 15 feet if ground-mounted or may be mounted to a roof provided it does not exceed four feet in height above the top roofline of the structure;
  - iii. The dish may be ground-mounted or mounted on a roof;
  - iv. The dish shall be screened from view with landscaping;

**(23) Secondary Dwelling**

A secondary dwelling may be permitted on a lot used for a single-family dwelling if approved as a conditional use, subject to the following conditions:

- A. An unoccupied and unobstructed accessway shall be provided to the secondary dwelling that has a minimum width of eight feet connecting the dwelling to a public street.
- B. The secondary dwelling unit shall be occupied only by members of the family occupying the principal dwelling on the lot. The individual and their relationship to the homeowner shall be identified and if the tenant changes, the conditional use permit shall be reapplied for.
- C. The secondary dwelling unit shall not be larger than 25 percent of the floor area of the principal dwelling.
- D. There shall only be one utility account for the lot.
- E. The secondary dwelling may have a separate exterior entrance but shall not have a separate mailing address.

**(24) Solar Energy Systems**

- A. All solar energy systems shall comply with all applicable zoning, building, fire, plumbing and electrical codes.
- B. No solar energy system shall be installed until evidence has been given to the Administrative Officer that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from the requirements of this subsection.
- C. Solar Energy Systems are permitted as accessory uses only. This section shall not be construed as to permit a solar farm as a principal use in any district.
- D. Ground-Mounted Solar Energy Systems
  - i. Ground Mounted Solar Energy Systems shall be permitted only in Commercial and Industrial districts. Ground-Mounted Solar Energy Systems may be located in the side or rear yard, and shall be setback a minimum of 10 feet from all lot lines.
  - ii. No ground-mounted system shall exceed 25 feet in height, or the maximum height of the building, whichever is less.
  - iii. If a system is located in a rear or side yard that is adjacent to a lot in a residential district, the maximum height shall be six feet.
  - iv. Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes by a fence, wall, landscaping or combination thereof to a minimum of seventy-five percent opacity.
  - v. Ground-mounted solar energy systems shall be limited to a total area no larger than 75% of the footprint of the primary structure served in Commercial and Industrial districts.
  - vi. The combined impervious area, including solar panel systems, primary uses, and accessory uses and structures, may not exceed the maximum allowable impervious surface coverage for the district in which they are located.
- E. Roof-Mounted Solar Energy Systems
  - i. Building-Integrated Solar Energy Systems, also known as Solar Shingles, may be permitted on any roof surface of a principal building or accessory building.
  - ii. Roof-mounted solar panels that are separated panels mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building that does not face a street. Such panels shall be mounted flush to the roof and not extend vertically from the roof structure more than eight inches.
  - iii. Solar panels may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted on an angle provided they do not extend more than five feet above the roof surface.
  - iv. Solar Energy Systems shall be installed with uniform patterns/colors for the panels themselves, and with all hardware and wiring being concealed below the roofline, and with all mountings to be rustproof and in colors matching the roof.
  - v. Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.

*(Amended 06-02-2023, Ordinance 23-08)*

**(25) Swimming Pools (Outdoors)**

This section is enacted to provide regulations for bodies of water used for swimming or recreational bathing, including spas and hot tubs, with the exception of storm drainage retention or detention facilities authorized by the Director of Public Services.

**A. General Provisions**

- i. All swimming pools shall comply with all applicable zoning, building, fire, plumbing and electrical codes.
- ii. All swimming pools must be equipped with a functioning filtration system.
- iii. Where an existing land use is vacated, the Administrative Officer may require that the existing swimming pool be drained or covered.
- iv. All lights used to illuminate the swimming pool or the surrounding areas shall be designed, located and installed to confine the direct beams to the lot or parcel on which the pool is located. The lighting shall not constitute a nuisance or undue annoyance to occupants of abutting property.
- v. All swimming pools shall be drained into a public storm sewer or street with storm drainage when practical, provided however, no swimming pool shall be drained in a manner that results in the water flowing onto adjacent properties.
- vi. Indoor swimming pools shall be regulated as part of the principal building but shall be subject to all applicable building, fire, plumbing and electrical codes.

**vii. Swimming Pool Barrier Requirements**

- a. Every person owning land on which there is situated a swimming pool shall erect and maintain an adequate enclosure which surrounds either the property or the pool area unless the swimming pool is provided with a working safety cover complying with ASTM specification F1346-91 (American Society for Testing and Materials).
- b. Openings in the barrier shall not allow passage of a 1-3/4-inch or greater diameter sphere, except when the distance between the tops of the horizontal members is 45 inches or more, the spacing between vertical and horizontal members may be increased to a maximum four inches.
- c. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds or footholds, except for normal construction tolerances and tooled masonry joints.
- d. There shall be a clear zone of not less than 36 inches on the exterior side of the barrier and on the pool side of the barrier and around any permanent structures or equipment such as pumps, heaters and filters that can be used to climb over the barrier.
- e. Access gates shall be equipped with an automatic closing and locking device. Pedestrian access gates shall open outward away from the swimming pool.
- f. Where a wall of a dwelling or accessory structure serves as part of the barrier, doors and operable windows with a sill height of less than 48 inches that provide direct access to the swimming pool through the wall shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door or its screen or window, is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with Underwriters Laboratory (UL) 2017. In dwellings or structures the deactivation switch shall be located 54 inches or more above the threshold of the door.
  2. A safety cover that is listed and labeled in accordance with ASTM F 1346.
- g. Where an on-ground residential swimming pool structure is used as a barrier or where the barrier is mounted on top of the swimming pool structure, the following shall apply:
1. An on-ground swimming pool wall, itself, shall be permitted to be the barrier where the swimming pool structure is on grade and the wall is at least 48 inches above grade for the entire perimeter of the pool and complies with all barrier requirements of this section.
  2. Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.
  3. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch diameter sphere.
  4. The barrier shall be installed in accordance with the manufacturer's instructions.

**B. Private Swimming Pools**

A private outdoor swimming pool shall comply with the general provisions of Section [1224.01\(e\)\(25\)A](#), and the following requirements:

- i. The pool is intended and is to be used solely by the occupants and guests of the principal use of the property on which it is located;
- ii. All pumps and/or filter systems shall set back a minimum of 10 feet from all lot lines.
- iii. Lights, diving boards, slides or other accessories shall not project more than ten feet above the average grade of the pool site.

**C. Public, Commercial, or Club Swimming Pool**

A public, commercial, or club swimming pool is any pool constructed by the City, an association of property owners, a for-profit business, or by a private club for use by the general public or by members of the association or club and their families. Public, commercial, and club swimming pools shall comply with the general provisions of Section [1224.01\(e\)\(25\)A](#), and the following requirements:

- i. The pool is intended solely for the use of the general public or the members and families and guests of members of the association of club under whose ownership or jurisdiction the pool is operated.
- ii. The pool and accessory structures thereto, including the unenclosed areas used by the bathers, shall not be closer than 50 feet to any property line of the property on which it is located.

**D. Temporary or Storable Swimming Pools**

The following additional regulations shall pertain to temporary or storable swimming pools. Such pools shall comply with the general provisions of Section [1224.01\(e\)\(25\)A](#), and the following requirements with the exception that such pools shall be exempt from the swimming pool barrier requirements:

- i. There shall be a minimum horizontal clearance of 10 feet between the pool and any overhead conductor.
- ii. No underground wiring shall be located within five feet of the outside walls of a temporary or storable pool.
- iii. Cord- and plug- connected circulation or filtering systems shall be connected to a GFCI protected power source. All pumps or filtering equipment shall be connected to a circuit containing a properly sized equipment grounding conductor. All 125 volt, 15 and 20 ampere receptacles located within 20 feet of the temporary or storable pool shall be GFCI protected.
- iv. Receptacles shall not be located within six feet of the inside walls of a temporary or storable pool.
- v. Extension cords are not permitted for the connection of temporary or storable pool equipment.

**(26) Tennis and Other Recreational Courts**

Outdoor tennis courts and courts for other sports, including basketball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

- A. Tennis courts or other full-size recreational courts shall only be permitted on lots with a minimum lot area of one acre. Half-size courts may be permitted on lots with a minimum lot area of one-half acre.
- B. The court shall be set back a minimum of 10 feet from all lot lines.
- C. Fencing located adjacent to the court can have a maximum height of up to 12 feet, regardless of the maximum fence height allowed in Section [1224.01\(e\)\(9\)](#). The fencing may be a chain link fence provided that is vinyl coated. Any fencing that exceeds the maximum height allowed in Section [1224.01\(e\)\(9\)](#), shall be limited to the area that encloses the court.
- D. If the fencing surrounding the court exceeds six feet in height, it shall be planted with a continuous row of large shrubs or hedges with a minimum, mature growth height of three feet that will screen and/or soften the appearance of the tall fencing and court. Such landscaping may only be broken by gates or doors that access the court.
- E. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1226.08](#).

**(27) Type A Family Day Care Home**

Type A family day care homes shall only be permitted if approved as a conditional use in the A, RSF-1, or RSF-2 Districts.

**(28) Type B Family Day Care Home**

Type B Family Day Care Homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

**1224.02 Temporary Uses and Structures**

**(a) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(b) General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- (1)** Be consistent with the comprehensive plan, codified ordinances, and other applicable codes.
- (2)** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (3)** Be compatible with the principal uses taking place on the site;
- (4)** Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (5)** Not include permanent alterations to the site;
- (6)** Not violate the applicable conditions of approval that apply to a site or use on the site;
- (7)** Not increase traffic to a point that will adversely affect the surrounding neighborhood or City at large.
- (8)** Not be conducted out of a motor vehicle or trailer unless approved as part of a mobile food vendor or public show.
- (9)** Not interfere with the normal operations of any permanent use located on the property; and
- (10)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

**(c) Table of Allowed Temporary Uses and Structures**

Table 1224-4 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

<b>TABLE 1224-4: TEMPORARY USES AND STRUCTURES</b>				
<b>Temporary Use or Structure</b>	<b>Districts</b>	<b>Allowable Duration (per site)</b>	<b>Zoning Certificate Required</b>	<b>Additional Requirements</b>
Construction Materials Storage	All Districts	See Section 1224.02(d)(7)	Yes	1224.02(d)(7)
Gravel Surface Parking Lots	All Districts	Until building occupancy	Yes	1224.02(d)(1)
Mobile Food Vendors	See Section 852.19 of the Codified Ordinances.			
Public Shows	See Chapter 854 of the Codified Ordinances.			
Real Estate Sales/Model Homes	All Districts	See Section 1224.02(d)(2).	Yes	1224.02(d)(2)
Temporary Buildings and Structures	All Districts	See Section 1224.02(d)(3).	Yes	1224.02(d)(3)
Temporary Outdoor Sales and Events	See Section 1224.02(d)(6).			
Temporary Storage in a Portable Container	All Districts	See Section 1224.02(d)(4).	Yes	1224.02(d)(4)
Tents for Special Events or Sales	Lots with Nonresidential Uses in All Districts	Maximum of 30 consecutive days, 4 times per calendar year	Yes	1224.02(d)(6)
	Lots with Residential Uses in All Districts	Maximum of 10 consecutive days, 2 times per calendar year	Yes	1224.02(d)(6)

(Amended 01-19-2024, Ordinance 23-31)

**(d) Specific Regulations for Certain Temporary Uses and Structures**

The following are regulations that apply to the specific temporary uses established within this section of the code.

**(1) Gravel Surface Parking Lot**

- A. A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the zoning certificate.
- B. The gravel parking area must be paved in accordance with Section 1234.03(f) or the approved plans prior to the occupancy of the building. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previously state or as a landscaped area.
- C. A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

**(2) Real Estate Sales Office/Model Home**

One temporary real estate sales office or model dwelling unit per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- A. Complies with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;

- B. Is operated by a developer or builder active in the same phase or section where the use is located; and
- C. Is removed or the model home is converted into a permanent residential use upon completion of construction and issuance of the last certificate of zoning compliance or within two years of the issuance of the zoning certificate for the temporary office or model home, whichever is less.

**(3) Temporary Buildings and Structures**

Temporary buildings and structures shall be permitted as provided in this section.

- A. The building or structure shall comply with all other applicable portions of this code including any applicable standards for parking and landscaping.
- B. Only the following temporary buildings or structures are permitted as established in each district:
  - i. A temporary building or structure may be constructed during renovation or reconstruction of a permanent building damaged by fire including a temporary dwelling if the principal dwelling was made uninhabitable by the fire.
  - ii. Temporary buildings and structures needed during expansion, renovation, or initial construction of a principal building except those related to the new construction of residential dwellings, may be placed on the developing tract or parcel during construction. No cooking accommodations shall be maintained.
- C. The following standards shall apply:
  - i. The nature and the size and placement of any temporary structure or building shall be planned so that the temporary building or structure will be compatible with existing development. In particular, all applicable yard requirements shall be met for the applicable zoning district.
  - ii. The parcel shall be of sufficient size to adequately accommodate the temporary building or structure.
  - iii. The location of the temporary building or structure shall be such that adverse effects on surrounding properties will be minimal.
  - iv. Off-street parking areas shall be of adequate size for the particular temporary building or structure and properly located so that the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - v. Any lighting associated with the temporary building or structure shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - vi. The temporary building or structure shall be removed with one week after the construction or renovation activity is completed.

**(4) Temporary Storage in a Portable Container**

Temporary storage containers may be placed on a property for the purpose of loading or unloading the container under the following conditions:

- A. Portable containers shall not be used for human or animal occupation.
- B. Portable containers shall not exceed eight feet in width, eight feet in height, and 16 feet in length.
- C. Placement of containers in commercial and industrial districts shall comply with all setback and location requirements required for accessory structures in [Section 1224.01\(b\)\(10\)](#).

- D. Only one container shall be permitted on any property at any time except for property with active construction and building permits in commercial and industrial districts.
- E. The portable containers shall not be placed in any right-of-way.
- F. The container shall be placed on a paved area, existing driveway, or existing parking area and shall not block a public street or sidewalk.
- G. The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance.
- H. The use of portable containers shall be restricted to the following timeframes:
  - i. For temporary storage at new construction sites or where a building is being renovated, portable storage containers may be placed up to a week before construction activities commences and shall be removed within three days after use of the unit is no longer necessary or when construction is complete, whichever is sooner.
  - ii. For single-family dwellings, portable storage containers may be placed on a lot for up to 30 consecutive days, one time per calendar year.
  - iii. When necessary to facilitate general temporary activity not described above, a portable container may be placed on a lot for up to seven consecutive days, up to two times per calendar year provided that the applicant demonstrates a legitimate need for the use of the temporary storage contained to the Administrative Officer.

*(Amended 12-16-2020, Ordinance 20-31)*

**(5) Temporary Outdoor Sales and Events**

These regulations are intended to establish standards for limited duration agricultural, commercial, and civic activities (e.g., Christmas sales, pumpkin sales, landscape material sales, craft sales, grand openings and special events, etc.) that may be conducted outdoors, regardless if the activity is associated with the principal use or not. The intent is to prevent the creation of any nuisance or annoyance to the occupants of adjacent buildings, properties, and the general public.

- A. A zoning certificate and submission of an applicable fee shall be required for all sales and events unless:
  - i. The temporary sales activity is conducted by and is associated with the principal use of the property on which the temporary sales activity is occurring; or
  - ii. The temporary sales activity is conducted by a non-profit or charitable organization that meets the federal tax requirements of 501.3(C) whose mailing address is located within the Vandalia-Butler School district.
- B. The zoning certificate must be issued prior to the commencement of any temporary use where the certificate is required.
- C. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.
- D. The following uses are permitted temporary outdoor sales and events, subject to the requirements of this section:
  - i. Retail sales of seasonal or holiday items (e.g., Christmas trees, pumpkins, fireworks);

- ii. Parking lot sales, sidewalk sales (private sidewalks only), clearance sales or other temporary uses which, in the opinion of the code official, are similar to uses listed in this section;
  - iii. Grand opening and special events;
  - iv. Construction yards, offices, sheds, trailers, etc.;
  - v. Retail sales of landscaping nursery material;
  - vi. Stands for the seasonal sale of refreshments; and
  - vii. Other temporary uses which, in the opinion of the Administrative Officer, are similar to the uses listed in this section.
- E. The Administrative Officer may impose such conditions on a temporary zoning certificate as is necessary to meet the purposes of this section and protect the public health, safety, and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
- i. Yard setback and open space requirements;
  - ii. Parking;
  - iii. Fences, walls or other screening;
  - iv. Signs;
  - v. Vehicular and pedestrian ingress and egress;
  - vi. Property maintenance during the course of the activity;
  - vii. Control of illumination, noise, odor, vibration or other nuisances; and
  - viii. Hours of operations.
- F. Garage and yard sales on residential properties are exempt from these provisions, provided they do not occur any more frequently than one, three-day event per 180-day period. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone, which is prohibited.
- G. General Regulations
- Each temporary sale or event shall comply with the following requirements:
- i. Have sufficient parking spaces to serve the use, as determined by the Administrative Officer. Required parking spaces for a permanent use may be used to fulfill the additional parking requirements for a temporary use. However, the area of the required parking spaces shall not be used for the temporary use.
  - ii. All unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent raising of dust.
  - iii. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the temporary use.
  - iv. A financial guarantee in the amount of one thousand dollars shall be deposited with the City to assure adequate clean-up of activities that occur on vacant or undeveloped lots, and/or involving the construction of temporary structures. See [Section 1238.05\(m\)\(12\)](#). The Administrative Officer may waive this requirement if the proposed use is located within a permanent building or does not require the construction of any temporary structure.
  - v. No area of public right-of-way may be used without obtaining approval from the City Council.

- vi. All temporary structures including, but not limited to: greenhouses, trailers, tents, canopies, mobile homes, etc., shall conform to zoning setback requirements unless stated otherwise in this section.
  - vii. The use shall comply with any applicable specific standards identified in Section [1224.02\(d\)\(5\)H](#), below:
- H. **Specific Standards for Certain Temporary Outdoor Sales and Events**
- i. **Standards for the Retail Sales of Holiday Items**  
Such sales shall be permitted in all nonresidential zoning districts and the A District for a maximum duration of 30 calendar days in any one calendar year.
  - ii. **Lot and Sidewalk Commercial Activities**
    - a. Such activities shall be permitted only in nonresidential zoning districts.
    - b. Each event may last for up to five consecutive days, up to four times per calendar year. Such events may not be consecutive and shall be separated by at least a 30-day period.
    - c. All merchandise, trucks, trailers, etc. shall be set back a minimum of 35 feet from all property lines or the minimum required setback for that district for a principally permitted use, whichever is greater.
    - d. The area of operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet.
  - iii. **Roadside Stands**
    - a. Temporary roadside stands may be permitted in the A District on lots where the produce is grown.
    - b. All merchandise, trucks, trailers, etc. shall be set back a minimum of 35 feet from all property lines or the minimum required setback for that district for a principally permitted use, whichever is greater.
    - c. The area of operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet.
  - iv. **Grand Openings and Other Special Events**
    - a. Such sales shall be permitted in all nonresidential zoning districts and the A District
    - b. Each event may last for up to five consecutive days, up to four times per calendar year. Such events may not be consecutive and shall be separated by at least a 30-day period.
    - c. All such events shall be conducted by a business located on the property.
  - v. **Seasonal Sales of Landscaping Materials, Refreshments, or Similar Uses**
    - a. Seasonal sales of landscaping materials, refreshments, or similar uses shall only be permitted in the GB, NB, HB, and I Districts.
    - b. Such activities shall only be permitted one time each calendar year, on any given lot, and shall not occur for more than 120 consecutive days.
    - c. If the sales are related to the principal use, such sales shall be subject to the regulations for outdoor displays and sales (See Section [1224.01\(e\)\(13\)](#).) or outdoor storage and bulk sales (See Section [1224.01\(e\)\(14\)](#).) as applicable.

**(6) Tents for Special Events or Sales**

These regulations are intended to establish standards for tents that may be used on a temporary basis for special events or sales that may or may not be associated with the principal use. The intent is to prevent the creation of any nuisance or annoyance to the occupants of adjacent buildings, properties, and the general public. The following conditions shall apply to all temporary tents:

- A. Tents shall be located so as to comply with all side and rear yard requirements for the applicable zoning district except in O/IP and I Districts when adjacent to a residential district or use, in which case a 100-foot setback shall be required.
- B. The tent shall not exceed 20 feet in height.
- C. The placement of the tent will not impede the maneuverability of traffic and will be located as approved by the Administrative Officer.
- D. The number of parking spaces on the site will not be reduced to less than the required number of spaces as given in [Section 1234.04\(a\)](#).
- E. Any lighting associated with the tent shall be directed and controlled so as to not create a nuisance to neighboring property owners.

**(7) Construction Materials Storage**

Construction materials may be stored on private property for use during active construction, and may remain on such property for the duration of active construction. In addition, construction materials may be stored on such property up to thirty days prior to the start of active construction and up to thirty days following the end of construction activity.

- A. For the purposes of this section:
  - i. “Construction Materials” shall include any materials involved in the installation or construction of any of the following: Public or private roadways, driveways, alleyways, sidewalks, curbs, gutters, storm sewers, sanitary sewers, water lines, communications or data infrastructure, electrical service lines, natural gas service infrastructure, structures (primary or accessory), related elements or amenities, and/or any other similar feature.
  - ii. “Active construction” shall mean any period during which one or more worker is on the property conducting any construction activity intended to result in the completion of the project or structure.
  - iii. Construction shall be deemed to have ended if any of the following has occurred:
    - a. No construction activity takes place, or ongoing construction activity ceases, for a period in excess of 30 consecutive days,
    - b. The approved permit for the project lapses, expires, or is otherwise invalidated, or
    - c. The project is completed.
- B. Any materials remaining on such property after the cessation of construction must be removed.
- C. The Administrative Officer may, for good cause shown, approve extensions of time to this requirement.

*(Amended 01-19-2024, Ordinance 23-31)*

# Chapter 1226: General Development Standards

## 1226.01 Performance Standards

No land or structure in any zoning district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area.

**(a) Compliance with State and Federal Regulations**

All uses shall comply with all applicable state and federal Environmental Protection Agency, Occupational Safety and Health Administration (OSHA), Americans with Disabilities Act, and all other state and federal regulations that pertain to the applicable use.

**(b) General Upkeep**

All lots shall be well-maintained and kept free of litter and debris.

**(c) Underground Utilities**

All on-site utilities for any new development or new construction shall be located completely underground unless otherwise allowed per Section [1238.12](#).

**(d) Stormwater Facilities**

Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

## 1226.02 Measurements, Computations, and Exceptions

**(a) Distance Measurements**

Unless otherwise expressly stated, distances specified in this code are to be measured as the length of an imaginary straight line joining those points.

**(b) Lot-Area Measurements**

**(1)** The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(2)** No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a PUD or variance approval, or if a portion of the lot is acquired by a governmental agency for right-of-way.

**(c) Lot Frontage Measurements**

Lot frontage is the distance between the side lot lines measured along the right-of-way line.

**(d) Setbacks, Yards, and Lot Type Requirements**

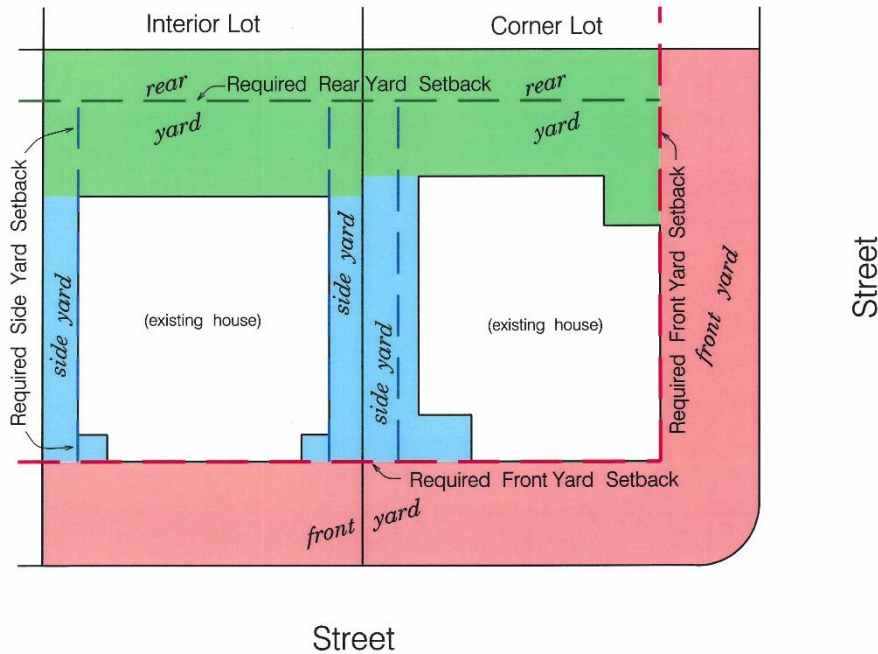
**(1) Yards Required for Buildings**

A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

**(2) Measurements**

**A.** Setbacks refer to the unobstructed, unoccupied open area between the right-of-way line or lot line of the lot on which the structure is located to the closest portion of the building line near the applicable right-of-way line or lot line. Setbacks shall not contain any structure except when in conformance with this code. See

B.



- C. Where a future right-of-way line is shown on the Official Thoroughfare Plan, the setback shall be measured from the future right-of-way line instead of the existing right-of-way line.
- D. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise specified in this code.

*(Amended 12-16-2020, Ordinance 20-31)*

**(3) Front Yard Exception**

In any residential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same street frontage, within 100 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code. See [Figure 1226-B](#).

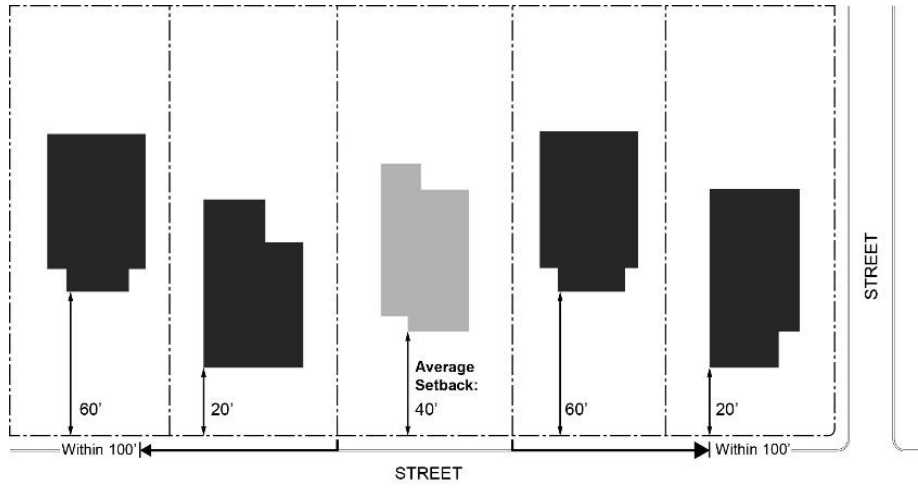


Figure 1226-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

**(4) Projections into Required Yards**

Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1224: Accessory and Temporary Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1232: Landscaping and Screening Standards](#);
- D. For parking and circulation as allowed in [Chapter 1234: Parking, Access, and Mobility Standards](#);
- E. For signage as allowed in [Chapter 1236: Sign Standards](#);
- F. Walls and fences as permitted in accordance with [Section 1224.01](#);
- G. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, chimneys, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than three feet into the required yard with a minimum of two feet is maintained as open area to any adjacent lot line;
- H. Unroofed entrance features such as a platform, landing, steps, terrace or other features, paved terraces, and fire escapes, may be allowed in required setbacks as follows. If such use is defined as a patio (unenclosed), porch, or deck, setback encroachments shall be as defined in [Section 1224.01](#).
  - i. Such features may extend into required front yards a maximum distance of five feet;
  - ii. Such features may extend into required side yards any distance provided a minimum of five feet is maintained as open area to any adjacent lot line; and
  - iii. Such features may extend into a required rear yard any distance provided a minimum of 20 feet is maintained as open area to the rear lot line.

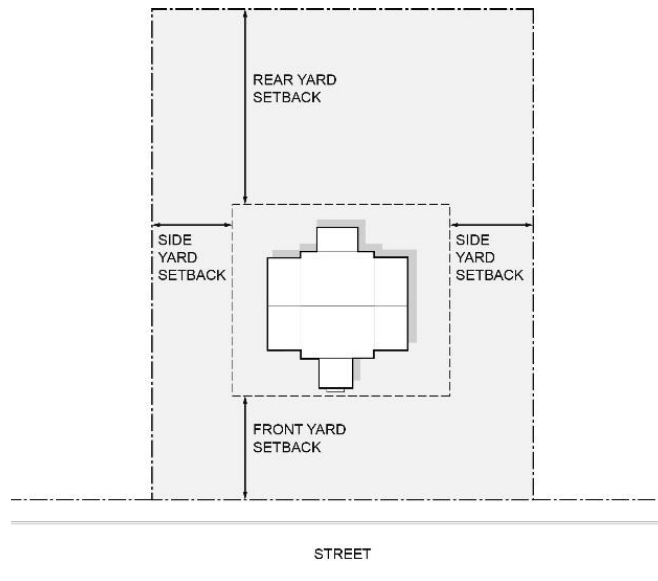
**(5) Reduced Setbacks on Record Plats**

If a record plat, recorded prior to the effective date of this code, establishes a setback requirement that is less than required by this code for the applicable zoning district, the following standards shall apply for application of such setbacks:

- A. If development on lots with 100 feet of the subject lot contain a principal building that complies with the recorded setbacks, the proposed building may comply with the recorded setbacks without a variance.
- B. In all other cases, the setback requirements for the applicable zoning district shall apply unless a reduced setback is approved through the variance procedure (See Section [1214.11](#)).

**(6) Interior Lots**

- A. The required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1226-C](#).
- B. The lot line located directly behind the rear of the structure, as determined by the Administrative Officer, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1226-C](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1226-C](#).

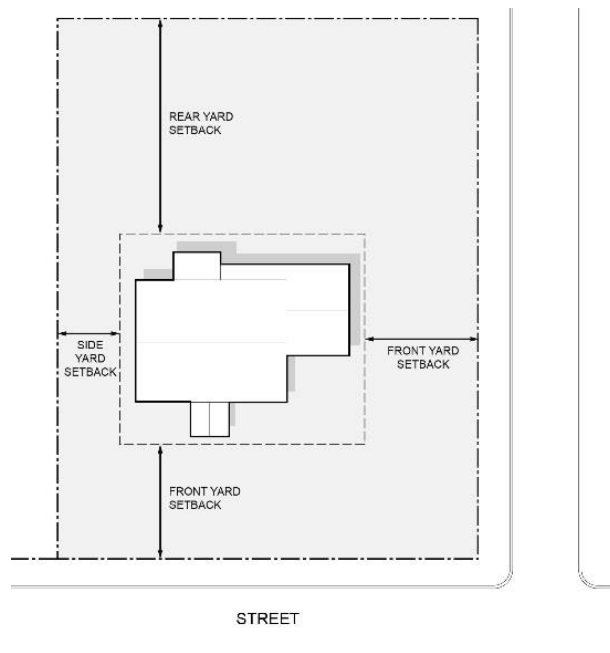


*Figure 1226-C: Typical setback and yard locations for an interior lot.*

**(7) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1226-D](#). An alley shall not be considered a street for the purposes of determining a corner lot.
- B. The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 1226-D](#).
- C. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 1226-D](#).



*Figure 1226-D: Typical setback and yard locations for a corner lot.*

**(8) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- A. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1226-E](#).
- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1226-E](#).

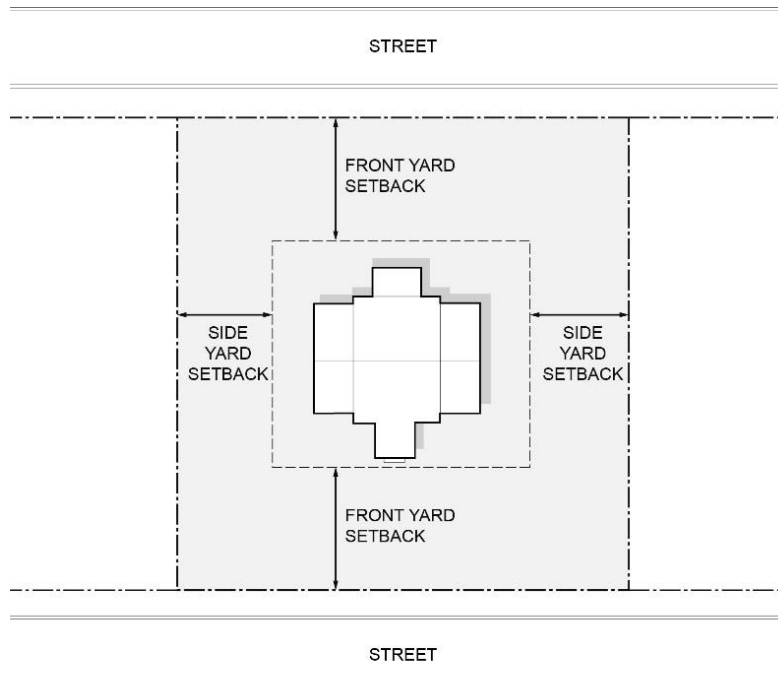


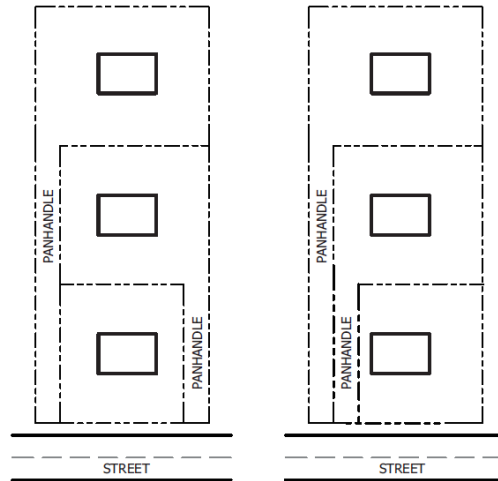
Figure 1226-E: Yard locations on double frontage (through) lots.

- C. For the purposes of allowing accessory uses, including fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section 1224.01, shall apply to all accessory uses or structures.
- D. Where alleys exist in the City, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

**(9) Flag (Panhandle) Lots**

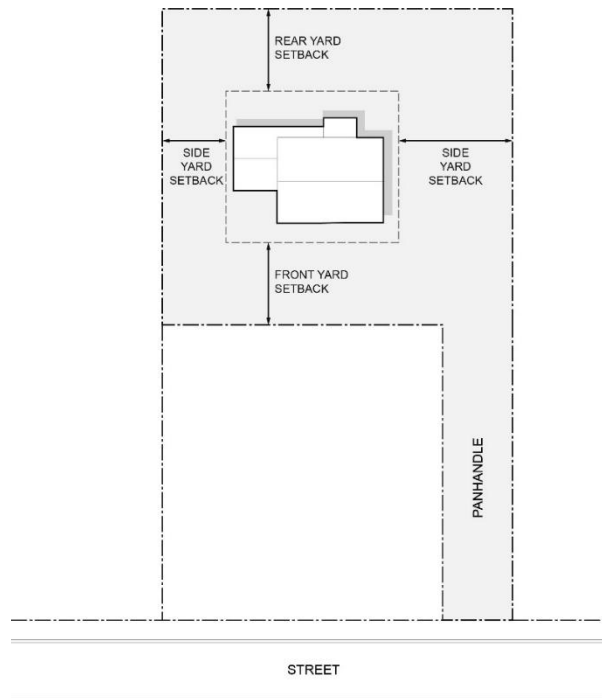
Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See Figure 1226-F.



*Figure 1226-F: The above illustration shows the stacking of flag (panhandle) lots, which is prohibited.*

- D. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.
- E. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- F. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1226-G](#).



*Figure 1226-G: Yard locations on flag (panhandle) lots.*

**(10) Cul-de-Sac or Curved-Street Lot**

- A. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1226-H](#).
- B. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

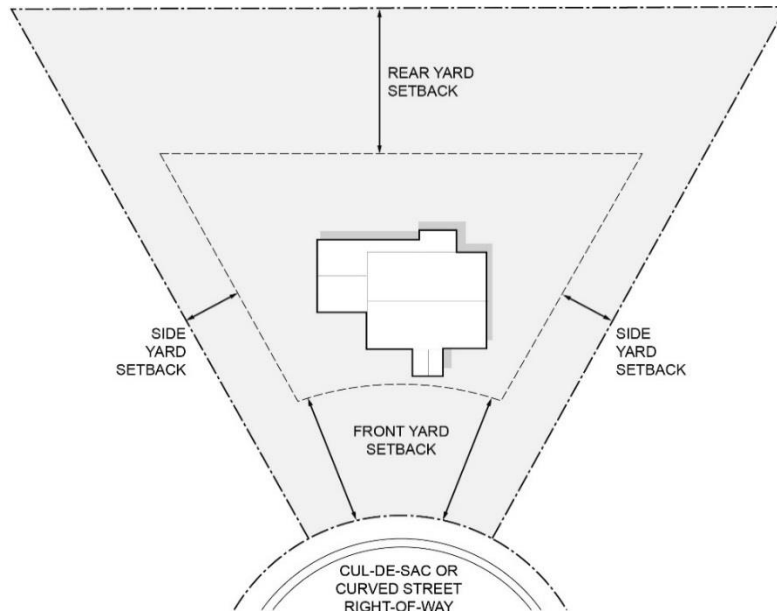


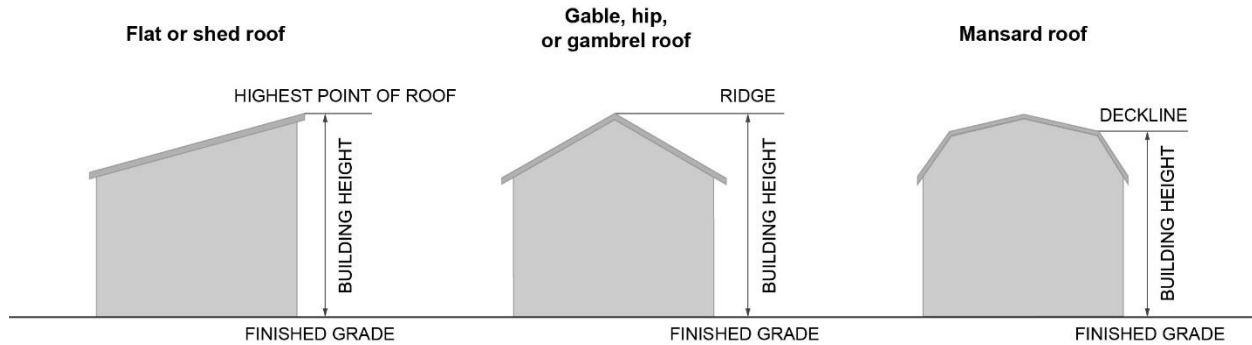
Figure 1226-H: Setback line of a lot with frontage on a curved street or cul-de-sac.

**(11) Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Administrative Officer shall have the authority to decide where front, rear, and side yard setbacks are required.

**(e) Height Measurement and Exceptions**

- (1) Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (2) Where specified in feet, the building height shall be measured from the grade of the average level of the highest and lowest points of the portion of the site covered by the building to the uppermost point of the structure.



*Figure 1226-I: Measurement of building or structure height*

(3) Where specified fencing and wall height shall be measured in accordance with Section [1224.01\(e\)\(9\)C](#).

(4) The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure unless otherwise specifically stated.

**(5) Exceptions to Height Limits**

A. Height limitations stipulated in this code shall not apply to:

- i. Barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision) provided they are setback from all lot lines a distance equal to the structure's height;
- ii. Church spires, belfries, cupolas and domes, monuments, chimneys, flag poles, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building;
- iii. Governmentally-owned freestanding water tanks, towers, radio or television antennae and flag poles;
- iv. Special industrial structures such as a cooling tower, grain elevator and other similar structure where the industrial process requires a greater height may be erected above the maximum height allowed in the applicable district, provided that:
  - a. Any such structure shall not occupy more than 15 percent of the lot area;
  - b. The structure shall be set back a distance equal to its height from any adjacent lot line; and
  - c. The Fire Department shall be required to approve the increased height based on firefighting capacity.

B. The Fire Department shall be required to approve any height for such structures if they exceed the permitted maximum height for the applicable zoning district.

C. The height of all structures and buildings, including those mentioned in this section, shall not constitute a hazard to safe landing and take-off of aircraft from an established airport. Upon recommendation of the Administrative Officer, the height of all structures or buildings shall be subject to the approval of the governmental agency charged with responsibility for maintaining air safety.

**(f) Floor Area and Footprint Measurements**

(1) Where measurements are based on the gross floor area, the measurements shall be the total area of all floors of a building measured to the outside surfaces of exterior walls.

- (2) The measurement of any floor area shall not include cellars, basements, unfinished attic spaces, terraces, open porches, unenclosed steps, or garages.
- (3) Where measurements are based on the footprint, the measurement shall be of the total area of the floor of the building at grade level, as measured to the outside surface of exterior walls, regardless of how the floor area is finished.

### **1226.03 General Site Development Standards**

The following provisions shall apply to site development in all zoning districts unless otherwise specifically stated.

**(a) Lot Frontage**

No building, structure or improvement shall be constructed or altered unless the lot on which it is located has frontage along a public street or thoroughfare in the City or is located in an approved PUD.

**(b) Buildings on Lots**

Every building shall be located on a lot. There shall be no more than one principal building on one lot containing the principal use for that lot, except as provided below:

- (1) There may be more than one principal building on a lot if allowed as part of an approved PUD.
- (2) There may be more than one principal building in a nonresidential district, provided that the required yard setbacks are provided around the group of buildings.
- (3) There may be more than one principal building on a lot for multi-family or hotel purposes if the required yard setbacks are maintained around the group of buildings and the buildings are separated by a horizontal distance that is at least equal to the height of the highest building.

**(c) Building Orientation**

The main entrance of any building shall be oriented toward a public street. For corner lots, a building may be oriented toward the intersection of the two streets.

**(d) Reverse Frontage**

**(1) Reverse Frontage Prohibited**

- A. Except for areas exempted in accordance with Section [1226.03\(d\)\(2\)](#), below, lots with a reverse frontage shall be prohibited. Reverse frontage shall include any area where the rear of buildings along the entire block face are oriented toward a street.
- B. To the maximum extent feasible, lots along the perimeter of a subdivision shall be oriented so that dwellings front perimeter streets instead of backing up to streets around the outside of the subdivision.

**(2) Exemptions and Alternatives**

Lots in the following locations may have reverse frontage:

- A. Existing platted lots in subdivisions or lots subject to a PUD approved prior to the effective date of this code;
- B. Lots where the reverse frontage is along a bike path rather than a public street; or
- C. Lots where there is a minimum of 50 feet of open space between the street and the buildings or where landscape screening is provided between the street and building in accordance with Section [1232.06](#).



Figure 1226-J: This image demonstrates the use of screening for reverse frontage lots that screens the rear of buildings along an entire block face.

## 1226.04 Site Development Standards for Agricultural and Residential Zoning Districts

- (a) [Table 1226-1](#) establishes the minimum site development standards for agricultural and residential base zoning districts. This table also establishes the minimum site development standards for residential uses in the OR District.
- (b) No single-family dwelling shall have a floor area of less than 1,050 square feet, exclusive of open porches, garages, or steps. No two-family dwelling unit shall have a floor area of less than 700 square feet for each unit. No multi-family dwelling shall have a floor area of less than 350 square feet for each unit.

TABLE 1226-1: SITE DEVELOPMENT STANDARDS FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS							
District/Use	Minimum Lot Area [1] (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Minimum Setbacks (Feet)			Maximum Building Height (Feet)
				Front Yard	Side Yard (Each Side)	Rear Yard	
A - Agricultural District							
A	217,800	200	None	60	30	60	40
RSF-1 – Residential Single-Family District							
Single-Family Dwellings	21,500	100	35%	50	20	35	35
All Other Uses	43,560						
RSF-2 – Residential Single-Family District							
Single-Family Dwellings	11,000	80	40%	35	7.5	35	35
All Other Uses	43,560						
RSF-3 – Residential Single-Family District							
Single-Family Dwellings	9,000	60	45%	30	7.5	35	35
All Other Uses	43,560						
RSF-4 – Residential Single-Family District							
Single-Family Dwelling	7,500	50	50%	30	7.5	35	35
All Other Uses	43,560						

TABLE 1226-1: SITE DEVELOPMENT STANDARDS FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS							
District/Use	Minimum Lot Area [1] (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Minimum Setbacks (Feet)			Maximum Building Height (Feet)
				Front Yard	Side Yard (Each Side)	Rear Yard	
RTF – Residential Two-Family District							
Single-Family Dwellings	7,500	60	45%	25	7.5 [2]	35	35
Two-Family Dwellings	3,500 per unit						
All Other Uses	43,560	75	55%				
RFF – Residential Four-Family District							
Two-Family Dwellings	3,500 per unit	60	60%	25	10 [2]	35	35
Three- or Four-Family Dwellings	3,600 per unit	75					
All Other Uses	43,560						
RMF – Residential Multi-Family District							
Three- or Four-Family Dwellings	3,600 per unit	75	65%	25	10	35	35
Dwellings with 5+ Units	3,600 per unit	125		30			
All Other Uses	43,560	125					
OR – Office Residential District (Residential Uses Only)							
Single-Family Dwellings	7,000	50	65%	25	7.5 [2]	35	35
Two-Family Dwellings	3,500 per unit						
Dwellings with 3+ Units	3,600 per unit						
<b>NOTES:</b>							
[1] Larger lot areas may be required by a use-specific standard or by the City or the applicable county’s health department/district in cases where there is no access to a public sanitary sewer system.							
[2] Dwellings may share a wall with zero side yard setback on one side yard, in which case, the minimum side yard setback shall only apply to one side of the building.							

(Amended 12-16-2020, Ordinance 20-31)

## 1226.05 Site Development Standards for Business and Special Zoning Districts

- (a) [Table 1226-2](#) and [Table 1226-3](#) establishes the minimum site development standards for all nonresidential districts including the PF District.

**TABLE 1226-2: SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS**

Districts	Minimum Front Yard (Feet)	Minimum Side Yard Setback (Feet) (Each Side)		Minimum Rear Yard Setback (Feet)	
		From Residential Lot or Residential District (Feet)	From All Other Lots and Districts (Feet)	From Residential Lot or Residential District (Feet)	From All Other Lots and Districts (Feet)
PF District	25	30 + 1 foot for every foot of the principal building height	20	20 + 1 foot for every foot of the principal building height	30
OR District	25	7.5	7.5	35	35
DB District	None [1]	10	None	10	None
GB District	40	35	20	35	30
NB District	15	20	None	20	None
HB District	40	35	20	35	30
OS District	15	1 foot for every foot of the principal building height	None	10	None
O District	25	25	15	80	40
O/IP District	25	25	15	80	40
I District	30	200 [2]	15	200 [2]	50
I/I District	30	200 [2]	15	200 [2]	50

**NOTES:**

[1] The maximum front yard setback shall be 15 feet. The Planning Commission may authorize a deeper setback if the applicant proposes outdoor dining, public art, or other pedestrian amenities but in no case shall parking areas be located in the front yard. In no instance shall the building be set back more than 30 feet from the back of the sidewalk.

[2] A minimum of 100 feet of the setback shall be green space that may include any landscaping or buffering required by [Chapter 1232: Landscaping and Screening Standards](#) or may be landscaped with natural vegetation.

**TABLE 1226-3: OTHER SITE DEVELOPMENT REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS**

Districts	Minimum Lot Area (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Maximum Building Height (Feet)
PF District	None	None	80%	None
OR District	20,000	50	60%	35
DB District	None	None	100%	45
GB District	40,000	100 [1]	80%	45
NB District	None	None	80%	35
HB District	20,000	100 [1]	80%	45
OS District	None	50	80%	35
O District	20,000	75	80%	60
O/IP District	43,560	75	80%	60
I District	None	None	80%	60
I/I District	None	None	80%	60

**NOTES:**

[1] The minimum lot frontage shall be increased to 150 feet for lots that have frontage on an arterial street.

(Amended 01-20-2022, Ordinance 21-33)

## **1226.06 Aeronautical Restrictions**

- (a) Airport regulations shall be followed in accordance with the Federal Aviation Regulations, Volume XI, Part 77, "Objects Affecting Navigable Airspace," including all amendments.
- (b) The airport approach area:
  - (1) Has a length of 10,000 feet beginning 200 feet from the end of each runway, extending outward;
  - (2) Is symmetrically located with respect to the extended runway centerline, with a total width of 1,000 feet at the end adjacent to the runway;
  - (3) Flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section; and
  - (4) Has an area designated on the Official Zoning Map.
- (c) The airport turning area is a place, approximately circular in shape, with a height of 150 feet above the established airport elevation and with a radius measured from the ends of the runways of 10,000 feet.
- (d) **Lights and Electrical Interference**
  - (1) No use may be made of land within any zoning district in such manner as to:
    - A. Constitute an airport hazard in any manner;
    - B. Create electrical interference with radio communication between the airport and aircraft;
    - C. Impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off or maneuvering of aircraft; or
    - D. Make it difficult for operators of aircraft to distinguish between airport lights and other lights, resulting in glare to the eyes of operators of aircraft approaching, leaving or using the airport.
  - (2) Any zoning certificate or variance granted under this code may be so conditioned to require the owner of the structure or object of natural growth in question to permit the installation, operation and maintenance thereon, at no expense to the owner, of such markers and lights as may be necessary to indicate the presence of an airport hazard.
- (e) **Height Restrictions**
  - (1) Height limits for buildings in airport approach areas to instrument runways shall be not more than one-foot in height for each 50 feet in distance measured from a point 200 feet from the end of the runway, but not less than 25 feet in any case. For all other runways, it shall be one-foot in height for each 40 feet in distance measured from a point 200 feet from the end of the runway.
  - (2) Chimneys, towers, monuments, cupolas, domes, spires or similar structures may be erected above the height limits when located within the airport turning area or within an airport approach area, by approval of the BZA, as a special exception.
  - (3) In such case, an application for a special exception to the height limitations shall be filed with the Administrative Officer and transmitted by him or her to the BZA. Height limitations thus imposed shall be determined by the BZA in consultation with, and with the recommendation of, the Federal Aviation Administration and the Airport Authority.

## **1226.07 Obstructions to Visibility at Intersections**

- (a) To ensure that structures and landscaping materials do not constitute a driving hazard, all sites shall maintain an unobstructed vision clearance triangle at street intersections and the intersections of driveways with streets.

- (b) The vision clearance triangle required at the intersection of two street shall be created by measuring 30 feet along the right-of-way line from the point of intersecting right-of-way lines along each street and connecting those two points to form a triangle as illustrated in [Figure 1226-K](#).

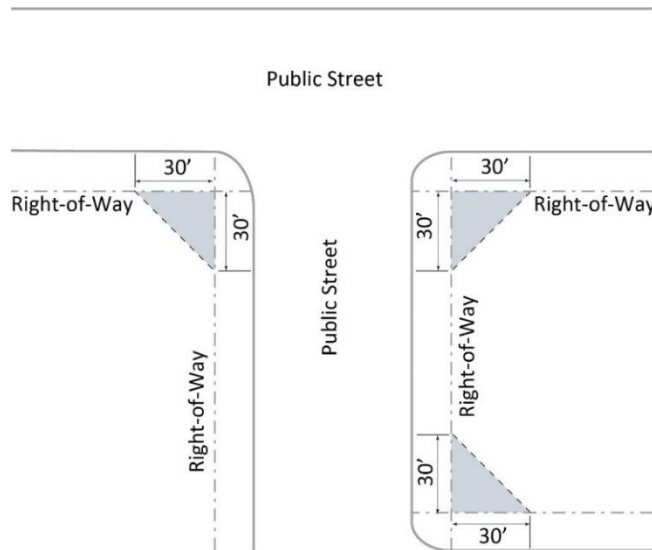


Figure 1226-K: Illustration of vision clearance triangles required at the intersection of two streets.

- (c) The vision clearance triangle required at the intersection of a driveway and a street shall be created by measuring 10 feet along the driveway and right-of-way line from the point of where the two intersect and connecting those two points to form a triangle as illustrated in [Figure 1226-L](#).

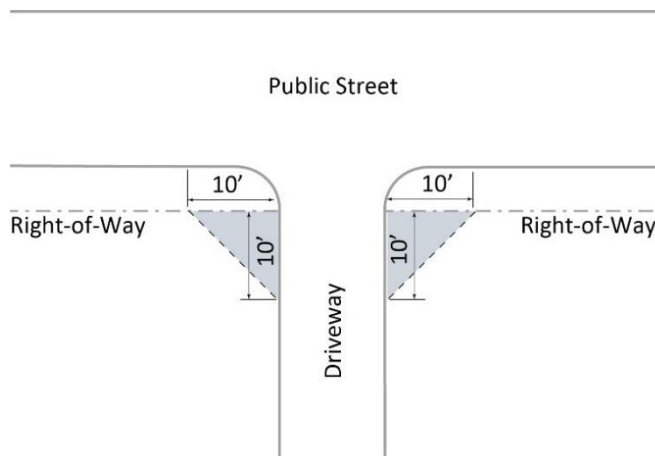


Figure 1226-L: Illustration of vision clearance triangles required at the intersection a street and driveway.

- (d) No structures or landscaping material shall be allowed to grow or have a height that exceeds 36 inches in above the street grade within these triangles. Trees shall be permitted so long as (except during early growth stages) only their trunks are visible between the ground and eight feet above the ground, or they otherwise do not present a traffic visibility hazard.

## **1226.08 Outdoor Lighting**

### **(a) Purpose**

The purpose of this section is to regulate outdoor lighting elements as they contribute to the identity of a development or project. It is also the purposes of these regulations to ensure the safety of pedestrians while minimizing light pollution and the negative impacts of excessive glare.

### **(b) Applicability**

- (1)** The standards of this section shall apply to the following development activities:
  - A. Construction of all new buildings in nonresidential zoning districts;
  - B. Construction of all new nonresidential buildings in residential zoning districts.
  - C. Establishment or expansion of any vehicular use areas; or
  - D. Addition of outdoor lighting fixtures regulated by this section
- (2)** The requirements of this section shall not apply for a lighting related to any dwellings with four or fewer dwelling units, however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties.
- (3)** Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.
- (4)** Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be exempt from the requirements of this section, provided direct light emissions are not intended to be visible above the building line roof. This shall not include decorative lighting used to illuminate a sign, which is regulated by [Chapter 1236: Sign Standards](#).
- (5)** Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this section, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.
- (6)** Lighting for certain outdoor recreational uses because of their unique requirements for nighttime visibility and their limited hours of operation. However, such uses, which includes, but is not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses shall be required to meet the following standards:
  - A. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.
  - B. The maximum permitted illumination at the lot lines shall be two footcandles.
  - C. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.
- (7)** Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- (8)** All outdoor lighting fixtures existing and legally installed prior to the effective date of this code, shall be exempt from the requirements of this section. When existing lighting fixtures become inoperative, their replacements shall be subject to the provisions of this section.

- (9) Nothing in this Chapter shall apply to lighting required by the FAA or any other federal regulatory authority.
- (10) The applicant must provide a plan that identifies the location, height, and type of luminaries, and shows how the applicant intends to comply with this section.

(c) Lighting Standards

(1) General Standards

- A. All lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.
- B. Illumination is required consistently across the site and shall be designed so as not to create dark spots that may create safety issues in such areas as vehicular use areas and connecting pedestrian paths.
- C. All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempted per Section 1226.08(b).

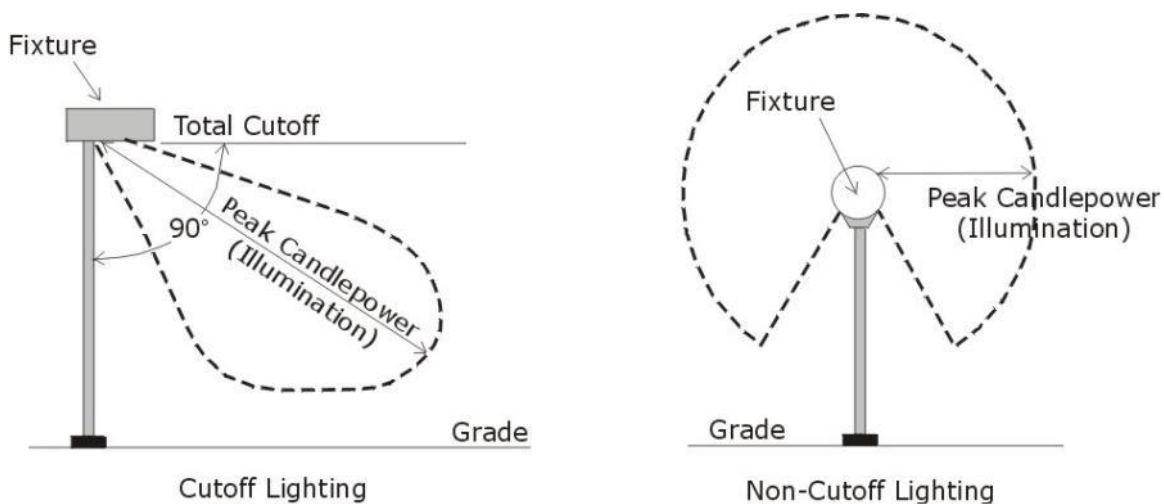


Figure 1226-M: Cutoff lighting fixtures (left) versus non-cutoff lighting fixtures (right).

- D. Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.
  - E. There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
- (2) Measurement
- A. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
  - B. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.

**(3) Building-Mounted Lighting Standards**

- A. Lighting may be mounted to a building façade only at entrances, loading/service locations, or for the purpose of accent lighting.
- B. Exposed light bulbs are prohibited. The light fixtures shall be a total cutoff fixture (See [Figure 1226-M.](#)) but may direct lighting upward or downward.
- C. In no case shall a light fixture mounted on a structure be mounted at a height where the fixture will exceed the height of the roofline.

**(4) Location and Maximum Height of Light Poles**

- A. The placement of light poles within raised curb planting areas or landscaped islands should be the priority location, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
- B. The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

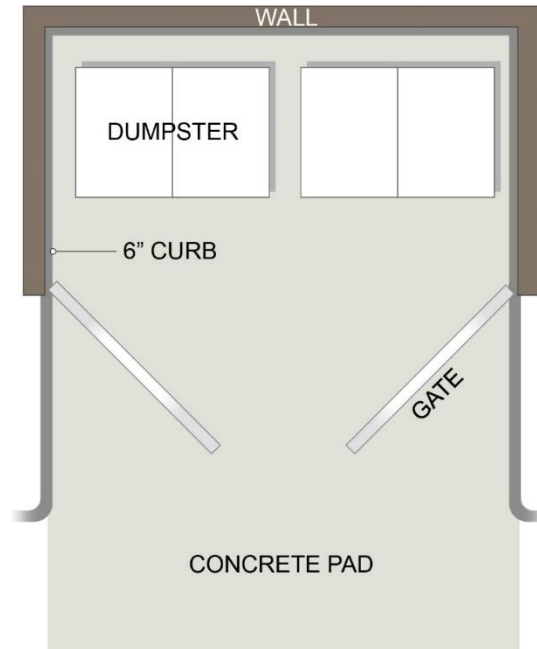
TABLE 1226-4: MAXIMUM HEIGHT OF LIGHT POLES	
Districts and Uses:	Maximum Height
RMF and nonresidential uses in residential zoning districts	20 feet
Lots with 50 or fewer parking spaces in nonresidential zoning districts	20 feet
Lots with more than 50 parking spaces in nonresidential zoning districts	30 feet
PUDs	To be determined during the PUD review

*(Amended 12-16-2020, Ordinance 20-31)*

**1226.09 Dumpster and Trash Receptacle Enclosure Areas**

All dumpsters, trash containers, or similar receptacles for any nonresidential use shall comply with the standards of this section.

- (a)** Such areas shall be enclosed or screened in accordance with Section [1232.06](#).
- (b)** Adequate vehicular access to and from such area or areas for the collection of trash and/or garbage shall be required and the dumpster or receptacle shall be placed on a pad constructed of concrete material
- (c)** Trash containers and dumpsters shall not be located in the front yard building setback and shall conform to side and rear yard pavement setbacks of the appropriate district.
- (d)** A six-inch raised curb shall be located one foot from the interior walls of the enclosure to prevent the dumpster or refuse container from damaging the walls of the enclosure. See [Figure 1226-N](#).



*Figure 1226-N: Illustration of a typical dumpster pad and screening.*

**(e) Exemptions**

Uses that utilize fewer than two garbage cans of 55 gallons in size or less shall be exempt from these standards provided that the garbage cans are placed for pick up less than 24 hours before scheduled pick up and are removed with 24 hours of pick up.

# Chapter 1228: Architectural Standards

## 1228.01 Purpose

The purpose of this chapter is to encourage development that contributes to the City of Vandalia's sense of place, reflecting the community's physical character and adding to it in appropriate ways. The architectural design of multi-family dwellings and nonresidential development, particularly large-scale developments, determines much of the character and attractiveness along the thoroughfares of the City, and the gateways to the community.

## 1228.02 Applicability

All multi-family buildings and nonresidential buildings shall be subject to the standards of this chapter except in the I/I, O/IP, and I Districts.

*(Amended 01-20-2022, Ordinance 21-33)*

## 1228.03 Architectural Standards for Multi-Family Dwellings

### (a) Applicability

The standards of this subsection shall apply to all structures that contain three or more dwelling units.

### (b) Building Materials

- (1) The first above-ground story of a residential dwelling shall have facades constructed of stone, brick, wood, stucco, cultured stone, cement siding, or hardy plank when such facades are visible from a public street.
- (2) All other exterior walls areas of the dwelling may be constructed of other durable building materials.
- (3) Areas excluded from the building material requirements stated above are limited to any exterior wall areas of the dwelling where normal building practices prohibit the use of the material stated above including gas fireplace insert cantilevers, gables, overhangs, downspout and gutters, kitchen and other bays and other types of protrusions for which it is not reasonably practical to use the materials stated above.
- (4) All siding shall be either horizontal or vertical in placement.
- (5) All potential below grade living areas shall be constructed with poured concrete walls.

### (c) Design of Façades

- (1) Front facades shall incorporate variation in mass through one or more of the following methods every 50 feet of façade frontage:
  - A. Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
  - B. Bay windows;
  - C. Façade color changes;
  - D. Use of pilasters, columns, or other detailing to articulate the facades; or
  - E. Roofline changes when coupled with correspondingly aligned façade material changes.
- (2) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
  - A. One or more dormer windows or cupolas;

- B. A recessed entrance;
- C. A covered porch;
- D. Pillars, posts, or pilasters;
- E. One or more bay windows with a minimum of 12-inch projection from the façade plane;
- F. Eaves with a minimum of six-inch projection from the façade plane;
- G. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
- H. Multiple windows with a minimum of four-inch-wide trim.



*Figure 1228-A: Illustrative example of acceptable architectural design for multi-family dwellings*



*Figure 1228-B: Illustrative example of unacceptable architectural design for multi-family dwellings*

- (d)** Roof Penetrations and Equipment
- (e)** To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section [1232.06](#).

## **1228.04 Architectural Design Requirements for Nonresidential Buildings**

### **(a) Applicability**

This section shall apply to:

- (1)** All nonresidential uses in an agricultural or residential zoning district;
- (2)** All development in the PF, OR, DB, GB, NB, HB, OS, and O Districts.

### **(b) Design Standards**

- (1)** Buildings shall generally be parallel to the street they front, unless an alternate orientation is consistent with existing adjacent development and is approved by the Planning Commission during site plan review.

#### **(2) Building Facades**

- A. Blank building walls visible from public or private streets are prohibited. These requirements shall not apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.
- B. Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public street or an adjacent residential district, that are not subject to screening requirements in Section [1232.06](#), shall incorporate architectural detailing on all facades that is consistent with the front façade and the requirements of the applicable zoning district.



*Figure 1228-C: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.*

#### **(3) Façade Massing**

##### **A. Offset Required**

Facades that are visible from a public street and that are 100 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 50 feet. Each required offset shall have a minimum width of 20 feet.

##### **B. Offset Alternative**

The following alternatives can be used in place of the required front façade offsets (See [Figure 1228-D](#)):

- i. Façade material changes following the same dimensional standards as the offset requirements; or

- ii. Pilasters having a minimum depth of one-foot, minimum width of one foot, and a minimum height of 80 percent of the facade's height.
- iii. The Planning Commission may approve the use of landscaping as an alternative to visibly breaking up the massing of a building as part of the site plan review process.



*Figure 1228-D: Illustration of façade treatments such as pilasters, projections, and material changes to provide a visual façade offset.*

**(4) Wall Openings (Doors and Windows)**

- A. Blank walls, those devoid of openings such as windows and transparent doors, shall be prohibited on the front facade of any building. In no case shall a building have blank walls parallel to a public street or to its tangent, if the street is curved.
- B. Building elevations that are visible from a public street should contain windows that occupy at least 25 percent of the total wall surface area. The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.

**(5) Roof Styles**

- A. The height of any pitched roof shall not exceed one-half of the overall building height.
- B. Roof Line Changes
  - i. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
  - ii. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.



*Figure 1228-E: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.*

**C. Flat Roofs**

- i. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- ii. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.



*Figure 1228-F: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.*

**D. Asymmetric or Dynamic Roofs**

- i. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.
- ii. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in Section [1228.04\(b\)\(5\)C](#), above are met.
- iii. Asymmetric or dynamic roof forms are prohibited in the DB district.
- iv. See [Figure 1228-G](#) for examples of buildings with a dynamic or asymmetric roof form.



*Figure 1228-G: Examples of dynamic or asymmetric roof lines*

**(c) Special Requirements for Downtown Vandalia**

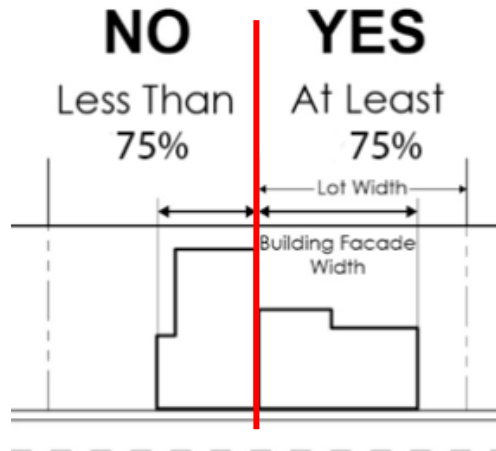
The following requirements apply only to the DB District and any lot within the boundaries of an OR or OS District that is located adjacent to a DB District.

- (1) In addition to the requirements below, the Planning Commission and City Council may use the general development guidelines of the 2011 Comprehensive Plan Supplement in deciding on site plan review applications for development in the DB District.
- (2) The maximum linear length of an uninterrupted facade plane shall be 50 feet. This shall mean that the building design shall incorporate pilasters, material variations, height variations, awnings, storefronts, or other elements to divide a long facade plane into distinct sections with no individual section exceeding 50 feet in width. See [Figure 1228-H](#).



*Figure 1228-H: This image illustrates how existing and new structures divide the entire facade plane into smaller components through the use of pilasters, storefronts, height variation, and material variations.*

- (3) The primary entrance to the building shall be located on the front facade and oriented toward the street. For corner lots, the orientation shall be toward the street with the highest traffic count.
- (4) The front building facade shall occupy at least 75 percent of the lot frontage at the front building facade line. See [Figure 1228-I](#).



*Figure 1228-I: Illustration of minimum building façade occupancy of lot frontage*

- (5) Window and door openings shall be rectangular in shape and have a vertical orientation and alignment between floors.
- (6) The building shall incorporate pedestrian-scale architectural features on the first floor of buildings and at entrances including, but not limited to, canopies, awnings, dining areas, and plazas with pedestrian amenities
- (7) Building elevations that are visible from a public street should contain window and door openings that occupy at least 50 percent of the total wall surface area of the first floor. Windows shall occupy at between 30 and 50 percent of each of the upper floors. Any residential uses shall contain window and door openings that occupy a minimum of 35 percent of the front façade. Such window and door openings shall be clear glass or similar transparent material.
- (8) Blank walls facing streets shall be prohibited.

# **Chapter 1230: Public Sites and Open Space Standards**

## **1230.01 Purpose**

The purpose of this chapter is to address the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for open space, public sites, and greenways. The purpose of this chapter is to:

- (a) Establish the standards and criteria under which portions of land associated with development shall reserve and dedicate land to the City for the purposes of development as private open space, public sites, parks, greenways, or other recreational spaces;
- (b) Distinguish among the characteristics, requirements, and appropriate locations for open space set-asides;
- (c) Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as formal private open space;
- (d) Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as informal private open space or conservation land; and
- (e) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to private formal and informal open space areas associated with development.

## **1230.02 Applicability**

- (a) This chapter shall apply to all types of development identified in [Table 1230-1](#), after the effective date of this code.
- (b) The Administrative Officer shall not grant a zoning certificate for any building or structure shown in a subdivision or development subject to the provisions of this chapter unless the open space allocated to that phase have been conveyed under one of the options established in this chapter.

## **1230.03 Open Space Set-Aside Requirements**

- (a) Amount of Open Space Set Aside Required  
Residential, mixed-use, and nonresidential development shall provide at least the minimum amounts of private open space identified in [Table 1230-1](#), below:

TABLE 1230-1: OPEN SPACE SET-ASIDE	
District	Minimum Percentage of Open Space
Any subdivision in the A District	None
Any major subdivision in the RSF-1, RSF-2, RSF-3, RSF-4, RTF, RFF, or RMF Districts	5% of the gross area of the subdivision
Any multi-family dwelling development with 20 or more units if there is no major subdivision	5% of the gross area of the subdivision
Planned Unit Development	15% [1]
NOTE [1] A total of 15 percent of all areas designated for residential-only uses in a PUD shall be preserved as open space pursuant to this chapter. For nonresidential areas of a PUD, a minimum of 15% of the site area shall be maintained as landscaped areas.	

- (1) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.
- (2) The following areas shall not be counted toward compliance with open space requirements:
  - A. Private and public roads, and associated rights-of-way;
  - B. Public or private parking spaces, access ways, and driveways related to any residential use;
  - C. Required minimum spacing between buildings and required yard setbacks;
  - D. Vehicular use areas;
  - E. Land that is subject to pre-existing conservation easements or other similar protected open spaces;
  - F. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
  - G. Substations, public utility easements;
  - H. Dry stormwater detention basins or facilities;
  - I. Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission.

#### **1230.04 Ownership of Open Space**

- (a) The first priority of the open space requirement is to provide for a community wide network of parks, open spaces, greenways, other recreational areas, or public sites. As such, all open space required by this chapter shall first be offered to the City for potential public land dedication.
- (b) Such offer for public land dedication shall be made during the applicable review procedure and the Planning Commission or Administrative Officer with authority to make a decision during the applicable review procedure shall also have the authority to decide whether to recommend that the land should be considered by City Council for public dedication.
- (c) The Planning Commission or Administrative Officer may seek guidance from other applicable staff members, departments, or public agencies.

- (d) The City shall consider any recommendation from Planning Commission or Administrative Officer regarding the proposed land and shall make a decision on whether to accept any land offered for dedication. City Council shall not be required to accept any land offered for dedication.
- (e) If the recommendation from the Planning Commission or Administrative Officer is for the land to be dedicated to another public agency for a public site (e.g., school, utility, etc.), the applicant shall be required to dedicate to the public part or all of the proposed site to the appropriate public agency and/or reserve the site for a period of up to three years to enable acquisition by the appropriate agency.
- (f) Where the City chooses not to accept the open space for public dedication, the developer shall pay a fee-in-lieu of the set-aside requirement in accordance with [Section 1230.06](#).
- (g) An application for a PUD may propose to retain the open space as private open space if such open space is of a unique enough design or improved in such a manner that the Planning Commission and City Council determine that the open space is better preserved under private ownership. Such determination shall be made as part of the concept PUD plan review and approval (See [Chapter 1222: Planned Unit Developments \(PUDs\)](#)).

### **1230.05 Public Land Dedication**

This section shall apply where the open space set-aside or public site will be dedicated to the City for use as park land, recreational area, or other public site to be owned by the City or other approved public agency.

**(a) Procedure for Dedication**

Dedication of land to the City or other approved public agency shall be reflected on the final plat with an assigned lot number in the section of the subdivision. It shall be transferred by general warranty deed conveying to the City, or approved public agency, and its successors and assigns, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances. This deed shall be executed and delivered to the Montgomery County Recorder for recording at the same time the final plat map or development plan of any section or any portion of the subdivision or development is recorded.

**(b) Required Minimum Improvements for Dedication**

Whenever land is dedicated, the developer shall provide minimum improvements as listed herein.

- (1) Site grading necessary for the conveyance of storm water generated within or flowing through the land;
- (2) Healthy grass cover for park land utilizing an athletic field mixture as specified by the City Manager or his or her designee;
- (3) Perimeter fencing or fencing around sports facilities, if necessary, as determined by the Administrative Officer;
- (4) Full street improvements and utility connections within the adjoining public rights-of-way including, but not limited to, street paving, water and sewer extension, sidewalks, bikeway connections, curbs and gutters, street trees, street lights, park signage, and traffic control devices;
- (5) Removal of all dead trees, trash, junk, unwanted structures, and other similar undesirable elements along with any other improvements that are necessary to bring the public park, trail, or pond to be dedicated to a suitable condition prior to acceptance by the City; and

- (6) Installation of property pins to dedicated land.

### **1230.06 Fee-in-Lieu of Dedication Option**

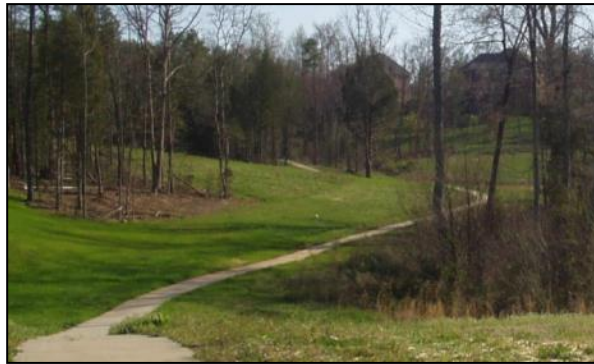
- (a) When Council determines that open space dedication is not desirable within a proposed development, the subdivider shall pay an amount equal to the fair market value of the undeveloped percentage of open space area required in accordance with this section.
- (b) Determination of Fair Market Value
- (1) Fair market value shall equal the average value per acre of all land in each subdivision or development in its raw, undeveloped state, as determined at the time an application is submitted for a final plat, final PUD development plan, or zoning certificate, whichever submission is first.
- (2) The fair market value shall be determined by agreement between the developer or subdivider and the City of Vandalia.
- (3) If the City and the subdivider cannot agree to the fair market value of the land, such value shall be determined by a panel of three appraisers, one of whom shall be selected by the City, one by the subdivider and the third by the other two appraisers. If the other two appraisers cannot agree as to the third, the third shall be appointed by the presiding judge of the County Common Pleas Court.
- (4) All costs required to obtain such appraisal shall be borne by the developer or subdivider.
- (c) Time of Payment  
The fee-in-lieu of open space set-aside shall be paid prior to the issuance of the first zoning certificate for the site.
- (d) Deposit of Payment in Lieu of Park Land Dedication  
The funds realized from this requirement shall be placed in a separate fund to be used by the City only for purposes of open space acquisition or the planning and/or improvement of public open space and recreational facilities.

### **1230.07 Private Open Space Requirements**

If the City authorizes the open space to be preserved as private open space, such private open space shall be designed and protected in accordance with this section.

- (a) Permitted Uses  
The following uses may be permitted in any open spaces required by this code that are preserved as private open space:
- (1) Passive recreational uses such as nature preserves, protected tree stands, meadows, or other informal areas of open space;
- (2) Active recreational uses as may be approved by the Planning Commission;
- (3) Public sites;
- (4) Community gardens (See Section [1218.04\(b\)](#).);
- (5) Picnic areas and associated shelters; and
- (6) Any other uses approved by the Planning Commission during the applicable review procedure.
- (b) Design Standards for Private Open Space Set-Asides  
Land set-aside as private open space shall comply with the following standards:

- (1) All areas of private open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public street, or in the case of a mixed-use development, 15 feet of frontage on an internal access drive or on a public street.
- (2) Areas of private open space in residential subdivisions shall have a minimum area of 10,000 square feet in size.
- (3) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.



*Figure 1230-A: Greenways linking adjacent developments can provide recreational corridors throughout the community.*

- (4) If the final subdivision plat or final PUD plan provides for buildings, structures or improvements in the open space and recreational space, the developer shall provide a financial guarantee equal to 100 percent of the improvements value to ensure completion of the buildings, structures and improvements. See Section [1238.05\(m\)\(12\)](#).
- (5) **Provision of Open Space in Multi-Phase Developments**
  - A. Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards required in this chapter.
  - B. The open space set-aside for the entire project shall be reviewed and approved as part of the preliminary plat process.
  - C. Development shall not be phased solely as a method to avoid the minimum open space set-aside standards in this chapter.
  - D. In cases where less than 100 percent of the total amount of open space set-aside is provided within the first phase of a multi-phase development, the open space set-aside required shall, at a minimum, be apportioned into each of the remaining development phases. At any point, the applicant may fulfill the open space set-aside requirements prior to completion of the development or subdivision.
- (c) **Protection and Maintenance of Private Open Space**
  - (1) Any open space required by this code that will not be dedicated to the City, Montgomery County, State, park district, City approved land trust, or other qualified organization shall be maintained as private open space subject to the requirements of this subsection.
  - (2) Any further subdivision of the open space for uses other than those prescribed in this chapter and the approved PUD plan or subdivision plat shall be prohibited.

- (3)** In all cases, the long-term control and protection of the open space shall be accomplished through the use of a conservation easement.
- (4)** The applicant shall provide a proposed plan for the continuous maintenance of any open spaces.
- (5)** The final plat shall state that residents of the proposed subdivision or development shall not be denied access to the open space.
- (6)** City Council shall have the authority to determine acceptability of proposed open space and maintenance provisions.
- (7) Conservation Easements**
  - A. At the time when an applicant records the plat for the approved subdivision, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirement. The conservation easement shall:
    - i. Run with the land, regardless of ownership;
    - ii. Provide for protection of the land in perpetuity;
    - iii. Be granted and deeded to the City, Montgomery County, State, park district, a City approved land trust, or other qualified organization approved by the Planning Commission;
    - iv. Be solely for the purpose of ensuring the land remains undeveloped other than development of uses permitted by Section [1230.07\(a\)](#); and
    - v. Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
  - B. While the City, Montgomery County, State, park district, City approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the subdivision), or the homeowners' association. If it is to be owned by the homeowners' association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the Administrative Officer to be maintained as part of the City's records.
  - C. The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this code. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.
- (8) Homeowners' Associations or Property Owners' Associations**
  - A. A homeowners' association or property owners' association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the City, Montgomery County, State, park district, City approved land trust, or other qualified organization.
  - B. All homeowners' association or property owners' association agreements shall be submitted to the Administrative Officer as part of the subdivision or PUD application, whichever is applicable. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association or property owners' association shall permit the abrogation of any duties set forth in this section.

- C. All homeowners' associations or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development through the deed restrictions or covenants.
- D. Membership in the association shall be mandatory for all purchasers of lots in the development.
- E. The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.
- F. In the event that the homeowners' association or property owners' association no longer maintains the common areas and open space in a neat and orderly manner, or if the homeowners' association or property owners' association goes defunct, the City may take over maintenance and assess a fee to cover the costs of such maintenance. The fee shall be assessed to each of the benefitting property owners within the subdivision.

# Chapter 1232: Landscaping and Screening Standards

## 1232.01 Purpose

The purpose of landscaping and screening regulations is to:

- (a) To promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping.
- (b) Promote the preservation and replacement of major trees.
- (c) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots using a suitable combination of setbacks, visual buffers and physical barriers;
- (d) Prescribe standards for the installation and maintenance of trees, plantings, walls and fences.
- (e) To encourage the enhancement of the visual environment, ensure public safety, moderate the micro-climate;
- (f) To protect surrounding property values.

## 1232.02 Applicability

### (a) Additions and Enlargement

- (1) The requirements of this chapter shall apply to new development and any collective, substantial expansion or change in land use, except for single-family dwellings and two-family dwellings, and expansion of vehicular use areas. Substantial expansion shall be defined based on the criteria established in [Table 1232-1](#).

*(Amended 12-16-2020, Ordinance 20-31)*

TABLE 1232-1: LANDSCAPING AND SCREENING APPLICABILITY	
When the Existing Structure is:	A Substantial Expansion is:
0-2,500 sq. ft.	50% or greater
2,501-10,000 sq. ft.	40% or greater
10,001-25,000 sq. ft.	30% or greater
25,001-100,000 sq. ft.	20% or greater
100,001 sq. ft. and larger	10% or greater

- (2) Any collective expansion of 500 square feet or less shall be exempt from the applicability section of this chapter. Collective expansion shall include the sum of all expansions of the original structure or building, regardless of when they occur.
- (3) If a building or structure covers the entire lot, landscaping and screening alternatives must be proposed to the Administrative Officer for review and approval that meet the purpose and intent of this chapter.

## 1232.03 Modifications

Modifications to the standards of this chapter may be modified either through approval of a variance or as approved modification of the design standards reviewed and approved as part of the site plan review process. See Section [1214.04](#).

## 1232.04 Minimum Materials and Standards

The following identifies the minimum landscape and screening standard requirements for all developments.

**(a) Installation Timing**

If plantings cannot be completed prior to building occupancy due to weather or other conditions that prevent planting, the City may require a financial guarantee in the amount of 120 percent of the estimated cost of landscaping and or screening required. The financial guarantee shall comply with the requirements of Section [1238.05\(m\)\(12\)](#).

**(b) Plant Materials**

- (1)** All plant material shall be sound, healthy, live plants installed and maintained in accordance to acceptable nursery industry procedures.
- (2)** All plant materials shall be installed prior to a certificate of occupancy being issued.
- (3)** The Administrative Officer maintains a list of trees that are specifically prohibited from being located in any right-of-way.

**(4) Trees**

- A. Evergreen trees shall be installed at a minimum height of 6 feet.
- B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of 2 inches.
- C. Ornamental trees shall be installed at a minimum caliper of 1½ inches.

- (5)** Shrubs shall be installed at a minimum height of 3 feet.

**(6) Species Diversity**

To curtail the spread of disease or insect infestation in a plant species if a new development contains over 20 trees, the application should include diversity in plant choices.

**(c) Accessways**

Necessary accessways shall be permitted to traverse required landscaping and buffering areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

**(d) Fencing and Walls**

- A. All fencing or walls used for screening purposes shall not exceed eight feet in height and shall be 100 percent in opacity.
- B. Placement of fencing and wall shall comply with Section [1224.01\(e\)\(9\)](#).
- C. In addition to the general standards of materials for fences and walls found in Section, any fence or wall used for landscaping required by this chapter shall be made of weather resistant wood, PVC vinyl, other weatherproof composite material, brick, natural stone, split faced block, pre-cast stone, or other similar material approved by the City. Alternative fence materials may be approved by the Administrative Officer.
- D. All fences used to meet the landscaping requirements of this chapter shall extend to within two inches of the ground grade.
- E. Materials and colors used for walls shall be similar or complementary to the principal building on the lot.

**(e) Mounds and Berms**

- (1)** Earthen mounds and berms shall have a maximum slope of 3:1, (three feet of horizontal space is required for each one-foot vertical change in elevation).
- (2)** The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.

- (3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.
- (f) Location
  - (1) No trees shall be planted over any storm or sanitary sewers.
  - (2) When screening or landscaping is required between parcels under the same ownership, landscaping and/or screening materials may be placed on either parcel or on the boundary.
  - (3) When the subject property is adjacent to other common boundaries, landscaping materials shall be entirely located on the subject property requiring the screening or landscaping. The landscaping or screening may be placed on the boundary lines if all property owners agree, in writing, to the arrangement, and if the agreement is filed with the Administrative Officer as a public record.
  - (4) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five feet.

### **1232.05 Street Tree and Landscaping Requirements**

- (a) Street Trees within the Public Right-of-Way
  - (1) The applicant or owner has the option of installing street trees within the public right-of-way. However, the placement of trees within a given plat must be in a manner approved by the Planning Commission if they will be installed within the right-of-way.
  - (2) All trees selected and planted shall be subject to approval of plant materials by the Administrative Officer.
  - (3) No tree shall be planted directly over, under or within 10 feet of a utility line.
  - (4) The minimum spacing between trees is:
    - A. 45 feet for large shade trees;
    - B. 35 feet for medium trees; and
    - C. 25 feet for ornamental trees.
  - (5) The recommended maximum spacing of all street trees is 60 feet.
  - (6) If a developer elects the City's standard street sections, only ornamental or medium trees may be used. Where the developer elects to dedicate additional right-of-way, larger trees may be used for street trees. A minimum of five feet shall be dedicated.
  - (7) Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion shall be less than eight feet above walks. Tree limbs extending over streets shall be trimmed to such an extent that no portion shall interfere with the normal flow of traffic.
- (b) Interior Landscaping for Off-Street Vehicular Areas
  - (1) Any off-street vehicular use area consisting of more than 5,000 square feet of area, or 20 or more vehicular parking spaces, shall have interior landscaping that complies with the provisions of this subsection. Automotive sales and leasing facilities shall be exempt from the interior landscaping requirements.
  - (2) The layout and design of interior landscaping shall be at the discretion of the applicant but shall be approved by the Administrative Officer, or Planning Commission, as may be applicable.
  - (3) Space required for interior landscaping shall be located in islands that are separate from, and in addition to, any required front yard, side yard, rear yard, or any required perimeter landscaping or screening requirements. See [Figure 1228-A](#).

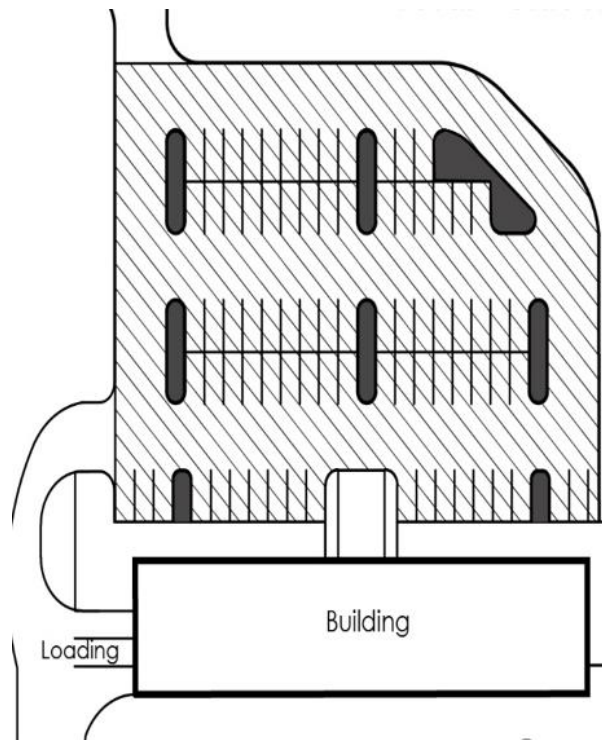


Figure 1232-A: Illustration of the landscaped areas that count towards the minimum interior parking area requirement.

- (4) Interior landscaping shall be provided at the ratio of one shade tree for every 20 parking spaces or fraction thereof.
  - (5) For vehicular use areas with more than 200 parking spaces, interior landscaping shall be provided at the ratio of 1.5 shade trees for every 20 parking spaces or fraction thereof.
  - (6) Other landscape materials, such as groundcover, grass, and shrubs (not exceeding three feet in height), shall be used to landscape the remainder of the island, in addition to the required shade trees.
  - (7) The minimum soil area or pervious surface area per tree shall be the size of one parking stall or 180 square feet, whichever is greater.
  - (8) In order to encourage the required interior landscape areas to be properly dispersed, no individual landscape area shall be larger than 400 square feet in size.
  - (9) The shortest distance to a tree in an interior landscaped area from the edge of pavement where vehicles overhang shall be three feet.
  - (10) To retain visibility within the off-street vehicular use area, trees shall have a clear trunk of at least five feet above the ground.
  - (11) Interior landscaped areas shall be sufficiently protected from damage from vehicles.
- (c) Perimeter Landscaping of Vehicular Use Areas
- Perimeter landscaping shall be required to soften the edges of the vehicular use areas. Perimeter landscaping shall not constitute "screening" of a vehicular use area or land use as required in Section [1232.06\(b\)](#).

**(1) Side and Rear Yard Requirements**

- A. In any multifamily, commercial, or industrial use or district, exclusive of the DB and OR Districts, perimeter landscaping is required in all side and rear yards where there is a vehicular use area subject to the provisions of this section.
- B. Landscaping shall include trees and a combination of grass, shrubs or earthen mounds.
- C. Where existing vegetation occurs adjacent to the applicable vehicular use area, such vegetation may be counted toward this requirement if it is to be maintained as permanent landscaping, as determined by the Administrative Officer or Planning Commission, as applicable.
- D. Trees used for perimeter landscaping shall meet the following spacing requirements:
  - i. Shade trees, 25 feet to 30 feet on center
  - ii. Evergreen trees, 15 feet to 20 feet on center
  - iii. Ornamental trees, 12 feet to 30 feet on center
- E. Shrub materials used for landscaping shall be confined to common planting beds. There shall be one shrub for every 10 lineal feet of the portion of the parking area that the shrub is landscaping.
- F. All areas not occupied by vehicular use areas, planting areas, trees or shrubs shall be planted and maintained with grass.

**(2) Front Yard Requirements**

- A. Vehicular use areas located in the front yard of lots in the DB, OR and NB Districts shall be setback as noted in Section [1234.03\(c\)](#) and shall be landscaped with trees, shrubs, and ground cover.
- B. Front yards in all other districts shall be landscaped in the same manner as side and rear yard requirements, above.

**1232.06 Screening**

**(a) Screening of Vehicular Use Areas from Residential Uses**

**(1) The screening requirements of this subsection shall be required when:**

- A. A vehicular use area in a nonresidential zoning district is located within 80 feet of a lot that is in a residential zoning district or is used for residential purposes; and
- B. A vehicular use area in an RMF District where the vehicular use area is located within 40 feet of a lot in a residential zoning district other than the RMF District.

**(2) The screening shall only be required between the residential uses and the applicable vehicular use area.**

**(3) Height**

- A. The screening of any off-street parking space or stacking space in the applicable vehicular use area shall have a total height of not less than 42 inches above grade.
- B. The screening of any off-street loading space shall have a total height of not less than eight feet above grade.
- C. If the loading space is located in a dock that is partially below grade, the total height may be reduced to five feet above the top of the dock or bay.

**(4) Materials**

- A. Screening may consist of walls, fences, natural vegetation, earthen mounds, or a combination thereof with an opacity of 100 percent.
- B. Where natural vegetation is being used for screening, there shall be a minimum opacity of 75 percent in all seasons.

**(5) General Standards**

- A. Screening shall be reasonably uniform in height and opacity along its entire length.
- B. When natural vegetation screening is installed, either alone or in combination with other materials, the plants shall be:
  - i. Mature to a minimum height of two feet at the time of installation;
  - ii. Selected for year-round, dense foliage adequate to shield residences from headlight glare;
  - iii. Selected to achieve the height and density required within three years of installation; and
  - iv. Maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications and standards outlined in this section.
- C. When screening from a public right-of-way, screening shall be maintained between two and one-half and three and one-half feet in length.

**(b) Screening of Vehicular Use Areas from Rights-of-Way**

When a vehicular use area is located adjacent to a public street right-of-way, screening shall be provided to reduce the visual impact of the vehicular use area. A landscaped screening shall be installed between the parking lot and public rights-of-way per the following requirements:

- (1)** A landscaped screen shall be located directly adjacent to the vehicular use area and be no less than 10 feet in width in all districts, except the DB District, where the screen may be three feet wide. The buffer shall be composed of a continuous evergreen hedge or dense planting of evergreen shrubs.
- (2)** The screening shall be at a height of no less than three feet at the time of installation. The screening may be placed upon an earthen mound to achieve the required height at planting except in the DB District where the use of an earthen mound is prohibited. The minimum screen height requirement shall not apply when the grading of the site results in an elevation of the adjacent street which is three or more feet higher than the vehicular use area.
- (3)** A fence or a wall may be incorporated into the landscape buffer per the fence requirements of the applicable zoning district. See Section [1224.01\(e\)\(9\)](#).

**(c) Screening of Service Areas**

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

**(1) Screened Items**

The following areas shall be screened in accordance with this section:

- A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
- B. Accessory outdoor storage and bulk sales;

- C. Pipes, conduit, and cables associated with the building or use;
  - D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
  - E. Ground-level or façade-mounted mechanical equipment; and
  - F. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2) Utility structures shall be subject to the screening requirements of Section 1238.14.
- (3) Screening shall not be required if any of the above items are not adjacent to less intensive uses or visible from adjacent rights-of-way. See Section 1232.06(d).  
(Amended 12-16-2020, Ordinance 20-31)
- (4) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.
- (5) **Screening Methods**
- A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
    - i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See Figure 1232-B.); or
    - ii. An opaque fence or wall consistent with the standards of Section 1224.01(e)(9); or
    - iii. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.



Figure 1232-B: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

- B. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.

- C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.

In all cases, fences and walls are limited to the heights allowed by Section [1224.01\(e\)\(9\)](#) unless the wall used for screening is an extension of the principal building, in which case, the wall may be the same height as the principal building wall that is an extension from.

**(d) Screening between Land Uses**

This section shall provide for the screening of land uses that may be of a different intensity, or otherwise incompatible, for the purposes of mitigating impacts such as parking areas, noises, and other potential effects.

**(1) Screening Types**

Screening of land use shall be established in the following manner:

- A. Locate the proposed use and adjacent existing use(s) in [Table 1232-2](#). Adjacent uses include uses on adjacent lots with shared lot lines and uses on lot across the street.
- B. Identify the letter which indicates the screen type required.
- C. Find the screen type in [Table 1232-3](#), which identifies the minimum screen to be established as required in this chapter. An alternative screening type may be proposed in accordance with Section [1214.04\(d\)\(2\)](#).
- D. If a wall, fence or mound is selected, only one of these elements are required.

TABLE 1232-2: SCREENING TYPE REQUIRED								
		Adjacent Existing Use						
		Single-Family Detached Dwellings	Single-Family Attached Dwellings	Multi-Family Dwellings	Office Uses	Public and Institutional Uses	Commercial Uses	Industrial Uses
Proposed Use	Single-Family Detached Dwellings	None	None	None	None	None	None	None
	Single-Family Attached Dwellings	A	None	None	None	None	None	None
	Multi-Family Dwellings	B	A	None	None	None	None	None
	Office Uses	C	C	B	None	None	None	None
	Public and Institutional Uses	C	C	B	B	None	None	None
	Commercial Uses	D	D	C	B	B	None	None
	Light Industrial Uses (Completely Enclosed)	D	D	D	D	D	C	None
	Heavy Industrial Uses	E	E	E	E	D	C	None

TABLE 1232-3: SCREENING TYPE STANDARDS						
Screen Type	Minimum Width	Wall or Fence Height	Mound Height	Shrubs	Shade or Evergreen Tree	Ornamental Tree
A	10' or 20' if no fence or mound	6'	4' min. to 6' max.	6	2	2
B	15' or 30' if no fence or mound	6'	4' min. to 6' max.	8	4	3
C	20' or 30' if no fence or mound	6'	5' min. to 7' max.	10	6	4
D	25' or 40' if no fence or mound	6'	5' min. to 7' max.	15	6	4
E	30' or 50' if no fence or mound	6'	6' min. to 8' max.	20	8	6

### 1232.07 Maintenance

- (a) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (b) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (c) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.
- (d) Any changes to an approved landscaping plan shall require approval in the same manner as landscaping plan was original approved.
- (e) Violation of these provisions shall be subject to the enforcement provisions of [Chapter 1242: Enforcement and Penalties](#).

# Chapter 1234: Parking, Access, and Mobility Standards

## 1234.01 Purpose

The purpose of requirements for off-street parking and loading facilities are to protect the public health, safety and general welfare and to:

- (a) Regulate the appropriate amount of land for parking, loading and maneuvering;
- (b) Ensure the maintenance, landscaping and screening of existing and future parking and loading areas;
- (c) To relieve the congestion on the streets by requiring that parking and loading be provided on property in relation to the demand generated by the property user(s);
- (d) Encourage alternative modes of transportation by providing facilities for bicyclists and electric vehicles.
- (e) To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas.
- (f) To reduce surface water run-off by considering the use of pervious surfaces, where applicable.

These requirements are designed to provide for the minimum parking and loading needs of occupants, customers, employees, visitors and others involved in the use or occupancy of any building or use.

## 1234.02 Applicability

- (a) Compliance with this section shall be reviewed as part of an application for a site plan review or zoning certificate, whichever is reviewed first, unless otherwise stated in this code.
- (b) Unless otherwise stated, the requirements of this chapter shall apply to all new development, where there is the construction of a new structure or establishment of a new use, or where there is an expansion, addition, or change of existing uses and structures.
- (c) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 1224: Accessory and Temporary Use Regulations](#).
- (d) All development in the PUD District shall be subject to the standards of this chapter unless otherwise modified through the PUD review and approval process.
- (e) Change in Use, Additions and Enlargement

Where a change in use, addition, or enlargement occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this chapter and as identified in this subsection.

- (1) Where a building or use constructed or established prior to the effective date of this code is changed or enlarged that creates an increase of less than 10 percent of the total floor area, no additional spaces are required.
- (2) Where a building or use constructed or established prior to the effective date of this code is changed or enlarged that creates an increase of more than 10 percent, but less than 25 percent, such required spaces shall be provided on the basis of the parking needs of the enlarged area or change. See Section [1234.04\(a\)](#).
- (3) Where a building or use constructed or established prior to the effective date of this Code is changed or enlarged that creates an increase of 25 percent or more the entire site shall come into full compliance with the requirements of this chapter.

- (4) In cases where expansions or enlargements occur over a period of time after the effective date of this code, the entire site shall come into full compliance with the requirements of this chapter once the total expansion or enlargement of the floor area, number of dwelling units, seating capacity of other area exceed 25 percent of the original size at the time this code became effective.

*(Amended 12-16-2020, Ordinance 20-31)*

### **1234.03 General Requirements for All Vehicular Use Areas**

**(a) Location**

Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this chapter.

**(b) Modification to Existing Vehicular Use Areas**

The modification of any existing vehicular use areas, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications, such as restriping, remarking, or other minor adjustments shall be reviewed by the Administrative Officer who shall make a decision in a manner similar to a zoning certificate review.
- (2) All other major changes shall be reviewed by the Planning Commission as part of a modified site plan approval.

**(c) Setback Requirements**

**(1) Front Yards**

- A. Unless otherwise stated, all parking, loading, and stacking areas shall be set back a minimum of five feet from any street or alley right-of-way.
- B. In the OR, DB, and NB Districts, all parking, loading, and stacking areas shall be set back a minimum setback of 7.5 feet from any street or alley right-of-way.
- C. This area shall be landscaped pursuant to [Chapter 1232: Landscaping and Screening Standards](#).

**(2) Side and Rear Yards**

- A. All parking, loading, and stacking areas shall be set back a minimum of five feet from any side or rear lot line in the RFF, RMF, PF, GB, NB, HB, OS, O, O/IP, I/I, and I Districts.
- B. There shall be no side or rear yard setback requirements for parking, loading, and stacking areas in the DB or OR Districts unless required because of landscaping screening required in [Section 1232.06](#) or due to the lot being adjacent to a different zoning district.
- C. There shall be no side or rear yard setback requirements for parking, loading, and stacking areas in the A, RSF-1, RSF-2, RSF-3, RSF-4, or RTF Districts.

*(Amended 01-20-2022, Ordinance 21-33)*

**(d) Access**

All ingress and egress to vehicular use areas shall be made through curb cuts as regulated by this section. All curb openings shall be constructed in accordance with the standard drawings of the City and approved by the Director of Public Services.

- (1) Each lot shall be permitted a maximum of one curb cut per lot except that:

- A. Lots in nonresidential zoning districts on corner or double frontage lots may have one curb cut on each street frontage, with the exact location of the cut to be subject to the approval of the Director of Public Services.
  - B. Curb openings in the DB District shall be located as shown on the Downtown Development Plan.
- (2)** Where necessary due to multiple curb cuts, the entrances, exits, and intended circulation pattern of the parking area shall be clearly identified with pavement markings or driveway signs.
- (3)** A driveway or access way serving a vehicular use area shall be designed so that vehicles entering and exiting will be traveling in a forward motion only, exclusive of lots with single-family dwellings and two-family dwellings.
- (4)** On corner lots, all vehicular entrances/exits shall be set back from the intersection of the street right-of-way lines as follows:
  - A. In residential districts, not less than 25 feet;
  - B. In commercial districts, not less than 50 feet on a square corner or 25 feet from the end of the corner radius, whichever is greater.
  - C. In industrial districts where located adjacent to a thoroughfare or an arterial street, not less than 150 feet from an intersection.
- (5)** In an industrial district, there shall be not less than 50 feet between a curb cut and lot line.
- (6)** Curb openings at the property line shall not be more than:
  - A. 18 feet wide in residential districts for single and two-family dwellings;
  - B. 30 feet wide in residential districts for multi-family dwellings;
  - C. 36 feet wide in commercial districts; and
  - D. 50 feet wide in industrial districts.
- (e)** Striping, Marking and Maintenance
  - (1)** All parking spaces, loading spaces, and stacking spaces, other than for single- and two-family dwellings, shall be striped and maintained in good condition.
  - (2)** Each parking, loading, and stacking space and related aisles shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
  - (3)** When a parking space is designated for handicapped accessibility or compact car use, it shall be clearly marked as such.
  - (4)** Vehicular use areas shall be maintained in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.
- (f)** Paving
  - (1)** The surface of any vehicular use area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the Administrative Officer.
  - (2)** Where applicable, all vehicular use areas and related surfaces shall be constructed in accordance with the City's standard drawings.

- (3) Up to 50 percent of a vehicular use area can be paved with porous asphalt or pervious concrete, used to reduce surface water run-off if the specific materials are reviewed and approved by the Director of Public Services. The Director of Public Services shall look to accepted best practices to determine if the proposed pavement materials can be easily maintained and will not create potential stormwater runoff issues in the future. If approved, such materials shall not count as part of the impervious surface area calculations.

(g) Surface Drainage

All vehicular use areas shall be designed to include adequate drainage to prevent the rate of increase of surface water onto adjacent properties. The design of all pipe and culvert or water retention areas shall conform to specifications contained in the City's standard drawings.

(h) Lighting

See Section [1226.08](#) for outdoor lighting standards.

(i) Landscaping and Screening

See Chapter for landscaping and screening requirements of vehicular use areas.

(j) Prohibited Activities

- (1) The display for sale of all types of vehicles shall be prohibited within any required vehicular use area, except for a private individual selling one personal vehicle from a residence at any one time.
- (2) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any vehicular use areas.
- (3) No part of any building, structure or related improvements shall be temporarily or permanently located or stored in vehicular use areas.

(k) Bicycle Parking

When bicycle parking accommodations are provided on a site, they shall be located in an area adjacent to the building and separate from vehicular or pedestrian (sidewalk) traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles, people, and bicyclists.

## 1234.04 Off-Street Parking Standards

(a) Number of Off-Street Parking Spaces Required

- (1) Applications for single-family, two-family, and multi-family dwellings shall be required to provide the number of required off-street parking spaces as established in [Table 1234-1](#). The spaces may be located within a garage, on an approved driveway, or in an approved parking lot.

TABLE 1234-1: RESIDENTIAL PARKING REQUIREMENTS	
Use	Required Parking Spaces
Single-Family and Two-Family Dwellings	2 spaces per dwelling unit
Multi-Family Dwellings – Studio or One Bedroom Units	1.5 spaces per dwelling unit
Multi-Family Dwellings – Two or More Bedroom Units	2 spaces per dwelling unit [1]
NOTE: [1] For multi-family dwelling developments with more than 20 units, an additional parking space shall be provided for every four dwelling units to provide additional guest parking.	

- (2) All applications for development except for residential uses, as identified in [Table 1234-1](#), above, are required to demonstrate that the proposed number of off-street parking spaces provided is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the parking plan, the applicant shall provide a written analysis of parking requirements based on the following information:

  - A. Availability of on-street parking near the use and the distances to those spaces;
  - B. Building square footage for each specific use to be served by off-street parking;
  - C. Hours of operation;
  - D. Estimated number of patrons/customers at peak hours of operation;
  - E. Maximum numbers of employees present on one shift;
  - F. Availability of joint parking areas;
  - G. Building occupancy loads; and
  - H. Any additional information as requested by the Administrative Officer.
- (3) When multiple uses are proposed on the site, the Administrative Officer shall consider the parking requirements of all uses and may utilize the most intense use when determining if the proposed plan has sufficient parking spaces.
- (4) The Administrative Officer has the authority to deny an application if they determine that an adequate amount of parking has not been provided. The Administrative Officer shall provide, in writing, the reasons for the rejection. The Administrative Officer may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), and/or the Institute of Traffic Engineers (ITE) in making their determination. Prior to a formal denial, the Administrative Officer shall also have the ability to discuss alternative parking options, as permitted in [Section 1234.04\(e\)](#) as a potential solution to providing sufficient parking.
- (5) The Administrative Officer's decision regarding parking requirements for a specific use is appealable to the BZA as established in [Section 1214.12](#).
- (6) If a single development has more than 200 parking spaces, the plans shall provide for additional landscaping as required in [Section 1232.05](#).
- (b) Dimensional Requirements for Parking Spaces and Drive Aisles

  - (1) Areas for off-street parking facilities shall be in accordance with the following minimum requirements. Parking area length includes paved area only.
  - (2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in [Table 1234-2](#).

TABLE 1234-2: MINIMUM DIMENSIONS FOR PARKING SPACES AND DRIVE AISLES				
Angle	Parking Space Width	Parking Space Length	Drive Aisle Width	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°) to 29°	9'	22'	12'	20'
30° to 44°	9'	20'	12'	24'
45° to 59°	9'	20'	12'	24'
60° to 89°	9'	18'	18'	24'
Perpendicular (90°)	9'	18'	20'	24'

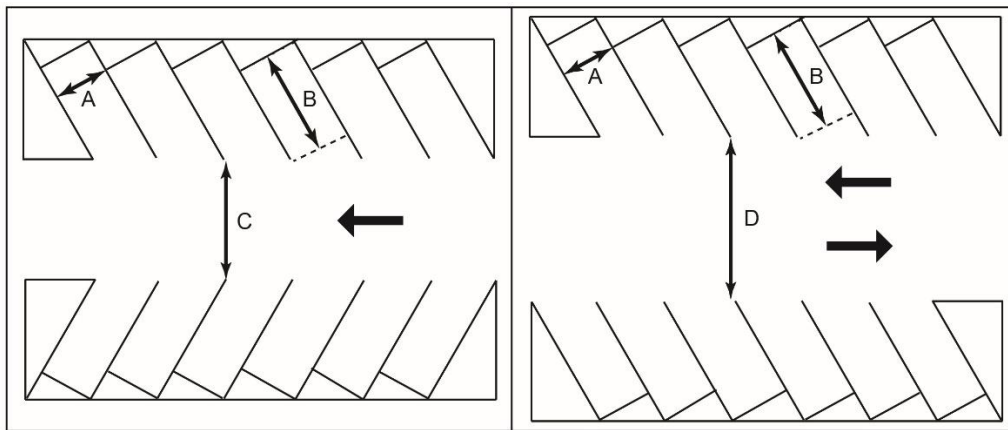


Figure 1234-A: Illustration of dimensional requirements for parking spaces.

### (3) Dimensional Requirement Adjustments

#### A. Compact spaces

- All compact car spaces must be a minimum of eight feet wide by sixteen feet long.
- The design and placement of all compact spaces are subject to the review of the Administrative Officer.
- The location of all compact spaces shall be readily identified and grouped in one or a series of locations.
- For commercial and industrial uses, up to 10 percent of the total parking spaces may be compact spaces.

#### B. Electrical Vehicles

If a parking lot provides electrical vehicle (EV) charging stations, a reduction of two parking spaces for each charging station may be considered as part of a site plan or zoning certificate approval, as applicable.

#### C. Transit Stop

If the parking lot is located within 500 feet of a public transit stop which operates with frequent service during normal business hours, a 10 percent reduction in required spaces may be considered as part of a site plan or zoning certificate approval, as applicable.

**(c) Parking for Handicapped Persons**

- (1)** Parking spaces for handicapped and elderly persons shall meet the requirements of the *Accessible Parking Guide* published by the Secretary of State of Ohio, which outlines requirements of the *2010 ADA Standards for Accessible Design*.
- (2)** Each handicap space may be included in the computation of spaces required by this chapter.

**(d) Wheel Stops or Curbs**

- (1)** Wheel stop devices consisting of parking blocks, permanent curbs, bollards, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the edge of a required parking area, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping.
- (2)** The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
- (3)** Wheel stops shall be adequately anchored to the ground to prevent any movement.

**(e) Alternative Parking Solutions**

**(1) Collective or Joint Use of Parking Facilities in Nonresidential Districts**

- A. Parking areas or facilities that serve properties in nonresidential zoning district shall not be located in a residential zoning district.
- B. Any area designated for required off-street parking shall not be changed to any other use unless and until equal facilities are provided that meet the requirements of this chapter.
- C. No collective or joint use parking area shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- D. The total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. This sum may be reduced by up to 25% as long as all parking spaces on site are available for all uses at all times.
- E. In the event that a property owner elects to create a shared parking arrangement on more than one lot, all agreements as to shared parking shall be in writing, shall be recorded in the County Recorder's office as a deed restriction and shall run with the title to the land. Such agreement must be in a form approved by the Law Director.

**(2) Off-Site Parking**

Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities, are located on adjacent properties, and have a principal use.

*(Amended 12-16-2020, Ordinance 20-31)*

- A. Up to 40 percent of a parking area may be utilized for off-site parking provided it complies with the standards of this subsection.
- B. The applicant shall have the burden of proof for the sharing of off-site parking spaces and shall document and submit information substantiating their request to the Administrative Officer.
- C. Shared parking may be approved if:

- D. A sufficient number of spaces is provided to meet the highest demand of the participating uses; and
- E. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Administrative Officer, documenting the nature of uses and the hours when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
- F. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- G. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- H. No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- I. Off-site parking areas shall only be located in the same zoning district as the use served.
- J. All off-site parking shall be utilized solely for the parking of private passenger vehicles.
- K. A parking agreement shall be required for shared or off-site parking arrangements.
  - i. The agreement shall be subject to review and approval by the City's legal counsel and shall provide for the rights of the respective parties to use the parking areas as shared off-site parking areas.
  - ii. The agreement shall include provisions and evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development or agreement.
  - iii. The approved shared agreement shall be filed with the application for a zoning certificate and shall be filed with the Montgomery County Recorder's Office in a manner as to encumber all properties involved in the parking agreement.
  - iv. The applicant shall be required to provide proof that the agreement has been recorded with the Montgomery County Recorder's office prior to the issuance of a zoning certificate.

**(3) Land Banked Parking**

Up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with this section. See [Figure 1234-B](#).

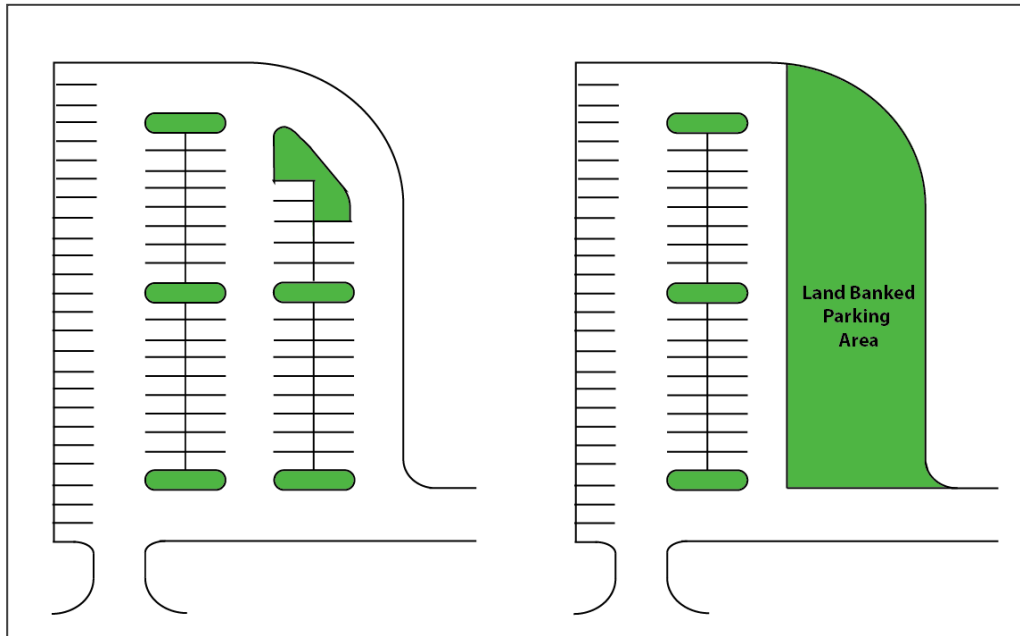


Figure 1234-B: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

- A. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations in the event that the Administrative Officer determines at any time that all or any portion of this parking is necessary.
- B. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.
- C. Any conditions required by the City, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the zoning certificate application and maintained as part of the City’s official records.
- D. At no time shall any portion of the land banked parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- E. At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.
- F. The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Administrative Officer, identifying that such parking is determined to be necessary. Such determination may be made:

- i. When the Administrative Officer is reviewing an application related to a change of use or activity; or
  - ii. When the Administrative Officer, or their designee, documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- G. Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

### **1234.05 Off-Street Loading**

A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles shall be provided for commercial, institutional and/or distribution/manufacturing uses. These off-street loading facilities shall be in accordance with the following specifications:

**(a) Number of Spaces**

This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

**(b) Size**

- (1)** Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:
  - A. Clearance height: 15 feet
  - B. Minimum width: 12 feet
  - C. Minimum length: 50 feet
- (2)** In the DB, OR, NB, and OS Districts, the loading space requirements may be modified when the owner or the intended user shows that adequate loading requirements for the use can be provided in a manner which does not disrupt traffic flow or parking.

**(c) Location**

- (1)** All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2)** Off-street loading spaces may occupy any part of a required rear or side yard but shall not project into any front yard or into a public right-of-way.
- (3)** Off-street loading spaces shall not obstruct or occupy any parking space, circulation or vehicle stacking space for drive through lanes.
- (4)** No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use unless located completely within an enclosed building, exclusive of the DB, OR, NB, and OS Office Service Districts.

**(d) Access**

- (1)** All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion, exclusive of the DB, OR, NB, and OS Districts.
- (2)** Driveway access for loading spaces shall be located so any vehicle entering or leaving the lot shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public or private street. Nothing shall project more than three feet above the driveway grade within two 10-foot triangles formed by the intersection of the driveway pavement edge and street right-of-way line.

## 1234.06 Stacking Space Requirements

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Section 1234.04(a).
- (b) The number of required stacking spaces shall be as provided for in Table 1234-3. See Figure 1234-C for illustration of stacking spaces:

TABLE 1234-3: STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (Per Lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Car/Truck Wash	5	Outside of Washing Bay
Self-Service Car/Truck Wash	2	Outside of Washing Bay
Retail Fuel Sales	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Administrative Officer	

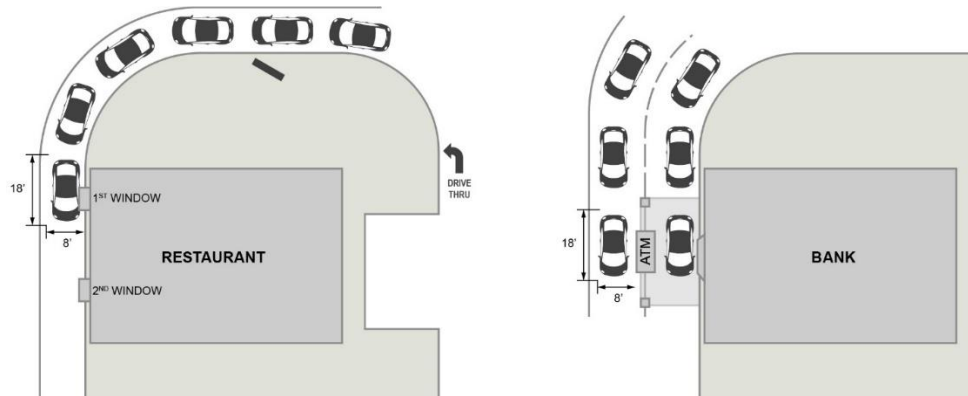


Figure 1234-C: Illustrative example of stacking space requirements for a bank and a restaurant.

- (c) Waiting lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
- (1) Drive-through waiting lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When waiting lanes are separated from other waiting lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of waiting spaces required by Table 1234-3 shall be required for each separate waiting lane. If two or more waiting lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the waiting spaces shall be measured in accordance with Table 1234-3 with the spaces located after the convergence point counting toward both stacking lanes.

- (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- (d) The Planning Commission may reduce the number of required waiting spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of waiting spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

### **1234.07     Parking of Commercial and Recreational Vehicles**

#### **(a)     Commercial Vehicles**

- (1) Only those vehicles that are classified as a Light Duty Truck, Class 1 or Class 2 by the Federal Highway Administration are permitted to be parked or stored on residential lots. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.
- (2) Residents who rent or lease a commercial moving vehicle for the purpose of moving their personal or household goods, may park the vehicle in their driveway for up to 48 hours for the purpose of loading and unloading.

#### **(b)     Parking and Storage of Recreational Vehicles, Boats, Equipment and Trailers**

- (1) In no instance shall there be more than a total of two recreational vehicles, boats, trailers or equipment, stored outside on a single residential property.
- (2) Recreational vehicles, equipment, boats, trailers, motor homes or similar equipment shall not be stored in front of the building line of the dwelling except for the temporary parking of such vehicle or trailer in the driveway for the purposes of loading or unloading for a period of not more than 48 hours.
- (3) Recreational vehicles including mobile homes, boats and trailers not exceeding 35 feet in length, may be parked in any residential zoning district subject to the following conditions. The trailer shall be measured along its full length from the tongue to the further edge along the back edge of the trailer.
  - A. In an enclosed garage or permitted accessory building, provided that no living quarters are maintained and no business is conducted in the recreational vehicle while the vehicle is stored;
  - B. On the premises of the owner, outside of an enclosed garage or permitted accessory building, provided that the following conditions are met;
    - i. The recreational vehicle or trailer shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in the recreational vehicle while the vehicle is stored.
    - ii. The recreational vehicle or trailer is parked behind the existing front line of the building foundation at a point furthest from the street right-of-way as practical.
    - iii. The recreational vehicle, trailer or equipment has no permanent connection to electric, water, gas or sewer facilities.
    - iv. The recreational vehicle or trailer is kept in good repair and carries the current year's license and/or registration as required by the State of Ohio.
    - v. All wheels of the recreational vehicle, trailer or similar equipment are resting entirely upon a hard surface (paved with concrete, asphaltic concrete or other hard surface not gravel) or on a surface of pervious pavers or pavement, as approved by the Administrative Officer.

## 1234.08 Sidewalks and Internal Walkways

### (a) Public Sidewalks Not Part of a Subdivision

New public sidewalks, constructed to meet City of Vandalia standards identified in Section 1238.03, shall be required along the street frontage of any lot being developed (not part of a new subdivision) when all of the following conditions exist:

- (1) The development includes new construction on a vacant lot, complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced), or where a building or use is changed or enlarged that creates an increase of 25 percent or more;
- (2) A public sidewalk exists in the public right-of-way on a lot adjacent to the lot being developed; and
- (3) There is adequate existing right-of-way for the public sidewalk as determined by the Director of Public Services.

*(Amended 12-16-2020, Ordinance 20-31)*

### (b) Internal Pedestrian Walkway

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a paved pedestrian walkway shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian walkway shall have a minimum width of four feet.



*Figure 1234-D: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.*

- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all walkways and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Administrative Officer or Planning Commission, as applicable.

## 1234.09 Traffic Impact Studies

### (a) Purpose

The purpose of a Traffic Impact Study (TIS) is to provide information to the City to allow for an assessment of the impact major development projects will have on the City's transportation network. The study provides guidance for site access, on-site circulation, parking, and off-site improvements necessary to permit the street system to operate at a satisfactory level of service.

**(b) Applicability**

- (1)** To promote efficient access management, a TIS for a proposed development shall be submitted with the zoning certificate, preliminary plat, conditional use, or PUD concept plan, whichever is applicable, when the development meets any of the following criteria:
- (2)** A TIS shall be required in the following cases:
  - A. Any use that will generate in excess of 250 trips per acre per day based upon an estimate by the Highway Capacity Manual;
  - B. The development is on a roadway or adjacent to an intersection that is currently at a Level of Service (LOS) D or below, as noted or defined in the Highway Capacity Manual;
  - C. The Director of Public Services determines that the proposed development has the potential to reduce the LOS to below a level C, as noted or defined in the Highway Capacity Manual;
  - D. Any use that due to its size, density, traffic generation rates, or location can reasonably be expected to create traffic issues, as determined by the Director of Public Services, shall be required to submit a TIS.
- (3)** The Director of Public Services shall have the authority to waive the requirement for a TIS if the applicant can demonstrate that the above thresholds are not applicable due to the unique circumstances of the location (e.g., multiple access points for distribution of traffic, unique issues with traffic control, future improvements that will enhance LOS, etc.).

**(c) Contents of a Traffic Impact Study (TIS)**

The TIS shall be prepared and certified by a professional traffic engineer and shall include, at a minimum, the information established as part of the submittal requirements for the applicable review procedure.

**(d) Study Area**

The following shall be the determining factor in the development of a TIS study area:

- (1)** Developments wishing to take access from an arterial street shall provide an analysis of the traffic impact from the proposed point of access to the nearest signalized intersections in all directions, or up to a 0.5-mile radius, whichever is less.
- (2)** Developments wishing to take access from a collector street shall provide an analysis of the traffic impact from the proposed point of access to the nearest intersections of the collector with an arterial in all directions, or up to a 0.5-mile radius, whichever is less.
- (3)** Developments wishing to take access from a local street shall provide an analysis of the traffic impact from the proposed point of access to the nearest arterial streets in all directions, or up to a 0.25-mile radius, whichever is less.
- (4)** For large developments which generate between 250 and 1,000 vehicle trips per hour, between 3 p.m. and 6 p.m., the Director of Public Services may require the TIS to include an analysis of all arterial and collector streets within one mile of the proposed site.

- (5) For developments which will generate over 1,000 trips per hour, between 3 p.m. and 6 p.m., the analysis may be required for a radius of up to three miles of the proposed site.

**(e) Mitigating Traffic Impacts**

If the TIS results in the conclusion that the level of service of adjacent streets and/or intersections is or will become deficient prior to the proposed development and will not be able to accommodate the increased traffic load generated by the proposed development, any or all of the following mitigating steps may be required, at the applicant's expense, by the Administrative Officer upon recommendation by the Director of Public Services. The Administrative Officer shall make their determination prior to approval of a zoning certificate or decision on a PUD or subdivision preliminary plat.

- (1) Limitation of the number and/or location of access points;
- (2) Design of access points to prevent certain turn movements;
- (3) Dedication of and/or improvement to the right-of-way abutting the development or improvements in the immediate vicinity of the development to add turn lanes, through traffic lanes or allow redesign of intersections or access points to accommodate additional traffic or turning movements;
- (4) Installation of traffic signals or other traffic control devices as may be warranted by the Uniform Traffic Control Manual; and/or
- (5) Development of the site at a lower intensity than originally proposed.

**(f) Responsibility for Thoroughfare Improvements**

In cases in which a proposed street or right-of-way, as shown in the comprehensive plan, or other applicable street plans, abuts or crosses the proposed development, the subdivider shall be responsible for all required public improvements, including the construction of the right-of-way as delineated on the applicable plan. Certain public improvements may be waived on review and approval by the Planning Commission; however, right-of-way dedication shall be required in all cases. See also [Chapter 1238: Subdivision and Public Improvement Design Standards](#).

# Chapter 1236: Sign Standards

## 1236.01 Findings and Purpose

The purpose of this chapter is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

- (a) Enhancing and protecting the physical appearance of the community;
- (b) Promoting and maintaining visually attractive, residential, retail, commercial, and manufacturing districts;
- (c) Balancing the constitutional rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
- (d) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (e) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;
- (f) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;
- (g) Providing review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings;
- (h) Regulating the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs;
- (i) Prohibiting all signs not expressly permitted by this chapter;
- (j) Protecting the rights of property owners and occupants to display messages protected by the First Amendment to the United States Constitution; and
- (k) Recognizing the public's right to receive and display messages protected by the First Amendment, including but not limited to, religious, political, economic, social, and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight.

## 1236.02 Applicability

- (a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign within the corporate limits of the City of Vandalia except in accordance with the provisions of this chapter.
- (b) Any sign legally established prior to the effective date of this chapter, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1236.14](#) and not the nonconforming structure regulations of [Chapter 1240: Nonconformities](#).

### **1236.03 Substitution and Protection Clause**

- (a) Wherever a sign with a commercial message is allowed or permitted under this chapter, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- (b) All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section. Notwithstanding any other provision herein, signs that display a noncommercial message are entitled to the maximum square footage allowed any sign within the same zoning district. Notwithstanding any other provision herein, signs that display a noncommercial message are not subject to the temporal limitations otherwise set forth in this chapter; however, such signs remain subject to the provisions of [Section 1236.08\(o\)](#).

### **1236.04 Exemptions from this Chapter**

The following signs are entirely exempt from this chapter but may require building permits or other permits, as applicable:

- (a) Any signage located inside a building that is not visible from the exterior of the building. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of [Section 1236.11\(d\)](#);
- (b) For the purpose of safety services locating a property, a sign denoting the number and street address of the premises is permitted provided such sign complies with the requirements of the fire code.
- (c) Any sign located inside a building that is not visible from outside of the building;
- (d) Interior signs within a stadium, open-air theater, outdoor shopping center, arena or other similar use, which signs are not visible from a public right-of-way or adjacent property and can be viewed only by persons within such stadium, open-air theater, outdoor shopping center, parks, arena, or other similar use. Signs located on structures used for interior signs that are visible from a public right-of-way or adjacent property are subject to the requirements of this chapter;
- (e) Flags that do not contain a commercial message;
- (f) Any works of art that do not contain a commercial message;
- (g) Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;
- (h) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also [Section 1236.06\(a\)\(18\)](#).) or vehicle signage required by the State or Federal government;
- (i) Signs installed or required by the City of Vandalia, Montgomery County, approved transit agency, or any agency of the State of Ohio or federal government;

- (j) Any sign located inside a building that is mounted more than three feet beyond a transparent window or door;
- (k) Any signs located on fuel pumps or similar structures that is not legible from the lot line;
- (l) Any warning signs or traffic safety signs required by public utility providers; and
- (m) Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.

### **1236.05 Sign Permit Required**

- (a) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this code have been met. To ensure compliance with these regulations, a sign permit shall be required to be issued unless specifically exempted in this chapter.
- (b) A sign permit is reviewed in the same manner as a zoning certificate. See Section [1214.03](#).
- (c) The repainting, changing of parts and preventive maintenance of signs, and a change in the message on a changeable copy sign shall not be deemed alterations requiring a sign permit.
- (d) Any sign permit shall expire if the sign, for which the permit has been issued, is not fully constructed within 12 months from the date of issuance of the permit, but may be renewed before the end of the original 12-month completion period by making an additional payment of one-half of the original fee. Work authorized by a renewed permit must be completed within a three-month period.
- (e) Any person installing, structurally altering and/or relocating a sign for which a permit has been issued shall be responsible for the scheduling of necessary inspections, including, but not limited to, an inspection of footings on a free-standing sign and electrical inspections, etc., during the course of the work.

### **1236.06 Prohibited Signs**

- (a) The following types of signs are specifically prohibited within the City of Vandalia:
  - (1) Any sign that copies or imitates a sign installed by a government agency for official purposes;
  - (2) Abandoned signs;
  - (3) Deteriorated signs;
  - (4) Windblown devices, not including projecting signs;
  - (5) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. This shall not include changeable copy signs as allowed in this chapter;
  - (6) Signs with moving or flashing lights, except as allowed for electronic message centers in Section [1236.08\(n\)\(5\)](#);
  - (7) Flashing, intermittent, or moving signs that flash or move more than once every three seconds, blinker, racer type, animated, whirligig devices, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices;
  - (8) Beacons, spotlights, and searchlights, except for emergency purposes;
  - (9) Pennants, ribbons, or streamers;
  - (10) Blade signs;

- (11) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure;
  - (12) Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
  - (13) Any sign located in a public right-of-way except as provided for in Section [1236.08\(m\)](#);
  - (14) 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;
  - (15) Signs that are not secured and pose a threat to pedestrian or vehicular traffic. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.
  - (16) Signs mounted on top of a roof;
  - (17) Portable signs, not including A-frame or T-frame sidewalk signs as allowed in this chapter;
  - (18) Signs with a commercial message that are painted on or attached to a stationary vehicle or trailer which is located in such a manner as to serve exclusively as permanent, temporary, or portable signage. This shall not apply to vehicles or trailers parked behind or inside of a building, or in another manner where such vehicle or trailer is not visible from a public right-of-way. Motor vehicles regularly engaged in the cartage of goods or the transport of passengers is exempt from this restriction. 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;
  - (19) Balloon signs or air activated signs; and
  - (20) Any sign not specifically allowed by this chapter.
- (b) Subject to the right to appeal in Section [1214.12](#), any such prohibited signs, including any structural support, shall be removed by the owner within 15 days of receipt of notification from the Administrative Officer, except for Paragraphs [1236.06\(a\)\(6\)](#), [1236.06\(a\)\(8\)](#), and [1236.06\(a\)\(19\)](#) above, which shall be removed immediately upon notification. If a prohibited sign is not so removed, the Administrative Officer may arrange for the sign to be removed at the owner's expense. For a second violation involving the same type of prohibited sign occurring not later than one year after the first violation, prohibited signs that are required to be removed within 15 days pursuant to this section, shall be removed within 24 hours of notice.

## **1236.07 Measurements and Calculations**

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

- (a) **Sign Setback**  
All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.
- (b) **Sign Height**
  - (1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

- (2) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.
- (3) The height of an awning, canopy, projecting, wall or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letters or characters, whichever is highest, to the elevation of the ground underneath the sign.
- (4) Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

**(c) Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- (1) When calculating street frontage, only the street frontage that lies in the incorporated area of the City of Vandalia shall be used in the calculation.
- (2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See [Figure 1236-A](#) and [Figure 1236-B](#).

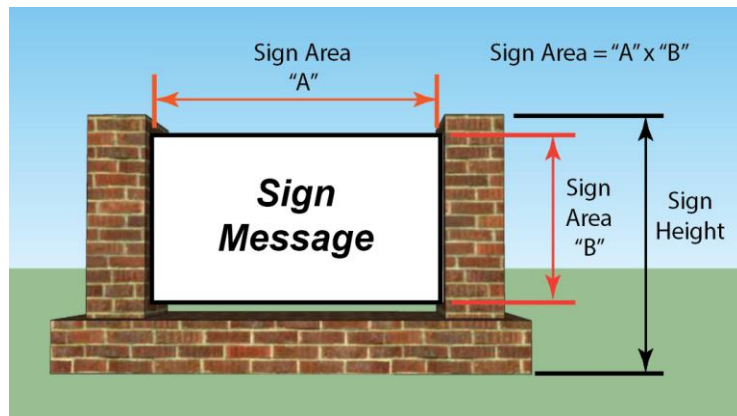


Figure 1236-A: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.



Figure 1236-B: Illustration of computing the sign area for wall signs with a background panel or cabinet.

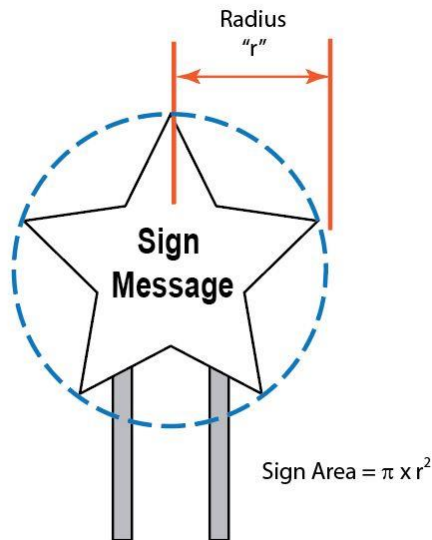


Figure 1236-C: Example of sign area computation by the smallest circle encompassing the extreme limits of the sign message. For the purposes of calculations,  $\pi$  equals 3.14.

- (3) For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See [Figure 1236-D](#). In cases where there are multiple sign elements on the same surface, the Administrative Officer shall have the authority to determine the outermost boundaries of individual sign elements.



Figure 1236-D: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

- (4) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Administrative Officer. See [Figure 1236-A](#).
- (5) Where matter is displayed in a random or unconnected manner, without organized relationship of components, each component shall be considered to be a single sign.
- (6) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point. See [Figure 1236-E](#).

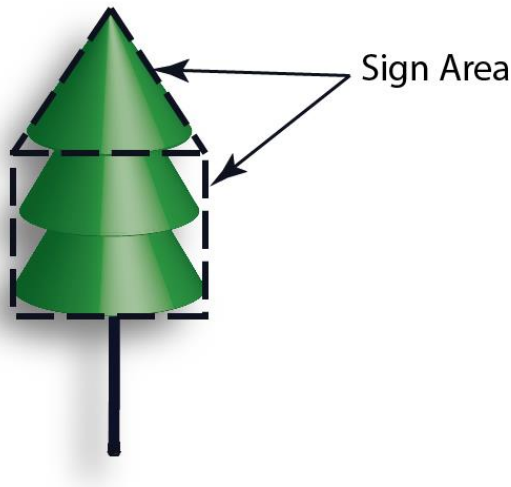
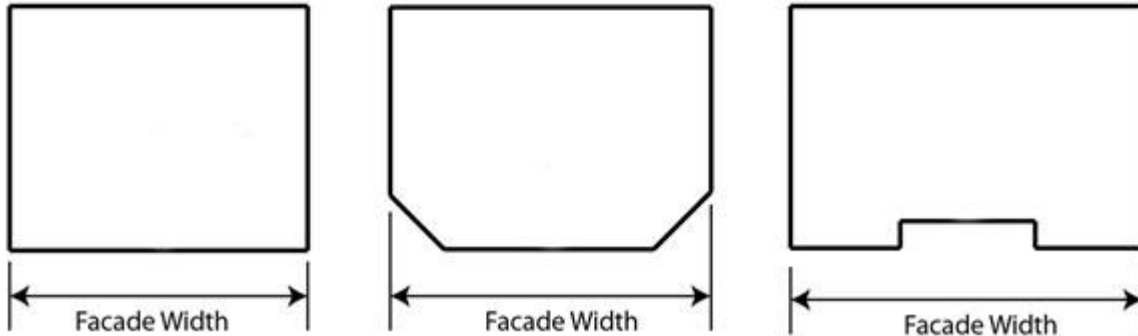


Figure 1236-E: The sign area of a three-dimensional sign is measured measuring the largest profile of the sign.

- (7) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.
- (8) When two identical, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.

**(d) Determining Building Frontage and Building Facades**

- (1)** For the purposes of this chapter, the length of the building wall that faces a public street shall be considered the building frontage or building facade.
- (2)** The calculation of the width or lineal measurement of any façade shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See [Figure 1236-F](#).



*Figure 1236-F: Illustration of façade width measurement on varied façade shapes.*

- (3)** For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered the tenant space. The building frontage for a tenant space shall be measured from the centerline of the party walls defining the tenant space.
- (4)** The primary facade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary facade when any of the following site/building characteristics are present:
  - A. The subject site is a corner lot;
  - B. The primary parking area is not located adjacent to a public street; or
  - C. The building or unit has walls with public ingress and egress that do not face the public street.
- (5)** When a site has primary and secondary facade as defined herein, the Administrative Officer shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade.

**(e) Determining Window Area**

The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than 15 feet in height above grade. See [Figure 1236-G](#).



Figure 1236-G: The window area is illustrated within the dashed line area for the two storefronts in the above image.

## 1236.08 General Regulations

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

- (a) All signs with a commercial message shall be professionally manufactured, or of equivalent quality.
- (b) All sign supports shall be an integral part of the sign design.
- (c) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
- (d) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (e) No signs shall be located nearer than eight feet vertically, or eight feet horizontally from any overhead electric wires or conductors or public utility guy wires.
- (f) All signs shall maintain a minimum clearance over pedestrian and vehicular ways, as required by the adopted building code.
- (g) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (h) All signs shall be subject to the clear vision triangle standards established in Section [1226.07](#).
- (i) Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.
- (j) Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (k) Temporary signs shall be durable and weather-resistant, and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
- (l) In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.
- (m) Signs in Rights-of-Way
  - (1) Signs shall be prohibited in the right-of-way with the exception of:
    - A. Signs installed by the City, Montgomery County, State of Ohio, federal government, or approved transit agency that are allowed pursuant to the latest version of the Manual on Uniform Traffic Control Devices (MUTCD);

- B. Any warning signs or traffic safety signs required by public utility providers; or
- C. Sidewalk signs as allowed in Section 0.

- (2) Any sign to be installed in the right-of-way by an agency other than the City shall require prior approval of the Director of Public Services.
- (3) The Director of Public Services may remove or cause to be removed any unlawful sign in the public right-of-way.

**(n) Illumination**

In all zoning district except residential district, signs shall be permitted to be illuminated in compliance with the following:

- (1) Light sources shall be shielded from all adjacent buildings and streets.
- (2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.
- (3) No colored lights shall be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.
- (4) An illuminated sign or lighting device shall employ only light of constant intensity.

**(5) Electronic Message Centers**

Electronic message center signs shall be subject to the following:

- A. Electronic message centers are allowed in nonresidential districts only, in accordance with the standards in this chapter.
- B. Electronic message centers may only be used as part of a window sign, freestanding sign, or drive-through sign in accordance with this chapter.
- C. All electronic message centers shall be set back a minimum of 100 feet from a residential dwelling unit.
- D. Any message change shall be a static, instant message change.
- E. Messages can only change once every 10 seconds or longer in the Interstate and Limited Access Highway Sign Overlay District (See Section 1236.13.) or once every five minutes or longer in all other areas and districts where such signs are permitted.
- F. The transition time between messages shall be less than one second.
- G. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- H. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- I. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
- J. Audio emissions from electronic message center signs shall be prohibited.

**(o) Maintenance, Repair and Removal**

- (1) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign.

- (2) The Administrative Officer shall cause the removal of any sign that is a deteriorated sign or is otherwise determined to be or becomes unsightly, unsafe or in danger of falling, if the owner fails to comply within 30 days of receipt of written notification. Provided however, when, in the opinion of the Administrative Officer, there is imminent danger of failure or collapse of a sign or structure which endangers life or property, the Administrative Officer is authorized and empowered to order and require the necessary work to be done, to render sign structure temporarily safe, the cost of same to be charged to the owner.
- (3) Any sign which is part of an establishment that discontinues its operation shall be replaced with a blank face within 30 days or the sign and its structural supports shall be completely removed.
- (4) Any sign abandoned for a period of 180 consecutive days or more is considered a nuisance affecting or endangering surrounding property values and shall be deemed detrimental to the public health, safety and general welfare of the community and shall be abated. Such sign shall be abated within 60 days of written notification from the Administrative Officer by removing the sign in question including disassembly of the sign structure, including the base, to the grade on which the sign was erected. Any sign not removed within the 60-day period may be removed by the City at the property owner's expense.
- (5) An illegal sign shall be removed as stated in Section [1236.06\(b\)](#).
- (6) Any sign in violation of this section shall be considered a nuisance and action taken to enforce this section, including the removal of a sign and its structure may be a charge against the real estate and shall be collected as other taxes and returned to the City General Fund.

### **1236.09 Signs Permitted in PUD Districts**

- (a) All development in a PUD District shall be subject to the standards of this chapter unless otherwise modified through the PUD review and approval process. In general:
  - (1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the RSF-1 District.
  - (2) Multi-family residential uses in a PUD shall comply with the sign requirements of the RMF District.
  - (3) Commercial and office uses in a PUD shall comply with the sign requirements of the GB District unless the PUD is located in the downtown area, in which case, they shall comply with the sign requirements of the DB District.
  - (4) Industrial uses in a PUD shall comply with the sign requirements of the I District.
- (b) This section shall apply to both permanent and temporary signs.

### **1236.10 Permanent Signs in Agricultural and Residential Districts**

The following are the permanent signs allowed in agricultural and residential districts:

- (a) 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 two square feet.
  - (2) Such sign may also be permanently attached to a window.
  - (3) The sign shall not be internally or externally illuminated.
  - (4) A sign permit shall not be required for this type of sign.

**(b) Signs at Entrances**

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 10 units/lots or more provided that the signs meets the following requirements:

**(1) General Standards**

- A. Each sign may have a maximum sign area of 24 square feet.
- B. No such sign or any portion of the structure shall exceed six feet in height.
- C. The sign may only be illuminated through an external light source.
- D. The sign shall be an on-premise sign.

**(2) Monument Sign**

- A. A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Administrative Officer.
- B. In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.
- C. The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- D. If an applicant proposes to use a monument sign, no wall signs, as allowed in Section [1236.10\(b\)\(3\)](#), below, shall be permitted.

**(3) Wall Signs on Entry Fences or Walls**

- A. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Administrative Officer.
- B. If two signs are utilized, the signs shall be separated by a minimum of 50 feet.
- C. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- D. If an applicant proposes to use wall signs, no monument sign, as allowed in Section [1236.10\(b\)\(2\)](#), above, shall be permitted.

**(c) Signs for Nonresidential Uses in Residential Zoning Districts****(1) One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:**

- A. In all cases, the sign shall be set back a minimum of five feet from any lot lines or rights-of-way.
- B. The maximum sign area shall be 24 square feet.
- C. A maximum of 50 percent of the monument sign area may be devoted to manual changeable copy.
- D. No such sign or any portion of the structure shall exceed six feet in height.
- E. The sign may only be illuminated through an external light source.

**(2) Building signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the NB District. This shall not apply to signs located on lots used exclusively for residential dwellings where signage is controlled by Section [1236.10\(a\)](#).**

**1236.11 Permanent Signs in Nonresidential Districts**

- (a) The following are the permanent signs allowed in the PF and all other nonresidential zoning districts.
- (b) Additional provisions for permanent signs may be allowed in a sign overlay district as specified in Section 1236.13.
- (c) Signs for Residential Uses in Nonresidential Districts  
Buildings, developments, subdivisions, or any portions thereof, that are 100 percent residential in any nonresidential district, shall be subject to the permanent sign allowances established in Section 1236.10. Buildings or a single lot with a mixture of residential and nonresidential uses shall be permitted signs in accordance with this section.
- (d) Window Signs  
Window signs do not require a sign permit provided they comply with the following standards:
  - (1) Window signs shall not occupy more than 50 percent of the window area of any ground floor window areas. See Section 1236.07(e) for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.
  - (2) For a multi-story building, each occupant above the ground floor shall be permitted one window sign for each individual tenant provided the sign does not exceed six square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller.
  - (3) Window signs may be temporarily or permanently attached.
  - (4) For each ground floor tenant, one window sign with a maximum sign area of two square feet may be comprised of an electronic message center. This sign shall be calculated as part of the total area of window signs allowed.
- (e) Building Signs  
Building signs are permitted on all principal structures in accordance with the following:
  - (1) The building sign area allowed in Table 1236-1 shall include the total amount of all awning, canopy, marquee, projecting, hanging, or wall signs on each façade wall. Standards for each individual building sign type are established in this section.
  - (2) Building signs shall also be subject to any applicable standards for building sign types in Section 1236.11(e)(7).
  - (3) Building signs shall not extend above the top of the roofline of the building to which it is attached.
  - (4) Building signs may not be attached to mechanical equipment or roof screening.
  - (5) Building signs shall not include electronic message centers.
  - (6) **Size**
    - A. Table 1236-1 establishes the maximum amount of sign area for all building signs permitted on the primary facade of a building based on the district, building, and/or use that they serve.
    - B. An applicant may provide additional building signage for all the secondary facades as follows:
      - i. The maximum total amount of building signs permitted on all of the secondary facades shall be equal to 100 percent of the amount of signage allowed on the primary façade.

- ii. No single secondary façade may have more than 50 percent of the building sign area allowed for all of the secondary facades as established in Paragraph 1236.11(e)(6)B.i, above.
- iii. The building signage allowed on the secondary facades may not be placed as additional building signs on the primary façade.
- iv. Buildings signs on secondary facades shall not be illuminated if they are visible from an adjacent lot that is zoned residential or is occupied by a residential use.
- C. There is no maximum number of building signs but the total square footage of building signs located on a single façade shall comply with the requirements of this section.
- D. The amount of building signs permitted shall be based on the façade width of the principal building regardless if the signs are to be attached to gas pumps, gas pump islands, or similar accessory structures.
- E. The maximum building sign area provided for in this section shall apply to signage with a commercial message. See Section 1236.11(e)(7)A.ii for wall signs permitted without a commercial message.

**TABLE 1236-1: MAXIMUM BUILDING SIGN AREA ALLOWANCE PER FACADE**

Building Type/Occupancy	PF, OR, OS, O, and NB Districts	DB District	GB, HB, O/IP, I/I, and I Districts
Single-Tenant or Multi-Tenant Buildings [1]	1.5 square foot of sign area per lineal foot of façade width with a maximum of 75 square feet of aggregate sign area.	1.0 square foot of sign area per lineal foot of façade width with a maximum of 50 square feet of aggregate sign area.	2.0 square foot of sign area per lineal foot of façade width with a maximum of 200 square feet of aggregate sign area for the first 100 lineal feet of façade width. [2]
Large-Scale Nonresidential Buildings with a Single Tenant [3]	Not Applicable	Not Applicable	The sign area shall not exceed 5 percent of the total facade area and shall not exceed 35 percent of the height of the facade, as measured from the bottom most point of the message to the top most point of the message. [4]

**Notes:**

[1] For buildings with multiple tenants, the ratio shall be applied to each lineal foot of building facade width assigned to each individual tenant. If there is no clearly established delineation of tenant space on the exterior of the façade, the amount of building signage shall be based on the total façade width, to be divided by the property owner or agent.

[2] Facades with a width of greater than 200 lineal feet are permitted an additional 1.0 square foot of sign area per 2.0 lineal feet of faced width with a maximum of 250 square feet of aggregate sign area.

[3] Large-scale nonresidential buildings shall be defined as a building with a single tenant that exceeds 200,000 square feet of gross floor area.

[4] Signs shall be limited to wall signs only. If the owner wants to utilize other building sign types, the maximum sign allowance shall be the same for single-tenant or multi-tenant buildings.

(Amended 01-20-2022, Ordinance 21-33)

**(7) Standards for Permanent Building Sign Types**

**A. Wall Signs**

**i. Wall Signs with a Commercial Message**

- a. Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.
- b. A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
- c. Any wall sign, except for signs painted directly onto the wall, shall be mounted so there is a minimum clearance of eight feet above the sidewalk and 16 feet above any driveway or vehicular use area.
- d. Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this chapter and shall be based on the wall sign allowance for the principal building.
- e. Cabinet style wall signs are prohibited in in the DB District.
- f. Wall signs may be internally or externally illuminated.

ii. **Wall Signs without a Commercial Message**

Permanent wall signs that do not contain a commercial message may be considered in accordance with the following regulations:

- a. The wall sign shall require an approval of a sign permit from the Planning Commission using the site plan review process.
- b. Only signs permanently painted directly onto a wall are permitted.
- c. External illumination may be approved as part of the sign permit but any such illumination shall be through indirect lighting methods such as up-lighting or gooseneck lighting.
- d. The sign shall not obstruct any architectural features, windows, doors, points of access, or other similar elements of the building.
- e. The sign may only be permitted on secondary facades and only those facades, or portions thereof, that do not have window or door openings.
- f. The sign shall not cover more than 75 percent of the applicable facade.

B. **Awning, Canopy, or Marquee Signs**

Any canopy, awning, or marquee sign allowed pursuant to this section shall comply with the following standards:

- i. Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.
- ii. An awning, canopy or marquee shall be considered part of the face of a structure. However, no sign may project more than six inches from an awning, canopy or marquee.
- iii. All components of the awning, canopy, or marquee shall have a minimum height clearance of eight feet from the sidewalk.
- iv. Marquee signs may include manual changeable copy signs.

C. **Projecting or Hanging Signs**

- i. Only one projecting or one hanging sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
- ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.

- iii. A hanging sign may be attached to the ceiling of an outdoor arcade or underneath a canopy, awning, or marquee if it complies with the sign area, height, and clearance standards of this section.
- iv. Projecting and hanging signs shall maintain a minimum six-inch clearance from the façade of any building.
- v. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- vi. The maximum sign area for a projecting sign shall be six square feet.
- vii. The maximum sign area for any single hanging sign shall be four square feet.
- viii. All components of the projecting sign shall have a minimum clearance of eight feet above a sidewalk or any walkway and a maximum height of 14 feet.
- ix. Projecting signs shall not be internally illuminated.
- x. Projecting and hanging signs must be suspended from brackets approved by the Building Official and contain no exposed guy wires or turnbuckles.
- xi. Projecting or hanging signs shall not extend over the right-of-way or over any internal drive with vehicular access.
- xii. If a projecting or hanging sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

**(f) Permanent Freestanding Signs**

Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:

- (1)** Unless otherwise allowed in the sign overlay districts (See Section [1236.13](#).) or specifically stated, all freestanding signs permitted under this section shall be a monument sign.
- (2)** The base of all freestanding monument signs, excluding monument signs in O/IP and I districts, shall be constructed of exposed stone or brick.
- (3)** All free-standing signs shall be placed in a manner as to enhance the overall site design and complement the building and adjacent surroundings.
- (4)** There shall be a pole cap on all freestanding signs unless the pole is an integral part of the sign design.
- (5)** No part of a freestanding sign or its structural members and/or architectural embellishments shall be located closer to an imaginary plane that extends upward from, and parallel to, the edge of the road right-of-way, than the setback specified in this section. The setback shall be measured from the existing recorded right-of-way line, or easement for roadway purposes or from the future right-of-way line as established by the Official Thoroughfare Plan, whichever is greater.

**(6) Electronic Message Centers**

- A. The size of an electronic message center sign shall not exceed 50 percent of the applicable maximum sign area permitted for a freestanding sign.
- B. The area of an electronic message center sign shall be included in the applicable maximum sign area allowed pursuant to [Table 1236-2](#).

**(7) Permitted Freestanding Sign Standards**

[Table 1236-2](#) identifies the maximum sign area, sign height, and required setbacks for permanent freestanding signs.

<b>TABLE 1236-2: PERMANENT FREESTANDING SIGNS</b>				
<b>District</b>	<b>Sign Area Allowed per One Lineal Foot of Street Frontage</b>	<b>Maximum Sign Area</b>	<b>Maximum Sign Height</b>	<b>Minimum Setback from a ROW or lot line</b>
DB, NB, PF, OR, OS, and O	0.25 square feet	35 square feet	6 Feet	5 feet
HB and GB	0.25 square feet	100 square feet	10 Feet	5 feet
O/IP	0.25 square feet	50 square feet	6 Feet	10 feet
I	0.25 square feet	50 square feet	6 Feet	10 feet
I/I	0.25 square feet	50 square feet	6 feet	10 feet

(Amended 01-20-2022, Ordinance 21-33)

**(8) Signs on Lots with Multiple Public Street Frontages**

For lots that have frontage on multiple public streets, one permanent freestanding monument sign may be placed on each frontage, however, the total of all freestanding signs shall not exceed the total sign area allowed in [Table 1236-2](#).

**(9) Landscaping Permanent Freestanding Signs**

- A. All permanent freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code.
- B. The edge of the required landscaped area shall be at least 30 inches from the edge of the sign or any edge of the sign structure.
- C. The landscaped area shall include all points where sign structural supports attach to the ground.
- D. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a continuous, raised concrete curb, suitable to prevent the encroachment of vehicles, shall be required. The minimum horizontal distance between the face of any required curb and any part of the sign shall be a minimum of 30 inches.
- E. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.
- F. The landscaped area shall include live plantings or mulch.
- G. The use of concrete, asphalt, stone or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

**(g) Entrance Signs**

For subdivisions, development parks, or large multi-tenant centers designed for nonresidential uses that have a development size of at least 10 acres such subdivision, park, or lot may incorporate one freestanding monument sign within 150 feet of an entrance point into the subdivision, park, or lot in accordance with the following:

- (1) The entrance sign shall be in addition to the signage allowed in [Section 1236.11\(f\)](#).
- (2) The sign shall be a monument sign.
- (3) The maximum sign area shall be 24 square feet.
- (4) The maximum height of the monument sign shall be six feet.
- (5) In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.

- (6) The sign may be internally or externally illuminated but shall not include an electronic message center.
- (7) The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- (8) Such sign may be located on a lot with another freestanding sign as allowed in Section [1236.11\(f\)](#) without reducing the amount of other signage allowed on the same lot in accordance with this article.

**(h) Signs at Driveway Entrances or Intersections**

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1) Driveway signs shall comply with the vision clearance requirements of Section [1226.07](#) but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives. Furthermore, such signs shall be set back a minimum of two feet from the public right-of-way or easement for roadway purposes or from the future right-of-way line as established by the Official Thoroughfare Plan.
- (2) Up to two driveway signs may be permitted per individual driveway or internal intersection.
- (3) Driveway signs may not exceed three square feet in area and four feet in height.
- (4) Driveway signs may be internally or externally illuminated.
- (5) Driveway signs may be mounted on a pole provided the entire structure does not exceed the maximum sign height established above.
- (6) Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this chapter.

**(i) Drive-Through Signs**

- (1) Up to two freestanding drive-through signs shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all drive-through signs, for each facility, does not exceed 64 square feet. In no case shall a single drive-through sign exceed 32 square feet in sign area.
- (2) If a drive-through sign is completely screened from view from any right-of-way or adjacent residential uses, there shall be no maximum sign area.
- (3) Drive-through signs shall only be permitted in a side or rear yard.
- (4) Drive-through signage shall not be included in the total calculated allowed signage for a property under the remainder of this chapter. Any signs attached to a wall of building or the structure shall be calculated as part of the building signage allowance in Section [1236.11\(e\)](#).
- (5) No drive-through sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (6) If the drive-through signs are located in the side or rear yard, they may be 100 percent electronic message center subject to Section [1236.08\(n\)\(5\)](#).
- (7) Drive-through signs may be mounted on a pole provided the entire structure does not exceed the maximum sign height established above.
- (8) Drive-through signs may be internally or externally illuminated.

## 1236.12 Temporary Signs

The following temporary signs shall be permitted anywhere within the City provided they meet the established standards.

**(a) Standards that Apply to all Temporary Signs**

- (1)** Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (2)** No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
- (3)** Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (4)** No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (5)** 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.
- (6)** 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.
- (7)** Temporary signs shall be constructed of durable fabric, plastic, paper, or other light pliable material. 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 a deteriorated sign.
- (8)** Temporary signs shall not contain any changeable copy.
- (9)** Unless otherwise stated, a sign permit for temporary signs with a commercial message shall be required for temporary signs that exceed 12 square feet
- (10)** No temporary signs shall be attached to a permanent ground or pole-mounted sign.
- (11)** Additional provisions for temporary signs may be allowed in a sign overlay district as specified in [Section 1236.13](#).

**(b) Temporary Signs without a Commercial Message**

Temporary signs without a commercial message do not require a sign permit provided they comply with the following standards:

- (1)** Temporary signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, or public trees.
- (2)** Temporary signs that do not contain a commercial message shall be required to comply with the clear visibility requirements. See [Section 1226.07](#).
- (3)** The maximum height of temporary signs without commercial message shall be six feet unless it is a banner sign mounted to a structure, in which case, the banner sign shall not be mounted above the roofline or the top of the structure. Provided, however, a temporary sign without commercial message is entitled to the maximum height allowed any sign within the same zoning district.
- (4)** Such signs shall be limited to yard signs or banner signs and shall comply with the applicable sign type standards in [Section 1236.12\(g\)](#).

**(c) Temporary Signs on Properties with Development or Construction Activities**

- (1) One temporary may be posted on the site where a development project or subdivision is under construction.
  - (2) A sign permit shall be required for the sign.
  - (3) The sign may be posted 60 days prior to and throughout the duration of construction.
  - (4) Such signs shall not exceed 16 square feet in agricultural or residential districts and 32 square feet in area for any other zoning district.
  - (5) The maximum height of the signs shall be six feet.
- (d) Temporary Signs on Properties for Lease or Sale**
- (1) Temporary Signs on Properties for Lease or Sale in Agricultural or Residential Districts**
    - A. One temporary yard sign that contains a commercial message may be permitted on an individual lot that is for lease or sale.
    - B. Such signs shall have a maximum sign area of six square feet and a maximum height of four feet. If the lot is five acres or larger, the sign area may be increased to a maximum sign area of 18 square feet.
    - C. The yard sign shall be set back a minimum of two feet from the right-of-way line.
    - D. The sign shall not require a sign permit.
  - (2) Temporary Signs on Properties for Lease or Sale in Nonresidential Districts**
    - A. One temporary yard sign that contains a commercial message may be permitted on an individual lot that is for lease or sale.
    - B. Such signs shall have a maximum sign area of 36 square feet in an I District and 24 square feet in any other nonresidential district.
    - C. The maximum height of the sign shall be six feet.
    - D. The yard sign shall be set back a minimum of two feet from the right-of-way line.
    - E. The sign shall not require a sign permit.
- (e) Additional Temporary Signs in Agricultural and Residential Zoning Districts**
- (1) In addition to the temporary signs permitted in Sections [1236.12\(b\)](#) through [1236.12\(d\)](#), additional temporary sign with a commercial message shall be permitted on any single lot in an agricultural or residential district in accordance with this subsection.
  - (2) The signs are limited to yard signs, banner signs, or signs posted in a window subject to the sign-specific standards in Section [1236.12\(g\)](#).
  - (3) The maximum sign area shall be 12 square feet with a maximum height of four feet. No single sign shall exceed six square feet in sign area.
  - (4) A temporary yard sign shall be set back a minimum of two feet from rights-of-way.
  - (5) In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted to have temporary signs with a commercial message in the same size, height, and manner as temporary signs allowed in the NB District, pursuant to Section [1236.12\(f\)](#).
- (f) Additional Temporary Signs in Nonresidential Zoning Districts**
- (1) In addition to the temporary signs permitted in Sections [1236.12\(b\)](#) through [1236.12\(d\)](#), additional temporary sign with a commercial message shall be permitted on any single lot in a nonresidential district in accordance with this subsection.

**(2) A-Frame or T-Frame Sidewalk Signs**

- A. Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.
- B. There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- C. Such signs shall not exceed 12 square feet in area with a maximum height of four feet.
- D. 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 or on pavement used for vehicles (e.g., driveways and parking lots).
- E. If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- F. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- G. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- H. 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.
- I. The sign shall be internally weighted so that it is stable and windproof.
- J. The City of Vandalia shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(3) Temporary Signs Covering Permanent Signs**

For sign permit applications related to the establishment of a new use or change of use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.

**(4) Other Temporary Sign Types Allowed**

- A. One additional temporary sign shall be permitted in any nonresidential district for a maximum of 30 days per occurrence with a maximum of four occurrences per calendar year.
- B. The temporary sign shall require a sign permit.
- C. The maximum sign area of any temporary sign shall be 32 square feet.
- D. The following sign types are permitted for the additional temporary sign allowance subject to the sign-specific standards of Section [1236.12\(g\)](#).
  - i. Banner signs; or
  - ii. Temporary yard signs.

**(g) Standards for Temporary Sign Types**

**(1) Banner Signs**

- A. Banner signs may be attached to a building, fence, or other similar structure. Banner signs attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
- B. 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.

**(2) Yard Signs**

- A. There shall be a maximum of two faces to the sign, mounted back-to-back.
- B. The maximum height shall be six feet.

**1236.13 Sign Overlay Districts**

- (a)** Due to unique conditions found in areas in close proximity to interstate, limited-access highways, and National Road, and in an effort to protect the safety of the motoring public, the following special provisions shall apply to two sign overlay districts identified on the Official Zoning Map.
- (b)** Where the provisions of this section are in conflict with the standards of this chapter the provisions of this section shall apply.
- (c)** All other sign standards from this chapter that are not altered by this section shall still apply to the subject lot, including, but not limited to, the requirements for building signs, general requirements for freestanding signs and temporary signs, and landscaping requirements for freestanding signs.
- (d)** Sign Standards for the Interstate and Limited-Access Highway Sign Overlay District

**(1) Applicability**

Due to unique conditions found in certain areas in close proximity to interstate and limited-access highways, and in an effort to protect the safety of the motoring public, the following special provisions will apply in the Interstate and Limited Access Highway Sign Overlay District. Such District is designated on the Official Zoning Map of the City. This District initially consists of the following areas: (i) that area within 400 feet of the Eastern boundary of the nearest right-of-way line of the Airport Access Road between Stonequarry Road and National Road; (ii) that area within 400 feet of the Western boundary of the nearest right-of-way line of the Airport Access Road between Stonequarry Road and National; ~~(iii)~~ (iii) that area within 400 feet of the nearest right of way line of I-75 and I -70 that were zoned GB Gateway Business, HB Highway Business, O/IP Office/Industrial Park or I Industrial Districts immediately prior to the adoption of this Sign Code; ~~(iii)~~ (iv) that area within 1,000 feet of the centerline of I -75 that was zoned DB Downtown Business District immediately prior to the adoption of this Sign Code; and ~~(iv)~~ (v) that area immediately adjacent to the right-of-way line of I-75 in a NB Neighborhood Business District immediately prior to the adoption of this Sign Code. Where the provisions of this section are found to be at variance with those of the aforementioned districts, the provisions of this section shall apply. With respect to any PUD zoned property within the Interstate and Limited Access Highway Sign Overlay District, the provisions of 1236.09 shall control.

*(Amended 01-20-2022, Ordinance 21-33)*

**(2) Freestanding Signs**

- A. All freestanding sign faces higher than 15 feet above the natural ground level may be illuminated internally only.
- B. Freestanding signs may be either monument signs or pole signs.
- C. The maximum freestanding sign area shall be 200 square feet.
- D. The maximum height of a freestanding sign shall be 40 feet as measured from the pavement surface of the nearest interstate or limited access highway, measured at a point where such highway travel lanes, not including ramps or acceleration/deceleration lanes, pass nearest the base of the sign. Where the elevation of the natural terrain at the base of the sign exceeds that of the nearest interstate or limited access highway travel lane by 30 feet or more, a freestanding sign shall not be higher than 20 feet above the natural ground level.
- E. Any sign that exceeds the height of permanent freestanding signs allowed in the applicable base zoning district in Section [1236.11](#) shall be located so as to face the interstate or limited-access highway.
- F. Electronic message centers shall be permitted in accordance with the provisions of the applicable zoning district, however, in no case shall the electronic message portion of a sign exceed 70 square feet in sign area.

**(3) Temporary Signs on Properties for Lease or Sale**

- A. Temporary yard signs on properties that are for sale or lease shall be permitted with a maximum sign area of 130 square feet.
- B. The maximum height of a freestanding sign shall be 25 feet as measured from the pavement surface of the nearest interstate or limited access highway, measured at a point where such highway travel lanes, not including ramps or acceleration/deceleration lanes, pass nearest the base of the sign. Where the elevation of the natural terrain at the base of the sign exceeds that of the nearest interstate or limited access highway travel lane by 30 feet or more, a freestanding sign shall not be higher than 16 feet above the natural ground level.

**(4) Additional Temporary Sign Allowances**

In addition to all other temporary signs allowed by this chapter, one banner sign with a maximum sign area of 64 square feet may be permitted for a period of 30 days, up to four times per calendar year in the O/IP, I/I, and I Districts.

*(Amended 01-20-2022, Ordinance 21-33)*

**(e) Sign Standards for the National Road Sign Overlay District**

**(1) Applicability**

The provisions of this section shall only apply to those lots that have street frontage along National Road.

**(2) Freestanding Signs**

- A. All freestanding sign faces higher than 15 feet above the natural ground level may be illuminated internally only.
- B. Freestanding signs may be either monument signs or pole signs.
- C. The maximum freestanding sign area shall be equal to two square feet per lineal foot of street frontage with a maximum square footage of 150 square feet. The maximum sign area shall be based on only one street frontage.
- D. The maximum height of a freestanding sign shall be 30 feet.

- E. Electronic message centers shall be permitted in accordance with the provisions of the applicable zoning district.

### **1236.14 Nonconforming Signs**

- (a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section and the nonconforming structure regulations in [Chapter 1240: Nonconformities](#) shall not apply.
- (b) Legal nonconforming signs shall be maintained in good condition pursuant to Section [1236.08\(o\)](#), and may continue until such sign is required to be removed as set forth in this chapter.
- (c) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:
- (1) The sign is structurally altered or replaced, not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign or electronic message center;
  - (2) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;
  - (3) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code.
  - (4) The sign is part of an establishment that discontinues its operation for a period of 90 days or more;
  - (5) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;
  - (6) The sign is not repaired within 60 days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard;
  - (7) The sign creates a hazard to vehicular and pedestrian traffic; or
  - (8) A permit is issued for any additional sign on the lot containing a nonconforming sign.
- (d) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. All nonconforming signs shall be maintained properly and shall be subject to Section [1236.14](#).

### **1236.15 Violation Notification and Compliance**

- (a) If any sign and/or related structure is installed, erected, constructed and/or maintained or attempted to be erected in violation of any of the terms of this chapter, or to any subsequent amendment thereof, shall constitute a nuisance, and the sign owner, sign erector, the owner of the business, being identified or advertised and/or the owner of the property upon which the sign is located shall be subject to a suit for injunctive relief as well as prosecution for criminal violations in accordance with the penalties provided in [Chapter 1242: Enforcement and Penalties](#).

- (b)** Appropriate notices shall be issued to the sign owner, the owner of the business being identified or advertised and/or the owner of the property upon which the sign is located, at the discretion of the Administrative Officer. In addition to the method of collection of the cost incurred by the City in abating the nuisance under either the Ohio Revised Code or the Vandalia Codified Ordinance, the City may recover such cost by instituting an action in any court of competent jurisdiction in the manner provided in Ohio R.C. 715.261 against the sign owner, the owner of the business being identified or advertised and/or the owner of the property upon which the sign is located.

# **Chapter 1238: Subdivision and Public Improvement Design Standards**

## **1238.01 Purpose**

The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- (e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets; and
- (f) Provide adequate utility systems to support the future needs of the system; and
- (g) Promote efficient and logical placement of utility structures so as to promote the public health, safety morals and general welfare of the City.

## **1238.02 Applicability**

The developer of a subdivision, a multi-family development, or a nonresidential development shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with the Comprehensive Plan, water and sewer plans and any other applicable plans or policies of the City of Vandalia.

## **1238.03 Conformity to Development Plans, Zoning, and Engineering Standards**

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Thoroughfare Plan and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Thoroughfare Plan, the arrangement and other design standards of streets shall conform to this chapter.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments, as adopted by Council, on file in the office of the Director of Public Service.

## **1238.04 Sale of Land in Subdivisions, Start of Construction, and Permitting**

- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.

- (b) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (c) Administrative Officer shall not issue zoning certificates for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (d) No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in Chapter in this section.

### **1238.05 Installation of Public Improvements and Financial Guarantees**

- (a) The subdivider shall have completed or have agreed, in writing through a subdivider's contract, to complete, all public improvements required by the final plat or zoning within two years from the date of approval of the final plat or such extension of time as may be granted by City Council, and shall have agreed that he or she will maintain such public improvements for one year after acceptance by the City.
- (b) The subdivider shall agree, in writing:
  - (1) That all construction work and materials used in connection with public improvements in the area platted will conform to the requirements of the City and will be installed under the Director of Public Service's general supervision;
  - (2) That he or she will notify the Director of Public Service, in writing, three days or more before any construction has begun on such improvements to permit inspection;
  - (3) That he or she will hold the City free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or her cost and expense, any suit or action brought against the City by reason thereof, until the improvement has been accepted by the City; and
  - (4) That in the event of any violation of or noncompliance with any of the provisions and stipulations of the agreement, the City may stop the work forthwith and complete or cause the completion of such improvements according to the approved plat and agreement, and that in such event, the owner shall reimburse the City for any and all expenses incurred thereby
- (c) No final plat of any subdivision, or zoning certificate for development, shall be approved unless the improvements required in this chapter have been satisfactorily completed or a financial guarantee has been provided, as hereinafter required.
- (d) The design of all improvements, including, but not limited to, grades of streets, type of pavement, drainage, sidewalks, sanitary sewers, storm sewers, water distribution facilities, street lighting facilities and electric, telephone and cable television facilities, shall conform to the requirements set forth in this chapter and the City's standard drawings.
- (e) Drawings and specifications for public improvements shall be reviewed and approved by the Director of Public Service and the installation shall be subject to the Director of Public Service's continuous inspection. The installation of all public improvements required by this code shall be completed in accordance with such drawings and specifications.

- (f) At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or “as-built” reproducible drawings as well as a digital copy that is compatible with the Direct or Public Services’ CAD software showing the locations of all public improvements including the sizes and elevations of all underground utilities.
- (g) The improvements required are determined according to the accessibility of a sewer system and a public water supply, stormwater runoff, drainage requirements, the relationship to existing or planned streets, the type and size of lots required by this code for the applicable zoning district in which the subdivision or development is located, and any other applicable site development issues that fall under the category of public improvements. For improvements within a subdivision, multi-family development, or nonresidential development:

  - (1) Land for rights-of-way for all local streets within the subdivision or development and for all secondary or major streets within or along the boundary of the subdivision or development shall be dedicated by the developer and all easements shall be provided.
  - (2) Utilities shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the proposed development or subdivision.
- (h) Subdivider’s Contract

  - (1) Where the subdivider chooses to post a financial guarantee in lieu of completion of those public improvements shown on the approved construction drawings and/or final plat in order to allow for the recordation of the final plat prior to completion and acceptance of all required public improvements, the subdivider shall be required to enter into a subdivider’s contract.
  - (2) The subdivider’s contract shall be approved as to content and form by the City’s Law Director, with confirmation by the Director of Public Service, prior to approval of the final plat.
- (i) Fee

For a subdivision in the City, the subdivider shall pay to the City an amount equal to two percent of the estimated costs of the improvements. Such fee is for plan reviews, construction inspections, legal services and administrative expenses incidental to such improvements. This fee shall be paid by the subdivider at the time of submittal of the improvement plans.
- (j) Off-Site Improvements

  - (1) Where the construction, improvement, development, or subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the development, the developer shall pay a proportionate share of the cost of the facilities, in accordance with this subsection.
  - (2) No such payment shall be required until the City Council has established, or has committed itself by ordinance, to the establishment of a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be developed is located. The City may develop and administer all three programs together or any one, or other number, separately or jointly.
  - (3) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan that shall be borne by each developer within the area.

- (4) The share to be borne by each developer shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed development bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the City shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the developer and give appropriate credit therefore.
- (5) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the developer. In lieu of such payment, the Director of Public Service may accept a letter of credit satisfactory to the Director of Public Service conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the payment.
- (6) Nothing in this section shall imply or constitute an obligation on the part of the City to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the developer from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the development in accordance with this subdivision ordinance and other ordinances of the City.
- (k) Time Limit for Construction**

  - (1) Improvements shall be constructed within such period of time as may be specified by the Director of Public Service, but not to exceed two years, and shall be maintained in a satisfactory condition during the interim period that the abutting properties are being occupied prior to final acceptance of the improvements by the City.
  - (2) The subdivider may request an extension of time, provided that he or she can show reasonable cause for the inability to complete such improvements within the required time.
  - (3) The extension shall not exceed one year, at the end of which time, the City may, at its discretion, use as much of the bond or cash deposit as necessary to construct the improvements.
  - (4) Whenever construction of improvements is not performed in accordance with current City standards and specifications, the City may, at its discretion, use as much of the bond or cash deposit as is necessary to construct the improvements.
- (l) Protection of Streets, Utilities, and Other Installations**

- (1) The subdivider shall provide the Director of Public Services with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operation. During the period of use, such streets shall be kept reasonably free of debris, based on periodic inspections by the City and in accordance with approved sedimentation and erosion control measures.
- (2) The subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work including damage created by the contractor's construction equipment and vehicles, as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.
- (3) The subdivider and their contractors shall at all times take proper precautions for the protection of utility lines, the presence of which can be determined by contacting the Ohio Utilities Protection Service (OUPS). The subdivider shall be financially responsible for the repair of any damage to such utility lines.
- (m) Financial Guarantees for Public Improvements**

  - (1) The subdivider or developer shall execute financial guarantees and shall file such financial guarantees with the City prior to approval of a zoning certificate or certification of a final plat, if the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the site plan or zoning. Such financial guarantee shall take any form allowed in Section [1238.05\(m\)\(12\)](#).
  - (2) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the City.
  - (3) Guaranteed Amount**

    - A. The financial guarantees shall be in an amount equal to the subdivider's or developer's estimated total costs of materials and labor required to install or construct the improvements, as approved by City Council.
    - B. After a period of two years from the date of submittal, the Director of Public Services may require that a revised engineer's estimate and bond be submitted that reflects updated unit prices.
  - (4) When, in the judgment of the Director of Public Service, public improvements have been completed in accordance with the construction plans as approved by City Council and the City's construction standards, City Council shall, at the recommendation of the Director of Public Service, accept such improvements and authorize the full or partial release of the financial guarantee.
  - (5) The Clerk of Council shall upon request issue to interested parties a copy of Council proceedings, which shall suffice as evidence of acceptance and financial guarantee release in whole or in part.

- (6) A partial release may be granted, provided all items are complete, with the exception of any or all of the following items, which are: sidewalk, final seeding, and the final course of asphalt. For such partial release, replacement surety in the amount equal to 100 percent of the value of items outstanding, plus ten percent of the value of items complete, shall be posted as a condition to the release of the original surety. In the event that all items are complete except sidewalk, separate sidewalk performance surety can be posted and the remainder of the surety can be released by Council subject to posting of a maintenance financial guarantee as provided in Section [1238.05\(m\)\(11\)](#).
- (7) No partial releases shall be granted for incomplete sidewalks. Once all sidewalks are complete to the satisfaction of the Director of Public Service, Council shall, at the recommendation of the Director of Public Service, release the sidewalk surety subject to the posting of maintenance guarantee as provided in Section [1238.05\(m\)\(11\)](#).
- (8) The terms of such financial guarantees shall be determined by the Law Director, with confirmation by the Director of Public Services.
- (9) Financial guarantees shall be made payable to the City of Vandalia and be acceptable to the Director of Public Services and the Law Director.
- (10) Incomplete public improvements that the Director of Public Services determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.
- (11) **Street, Utility, and Improvements Maintenance Guarantee**
- A. For a period of one year from the date the constructed improvements are accepted by the City, the subdivider shall make such repairs or replacements as are necessary, as determined by the Director of Public Service, to maintain all improvements within the standards required by this chapter.
  - B. The subdivider shall furnish the City a financial guarantee (See Section [1238.05\(m\)\(12\)](#).) to City Council in the amount of 10 percent of the original financial guarantee for installation of all public improvements or, in the case where a financial guarantee was not used, 10 percent of the cost estimate for the installed public improvements.
  - C. Such financial guarantee shall be effective from the date of acceptance of the improvements until all maintenance items have been performed and accepted by the Director of Public Service.
  - D. Such financial guarantee shall contain provisions acceptable to Council allowing for forfeiture of the bond and use of the funds by the City if adequate maintenance is not performed.
- (12) **Types of Financial Guarantees**
- The following are the types of financial guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.
- A. Irrevocable Letter of Credit**
- The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

- i. The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the City Law Director and Director of Public Service.
- ii. The letter shall be deposited with the City, and shall certify the following:
  - a. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with Section [1238.05\(m\)](#), for completion all required public improvements.
  - b. In the case of failure on the part of the subdivider to complete the specified public improvements within the required time period, the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.
  - c. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the Director of Public Service in accordance with this chapter.

**B. Certified Check, Wire Transfer, Escrow, or Cash Deposit**

The following standards shall apply if cash is utilized as a financial guarantee:

- i. The subdivider shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the City of Vandalia.
- ii. If a third-party escrow account is to be established, the account shall be with a bank approved by the Law Director and shall be in an account set up for the sole ownership of the City.
- iii. When the public improvements are complete, the City shall issue a check for the released amount based on this subsection.
- iv. The City shall not be responsible for paying interest for the period of time the City retains the guarantee.
- v. The subdivider's contract may provide for the making of payments from such funds from time to time, upon certification of Council, provided that the balance remaining after such payments will, in his or her opinion, be adequate to pay the remaining costs of the improvements.

**C. Bonds**

The following standards shall apply if a bond is utilized as a financial guarantee:

- i. A bond in the amount determined in accordance with this section shall be filed with the City of Vandalia.
- ii. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- iii. The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.
- iv. The bond shall provide that it cannot be terminated or canceled without the approval of the City, and shall remain in force until such improvements have been accepted by City Council.

## **1238.06 General Design Requirements**

### **(a) General Suitability of Land for Development**

If the Planning Commission and the City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

**(b) Topography, Floodplain Areas, Wetlands, and Natural Areas**

- (1)** Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2)** All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.
- (3)** Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the Planning Commission and upon advice of the Director of Public Service.
- (4)** The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- (5)** Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.

**(c) Homeowners' or Property Owners' Associations**

See Section [1230.07\(c\)\(8\)](#) for requirements for homeowners' or property owners' associations.

**(d) Subdivision Names**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or Montgomery County. The City shall have final authority to designate the name of the subdivision.

**(e) Street Trees**

Street trees shall be provided in accordance with Section [1232.05](#).

**(f) Traffic Control Devices**

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

**(g) Debris and Waste**

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

**(h) Monuments and Markers**

- (1)** Permanent monuments shall be accurately set and established at the change of direction of all outside boundary lines of the plat, at intersections of those boundary lines with all street lines, at the beginning and end of all curves, at points of curves where the radius or direction changes and at other points necessary to definitely establish all lines of the plat, including those outlining individual lots.
- (2)** Permanent lot corner markers shall be set at the corner of all lots and where bearings change along a lot line.
- (3)** Monuments and lot corner markers shall be of a design approved by the Director of Public Service and meeting State of Ohio Minimum Standards for Boundary Surveys.

**1238.07 Lots**

- (a)** The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development. Lots may abut a private street in a PUD in accordance with Section [1238.10\(f\)](#).
- (b)** The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (c)** All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (d)** Double frontage (through) lots shall not be permitted except to avoid frontage upon heavily traveled thoroughfares or to adjust to special or unusual circumstances.
- (e)** Corner lots shall be of sufficient width to permit the required building set-back line for each street the lot abuts.
- (f)** Typically, flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section [1226.02\(d\)](#). Such lots may also be approved by the Administrative Officer for a minor subdivision application if necessitated by unique features or other special physical conditions as deemed necessary.
- (g)** Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- (h)** Lots that cannot be served by a public sanitary sewer but can be served by public water supply mains shall have a minimum width of 100 feet at the front building line and an area of not less than one acre. In addition, such lots must have the approval of the combined General Health District of the County.

- (i) Lots which cannot be served by a public water supply main but can be served by a sanitary sewer shall have a minimum width of 100 feet at the front building line and an area of not less than 30,000 square feet. In addition, such lots must have the approval of the combined General Health District of the County.
- (j) In cases where there is a lack of access to public water and sewer lines, unusual soil conditions, or other factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon the recommendation of the appropriate Board of Health or the Director of Public Services, the Planning Commission may require larger lot frontages and sizes, as deemed necessary.
- (k) Where the subdivided area is to be used for residential purposes, the subdivider shall establish building lines in accordance with the zoning district in which the subdivision is located. Restrictions requiring buildings to be set back of such building lines shall be shown on the plat, including front, rear, and side yard requirements.
- (l) Whenever a stream or important surface drainage course is located in the area being subdivided and open drainage is to be permitted, the subdivider shall provide an adequate easement along each side of the stream or open drainage course for the purpose of widening, deepening, relocating, improving or protecting the stream or open drainage course for drainage or recreational use.
- (m) Where compliance with the site development standards of Sections 1226.03 and 1226.04 will result in a requirement for a greater lot area or width than the standards set forth herein, the more restrictive requirement shall take precedence and shall be required.

### **1238.08 Blocks**

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section 1238.10 and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way. Such blocks shall have a minimum length of 500 feet and a maximum length of 2,000 feet. In reviewing the subdivision plat, the Planning Commission can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.
- (c) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.
- (d) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located, and if the maintenance of interior public spaces is covered by agreements.

### **1238.09 Street Lighting**

- (a) Street lighting shall be required in accordance with City standards. Service to this lighting shall be underground and the developer shall be responsible for trenching and backfilling as necessary for the installation of this service. All trenching and backfilling shall be performed in accordance with the published standards of the applicable local electrical distribution utility service provider of record for the City, or their successor entity.

- (b) If decorative lights are used, the additional cost to lease the lights would be borne by a homeowners association or similar organization of land owners (See Section [1230.07\(c\)\(8\)](#)). Alternatively, decorative lights could be purchased outright by the developer. A homeowners' association would be responsible for maintenance and for electrical power cost based on a metered service. Privately-owned lights shall not, however be located within any public right-of-way.
- (c) Where appropriate, fees sufficient to cover the cost of installation of all street lights shall be paid by the subdivider to the service provider prior to any request for bond reduction.  
(Amended 01-19-2024, Ordinance 23-31)

### **1238.10 Streets and Thoroughfares**

- (a) General Street Design
  - (1) The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive plan, or other applicable street plans, for the City that are in effect at the time of final plat submission.
  - (2) The street layout shall provide access to all lots and parcels of land within the subdivision.
  - (3) When a proposed development is adjacent to or contains a State highway, the developer and the Planning Commission should seek information from the Ohio Department of Transportation as to the status of such highway in reference to width and direction and also to access of such highway.
  - (4) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City or ODOT has the right to define and limit access along major arterials or highways.
  - (5) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.
  - (6) The class of streets in a new subdivision shall be not less than the minimum class established in this code. The street and alley arrangement shall not cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
  - (7) Residential local streets shall be designed to discourage through traffic, but offset streets shall be avoided whenever possible.
  - (8) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
  - (9) Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets where street connections can be made to the adjacent land) as required by the Director of Public Services.

- (10) When developing along one side of an existing or planned street or roadway which is included on the Official Thoroughfare Plan or an approved preliminary site plan or zoning, the subdivider shall be responsible for sidewalk, curb, pavement widening to thoroughfare width on his or her side, all necessary adjustments to existing pavement, extension of water main and sanitary sewer as deemed necessary by the Director of Public Service, and storm drainage for the street in accordance with current design standards as set forth by the Director of Public Service. Where sight distance problems or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of as much as the entire existing pavement as required by the Director of Public Service.
- (11) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.

**(b) Street Names, Signs, and Numbering**

- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Vandalia and in Montgomery County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (2) When a new street is a direct extension of an existing street, the name shall remain the same.
- (3) The developer, at his/her expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with the recommendations of the traffic impact study. These devices shall meet all applicable standard as established by the City.
- (4) Address numbers shall be assigned by the City in accordance with the current numbering system.

**(c) Marginal Access Streets**

Whenever a subdivision has frontage upon a major thoroughfare, the Planning Commission may require that the plat layout provide for a marginal access street of Class IV construction, as defined in [Table 1238-1](#) hereof, parallel and adjacent to the thoroughfare to provide access to abutting lots. When provision is made for a marginal access street, the subdivider will not be required to provide improvements on the adjacent thoroughfare.

**(d) Angle of Intersection**

The angle of intersection between minor streets and major streets shall not vary more than ten degrees from a right angle. All other streets shall intersect each other as near to a right angle as possible, and no intersection of streets at angles of less than sixty degrees shall be permitted.

**(e) Rounding of Property Corners**

- (1) At all street intersections, the corner of property lines shall be rounded by a radius of not less than 15 feet.
- (2) In nonresidential district, a cut-off corner may be substituted in place of a circular arc.
- (3) Where two alleys intersect, an eight-foot cutoff shall be provided.

**(f) Private Streets and Reserve Strips**

- (1) Private streets shall not be permitted except as provided below in approved PUDs.
- (2) Reserve strips shall not be approved except where their control is definitely placed in the City or County under conditions approved by the Planning Commission.

**(3) Private Streets in PUDs**

- A. The PUD developer shall demonstrate that any proposed private streets are necessary to create a superior design or eliminate a practical hardship.
- B. No more than 20 dwelling units shall be served by a single entrance from a public street to a private street.
- C. Where pavement widths are less than 30 feet, guest parking spaces shall be provided at a rate of 0.5 spaces per dwelling unit in addition to the requirements of Section [1234.04\(a\)](#).
- D. The pavement width of private streets and minimum turning radius in accordance with the most recent standards of the City Fire Department for accommodation of emergency vehicles;
- E. The pavement design is judged adequate to handle the projected traffic without resurfacing for 15 years;
- F. The private street shall comply with all storm water drainage requirements applicable to a public street; and
- G. The developer shall demonstrate that adequate provision has been made for the long-term maintenance of private vehicular areas.

**(g) Street Types**

- (1)** Street right-of-way widths shall be in conformity with the Official Thoroughfare Plan, where applicable, and shall be not less than the following:

<b>TABLE 1238-1: MINIMUM STREET RIGHT-OF-WAY WIDTHS</b>	
<b>Street Type</b>	<b>Minimum Right-of-Way Width</b>
Class I Street - Thoroughfare	82 feet
Class II Street - Arterial	70 feet
Class III Street - Collector	60 feet
Class IV Street - Residential	50 feet
Cul-de-sac	50 feet
Cul-de-sac terminus	50 feet radius
Alley	20 feet
Crosswalk	10 feet

- (2)** Where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser right-of-way width than that indicated in this section.

**(3) Cul-de-Sacs**

The maximum length of a cul-de-sac shall be 600 feet. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty feet. The road surface within the cul-de-sac right-of-way shall conform, for dimensions, to the City's standard drawings.

**(4) Half Streets**

The dedication of half streets shall not be permitted except in special situations. Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.

**(5) Alleys**

Alleys shall not be permitted in residential districts except in special situations. Alleys are required in the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking. Dead-end alleys shall not be permitted.

**(6) Improvements**

- A. All streets and thoroughfares shall be graded to the full width of the right-of-way, including side slopes.
- B. All pavement widths and surfaces shall conform to the dimensions and specifications in the standard construction drawings and the Official Thoroughfare Plan.

**(7) Underdrainage**

Adequate underdrainage in accordance with the Standard Construction Drawings shall be provided when determined by the Director of Public Service.

**1238.11 Dedicated Sidewalks and Walkways**

A dedicated walkway, not less than 10 feet wide, may be required to provide proper pedestrian access to schools, playgrounds, shopping centers and other facilities between lots of a subdivision.

**1238.12 Utilities**

**(a) Water**

Where an approved public water supply is within reasonable access to the subdivision as determined by the number of lots and the distance from and capacity of existing mains, each lot within the subdivision shall be provided with a connection to such water supply. All water lines shall be designed and constructed in accordance with City standards.

**(b) Sanitary Sewers**

Where a public sanitary sewer is within reasonable access of the subdivision as determined by the number of lots, the distance from and capacity of existing sewer lines, and the topography, each lot therein shall be provided with a connection to such sanitary sewer. All sewers shall be designed and constructed in accordance with City standards.

**(c) Storm Drainage and Storm Water Detention**

- (1)** The drainage system for each subdivision shall be designed based on the City's current adopted design criteria for storm drainage as specified in Chapter 1476 "Storm Water and Sedimentation Management During and After Construction Activities."
- (2)** Where water detention is required to meet these standards, the water detention area shall not be part of any street.
- (3)** Water may be detained in specifically constructed water detention ponds or a flood plain may be developed within the subdivision.
- (4)** The design of the drainage system, including pipe and culvert size, and the design of the water detention area, shall conform to specifications as contained in the City's standard drawings.

**(d) Electric, Telephone and Cable Television Installation**

The installation, construction and expansion of electric, telephone, cable television and/or all new services for subdivisions shall generally be placed underground subject to the following conditions and exceptions:

- (1)** Transmission lines are exempt from this section. Transmission lines are defined as those lines constructed between generating stations and substations.
- (2)** For standard or typical underground utility installation, equipment typically placed above ground (such as transformers and switches affixed on the ground) shall be exempt from this section.
- (3)** Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to a new subdivision or commercial and industrial use shall be underground. For purposes of this section, "temporary overhead service" means:
  - A. Service necessary for immediate public convenience and necessity and constructed to serve only on an interim basis until permanent underground services can be installed; or
  - B. Service which, in order to reach a new subdivision or commercial or industrial use, must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision or commercial or industrial use.
- (4)** For purposes of this section, services adjacent to new subdivisions and commercial and industrial uses may be above grade. Such services shall include, but not be limited to:
  - A. Overhead wires extending across the public right of way from existing overhead service to such new subdivisions and commercial and industrial uses; and
  - B. Adjacent overhead services within the property submitted for subdivision approval that existed prior to the filing of a preliminary plat.

**1238.13 Easements**

Easements of at least five feet in width shall be provided as required for public utilities, such as gas, electric, telephone, cable television, storm and sanitary sewers, water or other mains, or for surface drainage swales. Easements of greater width may be required along or across lots as necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

**1238.14 Utility Structures**

- (a)** This section shall not apply to utility structures within a public right-of-way as defined in Section 1030.03 of the codified ordinances.
- (b)** Utility structures shall be classified by size as follows:
  - (1)** Small utility structures shall be less than 36 inches in height above grade, less than 36 inches in width, and less than 36 inches in depth.
  - (2)** Large utility structures shall be equal to or greater than 36 inches in height above grade, equal to or greater than 36 inches in width, and equal to or greater than 36 inches in depth.
  - (3)** If all three dimensions do not fall within the same size classification, then the utility structure will be classified based on the dimension that falls within the largest classification.
- (c)** Zoning Certificate

- (1)** No person shall install, construct, erect or replace a utility structure unless all provisions of this chapter have been met. To ensure compliance with these regulations, a permit shall be required unless specifically exempted in this chapter.
- (2)** Before any utility structure requiring a permit is installed constructed, erected or replaced, an application must be made to the Administrative Officer. Every application for permit approval shall be accompanied by a plan drawn to scale that depicts the lot location, right-of-way line and lot dimensions, proposed location of the utility structures. The application shall include the written consent of the property owner of the proposed location for placement of the proposed utility structure or copy of a recorded easement that permits placement of the utility structure and a statement by the owner of the utility structure that the utility structure is permitted within said easement.
- (3)** A zoning certificate shall be required for the following utility structures:
  - A. New small utility structures located in the front yard;
  - B. New large utility structures regardless of location; or
  - C. Replacement of large utility structures in the front yard.
- (4)** The Administrative Officer shall review the application and make a decision on issuance of a permit within 10 days. The Administrative Officer shall issue a certificate approving the utility structure if the utility structure meets the location guidelines and screening criteria contained in this chapter.
- (5)** No certificate is required for the following utility structures:
  - A. New small utility structures in the side or rear yard.
  - B. Replacement of small utility structures regardless of location, provided that all unused utility structures are promptly removed.
  - C. Replacement of large utility structures in the side or rear yard, provided that all unused utility structures are promptly removed.
  - D. A utility structure that is physically attached to a building, such as a meter or service box or to the wiring, cable, pipe, or conduit that provides utility service from a service main to the individual property, or to gas meter regulators.
- (6)** A utility company providing essential services has temporary approval to install a utility structure that requires a certificate without a zoning certificate if such installation is required to adequately respond to an emergency with respect to those essential services. Provided however, within seven days after such installation, the utility company shall notify the Administrative Officer of the emergency action taken and the utility company shall, within said seven days, apply for a zoning certificate. The utility company shall remove a utility structure placed during an emergency without a permit within 90 days of its installation if a zoning certificate is not granted for the utility structure.

**(d)** Location and Screening

- (1)** No new or replaced utility structures under this chapter shall be located:
  - A. Within the intersection clearance zone;
  - B. Within a ten-foot minimum from fire hydrants; or
  - C. In a place that will adversely impact the line of sight for any driveways.
- (2)** No new large utility structure shall be placed in a front yard.

- (3)** Where possible, utility structures should be located in a platted utility easement. All utility structures shall be coordinated to the extent possible with existing utility structures, reducing the total number of utility structures within a given 100-foot area, providing the most effective screening, and minimizing the impact on existing trees.
- (4)** The utility company shall minimize the visual impact of the utility structure, including size, color, and screening. All labeling on any single utility structure shall cover a combined area no larger than one-half square foot in area. The vistas of the property owner and adjacent property owners shall be considered with a goal of obtaining 50% opacity as viewed from neighboring property lines. Fifty percent opacity should be obtained upon installation. However, the Administrative Officer may permit planting to be postponed due to seasonal conditions.
- (5)** Screening is to be achieved by the use of:
  - A. Existing or new vegetation;
  - B. Existing or new fencing; and
  - C. Existing structures.
- (6)** Electric meters that are to be placed in conjunction with a utility structure installation shall be placed in a manner that minimizes its visibility from the closest public right-of-way. In no case shall electric meters be attached to the top surface of a utility structure.
- (7)** If the utility structure installation requires the installation of a pad affixed to the ground, the pad shall be constructed of concrete.

**(e) Removal of Unlawful Structures**

Any prohibited utility structure shall be removed by the owner within 10 days of receipt of notification from the Administrative Officer. If such utility structures are not so removed, the Administrative Officer shall cause the utility structure to be removed at the owner's expense.

# **Chapter 1240: Nonconformities**

## **1240.01 Purpose**

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

## **1240.02 General Provisions**

- (a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code that was legally established under a previous code amendment or versions may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (c) An applicant for any development review procedure (e.g., zoning certificate, site plan review, variance, etc.) that deals with a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.

## **1240.03 Determination of Legal Nonconformity Status**

- (a) At the time of application for a zoning certificate, or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Administrative Officer or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the code regulations in existence at that time.
- (b) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of, or amendment to, this code, the Administrative Officer shall issue a zoning certificate identifying it as a legal nonconformity. A copy of such certificate shall be kept on file in the offices of the Administrative Officer.

## **1240.04 Nonconformities and Variances**

- (a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
- (b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
- (c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

## **1240.05 Nonconforming Uses**

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a)** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of Section [1240.05\(e\)](#).
- (b)** No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c)** No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d)** Change or Substitution of Nonconforming Use
  - (1)** If no structural alterations are made that increase the nonconformity, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use, as determined by the BZA. Such determination shall be made at a public hearing held in the same manner as a variance (See Section [1214.11.](#)), including notice, but the variance review criteria of Section [1214.11\(d\)](#) shall not apply. At the hearing, the BZA shall make a recommendation if the proposed use, which must be a permitted use in the Code, is similar in nature and intensity, or is a more restricted use, allowable as a change or substitution under this section.
  - (2)** Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.
  - (3)** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (e)** Expansion of a Nonconforming Use
  - (1)** Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming residential use (not including mixed use buildings or live/work units) may be increased or improved, regardless of the applicable zoning district, provided the structure continues thereafter to be used for residential purposes only and meets all required setbacks.
  - (2)** Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming, nonresidential use, may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
  - (3)** Factors that may be considered in determining an adverse impact include but are not limited to:
    - A. Noise, odor, and/or vibrations;
    - B. Traffic;
    - C. Visual impacts;

- D. Access to light and air from adjoining properties;
- E. Existence of screening;
- F. The hours of operation;
- G. The effect on the access to the property by fire, police, or other public services; and
- H. The predominant or prevailing land use, building and structure patterns of the surrounding neighborhoods.

- (4)** Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.

**(f)** Existing Use Reclassified as a Conditional Use

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section [1214.05](#). Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

**(g)** Termination of Nonconforming Uses

**(1) Termination of Use through Discontinuance**

- A. When any nonconforming use is discontinued or abandoned for more than two years, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
- B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g. townhouses in a single-family residentially zoned area). In these cases, the BZA may recommend that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions and design standards may be recommended by the BZA so as to minimize the impact of such continuance on the area.

**(2) Termination of Use by Damage or Destruction**

- A. If a nonconforming single-family dwelling, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.
- B. If any nonconforming use, other than a single-family dwelling, is damaged, but not to an extent greater than 50 percent of the principal structure's market value according to the Montgomery County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning certificate, which must be issued within six months of the damage or the use shall not be reestablished.
- C. If any nonconforming use, other than a single-family dwelling, is damaged beyond 50 percent of the principal structure's market value according to the Montgomery County Auditor, such structure and use may only be reestablished with approval by City Council after consideration of surrounding uses and the impact of the nonconforming use.

- D. If the City and the owner cannot agree as to the market value of the building or structure, the market value shall be determined by a panel of three appraisers, one of which is selected by the City, one by the owner and, the third by agreement of the other two appraisers.

*(Amended 12-16-2020, Ordinance 20-31)*

## **1240.06 Nonconforming Structures and Sites**

A nonconforming building or structure may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (e) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1) If a nonconforming structure is damaged, but not to an extent greater than 75 percent of the structure's market value, as determined by the Montgomery County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning certificate. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (2) If a nonconforming structure is damaged beyond 75 percent of the structure's market value, such structure shall only be rebuilt in compliance with the requirements of this code, with the exception that if the nonconforming structure did not meet the minimum square footage requirement specified in [Section 1226.04](#), the structure may be rebuilt to the original square footage. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
  - (3) If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

### **1240.07 Nonconforming Lots of Record**

- (a) In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory uses may be erected on any single lot of record that was legally created on or before the effective date of this code (Ordinance 86-13, passed November 17, 1986), or as amended, notwithstanding limitations imposed by other provisions of this code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Such lot shall also have frontage on a public street or on a private street in an approved subdivision. These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A request to vary the site development standards shall only be allowed through the issuance of a variance.
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code, and if all or part of the lots do not meet the requirements established for lot frontage and area, the lands involved shall be considered to be an undivided parcel for purposes of this code and shall be legally combined prior to the issuance of any permits. No portion of such parcel shall be used or sold in a manner which diminishes compliance with lot frontage and area requirements established by this code, nor shall any division of any parcel be made which creates a lot frontage or area below the requirements stated in this code.
- (c) A legal nonconforming lot of record having a width of sixty feet or less at the building line may have minimum side yards five feet in width along each side lot line.

### **1240.08 Nonconforming Signs**

See Section [1236.14](#) for the regulation of nonconforming signs.

### **1240.09 Repair and Maintenance**

- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Administrative Officer or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.

# **Chapter 1242: Enforcement and Penalties**

## **1242.01 Enforcement by the Administrative Officer**

- (a) The Administrative Officer is hereby designated as the enforcing officer of this code.
- (b) The Administrative Officer is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
- (c) The Administrative Officer may be assisted by other personnel as the City Manager may authorize.

## **1242.02 Violations**

- (a) It shall be unlawful to:
  - (1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - (2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, conditional use approval, certificate of zoning compliance or subdivision plat approval indicating compliance with the provisions of this code;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Administrative Officer for a zoning certificate, conditional use approval, certificate of zoning compliance, or subdivision plat approval or in the plans or specifications submitted to the Administrative Officer in relation to such application;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

## **1242.03 Permit Revocation**

The Administrative Officer may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application.

## **1242.04 Complaints Regarding Violations**

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such written complaints shall fully state the causes and basis of the complaint and shall be filed with the Administrative Officer.

### **1242.05 Inspection of Property**

The Administrative Officer may inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this code.

### **1242.06 Stop Work Order**

- (a) Whenever it comes to the attention of any City official charged with enforcing this code that any work is being done contrary to this code or in an unsafe manner, he or she shall promptly issue a stop work order to the owner of the premises or his or her agent or to the person doing the work. This applies to work being done either within a public right-of-way or on private premises.
- (b) The stop work order may be oral or written and shall state the conditions upon which work may be resumed. The order shall direct the order of performance of work necessary to remove any violation of this code or to correct the work or condition the issuer deems to be unsafe.
- (c) A distinctive placard informing all persons concerned that the work at the site has been stopped by official order shall be posted at the site.
- (d) Upon receiving a stop work order, the recipient of the order or those persons working on the site shall immediately cease work.
- (e) If the recipient of such order disagrees with the order, he or she may request confirmation in writing by the City representative who issued the order. He or she may then appeal the order to the Planning Commission. However, no work may be resumed until such appeal has been heard and favorably acted upon by the Planning Commission.
- (f) No person shall violate any such stop work order or continue any prohibited work after receipt of such order, either oral or written.

### **1242.07 Notice of Violation**

- (a) Any person found to be in violation of any provision of this code or any order, requirement, rule or regulation issued under the authority of this code, will be served with a written notice stating the nature of the violation and providing a reasonable time for compliance. If the Administrative Officer has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Administrative Officer may dispense with establishing another time period for compliance.
- (b) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
- (c) No person shall violate or continue to violate any provision of this section beyond the time limit for compliance set forth by the Administrative Office, notice of violation or compliance schedule established by the Administrative Officer.

### **1242.08 Penalties**

- (a) Whoever violates or fails to comply with, or permits or causes any person in his or her employ to violate or fail to comply with, any of the provisions of this code, shall be guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) In addition, or in the alternative, a person who violates or fails to comply with or permits or causes any person in his or her employ to violate or fail to comply with the provisions of this code shall be deemed to be creating a public nuisance, and the creation thereof may be enjoined, and maintenance thereof may be abated by action filed by any City official charged with enforcing this code.

### **1242.09 Remedies**

- (a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, City Council, the Law Director, the Administrative Officer, Building Official, Director of Public Services, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (b) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1242.10 Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1242.11 Other Actions**

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

# Chapter 1244: Definitions

## 1244.01 Rules of Construction and Interpretation

**(a)** Intent

All provisions, terms, phrases, and expressions contained in this code shall be construed according to stated purpose and intent of this code.

**(b)** Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

**(c)** References to Other Regulations, Publications and Documents

Whenever reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

**(d)** Public Officials and Agencies

- (1)** All public officials, bodies, and agencies to which references are made are those of the City of Vandalia, unless otherwise expressly stated.
- (2)** Unless otherwise specified, all references to County agencies, including but not limited to the County Auditor, the County Engineer, or the Board of County Commissioners, shall be construed as to refer to Montgomery County.
- (3)** Any staff member identified as having a responsibility for the administration or enforcement of this code (e.g., Administrative Officer, Director of Public Service, Director of Public Services, Chief Building Official, etc.) shall be so appointed by the City Manager and the title given by this code may, in certain instances, not correspond directly with any official job titles at the City of Vandalia.

*(Amended 01-19-2024, Ordinance 23-31)*

**(e)** Delegation of Authority

Whenever a provision appears requiring the head of a department or another staff person or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or staff member to delegate the responsibility to a designee, unless the terms of the provision specify otherwise.

**(f)** Technical Words

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(g)** Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

**(h)** Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** “And” indicates that all connected items, conditions, provisions, or events shall apply; and
- (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

- (i) Tense and Usage**  
Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
- (j) Gender**  
The masculine shall include the feminine, and vice versa.
- (k) Meaning**  
For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.
- (l) Other Terms Not Defined**  
Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. In making interpretations of the meaning of words or phrases, any person or board responsible for interpreting the code may refer to definitions in the applicable fire code, State building code, state statutes, as well as any reports or dictionaries available through the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), and similar professional organizations related to the term that requires interpretation.
- (m) Percentages and Fractions**  
When a calculation required by this code results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of #.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than #.5 percent shall be rounded up to the next higher whole number.
- (n) Times**  
Unless otherwise specified, all references to specific times of day, such as deadlines, shall refer to local Eastern Standard or Daylight time at the main offices of the City of Vandalia, whichever is in effect as of the relevant date.

*(Amended 01-19-2024, Ordinance 23-31)*

## 1244.02 Definitions

### **Abandonment**

Abandonment generally means the discontinuance of the occupation and productive use of the property by the owner for a period of 12 consecutive months. "Abandonment" may be presumed, regardless of time, if the property is unoccupied and any of the following has occurred:

- Orders have been issued against the owner of the property for violations of any applicable building, fire, property maintenance, and other safety service codes, and attempts to serve process on such orders and/or criminal citations have been unsuccessful;
- Owner no longer resides at the tax mailing address listed on the tax duplicate maintained by the County Auditor;
- The owner is a corporation that is not licensed to do business in the State of Ohio or, having been licensed, is no longer in good standing;
- The named owner is deceased and no probate estate has been opened within six months of the death of the named owner; or
- The property is up for sheriff's sale.

### **Abutting, Adjoining, or Adjacent**

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

### **Access**

A way of approaching or entering a property. Access shall include all points of ingress and egress.

### **Accessibility Ramps**

Permanent or portable amps utilized to provide a disable person with accessibility to a structure.

### **Active Recreational Facilities**

Any park or recreational facility that is owned, managed, or operated by the City of Vandalia, a local township, Montgomery or Miami County, the State of Ohio, or a non-profit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands.

### **Addition**

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

### **Administrative Officer**

The staff person at the City of Vandalia who has the primary responsibility for administering the duties of this code. Such person shall be appointed by the City Manager.

### **Administrative, Business, or Professional Offices**

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

### **Adult Arcade (Adult Use)**

Any place to which the public is permitted or invited wherein for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video cassette players, laser disc players, DVD players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store (Adult Use)**

An establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its weekly gross receipts from, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration of, any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, digital images, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
- Instruments, devices or paraphernalia designed for use as part of, or in connection with, specified sexual activities.

**Adult Cabaret (Adult Use)**

A nightclub, bar, restaurant, bottle club, or commercial establishment, whether or not alcoholic beverages are served, which regularly features: (i) persons who appear nude, semi-nude or in a state of nudity; or (ii) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**Adult Motel (Adult Use)**

A motel, hotel or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

**Adult Motion Picture Theater (Adult Use)**

An establishment, where, for any form of consideration, films, motion pictures, videos, digital images, slides, or other photographic or electronic reproductions are shown and in which a substantial or significant portion of the establishment's regular business is devoted to the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities or a significant or substantial portion of its weekly gross receipts is derived from the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

**Adult Uses**

Businesses that include "adult arcades," "adult novelty stores," "adult video stores," "adult bookstores," "adult cabarets," "adult motels," "adult motion picture theaters," "escort agencies," "massage parlors," "peep shows," "semi-nude model studios," or "sexual encounter establishments" as defined in this code.

**Agricultural (Limited Livestock)**

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

For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.

**Agricultural (Raising of Crops)**

Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

**Airport**

The Dayton International Airport.

**Airport Hazard**

Any building, structure, object of natural growth, or use of land within an airport hazard area which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off of aircraft.

**Airport Hazard Area**

Any area of land adjacent to an airport which has been declared to be an "airport hazard area" by the City in connection with any airport approach plan recommended by the operating authority. See also Section 1220.02 – Airport Environs Overlay (AEO).

*(Amended 01-19-2024, Ordinance 23-31)*

**Alley**

Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation. An alley right-of-way shall be not less than sixteen feet wide.

**Amateur Radio Towers and Antennae**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, towers, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Animal Boarding Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, breeding or care of animals or pets, under 200 pounds, for profit, but exclusive of animals used for agricultural purposes.

**Animal Hospitals/Clinics**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

**Antenna**

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

**Antenna Support Structure**

A ground-based tower that can be used for location of wireless telecommunications facilities.

**Apiary**

The assembly of one or more colonies of bees at a single location.

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Section [1214.02](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1214: Review Procedures](#). All documentation (whether written, printed, or submitted digitally) submitted by the applicant or its agent shall be considered part of the application, and shall constitute a public record. Statements, representations, and additional documentation made or presented by the Applicant or its agent at a public hearing shall not be considered part of the Application, but shall be considered part of the public record for the purposes of consideration of an Application.

*(Amended 01-19-2024, Ordinance 23-31)*

**Asphalt and Concrete Manufacturing and Contractors**

A use of land and/or buildings to produce, crush, or distribute, or otherwise process asphalt, concrete, and similar materials. Such use may also include related contractors who work with such materials.

**Assembly Halls or Conference Centers**

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

**Aquaculture**

The cultivation of aquatic organisms (such as fish or shellfish) especially for food or the pet trade. (e.g., tropical fish, marine fish and invertebrates, and Coral)

*(Amended 01-20-2022, Ordinance 21-33)*

**Arboretum**

A place where trees, shrubs, and herbaceous plants are cultivated for scientific and educational purposes.

*(Amended 01-20-2022, Ordinance 21-33)*

**Automobile and Motorcycle Sales and Leasing**

Any building or land used for the display, sale, or rental of new or used motor vehicles in operable condition. This use type is intended to be for the sale and lease of typical passenger vehicles including, but not limited to, cars, passenger trucks, and motorcycles.

**Automotive Repair and Service**

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

*(Amended 12-16-2020, Ordinance 20-31)*

**Automotive Repair and Service (Heavy)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

**Automotive Sales and Leasing**

Any building or land where new or used boats, trailers, commercial trucks (not passenger pick-up trucks, cars or motorcycles as defined in “automobile and motorcycle sales and leasing”), mobile homes, and/or recreational vehicles, in operational condition, are sold or leased to customers.

**Awning**

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



*Figure 1244-A: Examples of traditional awnings*

**Basement**

A room or set of rooms located below the first-floor joists and having one-half or more of its height below the average level of the adjoining ground.

**Basketball Hoops**

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

**Bed and Breakfast Establishment**

An owner-managed and owner-occupied residential structure used as a lodging establishment where up to five rooms are rented on a nightly basis and in which breakfast is the only meal and is included as part of the basic compensation.

**Beekeeper**

A person who owns or has charge of one or more colonies of bees.

**Beekeeping**

The keeping of one or more colonies of bees on a property as an accessory use.

**Beekeeping Equipment**

Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

**Bike and Skateboard Ramps**

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

**Block**

The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the municipality.

**Block Face**

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

**Board of Zoning Appeals (BZA)**

The Board of Zoning Appeals for the City of Vandalia, Ohio as established in Section [1212.06](#).

**Botanical Garden**

A garden often with greenhouses for culture, study, and exhibition of special plants.  
(Amended 01-20-2022, Ordinance 21-33)

**Brewery**

A place where beer is produced with or without a taproom.  
(Amended 01-20-2022, Ordinance 21-33)

**Building**

A structure, of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

**Building Elevation**

The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

**Building Height**

The measurement of the vertical distance of a building as established in Section [1226.02\(e\)](#).

**Building Line**

A line formed by the face of a building. For the purposes of this code, a building line is the same as a front setback line.

**Building Materials and Sales Yards**

An establishment engaged in the sale of building materials supplies or equipment that typically includes lumber yards, builder supplies, the sale of brick, tile, cement, insulation, roofing materials, and the like, as well as other related activities.

**Building, Accessory**

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

**Building, Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Building, Principal or Main**

A building in which is conducted the principal use of the lot upon which it is situated.

**Building, Temporary**

A building, without any foundation or footings, that is removed from its location when the designated time period, activity or use for which the temporary building was erected has ceased. Portable storage units shall not be considered a temporary building or structure for the purposes of this code.

**Cannabis**

See Also "Marihuana".

(Amended 10-03-2024, Ordinance 24-18)

**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”



*Figure 1244-B: Example of a canopy and related sign*

**Capture Area**

The area around the public water supply well fields.

**Cemeteries**

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

**City**

The City of Vandalia, Ohio

**City Council**

The City Council of the City of Vandalia, Ohio

**City Engineer**

See the “Director of Public Services”

**Co-location**

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

**Colony**

An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

**Commercial Business and Support Services**

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants and internet providers.

**Commercial Message or Speech**

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

**Commercial Parking Facility**

A business which provides as a service for fee, long or short-term storage of vehicles.

**Commercial Recreational Facilities (Indoors)**

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult uses" or "gun ranges (indoors)".

**Commercial Recreational Facilities (Outdoors)**

Land or facilities, including commercial entertainment facilities, for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately manages or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages, motorcycle rider training facilities or swimming pools. Commercial recreational facilities shall not include "adult uses".

*(Amended 12-16-2020, Ordinance 20-31)*

**Community Gardens**

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

**Comprehensive Plan**

The official City document, which may be amended from time to time, establishing the policies for the future of the community and outlining desirable uses of land and development of public facilities.

**Construction**

The erection, alteration, repair, renovation, demolition or removal of any building or structure, and the clearing, stripping, excavating, filling, grading and regulation of sites in connection therewith.

**Construction Plans**

A complete set of engineering drawings, drawn to scale, containing, but not limited to, street plans and profiles, cross sections, sanitary sewer plans and profiles, water main plans and profiles, storm sewer plans and profiles and a complete topographical layout of all existing appurtenances and structures located within the right-of-way.

**Contractor Equipment and Storage Yards**

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**Council**

The City Council of the City of Vandalia.

**County**

Montgomery County, Ohio

**County Engineer**

The County Engineer of Montgomery County.

**Covenant**

A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Cover or Covering**

Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomic area beneath it.

**Cultural Facilities**

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

**Culvert**

A transverse drain that channels under a bridge, street or driveway.

**Day-Night Sound Level (DNL)**

The estimated cumulative noise exposure in decibels as measured by an A-weighted sound-level meter. To determine the DNL level, noise exposures are accumulated for a typical 24-hour period. A weighting factor equivalent to a penalty of ten decibels is applied to aircraft operations and other noise sources between 10:00 p.m. and 7:00 a.m. to account for the increased sensitivity of people to night-time noise. Points of equal readings are plotted on a map of the area surrounding an airport and then connected with a line. Such lines are referred to as DNL contour lines, or noise contours.

**Dedication**

The transfer of property or uses from private to public ownership. Approval of a plat shall not be an obligation to accept the improvement of any street, highway or other way shown upon the plat by the public sector.

**Deed Restriction**

See the definition of “covenant.”

**Density**

A unit of measurement indicating the number of dwelling units per acre of land, to be used in road design and not to be confused with sanitary sewer and water design density.

**Density, Gross**

The number of dwelling units per acre of the total land to be developed.

**Detached Garages and Carports**

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

**Detached Storage/Utility Sheds, Barns, Gazebos, Pool Houses, and other Similar Buildings**

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

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect the development of land for himself or herself or for another; any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filing, grading, paving, excavation, or drilling.

**Direct Recharge Area**

That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

**Director of Public Services**

The Director of Public Services of the City of Vandalia, Ohio

**Distillery**

The works where distilling (as of alcoholic liquors) is done with or without a taproom.  
(Amended 01-20-2022, Ordinance 21-33)

**District**

See the definition of “zoning district.”

**DNL Contour**

A line linking together a series of points of equal cumulative noise exposure based on the DNL metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

**Drainage**

- Surface water runoff; and
- The removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preserving the water supply and the prevention or alleviation of flooding.

**Drive-Through Facility**

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

**Driveway**

A private paved area giving access from a public right-of-way to a detached single-family dwelling on abutting ground, or to a group of multifamily or commercial buildings, which road is not dedicated to the City and for which the City has no responsibility to maintain.

**Dumpster or Trash Receptacle**

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

**Dwelling**

A building or portion thereof which is designed and used exclusively for non-transient residential purposes containing living, sleeping, housekeeping, accommodations, and sanitary facilities for occupancy by one family.

**Dwelling Unit**

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

**Dwelling, Four-Family**

A building occupied or constructed to be occupied exclusively by not more than four families or housekeeping units.

**Dwelling, Multi-Family**

A building or portion thereof occupied or constructed to be occupied by more than four families or housekeeping units.

**Dwelling, Secondary**

A second dwelling unit located on a lot with a principal dwelling structure as may be allowed as an accessory use in accordance with Section [1224.01](#).

**Dwelling, Single-Family**

Housing located on individual lots, physically unconnected with any adjacent homes, occupied by a single housekeeping unit. The term “single-family dwelling” shall also include permanently sited manufactured homes, as defined in the ORC, when such homes meet all standards that apply to single-family dwellings.

**Dwelling, Three-Family**

A building occupied or constructed to be occupied exclusively by not more than three families or housekeeping units.

**Dwelling, Two-Family**

A building occupied or constructed to be occupied exclusively by not more than two families or housekeeping units.

**Dwelling, Zero Lot Line Double**

A single-family attached dwelling wherein each unit is located on a separate lot.

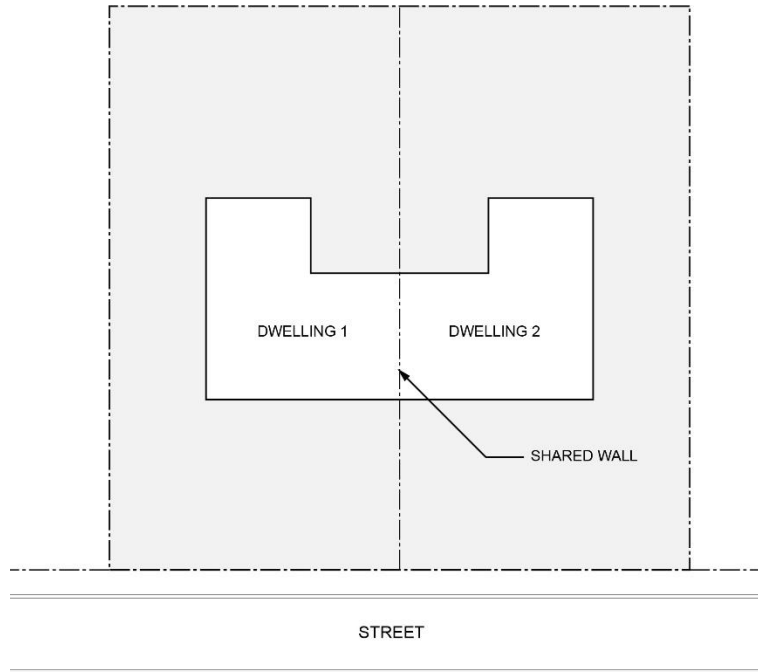


Figure 1244-C: Illustrative example of a zero lot line double dwelling.

**Easement**

A right given by a landowner to another party use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

**Educational Institutions (Higher Education)**

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

**Educational Institutions (Preschool and K-12)**

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

**Electronic Message Center**

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

**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**

To build, construct, attach, hang, place, suspend or affix, and includes the painting of wall and/or window signs.

**Escort Agency (Adult Use)**

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

**Essential Services**

The erection, construction, alteration, or maintenance by City utilities or City departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such City utility or City department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

**Essential Services**

See Subsection [1210.05\(b\)](#) for a full definition of essential services.

**External Illumination**

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

**FAA**

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

**Façade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.

**Façade, Front**

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

**Façade, Secondary**

Secondary facades are all facades that are not determined to be the primary façade.

**Family**

One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

**FCC**

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

**Fence**

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

**Fence, Invisible**

An electrical fence, buried underground, used to retain animals on-site.

**Financial Guarantee**

Cash, bonds, or other sureties, provided to the City to ensure the construction of parks, open space, public improvements, landscaping, or similar improvements. See Section [1238.05\(m\)\(12\)](#).

**Financial Institutions**

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

**Floor Area**

The sum of the gross horizontal areas of each floor of the principal building measured in accordance with Section [1226.02\(f\)](#).

**Foot-candle**

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

**Footprint**

The horizontal area measured from the exterior surface of the exterior walls of the ground floor of a building as may be measured in accordance with Section [1226.02\(f\)](#).

**Fraternal, Charitable, and Service Oriented Clubs**

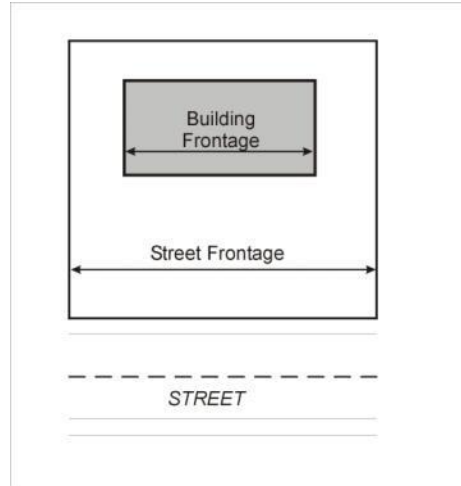
A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Frontage**

The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage.

**Frontage, Building**

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the City Planner shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1244-D](#).



*Figure 1244-D: Illustration of building frontage versus lot frontage.*

**Frontage, Lot**

The distance, on a horizontal plane, between the side lot lines measured along the required minimum front building setback line.

**Frontage, Street**

The distance for which the front boundary line of the lot and the street line are coincident. See [Figure 1244-D](#).

**Fuel Stations**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

**Funeral Homes**

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

**Grade**

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

**Gravel Pits and Mining**

The extraction, processing and selling of sand and gravel reserves.

**Gravel Surface Parking Lots**

Temporary parking lots paved with gravel that may be utilized on a temporary basis while a site is under construction.

**Green Space**

Land shown on a site or development plan, master plan or official map for conservation, preservation, recreation, landscaping or park. See also the definition of “open space.”

**Ground Cover**

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

**Group Home**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

**Health Hazard (SWPO District)**

Posing any of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a substance or mixture of substances may pose a health hazard are detailed in Appendix A to 29 C.F.R. § 1910.1200 - Health Hazard Criteria.

**Hedge**

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

**Hive**

The receptacle inhabited by a colony that is manufactured for that purpose.

**Home Occupations**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Homeowners' or Property Owners' Association**

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

**Honey Bee**

All life stages of the common domestic honey bee, *apis mellifera* species.

**Hospital**

An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities.

**Hotel or Motel**

A facility offering temporary lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities.

**Housekeeping Unit**

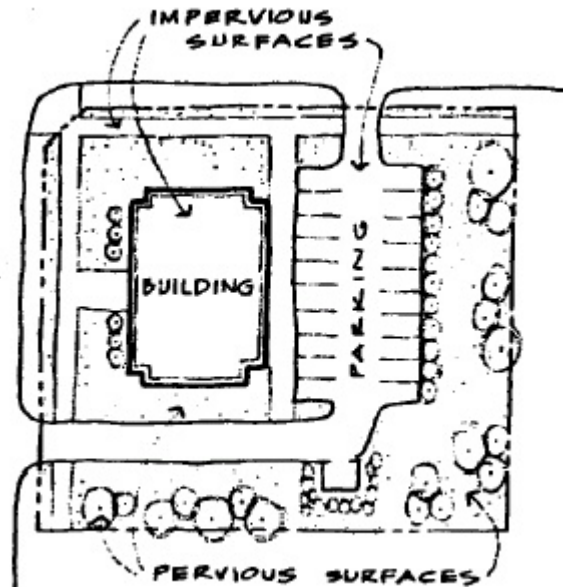
One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

**Illuminance**

The quantity of light arriving at a surface divided by the area of that surface, which is measured in footcandles.

**Impervious Surface**

Any material that provides a significant barrier to the absorption of stormwater into the ground located directly below the material such as, but not limited to: asphalt, concrete, roofed structures, etc. Decks, pervious paver blocks, and other materials that are designed with adequate openings to allow stormwater to pass through the material into the ground shall not count as an impervious surface. The Director of Public Services shall have the final determination of what structures and materials are considered impervious surfaces.



**Impervious Surface Coverage**

means a measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

**Landscaped Area**

A pervious area containing mulch, grass, shrubs, trees, flowers or other living materials.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

**Large Animal Boarding Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding or care of animals or pets, over 200 pounds, for profit.

*(Amended 01-20-2022, Ordinance 21-33)*

**Light Manufacturing**

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

**Light Trespass**

Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1226.08](#).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1226.08](#).

**Live/Work Unit**

A use that combines a commercial activity allowed in the zoning district with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household. The unit is also where the resident owner or employee of the business is responsible for the commercial activity performed.

**Loading Area**

An area used for the standing, loading, or unloading of trucks that includes defined loading spaces or other areas designated for such activities.

**Loading Space**

A designated space that provides for the standing, loading or unloading of trucks.

**Lot**

A parcel of land designated by metes and bounds, plat, registered land survey, auditor's plot, or other accepted means and separated from other lots or portions by the description for the purpose of sale, lease, or separation thereof.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1226.02](#).

**Lot Coverage**

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water. See "impervious surface coverage."

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1226.02](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1226.02](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1226.02](#).

**Lot Line, Zero**

A common lot line on which a wall of a structure or building may be constructed.

**Lot of Record**

A lot which is part of a subdivision, the part of which has been recorded in the office of the Montgomery County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See Section [1226.02\(d\)](#).

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See Section [1226.02\(d\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1226.02\(d\)](#).

**Lot, Flag (Panhandle)**

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1226.02\(d\)](#).

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1226.02\(d\)](#).

**Lot, Nonconforming**

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

**Lumber and Home Improvement Center**

A cement, insulation, roofing materials, and the like are sold at retail. The sale of items such as, but not limited to, heating and plumbing supplies, electrical supplies, paint, glass, hardware and other items are sold at retail.

**Marihuana (or Marijuana)**

For the purposes of this code, the terms Marihuana, Marijuana, and Cannabis have the same meaning as in Section 3719.01 of the Ohio Revised Code.

*(Amended 10-03-2024, Ordinance 24-18)*

**Marijuana, Adult Use**

refers to marijuana cultivated, processed, sold, or otherwise dispensed under the authority of the Ohio Division of Cannabis Control and Chapter 3780 of the Ohio Revised Code.

*(Amended 10-03-2024, Ordinance 24-18)*

**Marijuana, Medical**

refers to marijuana cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

*(Amended 10-03-2024, Ordinance 24-18)*

**Marquee**

A permanent 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 the weather.

**Massage Parlor (Adult Use)**

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas.

**Massing**

The three-dimensional bulk and shape of a structure that includes the height, width, and depth.

**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken.

**Meadery**

A place where mead is produced with or without a taproom.

*(Amended 01-20-2022, Ordinance 21-33)*

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning and similar purposes.

**Medical/Dental Clinics**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This term shall also include the operation of an urgent care clinic that may be opened for 24 hours and that is meant to accommodate non-emergency medical situations. This definition does not include "hospitals," "skilled nursing facilities" or "personal care facilities."

**Microbrewery, Microdistillery or Microwinery**

An establishment with a primarily use as a bar or tavern where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated bar or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.

**Mixed Use Buildings**

A lot or building that contains a mixture of uses that are permitted in the applicable zoning district including residential dwelling units on the second or higher floors.

**Mobile Food Vendors**

See Section 825.19 of the Codified Ordinances for applicable definitions.

**Modification**

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

**Monopole**

A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

**Mounds and Berms**

A man-made mass of dirt or soil used to shield or buffer properties from adjoining uses.

**Mulch Processing Facility**

A facility engaged solely in the processing of brush, tree trunks & stumps, leaves, grass clippings, garden waste, holiday trees and tree/shrub prunings, obtained either from the property where the facility is located or from an offsite location to produce mulch for resale that is also licensed by the State of Ohio as a Class IV Compost Facility. Such processing shall include but not be limited to the taking in of acceptable materials for processing, processing and/or grinding of materials, drying of the product, outdoor storage and the ancillary resale/wholesale of the mulch product.

**Multi-Tenant Use or Building**

A principal building with multiple nonresidential use types that are all allowed in the applicable zoning district but are located in separate tenant spaces. A single building with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant use.

**Natural Vegetation**

Any ground cover in its original state before commencement of earth-disturbing activities.

**Noncommercial Message or Speech**

Any sign, wording, logo or other representation that, does fall under the definition of “commercial message.”

**Nonconformity**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” and “structure, nonconforming.”

**Nucleus Colony**

A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

**Nude, Nudity, or State of Nudity**

Nude, nudity, or state of nudity means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering.

**Nursery Schools and Day Care Centers**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for adult for a portion of a 24-hour day in a building other than the adult's home.

**Nursery Schools or Day Care Centers (Children or Adults)**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. Such use shall be specifically an accessory use to another principal use as allowed in [Section 1224.01](#). Such care facility may also provide care to adults who need supervision.

**Official Thoroughfare Plan**

Sometimes referred to as the "Master Thoroughfare Plan" means the official plan for major highways and streets in the City, on file in the Director of Public Services' office, with all amendments and supplements subsequently adopted.

**Official Zoning Map**

The Official Zoning Map of the City of Vandalia, establishing certain zoning districts in the City, on file in the office of the Administrative Officer together with all amendments thereto subsequently adopted, as set forth in [Section 1216.03](#).

**One-Year Capture Area**

The area around the public water supply well fields delineated by the one-year groundwater travel time contour.

**Opacity**

The measurement of the percentage to which a wall, fence or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

**Open Space**

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

**Operating Authority**

The Director of the Department of Aviation, of the City of Dayton.

**Outdoor Dining**

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

**Outdoor Displays and Sales**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Storage**

The keeping, in an unenclosed area, of personal or business property, goods, wares, inventory or merchandise that are not located at that specific spot for customer viewing or immediate sale, in the same place, for a period of more than seventy-two hours.

**Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

**Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parapet or Parapet Wall**

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

**Parking Aisle**

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

**Parking Area**

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

**Parking Lot**

See definition of “parking area.”

**Parking Space**

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

**Parking, Land-Banked**

An alternative parking solution whereby a certain amount of parking is planned for a use but is not initially constructed with the principal use. See Section [1234.04\(e\)\(3\)](#).

**Parking, Off-Site**

A shared parking agreement between two public and/or private parking areas that are not located adjacent to one another, allowing for parking for one or both uses on the other's parking area. See Section [1234.04\(e\)\(2\)](#).

**Parking, Shared**

A shared agreement between two adjacent public and/or private parking areas to allow for shared parking between two or more uses. See Section [1234.04\(e\)\(1\)](#).

**Passive Parks, Open Space, and Natural Areas**

Parks, open spaces, and natural areas where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that open spaces and conservation areas may include the development of trails and sidewalks.

**Patios (Unenclosed)**

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 12 inches above the ground and does not require a building permit for construction.

**Pedestrian Connection**

A pedestrian walkway that includes sidewalks but may also include sidewalks on private property (not in the right-of-way) through the form of trails, designated walking areas, and similar walkways that are strictly used for pedestrian activity.

**Peep Show (Adult Use)**

An establishment used for presenting digital or video materials or live shows characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons in individual viewing booths.

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Care Facility**

A long-term or short-term residential facility that provides personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals," "group home," "skilled nursing facility," or "transitional housing."

**Personal Services**

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

**Pervious Area or Surface**

Any area that is not considered an impervious surface as defined by this code.

**Places of Worship**

A religious institution that a congregation of any denomination, that regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

**Planned Unit Development**

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. See [Chapter 1222: Planned Unit Developments \(PUDs\)](#).

**Planning Commission**

The Planning Commission of the City of Vandalia, Ohio as established in [Section 1212.05](#).

**Plat**

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

**Plat, Final**

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

**Plat, Preliminary**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with [Section 1214.09](#).

**Playsets, Treehouses, and Trampolines**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**Porches and Decks**

An enclosed or unenclosed surface area attached or adjacent to a building or structure, that is not used for livable space but that is enclosed or, if unenclosed, is at some point, more than 12 inches above the finished grade.

*(Amended 12-16-2020, Ordinance 20-31)*

**Premises**

Any parcel of land, including its appurtenances and buildings.

**Private Water Towers, Tanks, or Reservoirs**

A large container designed to hold water for the private use of the associated, principal industrial use.

**Public**

Owned, operated or controlled by a public or governmental agency, either Federal, State, County, township or City, including a corporation created by law to perform certain specialized governmental functions.

**Public Buildings**

For the purposes of this zoning code, public building means any building or structure or portion thereof, used by a government agency for administrative or service purposes. "Public buildings" includes but is not limited to fire stations, police stations, government offices, training facilities, park and recreation facilities, public works facilities, and other similar uses, whether or not such facilities are accessible by and open to the public.

*(Amended 01-19-2024, Ordinance 23-31)*

**Public Improvements**

The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

**Public Incinerator**

A governmentally owned facility used for the burning of trash and/or materials as may be allowed by the City of Vandalia.

**Public Utility Buildings and Facilities**

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

**PUD**

See “planned unit development.”

**Raceway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Radio, Television, or Transmission Towers**

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

**Real Estate Sales/Model Homes**

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

### **Regulated Substances**

Chemicals and mixtures of chemicals which are health hazards, including:

- Hazardous substances as defined in § 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S. C. §9601 and in any regulations issued under such Act;
- Any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act, 42 U.S.C. § 2011 et seq., and in any regulations issued under such act;
- Substances listed by the U.S. Environmental Protection Agency as “extremely hazardous substances,” “hazardous chemicals,” or “toxic chemicals” pursuant to the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §11001 et seq. or pursuant to any regulations issued under such Act;
- Chemical substances and mixtures for which the U.S. Environmental Protection Agency has concluded, pursuant to § 5 Toxic Substances Control Act, 15 U.S.C. §2605 (or regulations issued under said Act), that the manufacture, processing, distribution, use, or disposal thereof presents or will present an unreasonable risk of injury to health or the environment;
- Substances that are active ingredients in any pesticide regulated under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.;
- Petroleum (including crude oil or any fraction thereof), natural gas liquids, liquefied natural gas, or synthetic gas useable for fuel;
- Substances promulgated under the 1996 Safe Drinking Water Act Amendment Contaminant Monitoring Program and/or the Contaminant Candidate list;
- Substances for which the manufacturer or importer has prepared a Safety Data Sheet or GHS pursuant to 29 C.F.R. § 1910.1200; and
- Mixtures containing any of the foregoing at a concentration greater than one percent (1%) of the mixture, or where the total of all carcinogenic ingredients constitute one tenth of one percent (0.1%) of the mixture.

### **Research and Development Laboratory**

An establishment in which scientific research, investigation, prototype development and process development, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

### **Residential Community Centers**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and that may be privately owned or jointly owned by property owners.

### **Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

### **Retail Businesses**

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

### **Retail Greenhouses and Garden Centers**

An establishment where plant materials and related supplies are sold at retail or wholesale to the customer which include but may not be limited to plants, nursery products and stock, potting soil, hardware, power equipment and machinery, gardening hand tools and utensils.

**Right-of-Way (ROW)**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Roadside Stand**

A temporary structure designed for the display and sale of farm products produced on the lot upon which the stand is located. "Temporary" shall mean the erection of the structure for the harvesting portion of the year for which that particular item is grown.

**Roof Line**

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

**Runoff**

Shall generally include rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.

**Satellite Dishes**

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

**Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

**Self-Storage Facility**

Land or a building containing varying sizes of individual, compartmentalized, and controlled-access stalls, rooms, or lockers that are leased or owned by different individuals for the storage of their individual possessions.

**Semi-Nude Model Studio (Adult Use)**

Any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Semi-nude model studio" shall not include:

- A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
- A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [1226.02](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [1226.02](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that is shared with another lot where such lot line is defined as a side lot line. See Section [1226.02](#).

**Sexual Encounter Establishment (Adult Use)**

A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (i) a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or (ii) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**Sexually Oriented Material**

Sexually oriented material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:

- Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or
- Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.

**Shooting Range**

An indoor facility that is operated for the purposes of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, shooting range does not include a facility owned by a municipal corporation, county, township police district, or joint police district. An outdoor shooting range facility is a prohibited use.

*(Amended 12-16-2020, Ordinance 20-31)*

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public. See also "walkway."

**Sign**

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

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 1236.07.

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign Height**

The vertical distance to top of sign structure as measured pursuant to Section 1236.07.

**Sign, Abandoned**

A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, project or activity.

**Sign, A-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of “sign, T-frame sidewalk”.

**Sign, Air-Activated**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

**Sign, Animated or Moving**

Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling or traveling of a static message or scene onto or off a sign board in one direction per message. Scrolling is the vertical movement of a static message or display on an electronic sign.

**Sign, Awning**

A sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “air-activated sign”.

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Blade**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**Sign, Building**

Any sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

**Sign, Cabinet**

A type of sign in which a removable sign face is mounted in a rigid frame, and which may also feature an internal light source intended to illuminate the sign face. Cabinet Signs do not include signs composed of individual letters or logos no larger than the lettering to which they relate.

*(Amended 01-19-2024, Ordinance 23-31)*

**Sign, Canopy**

A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of “electronic message center.”

**Sign, Deteriorated**

A sign showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair.

**Sign, Drive-Through**

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

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

**Sign, Feather**

See also: Sign, Blade

*(Amended 01-19-2024, Ordinance 23-31)*

**Sign, Flashing**

A sign which contains an intermittent or sequential flashing light source, used primarily to attract attention, where such intermittent or sequential flashing occurs less than every five minutes.

**Sign, Freestanding**

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

**Sign, Hanging**

A sign that is affixed underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure.

**Sign, Illegal**

A sign which does not meet the requirements of this code, electric code, or building code, where applicable, and has not received legal nonconforming status.

**Sign, Marquee**

A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument structure. No open area shall exist below the message area of such sign.

*(Amended 12-16-2020, Ordinance 20-31)*

**Sign, Nonconforming**

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

**Sign, On-Premise**

A sign used to identify, advertise or promote persons, products or services available on the lot on which it is located.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

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

**Sign, Portable**

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels. This definition shall not include “sign, A-frame sidewalk” or “sign, T-frame sidewalk.”

**Sign, Projecting**

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Temporary**

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

**Sign, T-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for “sign, A-frame sidewalk”.

**Sign, Wall**

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

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are not legible from a distance of more than three feet beyond the building on which such sign is located.

**Single-Tenant Use or Building**

A principal building with only one nonresidential use type allowed in the applicable zoning district. See also the definition of “multi-tenant use or building.”

**Site Plan**

A plan, drawn to scale, showing uses, structures, and other improvements, proposed for a parcel of land as required by Section [1214.04](#).

**Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**Skilled Nursing Facility**

A long-term or short-term residential facility that provides skilled nursing services in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “group home.” See also “personal care facility” or “transitional housing.”

**Solar Energy Systems**

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating. For the purposes of this code, the terms “Solar Panel” and “Photovoltaic Cell” shall have the same meaning as Solar Energy Systems, and the terms shall be interchangeable.

*(Amended 06-02-2023, Ordinance 23-08)*

**Solar Farms**

A standalone energy generation facility or area of land principally composed of arrays of Solar Energy Systems used to convert solar energy to electricity, and for which the Solar Energy System itself is the principal use of the property on which it is located.

*(Amended 06-02-2023, Ordinance 23-08)*

**Solar Shingles**

A type of building-integrated solar panel having the dimensions and overall design of a conventional roof shingle, but with the added capacity to convert solar energy to electricity.

*(Amended 06-02-2023, Ordinance 23-08)*

**Source Water Protection Area**

The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonable likely to move toward and reach such water well or well field. It is comprised of two Source Water Protection districts, the Well Head Operation District, (WO) in the City of Dayton, and the Water Protection Area (WP) outside the WO, as shown on the Source Water Protection map.

**Specified Anatomical Areas**

Specified anatomical areas means and includes any one or more of the following:

- Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

Specified sexual activities means and includes any one or more of the following:

- The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy;
- Human masturbation, actual or simulated;
- Human excretory functions as part of, or as related to, any of the activities described above; and
- Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

**Stacking Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

**Standard Construction Drawings**

Drawings as adopted by City Council that demonstrate minimum standards for public improvements, including materials, construction methods and geometric configuration. Also may be referred to as “Standard Drawings.”

**Static/Instant Message Change**

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

**Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

**Story, Half**

An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches.

**Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

**Street**

A public right-of-way, as identified on the City Thoroughfare Plan, fifty feet or more in width, which right-of-way provides a means of access to an abutting property, or any public right-of-way not less than thirty feet in width which existed prior to the enactment of this code. "Street" includes avenue, drive, circle, road, highway or similar terms.

**Street, Arterial**

A street, as identified on the Thoroughfare Plan, which carries vehicular traffic of a State or Federal highway route, or a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

**Street, Boulevard**

A divided street, as identified on the Thoroughfare Plan, which can carry large or small amounts of vehicular traffic depending upon parking regulations and lot access, and includes a street intended to serve as a collector, local or private street.

**Street, Collector**

A street which carries or is expected to carry large amounts of vehicular traffic whose origin or destination is not primarily in abutting properties. Collector streets are intended to provide access to neighborhoods or sub-neighborhoods and to carry traffic from local streets to the arterial street system, including the principal entrance and circulation routes within a residential subdivision.

**Street, Cul-de-sac**

A local street, as identified on the Thoroughfare Plan, having only one end open for vehicular traffic with the other end terminated by a vehicular turnaround.

**Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**Street, Local**

A street, as identified on the Thoroughfare Plan, designed primarily for providing access to residential, commercial or other abutting property.

**Street, Private**

A strip of privately-owned land providing access to abutting properties. Private streets shall be indicated on the plat. Improvements of private streets shall conform to the minimum street standards and street sections of the City. In PUD zoned areas, private driveways and parking areas within multi-family areas shall not be construed to mean private streets.

**Structural Alteration**

Any change in the supporting members of a building or structure, such as, but not limited to, walls, columns, beams, girders, floor joists or roof joists, or in exterior walls.

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

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

**Structure, Temporary**

A structure, meeting any State or local codes where applicable, without any foundation or footings that is removed from its location when the designated time period, activity or use for which the temporary structure was erected has ceased. Portable storage units shall not be considered a temporary building or structure for the purposes of this code.

**Subdivider**

See “developer” or “applicant”.

**Subdivider’s Contract**

A contract between the subdivider and the City wherein the subdivider agrees to complete all public improvements as prescribed for a subdivision and shown on the respective construction plans approved by City Council within a time frame as specified in these subdivision regulations. In addition, the “subdivider’s contract” may provide that the subdivider make payment to the proper utility for installation of street lights. In the case of private streets and utilities, the “subdivider’s contract” likewise may also require such amenities be installed.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision in Section [1214.09](#).

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than three lots after the original tract has been completely subdivided. See further distinction in Section [1214.10](#).

**Swimming Pools (Outdoors)**

A water filled enclosure, permanently or portable, having the capability of a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having the capability of a depth of more than 24 inches, designed, used and maintained for swimming or bathing by the residents, tenants, or occupants of the subject property. This definition includes hot tubs and spas.

*(Amended 12-16-2020, Ordinance 20-31)*

**Tattoo or Piercing Parlor**

An establishment that provides body art services including tattoos and body piercings. Body art shall be as defined in Chapter 3701-9 of the Ohio Administrative Code.

**Taverns or Bars**

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Temporary Outdoor Sales and Events**

A short-term event or sale of products from an area outside of a permanent structure on property owned, leased or rented by the person, firm or corporation holding the sale or event.

**Temporary Storage in a Portable Container**

Any enclosed unit of durable construction or material, not to exceed eight feet in width by eight feet in height by sixteen feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site.

**Tennis and Other Recreational Courts (Outdoor)**

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

**Tent**

Any temporary structure greater than 200 square feet and either enclosed with walls of flexible material, covered with the same material, or both, and supported by poles or stretched by cords that are secured by pegs in the ground.

**Thoroughfare**

The public vehicular infrastructure composed of rights-of-way, boulevards, streets, cul-de-sacs and interstates.

**Trailer**

Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

**Transitional Housing**

A temporary housing arrangement designed to assist persons to obtain skills, financial wherewithal and/or the physical, psychological and emotional stability necessary for independent living in permanent housing in a community. Transitional housing is housing in which:

- An organization provides a program of therapy, counseling, supervision and/or training for the occupants;
- The organization operating the program may or may not be licensed or authorized by a governmental authority; and
- The program is for the purpose of assisting the occupants in one or more of the following types of care:
  - Protection from abuse and neglect;
  - Developing skills and the personal stability that is necessary to adjust to life in the community; and
- Treatment of the effects of substance abuse, even if under criminal justice supervision.

The definition of "transitional housing" includes the terms halfway house, safe house, temporary care home, and other similar uses. The definition of "transitional housing" does not include the terms "group home", as defined in the Code, or other similar permanent group living facilities.

**Tree, Deciduous**

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

**Tree, Evergreen**

A tree or plant that doesn't shed its leaves in the winter, but stays green all year. Fir trees, pine trees, holly bushes, and eucalyptus shrubs are all examples of evergreens.

**Tree, Large Shade**

A deciduous or evergreen tree typically taller than 70 feet in height. Examples of large trees are oaks, elm and most pines

**Tree, Medium**

A deciduous or evergreen tree typically less than 70 feet in height. Examples of medium trees are walnut, blue spruce or most maples.

**Tree, Ornamental**

A tree grown for its beauty rather than for use. It is usually a small flowering tree used for understory or massed in the open for color and texture. Examples of ornamental trees are dogwood or flowering plum.

**Tree, Shade**

Any tree grown specifically for its shade, usually applied to large trees with spreading canopies. Oaks, maples, ashes, lindens, and elms are examples of shade trees.

**Truck and Heavy Equipment Sales**

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

**Truck Facilities**

A facility intended to provide services to the trucking industry including but not limited to the following activities: the dispensing of fuel, the storage of truck tractors and truck trailers, weighing facilities, truck washing facilities, convenience retail sales and other driver accommodations.

**Type-A Day Care Home**

A permanent residence of the provider in which child care is provided for seven to twelve children at one time and in which case four or more of the children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type A home shall be counted; or as defined in the Ohio Revised Code.

**Type-B Day Care Home**

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

**Underground Storage Tank**

One or any combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances, the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground. The term "underground storage tank" does not include any of the following:

- Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act" of 1968, 82 Stat 720, 49 U.S.C.A. 2001, as amended;
- Surface impoundments, pits, ponds or lagoons;
- Storm or waste water collection systems;
- Flow-through process tanks;
- Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated;
- Septic tanks; or
- Tanks used for storing heating fuel for consumptive use on the premises when stored provided the premises are single or two-family residences.

**Undeveloped Property**

Any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

**Use**

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

**Use, Accessory**

A use subordinate to and servicing the principal use or structure on the same lot and customarily incidental thereto.

**Use, Conditional**

A use which may be appropriate or desirable in a specified zone, but requires special approval through the conditional use review (See Section [1214.05](#).) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any use lawfully being made of any land, building, or structure on the effective date of this code or any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of this code or any amendment thereto.

**Use, Permitted**

A use that can be permitted either administratively with a zoning certificate or with a site plan review as established for the specific use type.

**Use, Permitted with Standards**

A use that can be permitted without a conditional use review provided it meets additional standards established for the specific use type. A use that can be permitted either administratively with a zoning certificate or with a site plan review as established for the specific use type provided that the use complies with special standards established for the specific use type.

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

**Use, Temporary**

A use permitted for a limited duration with the intent that such use will terminate upon expiration of the fixed time period. Certain temporary uses may require a zoning certificate and may be subject to additional standards as set forth in [Section 1224.02](#).

**Utility Structure**

Any above ground structure, facility, or equipment, including but not limited to, pedestals, boxes, cabinets, meters, storage facilities, or utility stations, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications, cable, video and internet service, and water. Utility structure shall not include fire hydrants, utility poles, traffic control devices, or City equipment.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See [Section 1214.11](#).

**Vehicle Washing Establishments**

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

**Vehicle, Commercial**

Any vehicle, with or without motive power, designed or used primarily for carrying merchandise, freight, professional materials, and/or equipment, or used as a commercial tractor or motor bus.

**Vehicle, Fleet**

Any vehicle owned or operated by the person, company, or business which is used for purposes of delivery, pick up, or service to patrons of the primary use.

**Vehicle, Recreational**

A vehicle that meets all of the following conditions:

- It is designed for the sole purpose of recreational travel;
- It is not used for the purpose of engaging in business for profit;
- It is not used for the purpose of engaging in intrastate commerce;
- It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended;
- It is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4919, 4921, or 4923; and
- It is classified as an all-terrain vehicle, travel trailer, motor home, truck camper, fifth-wheel trailer, park trailer, or watercraft.

**Vehicular Use Area**

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

**Viewing Room**

The room, booth or area where a patron of an adult entertainment facility would ordinarily be positioned while watching a film, digital image, video or other video reproduction.

**Violation**

The failure of a structure or other development to be fully compliant with these regulations.

**Vision Clearance Triangle**

An area in which no structure or landscaping may be located to obstruct vision from the driver's position in a vehicle or a pedestrian approaching on a street as defined in [Section 1226.07](#).

**Walkway**

A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Wall Offset**

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

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses**

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

**Warehouse Store**

A large store that sells large quantities of products at low prices to the public.

*(Amended 01-20-2022, Ordinance 21-33)*

**Water Protection Area (WP)**

A geographical area between the WO district and the 1-year time of travel boundary as shown on the official current Source Water Protection map.

**Water Resource Area (WR)**

A geographical area between the WP district and the 5-year time of travel boundary as shown on the official current Source Water Protection map.

**Well Head Operation District (WO)**

A tract of land that contains a number of wells for supplying water.

**Wholesale Establishment**

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wholesale Greenhouses**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use but where there are no sales shall be considered accessory to the principal agricultural use of the land.

**Winery**

A wine-making establishment with or without a taproom.

*(Amended 01-20-2022, Ordinance 21-33)*

**Wireless Telecommunication Tower**

A structure that includes, but is not limited to, monopole, lattice and guyed towers on which telecommunication antennas are installed.

**Wireless Telecommunications Antenna**

An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operators' antennas.

**Wireless Telecommunications Facility**

Any cables, wires, lines, wave guides, antennas 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, the term "wireless telecommunications facility" shall not include:

- Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial.
- Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- Antennas used by amateur radio operators.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section 1226.02 for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section 1226.02, a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in Section 1226.02, a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in Section 1226.02, a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Certificate**

A certificate issued by the City stating that a proposed development or activity complies with this code as established in Section 1214.03 and used for the purpose of carrying out and enforcing its provisions.

**Zoning District**

An area within the City limits for which the regulations and requirements governing use are uniform as defined by Section 1216.01.

**Zoning District, Base**

The base zoning district is the zoning district established for each property that includes any of the residential base zoning districts, nonresidential base zoning districts, or special base zoning districts established in Table 1216-1. A base zoning district may also be referred to as the underlying base zoning district in cases where a property is subject to an overlay zoning district.

**Zoning District, Nonresidential**

The term "nonresidential zoning district" shall include the OR, DB, GB, NB, HB, OS, O, I/IP, I/I, I, and PF Districts as well as any planned development where the uses are solely nonresidential. Nonresidential zoning district may also include any district that allows residential uses as part of a mixed-use development or building.

*(Amended 01-20-2022, Ordinance 21-33)*

**Zoning District, Overlay**

A district described by the zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply in addition to those of the underlying zoning districts to which such designation is added.

**Zoning District, Residential**

The term “residential zoning district” shall include the RSF-1, RSF-2, RSF-3, RSF-4, RTF, RFF, and RMF, Districts as well as any planned development where the uses are solely residential.

**Zoning Map**

See “Official Zoning Map.”

**Zoological Gardens**

A facility with usually indoor and outdoor settings where living, typically wild animals are kept especially for public exhibition.

*(Amended 01-20-2022, Ordinance 21-33)*

## Appendix A: Table of Amendments

Amendments to the text of the Zoning Code shall be listed here for reference. Descriptions and other information are provided purely for research purposes. The most recent revision date for Sections, Chapters, and other provisions amended shall be indicated by the following text:

Example: *(Amended 01-19-2024, Ordinance 23-31)*

TABLE A-1: LIST OF AMENDMENTS TO THE TEXT OF THE VANDALIA ZONING CODE			
Effective Date	Planning Commission Case Number	Ordinance	Topic / Chapters Amended
January 17, 2019	N/A	18-25	Establishing Ordinance - Repealed and Replaced the Zoning Code in its entirety
June 7, 2019	PC 19-05	19-05	Amended Chapter 1224 – Accessory uses – to permit the Raising of Chickens
December 16, 2020	PC 20-10	20-31	Amended the Zoning Code to remedy various Scrivener's Errors and other Miscellaneous updates
January 20, 2022	PC 21-16	21-33	Amended the Zoning Code to create and define the Industrial / Innovation (I/I) Zoning District
June 3, 2022	PC 22-05	22-15	Amended the Zoning Code to create and define the Vandalia City Center Overlay (VCCO) District
June 17, 2022	PC 22-09	22-17	Amended Section 1218.03(b) – Prohibited Uses – to enact a prohibition on the Sale of Fireworks
June 2, 2023	PC 23-03	23-08	Amended the Zoning Code to update and expand upon regulations for Solar Energy Systems
January 19, 2024	PC 23-12	23-31	Amended the Zoning Code to include Various Updates and Clarifications
June 02, 2024	PC 24-02	24-08	Amending Section 1220.04(E).9. to allow for exceptions to the design standards for signs in the VCCO
October 03, 2024	PC 24-08	24-18	Amending Sections 1218.03(b) – Prohibited Uses – and Section 1242.02 Definitions to enact a prohibition on Adult Use Marijuana sales