

- (3) Findings By The Board of Zoning Appeals. In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Upon finding all such facts to be true, the BZA shall grant the Conditional Use. The proposed facility:
- i. Complies with all the applicable facility requirements specified herein.
 - ii. Is in fact a community based halfway house licensed by an agency of the State of Ohio and any other applicable agency or jurisdiction, if any.
 - iii. Is approved by the local agency responsible for providing support services and/or programs to the facility.
 - iv. Will be designed, constructed, and maintained so that such use will not change the general character of the area and operated in compliance with all relevant licensing or certification standards.
 - v. Will not be within two-thousand five hundred (2,500) feet of another Halfway House unless this standard is reduced by the BZA.
 - vi. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person or agency responsible for the establishment of the proposed use shall be able to adequately provide any such services.
 - vii. Will have vehicular approaches to the property which shall be designed to prevent any undue interference with traffic on surrounding public streets.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.05 STANDARDS GENERALLY APPLICABLE TO NON- SINGLE-FAMILY USES.

A. Parking.

- (1) The following provides for the calculation of required off-street parking spaces, the dimensional standards of required off-street parking spaces, loading areas, driveways and drive aisles. This section also regulates permitted materials for parking and loading areas. Requirements for the landscaping and of parking areas are set forth below in this Title. These provisions further provide for parking space reductions under certain circumstances as described herein. The minimum or maximum number of required off-street parking spaces and the location of parking areas are based on the use and district as set forth herein.
- i. The requirements set forth under this section shall apply under the following circumstances:
 - (a) The construction of any new structure;
 - (b) Any cumulative increase in gross floor area in excess of twenty-five percent (25%); or
 - (c) Upon a change from one use to another in accordance with the provisions of this Code.
 - ii. Calculation of Required Parking Spaces.
 - (a) The number of required off-street parking spaces or total loading area for a property shall be calculated in accordance with the following general standards:

- 1) When the product of the applicable formula for determining the number of required off-street parking spaces or the total loading area results in a fraction, the nearest higher whole number shall represent the number of required off-street parking spaces or the total loading area; and
 - 2) Except as otherwise expressly provided herein, when multiple uses are proposed to be conducted upon a single property, the number of required off-street parking spaces for such property shall be the sum of the required off-street parking spaces for each use to be conducted upon the subject property.
- iii. **Parking Space Reductions.**
- (a) The Zoning Administrator shall have the right to grant a reduction in the number of required off-street parking spaces if an applicant can satisfy any of the following:
- 1) Up to a maximum fifty percent (50%) reduction if the uses proposed to be conducted on the property shall each have different peak hours upon a credible showing that such reduction is warranted based on the size and type of the proposed development, the mix of uses (if applicable), the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Any reserved parking spaces for a specific tenant or dwelling unit may not be included in the shared parking calculation;
 - 2) Up to a maximum fifty percent (50%) reduction if the property is within 1,000 feet of public parking that has capacity for at least the amount of required parking being reduced and, such public parking is accessible to the subject property via safe public walkway(s);
 - 3) Up to a maximum ten percent (10%) reduction if the property includes a designated parking area for bicycles within 100 feet of the primary building entrance; and
 - 4) Up to a maximum ten percent (10%) reduction if the property is within 600 feet of a transit stop that is accessible to the property via safe public walkway(s);
- iv. **Parking Location and Layout.**
- (a) Off-street parking and loading areas provided in accordance with this Code shall comply with all of the following requirements:
- 1) All off-street parking and loading areas must have access to a publicly dedicated street or alley or right of way easement;
 - 2) Unless otherwise permitted in this Code, required off-street parking spaces must be located on the same property they are required to serve;

- 3) All off-street parking shall be configured so that all circulation between parking aisles is confined to the property and does not require entering upon the public right-of-way and to prevent motor vehicles from backing onto public rights-of-way (excepting single-or- two-unit residential dwellings); and
 - 4) Off-street parking shall only be permitted in the locations on the property determined for each district as set forth in this Code.
- v. Minimum Dimensions for Parking Spaces, Drive Aisles, and Driveways
- (a) All off-street parking spaces required in accordance with this code shall comply with the following minimum dimensions:
- 1) Parallel parking spaces shall be a minimum of eight (8) feet in width and a minimum of twenty-two (22) feet in length;
 - 2) Perpendicular parking spaces (90 degrees) shall be a minimum of nine (9) feet in width and a minimum of eighteen (18) feet in length and shall require a minimum twenty-four (24)-foot wide two-way drive aisle;
 - 3) Angled parking spaces (60 degrees) shall be a minimum of ten (10) feet in width and a minimum of twenty (20) feet in length and shall require a minimum eighteen (18)-foot wide one-way drive aisle; and
 - 4) All driving lanes and parking aisles in parking lots shall be clearly striped and shall be curbed, or in the alternative, if not curbed, then each parking space shall include fixed concrete wheel stops.
- vi. Off-Site Parking.
- (a) The Zoning Administrator may approve the use of off-site parking spaces toward the off-street parking requirements upon the satisfaction of the following standards:
- 1) Off-site parking may be located up to 600 feet away from the front entrance of the primary building along a paved pedestrian path, whether public or private, and the off- site parking property is owned in common with the subject property at all times;
 - 2) Off-site parking may be located up to 600 feet away from the front entrance of the primary building along a paved pedestrian path, whether public or private, and the off- site parking is not under common ownership with the subject property but is subject to an appurtenant easement providing the subject property with the right to use the off-site parking spaces at all times; and
 - 3) No accessible parking shall be located off-site.

- vii. Parking Surfaces.
 - (a) All off-street parking, including access drives and aisles, shall be paved with bituminous concrete, or other all-weather, dust-proof surfacing, or other approved material, such as permeable pavement materials approved by the Zoning Administrator, and shall be provided with bumper guards or barrier curbs where needed. A crushed stone or gravel surface may be used for a period not exceeding six months after the parking area is opened for use where ground conditions are not immediately suitable for permanent surfacing. All stormwater drainage shall be subject to applicable Clayton City stormwater regulations and approved by the Zoning Administrator.
 - (b) All vehicles shall be parked on paved surfaces.
- viii. Accessibility.
 - (a) Accessible parking spaces must be provided in conjunction with applicable provisions of the Ohio Revised Code and the Americans with Disabilities Act.
 - (b) All required accessible parking spaces shall be those that are the closest to the main entrance of the primary structure.
 - (c) Accessible parking spaces shall count toward the total number of spaces required by this Code.
 - (d) Accessible parking shall be marked as such on the pavement and with a sign in front of the parking space.
- ix. Bicycle Parking
 - (a) Bicycle parking, if provided, shall be located in a visible area within 100 feet of the primary building entrance.
 - (b) The minimum size of a bicycle parking space is two (2) feet by six (6) feet.
 - (c) Bicycle parking racks shall be anchored to a hard surface and located to avoid potential conflict with parking and circulation of motor vehicles. Bicycle parking racks shall be positioned out of any required walkway.
 - (d) Bicycle parking racks shall support each bicycle in a method that does not use a wheel as the primary means of support and connection to the rack.
 - (e) Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.
- x. Space Count
 - (a) The following table contains the minimum number of off-street parking spaces required for each of the following uses. If a use is not specified, then the number of required off-street parking spaces, if any, shall be at the Zoning Administrator's discretion.

USES	MINIMUM NUMBER OF PARKING SPACES
AGRICULTURE	
Wedding Barn	1 per 150 sq. ft. of rental space
Permanent Retail Associated with Agriculture	5
RESIDENTIAL	
Accessory Dwelling Unit (ADU)	1
Child Day Care, in Home - Type A	4
Child Day Care, in Home - Type B	2
Dwelling, Assisted	1 per bed
Dwelling, Care Facility	1 per bed
Dwelling, Halfway House	1 per bed
Dwelling, Multi-Unit Building	1.5 per unit
Dwelling, Multi-Unit Complex	1.5 per unit
INSTITUTIONAL	
Community Facility, Activity Center	1 per 400 sq. ft.
Community Facility, Public Health Safety	1 per 400 sq. ft.
Library	1 per 400 sq. ft.
Museum/Arts Center	1 per 400 sq. ft.
Event Center, Large	40% of maximum legal capacity
Event Center, Small	40% of maximum legal capacity
Religious Assembly	1 per 3 seats
COMMERCIAL	
Adult Entertainment Business	1 per 300 sq. ft.
Equipment Repair, Light	2 per service bay
Retail, Gasoline and Convenience	1 per 300 sq. ft.
Vehicle Care Services, Washes	1 per 300 sq. ft. of any associated retail space
Vehicular Care Services, Major	2 per service bay
Vehicular Care Services, Minor	2 per service bay
Vehicular Sales, Automobiles	2 per employee on the largest shift

USES	MINIMUM NUMBER OF PARKING SPACES
Vehicular Sales, Motorcycles	2 per employee on the largest shift
Vehicular Sales, Recreational Vehicles	2 per employee on the largest shift
Bar/Tavern	1 space per 150 sq. ft.
Enterprise, Indoor	1 per 500 sq. ft.
Live Theater	1 per 3 seats
Movie Theater	1 per 3 seats
Private Club	1 per 3 seats
Shooting Range, Indoor	1 per shooting bay
Adult Day Care	2 per employee on the largest shift
Alternative Financial Services	1 per 300 sq. ft.
Animal Shelter	2 per employee on the largest shift
Boarding/Kennel, Indoor	2 per employee on the largest shift
Child Day Care Center	3 per employee on the largest shift
Clothing Services, Dry Cleaning	1 per 300 sq. ft.
Clothing Services, Tailor	1 per 300 sq. ft.
Financial Services and Banking	1 per 300 sq. ft.
Funeral Homes	1 per 50 sq. ft.
Health and Wellness, Clinic	2 per exam room
Health and Wellness, Fitness Facility/Gym	1 per 300 sq. ft.
Health and Wellness, Massage	2 per massage room
Health and Wellness, Physical Therapy	1 per 300 sq. ft.
Overnight Lodging, Bed and Breakfast	1 per guest room
Overnight Lodging, Boutique Hotel	1 per guest room and 1 per employee on the largest shift
Overnight Lodging, Hotel	1 per guest room and 1 per employee on the largest shift
Overnight Lodging, Motel	1 per guest room and 1 per employee on the largest shift
Overnight Lodging, Resort	1 per guest room and 1 per employee on the largest shift
Personal Care and Beauty Services	1 per 300 sq. ft.
Storage, Self-Store	5
Medical, Nursing	1 per bed

<u>USES</u>	<u>MINIMUM NUMBER OF PARKING SPACES</u>
Medical, Office	2 per exam room
Medical, Outpatient and Urgent Care	2 per exam room
Medical, Psychiatric Therapy	2 per exam room
Office, Corporate	1 per 500 sq. ft.
Office, Professional Services	1 per 500 sq. ft.
Radio/Television Broadcast Studio	1 per employee on the largest shift
Research Facility/Laboratory	1 per employee on the largest shift
Studio - Art	1 per 500 sq. ft.
Veterinary	3 per exam room
Restaurant, Food Preparation	40% of maximum legal capacity
Beverage, Brewing and Distilling	2 per employee on the largest shift
Beverage, Distribution	1 per employee on the largest shift
Beverage, Non-Alcoholic Production	1 per employee on the largest shift
Food Service, Fast Casual Restaurant	40% of maximum legal capacity
Food Service, Full Service Restaurant	40% of maximum legal capacity
Food Service, Processing	1 per employee on the largest shift
Food Service, Production	1 per employee on the largest shift
Food Service, Quick Serve/Fast Food	40% of maximum legal capacity
Retail	4 per 1,000 sq. ft. for retail up to 75,000 sq. ft.; and 3 per 1,000 sq. ft. for retail larger than 75,000 sq. ft.
Antique Shop	1 per 400 sq. ft.
Auction Facility	20% of maximum legal capacity
Beverage Sales, Liquor, Beer or Wine Store	1 per 300 sq. ft.
Food Sales, Farm Market	1 per 300 sq. ft.
Food Sales, Large Grocery	1 per 300 sq. ft.
Food Sales, Small Grocery	1 per 300 sq. ft.
Food Service, Commissary/Bakery	1 per 300 sq. ft.
Food Service, Deli	1 per 300 sq. ft.
Gallery, Art	1 per 400 sq. ft.

USES	MINIMUM NUMBER OF PARKING SPACES
Garden Center, Indoor	1 per 1,000 sq. ft. plus 1 per employee on the largest shift
Garden Center, Outdoor	1 per 1,000 sq. ft. plus 1 per employee on the largest shift
Medical Marijuana, Dispensary	1 per 400 sq. ft.
Outdoor Sales, Primary Use	1 per 600 sq. ft. of display area plus 1 per employee on the largest shift
Retail, Convenience	1 per 300 sq. ft.
Retail, Enclosed Shopping Center	1 per 1,000 sq. ft.
Retail, Large	1 per 400 sq. ft.
Retail, Medium	1 per 400 sq. ft.
Retail, Outdoor Shopping Center	1 per 400 sq. ft.
Retail, Pharmacy	1 per 400 sq. ft.
Retail, Small Format	1 per 400 sq. ft.
INDUSTRIAL	
Equipment Repair, Heavy	1 per employee on the largest shift
Junk/Scrap Yards	1 per employee on the largest shift
Manufacturing, Artisan	1 per employee on the largest shift
Manufacturing, Heavy	1 per employee on the largest shift
Manufacturing, Light	1 per employee on the largest shift
Medical Marijuana, Cultivation	1 per employee on the largest shift
Medical Marijuana, Processing	1 per employee on the largest shift
Mineral Extraction/processing	1 per employee on the largest shift
Outdoor Processing, Concrete and Asphalt	1 per employee on the largest shift
Recycling Center	1 per employee on the largest shift
Storage, Commercial Gases	1 per employee on the largest shift
Storage, Contractor	1 per employee on the largest shift
Truck Terminals	1 per employee on the largest shift
Warehouse, Large	1 per employee on the largest shift
Warehouse, Small	1 per employee on the largest shift
Waste Facility	1 per employee on the largest shift

B. Loading Facilities.

(1) Any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall have adequate loading facilities on the property subject to the following conditions:

i. The following requirements shall pertain to the location of loading berths:

- (a) All required loading berths shall be located on the same lot as the use served;
- (b) Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front façade of a building;
- (c) In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into or maneuver within a public right-of-way or overhang adjacent property;
- (d) A plan shall be submitted and approved during the review process that shows how the loading will occur;
- (e) No permitted or required loading berth shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets;
- (f) Loading or unloading may not interfere with or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas;
- (g) With the exception of properties within the MSD, loading areas are not permitted within 100 feet of a district that allows residential uses;
- (h) Within the MSD, loading facilities shall be screened from adjacent properties by a hedge, bushes, or other landscaping that provides full screening no less than six (6) feet tall; and
- (i) Loading areas may not block required parking, or the associated circulation for required parking.

ii. Unless otherwise specified, a required off-street loading berth shall be as follows:

- (a) For local pickup and delivery trucks: twelve (12) feet in width by thirty (30) feet in length with a forty-five (45)-foot maneuvering apron and shall have a vertical clearance of at least twelve (12) feet. Maneuvering apron shall be at least twenty (20) feet from the centerline of the street;
- (b) For over-the-road tractor-trailers: Twelve feet, six inches (12' 6") in width by sixty (60) feet in length with a seventy (70)-foot maneuvering apron and shall have a vertical clearance of at least fifteen (15) feet. In no case, shall the loading berth be less than 145 feet from the centerline of the street;
- (c) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Zoning Administrator;

- (d) All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements and as approved by the Zoning Administrator. Bituminous asphalt may be used on the portions of the apron outside of the landing/parking space;
- (e) Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof;
- (f) Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service drive, or open space on the same lot;
- (g) Vehicle loading areas shall be screened from adjacent uses with a twenty-five (25)-foot buffer area that is inclusive of the setback distances as required in this Code. Within the required setback, the buffer area shall consist of six (6)-foot-high landscaped earthen berm planted with eight (8) trees and fifteen (15) shrubs per 100 linear feet of buffer or a six (6)-foot-tall opaque fence. A minimum of fifty percent (50%) of the buffer area plants shall be evergreen; and
- (h) The overnight parking of semi-trucks shall occur only in designated areas at gasoline stations, or other facility that provides services for semi-trucks;
- (i) If within 200 feet of a district that allows single-family residential dwellings, loading facilities may not operate between the hours of 12:00 a.m. and 5:00 a.m.

C. Drive-Thru Facilities.

- (1) The following standards apply to all new or expanded drive-thrus, where permitted, and the addition of drive-thru facilities on existing properties.
 - i. Drive-thrus may not be located within 100 feet of a single-family dwelling.
 - ii. If within 200 feet of a district that allows single-family residential dwellings, drive-thrus may not operate between the hours of 12:00 a.m. and 5:00 a.m.
 - iii. The entire drive-thru lane, including stacking areas, must be paved. Although drive-thru windows and stacking lanes are not permitted in a front yard, ingress and egress lanes may be located in a front yard.
 - iv. Drive-thru stacking space requirements are intended to provide for queuing of vehicles in line for drive-thru services provided by an establishment where drive-thrus are permitted in this Code. Stacking spaces are measured in twenty (20) foot increments to provide for adequate space between vehicles and to ensure that queuing vehicles are not spilling into public rights-of-way or easements and causing congestion therein. All queuing vehicles at all times shall be located on the lot on which the drive-thru services are being provided and shall not interfere with on-site parking or circulation. The following table provides the required minimum number of vehicle stacking spaces that must be provided behind the menu board, if applicable and based on the number of pick-up/service windows following the menu board, or a pick-up/service window/opening if there is no menu board:

DRIVE-THRU CONFIGURATION	MINIMUM NUMBER OF VEHICLE STACKING SPACES
BEFORE MENU BOARD AHEAD OF ONE PICK-UP/SERVICE WINDOW (IF APPLICABLE)	5
BEFORE MENU BOARD AHEAD OF TWO PICK-UP/SERVICE WINDOWS (IF APPLICABLE)	4
BEFORE PICK-UP/SERVICE WINDOW/OPENING (IF NO MENU BOARD)	4

- v. Drive-thru stacking lanes shall adhere to the following standards:
 - (a) All stacking spaces must have a minimum width of ten (10) feet along straight segments, twelve (12) feet along curved segments, and the stacking space length must be a minimum of twenty (20) feet;
 - (b) Drive-thru lanes must be separated by striping and may not interfere with off-street parking or the lanes utilized for maneuvering in and out of off-street parking spaces;
 - (c) Establishments with drive-thrus must provide a by-pass lane whereby vehicles may circulate around drive-thru lanes;
 - (d) There must be one (1) trash receptacle provided for customers per drive-thru lane; and
 - (e) Pedestrian walkways shall be clearly visible and be emphasized by enhanced paving or markings where they intersect drive-in or drive-through aisles.
- vi. The following regulations shall apply to menu boards and directional signage within drive-thru facilities:
 - (a) A maximum of two (2) menu boards per drive-thru aisle are permitted;
 - (b) Associated directional signage that gives directions to vehicles through the parking lot and drive-thru is permitted and may not be used for advertising purposes;
 - (c) Drive-thru directional signs may not be larger than five (5) square feet and internally illuminated only;
 - (d) Menu boards may be internally illuminated for the sole purpose of lighting menu writing or graphics and may not flash or have any visible bulbs or led lighting. External lighting is prohibited;
 - (e) All menu boards must be oriented toward the drive-thru aisle that it is serving;
 - (f) Drive-thru speakers shall not emit more than fifty (50) decibels and shall not be audible above ambient noise from adjacent properties; and
 - (g) Drive-thru speakers shall not be used for outdoor music.


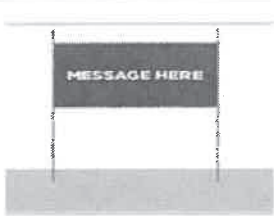
- D. Outdoor Dining for Eating Establishments.
- (1) Outdoor dining areas shall be immediately adjacent to the eating establishment space.
 - (2) Outdoor dining shall be accessed through the primary tenant space.
 - (3) The dining area shall be enclosed by a fence or wall enclosure that is complementary to the architecture of the primary structure and shall be no less than 30 inches and no more than four (4) feet tall.
 - (4) A five-foot (5') wide sidewalk shall be maintained.
- E. Entertainment as Accessory to a Primary Use.
- (1) Entertainment may include live entertainment such as a live band, choirs or performers such as DJs, comedians, celebrity appearances etc. and exclusive of adult-oriented entertainment businesses.
Entertainment may be conducted in conjunction with a primary use such as a restaurant, bar, or other business so long as it complies to the following standards:
 - i. May not occur on a property without the property owner's permission;
 - ii. Any sound generated may not be audible beyond the lot lines of the property; and
 - iii. May not occur within 300 feet of a residential lot.
- F. Signage.
- (1) Purpose and Intent.
 - i. This Chapter regulates all signs in the City in furtherance of the goals and objectives of the Comprehensive Plan. Specifically, the purpose of these sign regulations is to implement the following City policies:
 - (a) Preserve the noncommercial character of residential neighborhoods, and to provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts;
 - (b) Reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/ or motion, which exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
 - (c) Promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs;
 - (d) Preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism;
 - (e) Require signs to be constructed and maintained in a structurally sound and attractive condition;
 - (f) Maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;

- (g) Encourage aesthetic quality in the design, location, and size of all signs;
 - (h) Protect the public peace, general health, safety and welfare, convenience, and comfort; and
 - (i) Protect and encourage a more attractive economic, business, and overall physical appearance of the community.
 - (j) Furthermore, this Section is intended to encourage signs that are all of the following:
 - 1) Safe, legible and effective for communication in the circumstances in which they are viewed from public rights-of-way;
 - 2) Appropriate to the activity that displays them;
 - 3) Expressive of both the individual activity and the community as a whole; and
 - 4) A balance of the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
- (2) General Limitations.
- i. The following are the general limitations applicable to all signs in the City:
 - (a) All temporary and permanent signs to be erected, placed, constructed or modified within the City limits, except those specifically excluded herein, shall require a Zoning Certificate before work is initiated;
 - (b) All signs and sign structures shall be kept in good repair, and safe, neat, clean condition. Signs and sign structures may be inspected periodically by the Zoning Administrator for compliance with this Code and other applicable laws of the City;
 - (c) The Zoning Administrator may order the removal of any sign or sign structure erected or maintained in violation of this Code upon the provision of a minimum of fourteen (14) days' notice in writing to the owner of a permanent sign or upon placement of a notice of such violation on the building, structure, property or sign in violation. The Zoning Administrator shall provide a minimum of three (3) days' written notice for temporary or portable signs. The Zoning Administrator may remove a sign or sign structure immediately, and without notice if, in their opinion, the condition is such as to present an imminent threat to public safety;
 - (d) Developments on five (5) or more acres in total area shall submit an overall sign plan to the Zoning Administrator so that all signs may be approved as part of a single permit that adequately and specifically indicates the location of all signs, and their dimensions, design and materials;
 - (e) All commercial signs must relate to a business located on the property;
 - (f) Registered or copyrighted logos or trademarks are allowed on a sign;

- (g) No sign shall be within five (5) feet of the edge of the right-of-way or utility easement, whichever is closer; and
- (h) The following signs and/or sign structures are not permitted anywhere in the City:
- 1) Abandoned signs;
 - 2) Banner (freestanding) or feather flag signs;
 - 3) Bench signs, except for sponsorship emblems or memorial plaques, located on benches or on other similar structures;
 - 4) Signs located on trees, utility poles, or any other form of public property or within any public right-of-way unless explicitly permitted by these regulations;
 - 5) Signs or sign structures, other than traffic control signs, in the intersection visibility triangle;
 - 6) Moving or rotating signs or signs or that are designed to move or rotate;
 - 7) Signs interfering with traffic safety or adversely affecting vehicular traffic and pedestrian safety;
 - 8) Animated signs;
 - 9) Human signs;
 - 10) Pole signs;
 - 11) Snipe signs;
 - 12) Trailer signs;
 - 13) Signs containing lights which fluctuate, flash, blink, or which give the appearance of movement, except as otherwise permitted herein;
 - 14) Signs containing video or scrolling text;
 - 15) Inflatable signs;
 - 16) Signs placed or located on the roof of a building or that extend above the roof line of any structure;
 - 17) Damaged signs or sign structures that have not been returned to original condition within ninety (90) days;
 - 18) Signs placed or displayed on vehicles or trailers parked primarily for the purpose of displaying the sign;
 - 19) Off premise signs except as otherwise specifically provided for in this Zoning Code; and
 - 20) Neon signs unless the neon proposed is for the rehabilitation of a historic sign or at the discretion of the Zoning Administrator is deemed to be an artistic expression of the business' operation.
- (3) Sign, Area and Height Calculations.
- i. The following is how to calculate sign area and height for purposes of this Chapter:

- (a) The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form a single unit. For wall signs containing individual letters, figures, or elements, the area and dimensions of the sign shall encompass a rectangular geometric shape. Multiple geometric shapes may be utilized to encompass the related elements of a sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
 - (b) The calculation for double-faced sign, when the faces are parallel and not more than twenty-four (24) inches apart, so that only one face may be seen at any one time, shall be computed by the measurement of a single face.
 - (c) The supports, uprights, bracing, and framework for the sign shall not be included in the area calculations, except as they contribute to the height of the sign.
 - (d) In the case of a sign structure consisting of two (2) or more sides where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
 - (e) The height of a freestanding sign even with the street grade at the edge of pavement shall be measured from the base of the sign, or supportive structure, or at its point of attachment to the ground, from the grade of the nearest street to which the sign is oriented, to the highest point of the sign. When below the edge of pavement, the height shall be measured from the grade of the nearest street to which the sign is oriented.
 - (f) In the case of a corner lot or other situation where a building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.
- (4) Sign Types Not Requiring A Permit.
- i. The following are sign types that are allowed for non-residential uses without a permit so long as the sign meets all of the standards set forth herein (graphics are for illustrative purposes only and unless otherwise provided are not regulatory):
 - (a) Signs erected and maintained by the Federal government or the State of Ohio;
 - (b) Any sign required to be posted by the Federal government, the State of Ohio, or a court of competent jurisdiction;
 - (c) Signs erected and maintained by the City;
 - (d) Signs required to be posted by the City;
 - (e) Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration;

- (f) Address Signs if conforming to the applicable requirements in this Chapter;
- (g) Building Identification Signs; and
- (h) Directional Signs, subject to the following restrictions:
 - 1) Can be ground signs or pavement markings;
 - 2) Ground signs limited to max. height of three (3) feet;
 - 3) Ground signs limited to max. sign area of four (4) sq. ft.; and
 - 4) Non-illuminated.
- (i) The temporary sign types listed in the table below do not require a permit, so long as they comply with the standards listed within the table below for each sign type:

TEMPORARY SIGNS	
<p>Temporary Window and Wall Temporary window and wall signs are permitted for commercial properties for a duration of thirty (30) days and may not be larger than twenty percent (20%) of the window or wall face where it is erected.</p> <ul style="list-style-type: none"> • Permitted Zones/Districts: RMX, CMX, MSD, HCD, NCD • Max. Sign Face: twenty percent (20%) of window or wall • Materials: A window sign must be made from a material that is easily removed and does not require an adhesive material. A wall sign may be made of treated wood, metal, or vinyl • Lighting: Not permitted • Count: Two (2) per storefront 	
<p>Temporary Yard Sign Temporary yard signs are allowed on private property without a permit if they comply with the following standards:</p> <ul style="list-style-type: none"> • Permitted Zones/Districts: All Districts • Max. Duration: ninety (90) consecutive days • Max. Sign Face Each Side: eight (8) square feet • Location: At least three (3) feet from the front or corner lot line. • Materials: Plastic; Metal; and Treated, Painted Wood • Lighting: Not permitted 	

Sandwich Board Sign

- Sandwich board signs shall not exceed six (6) square feet in area per face and shall not exceed forty-two (42) inches in height.
- Sandwich board signs shall be constructed of wood or material that is equally durable and is comparable aesthetically to wall signage.
- Only tenants with entrances from the sidewalk shall be permitted sandwich board signs.
- One sandwich board sign is permitted per tenant and may only be used during business hours and must be secured indoors during non-business hours.
- Sandwich board signs may not have any electronics or illumination.
- Five (5) feet of clear space shall be maintained on the sidewalk.
- Sandwich board signs shall be located within eight feet of the main entry of the tenant.



(5) Signs Permitted by District.

i. The table below displays the sign types permitted by zone or district.

DISTRICTS	GROUND SIGN			BUILDING SIGN			ACCESSORY SIGN	
	MONUMENT	INTEGRATED CENTER	INTERSTATE POLE	PROJECTING	AWNING	WALL	BLADE	WINDOW
RCD-1, RCD-2	P - AG*							
RMX				P	P	P	P	P
CMX	P	P	P	P	P	P	P	P
CMI	P	P				P		
MS	P	P		P	P	P	P	P
HCD				P	P	P	P	P

*There is a separate monument sign type for agricultural businesses. Signs pertaining to residential subdivisions are addressed within Chapter 1161, Subdivisions.

(6) Number of Signs Permitted.

i. Signs have been divided into three classifications of sign types based on where they are generally placed on a property:

- (a) Ground Signs are fixed to the ground,
- (b) Building Signs are affixed to a building, and
- (c) Accessory Pedestrian Signs are small-scale signs affixed to a building oriented toward pedestrians.

ii. Within the categories of Ground signs, Building signs, and Accessory signs, there are multiple types of signs that a property owner may want to erect on the property. The number of signs permitted per property is as follows:

- (a) Property containing space for a Single Tenant may have one (1) Ground sign type, one (1) Building sign type per street frontage, and one (1) Accessory sign type; and
- (b) For property containing Multiple Storefronts/Tenants on the same property; each tenant may have one (1) Building sign type per street frontage and one (1) Accessory sign type per storefront/tenant. The entire property is permitted one (1) Ground sign type per street frontage separated by a minimum of one hundred (100) feet.

(7) Sign Standards.

- i. The following table provides the standards for each individual sign type.

SIGN TYPE	SIGN TYPE SITING ON PROPERTY	DIMENSIONS	MATERIALS/LIGHTING	ADDITIONAL STANDARDS
GROUND SIGN TYPES				
Monument with or without changeable copy	1 per street frontage	Max. Area: 24 sq.ft. Max. Total Sign Height: 6 ft. Min. Base Height: 2 ft. Min. Sign Face Surround Width: 1 ft.	Sign Face: Wood carved and painted Sign Face Surround: Brick or stone Lighting: External or internal illumination	Also permitted for an institutional use such as a school, community center or religious assembly.
Agricultural Monument * specifically for agriculture use permitted within the RCD-1 and RCD-2 and SCD (electronic changeable copy not permitted)	1 at entrance to agricultural business	Max. area: 40 sq. ft. Max. Total Sign Height: 6 ft.	Sign Face: Wood, carved and painted, stone, metal Sign Face Surround: Brick, stone, wood Lighting: External or internal illumination. Base: Stone, Brick, masonry, wood or metal	A permitted agricultural monument sign that complies with the standards within this section and is not externally lit does not require a building permit.
Integrated Center Monument	1 per property	Max. Sign Area: 40 sq. ft. Max. Sign Height; 8 ft.	Materials: Stone, Brick; Metal; Treated Wood Lighting: Internal or external illumination.	
Interstate Pole	1 per property	Max. Area: 80 sq. ft. Max. Total Sign Height: 40 ft.	Materials: Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials Lighting: Internal illumination Changeable copy is permitted but may not exceed 50% of the sign face.	Interstate Pole Signs are permitted in the CMX only within 2,000 ft. of an I-70 interchange as measured from the closest part of the interchange or interchange off-ramp.


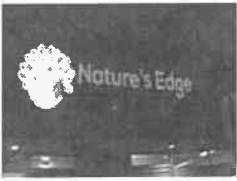

SIGN TYPE	SIGN TYPE SITING ON PROPERTY	DIMENSIONS	MATERIALS/LIGHTING	ADDITIONAL STANDARDS
BUILDING SIGN TYPES				
Projecting	1 per storefront	Min. Height above grade: 10 ft. Shall not project more than four (4) feet from the wall to which the sign is affixed. The sign shall not project into the right of way. Angle at Facade (degrees): 90 Sign Face Area (Max. each of two sides) (sq. ft.): 6	Metal supports; wood or metal face Lighting: Internal or external illumination.	The distances beyond facade is measured from the outermost edge of sign.
Awning	1 per storefront	Max. Sign Face Area: 75% valance; 25% sloping portion Max. Lettering Size; 16 inches variance, 8 inches sloping portion	Metal supports; vinyl face; cloth face; synthetic face Lighting: External illumination only	
Wall	1 per street frontage	Max. Sign Face: 1 sq. ft. per lineal foot of building frontage for tenant spaces up to 50 feet wide; 1 sq. ft. per 2 lineal feet of building frontage for tenant spaces wider than 50 feet, but in no case shall a tenant space wider than 50 feet be restricted to less than 50 sq. ft. of wall signage. For tenants with a building frontage width of 100 feet or more, the overall sign area can be used for one (1) primary sign and up to four (4) smaller ancillary signs that advertise a good, product or a service provided by the business. Max. Sign Height: 3/4 of the facade height. Flush with wall not protruding more than 18 inches from wall	Mounted on a raceway; sign cabinet; painted directly on wall; supports and wiring components concealed from public view; Lighting: Internal or External illumination	
ACCESSORY SIGN TYPES				
Blade	1 per storefront	Max. Sign Face: 3 sq. ft. per side Shall not project more than four feet from the wall to which the sign is affixed. The sign shall not project into the right-of-way.	Metal supports; wood or metal face Lighting: Internal or External illumination	
Window	1 per storefront	Window signs may not be larger than 25% of the area of the window to which it is affixed.	No lighting allowed, and only permitted on the first floor of a structure.	A Zoning Certificate is not required for a window sign in compliance with these standards. If a proposed window sign would be larger than 25% of the area of the window to which it is affixed, a variance is required.

(8) Signs Permitted for Retail Gasoline Sales.

SIGNS PERMITTED SOLELY FOR THE USE "RETAIL, GASOLINE AND CONVENIENCE"				
SIGN TYPE	NUMBER OF SIGNS	DIMENSIONS	MATERIALS/ LIGHTING	MIN. SETBACK FROM RIGHT-OF- WAY (FT.)
BUILDING SIGN TYPES (ONE OF EACH OF THE FOLLOWING IS PERMITTED)				
Wall	1 sign per street frontage	Max. Sign Face: 1 sq. ft. per lineal foot of building frontage. Max. Sign Height: Three quarters (3/4) of the facade height.	Mounted on a raceway; sign cabinet; painted directly on wall; supports and wiring components concealed from public view; Flush with wall not protruding more than 12 inches from wall. Lighting: Internal or External illumination	
Canopy	1 sign per street frontage	Max. Sign Face: 18 sq. ft., the canopy sign may not extend above the top of the canopy	Lighting: External or internal illumination	
GROUND SIGN TYPES (ONE OF THE FOLLOWING SIGN TYPES IS PERMITTED)				
Monument (Static or Changeable Copy)	1 per property	Max. Area: 24 sq. ft. Max. Total Sign Height: 6 ft. Min. Base Height: 2 ft. Min. Sign Face Surround Width: 1 ft.	Materials, Any Combination of Stone; Brick; Metal; Treated Wood; Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials Lighting: Internal or External Illumination	5
Interstate Pole	1 per property	Max. Sign Face: 80 sq. ft. Max. Total Sign Height: 40 ft.	Materials; Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials	40
FUEL PUMP SIGNAGE (ONE SIGN IS PERMITTED PER FUEL PUMP)				
Fuel Pump	1 per fuel pump	Max. Sign Face: 2 sq. ft.	Lighting: Not illuminated	
ADDITIONAL STANDARDS	<ol style="list-style-type: none"> 1. Changeable copy is permitted but may not exceed 50% of the sign face area. 2. Interstate Pole Signs are permitted only within 2,000 ft. of an I-70 interchange as measured from the closest part of the interchange or interchange off-ramp. Changeable copy is permitted but may not exceed 50% of the sign face. 3. Fuel pump signage does not require a permit but must comply with the standards set forth above. 			

(9) Sign Illumination.

- i. No sign is required to be illuminated; provided, however, if a sign is illuminated, then it shall be illuminated in one the following illumination methods:

SIGN LIGHTING TYPES	EXAMPLE (FOR ILLUSTRATIVE PURPOSES ONLY, NOT REGULATORY)
External Illumination	
Internal Illumination	
Halo Lit Channel Letters	

- ii. The following standards apply to any illuminated sign to limit light pollution and ensure the health, safety and welfare of the community:
 - (a) All illuminated signs must meet the standards as specified in the National Electrical Code.
 - (b) No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized that has a changing light intensity, brightness or color or gives such illusion.
 - (c) The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced.

- (d) Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
 - (e) Neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - (f) The light from any illuminated sign in any zoning district shall be so shaded, shielded, or directed that the light intensity or brightness shall not exceed three-tenths (0.3) foot-candle at the property line upon any adjoining property located in a residentially zoned district.
 - (g) Channel letters shall be halo lit.
 - (h) For signs on a background, the background must be opaque or a darker color than the message of the sign.
 - (i) Exposed neon may not be used for lettering or as an accent.
 - (j) One exposed neon window sign stating "open" not greater than three (3) square feet is allowed permitted per establishment.
- (10) Sign Permit Procedures.
- i. All signs identified by this Section as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Zoning Administrator.
 - ii. Criteria for all signs requiring a permit. A permit application for a sign otherwise in compliance with this Section shall be approved if said sign complies with the following criteria:
 - (a) All administrative fees have been paid as per the fee schedule.;
 - (b) In instances where commercial centers, business or industrial parks submit an overall sign plan, all signs may be approved as part of a single permit which adequately and specifically indicates the location of all signs, as well as their dimensions, design and materials;
 - (c) Applicants are required to apply for permits prior to undertaking any construction;
 - (d) Only one sign permit shall be required for each sign plan. Applicants shall provide a sign plan as opposed to obtaining single permits for commercial centers, groups of businesses, professional offices, or industrial complexes;
 - (e) Application shall be made on an application form provided by the Administrator. Applicant shall provide clear and legible drawings with descriptions and location of the sign and all other signs whose construction requires permits or counts towards the allowable sign area of signs on the premises. Drawings shall show dimensions of all signs, wall elevations, and street frontages, supports, sizes, wiring components, materials, method of attachment, and character of structural members to which attachment is made;

- (f) All permits are good in perpetuity unless the sign is abandoned or left unused for more than ninety (90) days or the sign is legal non-conforming, and it loses its lawful status. For those signs which are expressly specified as temporary signs pursuant to this Section are temporary permits;
 - (g) An approval shall become null and void if the sign or sign program for which the approval was issued has not been installed within twelve (12) months of issuance of said permit;
 - (h) For any zoning approval issued, the sign and sign structure must conform to the requirements of this code, unless the sign and/or sign structure is legally established non-conforming as defined in Chapter 1131 below; and
 - (i) The Administrator may determine that a substantial change has been made to an existing sign or sign structure. Except as otherwise provided for changeable copy signs, such substantial change shall be considered a violation of this Section, if a new permit is not obtained.
- (11) Non-Conforming Signs.
- i. Any lawful sign located within the City as of the effective date of this Zoning Ordinance that does not conform to the provisions of this Section may continue provided:
 - (a) The sign is authorized and lawfully existing in accordance with a sign permit or variance under a preceding ordinance, title, code, or law, or lawfully exists because no sign permit was required thereunder;
 - (b) The sign is regularly maintained, repainted, cleaned and repaired ordinary maintenance; and
 - (c) The sign is continually operational and continues to display business or service identification.
 - ii. Signs and sign structures that comply with the provisions of this Zoning Ordinance that convey no message, or that have not been used for their immediately preceding purpose for a period exceeding ninety (90) days, shall be considered a legally conforming, unused sign and the sign face shall be replaced with an opaque mono-color panel within ninety (90) days of becoming unused or the sign shall be deemed abandoned and removed.
 - iii. Upon the removal of a wall sign, the building façade upon which the sign was affixed shall be restored to as close as possible to its original condition.
 - iv. Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign, or sign structure as ordered by any public official charged with protecting public safety, and who declares such sign to be unsafe, and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed signs.

- v. Legal nonconforming status of signs and/or sign structures shall be deemed abandoned and may terminate under the following conditions:
- (a) If the use of a sign is discontinued for a period of ninety (90) consecutive days and there is no evidence of intent to reestablish a business thereon;
 - (b) If a sign is structurally altered such that the nonconformities are expended, enlarged or increased;
 - (c) If a sign is relocated, replaced, or moved in any way; or the sign is damaged, and the cost of repair is fifty percent (50%) of its replacement value;
 - (d) For purposes of this Section, the changing of copy shall not be considered the replacement of an existing legal nonconforming sign;
 - (e) Upon the occurrence of any of the aforementioned events, the property owner shall immediately bring the sign into compliance with this Section in conjunction with a new sign permit or the sign shall be removed at the sole cost and expense of the property owner;
 - (f) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section; provided, that the size and structural shape shall not be changed or altered;
 - (g) Any sign that is altered, relocated, or replaced must be brought into compliance with all provisions of this Section within thirty (30) days;
 - (h) The repainting of existing nonconforming signs shall not be considered an alteration within the meaning of this Section;
 - (i) Refacing an existing nonconforming sign shall not be considered an alteration as long as the refacing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics, and text must match those existing. If any portion of the replacement face(s) is not a replica of the original sign face, the replacement face(s) must be brought into compliance with this subsection in so far as practicable, or otherwise replaced; and
 - (j) A nonconforming sign shall be brought into compliance if it is determined that fifty percent (50%) or more of the market value of the sign has been destroyed or taken down. Nonconforming signs that are damaged, but that are not required to be brought into compliance pursuant to this Section, shall be repaired within sixty (60) days.
- (12) Enforcement; Appeals.
- i. The Zoning Administrator or their appointee is responsible for enforcing the provisions of this Section in accordance with Chapter 1141.
 - ii. All determinations and decisions made pursuant to this Section are appealable as provided in Chapter 1141.

G. Exterior Lighting.

- (1) The following exterior lighting requirements are intended to minimize light pollution and light trespass in the City by:
 - i. Encouraging the use of electrical engineers or lighting professionals to design outdoor lighting systems; and
 - ii. Implementing guidelines that define the characteristics of the lighting fixtures distribution that reduces light pollution.
- (2) This Section is not intended to prevent the use of any design, products or method of installation. The Zoning Administrator may approve an alternate design if the design meets the intent of this Section to provide high quality lighting performance, glare control, and reduced light trespass.
 - i. The following exterior lighting is exempt from the requirements of this section:
 - (a) Federal Aviation Administration mandated lighting associated with a utility tower or airport;
 - (b) Lighting for the United States flag, Ohio flag, a County or City flag, a corporate flag, or any other flag at the discretion of the Zoning Administrator;
 - (c) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
 - (d) Battery-powered emergency lighting;
 - (e) Architectural lighting of forty (40) watts, or equivalent, or less;
 - (f) Public safety lighting;
 - (g) Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward; and
 - (h) Residential garage, porch, and architectural and landscape accent lighting except for flood lights.
- (3) General Provisions.
 - i. All exterior lighting in the City must comply with the standards herein or will be considered a violation subject to the penalties found in this Code.
 - ii. Light levels are specified, calculated and measured in foot-candles. All foot-candles values are maintained foot-candles.
 - iii. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
 - iv. All exterior light fixtures shall satisfy the following requirements:
 - (a) The maximum light level of any light fixture cannot exceed five-tenths (0.5) foot-candles measured at the property line of any residential district, two (2.0) foot-candles measured at the property line of any non-residential district, and two and five-tenths (2.5) foot-candles at the property line of an adjacent parking lot.
 - (b) Glare lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.

- (c) All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development.
 - (d) Service connections for all freestanding lighting fixtures must be installed underground.
 - (e) Any roof accent lighting must face downward and must be full cut-off.
 - (f) Light fixtures within parking and vehicular areas may be no higher than thirty (30) feet.
 - (g) Light fixtures within pedestrian areas may be no higher than fifteen (15) feet.
 - (h) Light fixtures located within fifty (50) feet of a property line of a district that allows single-family dwellings may be no higher than fifteen (15) feet.
 - (i) Light fixtures in parking and vehicular display areas must be full cutoff. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet all of the following:
 - 1) Decorative, non-cutoff fixtures with maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
 - 2) If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;
 - 3) All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
 - 4) All non-cutoff fixture open-bottom lights must be equipped with full cutoff fixture shields.
- (4) Parking Structure Lighting.
- i. To the extent possible, as determined by the Zoning Administrator, internal light sources within structured parking shall not be visible from the adjacent public right-of-way.
 - ii. Rooftop lighting for parking structures shall be no more than fifteen (15) feet above the rooftop parking surface and shall be mounted a minimum of fifteen (15) feet in from the edge of the structure.
- (5) Flood Lighting.
- i. Flood light fixtures must be either aimed down at least forty-five (45) degrees from the vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.
 - ii. Any flood light fixture located within fifty (50) feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees.

- iii. All flood lamps emitting 1,000 or more lumens must be aimed at least sixty (60) degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.
- (6) Canopy Lighting.
- i. Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:
 - (a) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the surface canopy;
 - (b) Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;
 - (c) Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;
 - (d) Surface mounted fixture measuring no more than two (2) feet by two (2) feet, with a lens cover that contains at least two percent (2%) white fill diffusion material; or
 - (e) Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (7) Sports and Venues Lighting.
- i. Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:
 - (a) Sport field lights shall not exceed 100 feet in height.
 - (b) All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
 - (c) The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
 - (d) Building and landscape lighting.
 - ii. The following standards apply to all exterior building and landscape lighting:
 - (a) Lighting Fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
 - (b) All wall pack fixtures must be full cutoff fixtures.
 - (c) Only lighting used to accent architectural features, landscaping, or art may be directed upward, if the fixture is located, aimed or shielded to avoid light spill into the night sky.
 - (d) The primary building frontage for all single/two-story, multi-tenant commercial buildings and retail spaces shall feature pedestrian-scaled lighting.
 - (e) Decorative light fixtures shall be provided along entrance drives, public rights-of-way, buildings, and pedestrian pathways for all commercial buildings and multi-unit residential buildings. Natural areas or conservation areas are exempt from this requirement.

H. Non-Residential Structure Design Standards.**(1) Purpose and Intent.**

- i. The purpose and intent of these regulations is to encourage new construction and additions to all buildings in the City, other than single-family and two-family residences and agricultural buildings, that contribute to the City as a unique place, reflecting the community's physical character and adding to it in appropriate ways. These regulations serve as a basis to promote creative architectural designs that are in context with its surroundings.
- ii. The Zoning Administrator shall review and approve the proposed exterior design of all-new buildings and additions to existing buildings, except for single-family and two-family residences and agricultural buildings, for compliance with the requirements of this section.
- iii. Signs, landscaping and buffering, and all other development standards set forth in this Code shall additionally apply.

(2) Applicability.

- i. The design standards contained herein for non-residential structures shall be reviewed by the Zoning Administrator concurrently for all Zoning Certificate applications and Board of Zoning Appeals applications.
- ii. Industrial properties will not be required to comply with the standards herein.

(3) Building Design and Materials.

- i. All architectural elevations of principal buildings shall consist of a base, a body, and a cap.
- ii. The base shall occupy the lowest portion of the elevation and shall consist of brick, stone, or textured concrete block.



- iii. The body shall occupy the middle portion of the elevation and shall consist of wood, brick, stone, or cementitious siding. The following body materials are considered less desirable than the aforementioned materials, however, they may be permitted with the specific approval of the Zoning Administrator on a case-by-case basis if the overall design meets the purpose and intent of this Section:
 - (a) Siding that imitates wood lap siding such as aluminum or vinyl siding or siding that imitates brick or stone;
 - (b) Sheet metal, corrugated metal, or other similar metal panels;
 - (c) Poured concrete, concrete block, textured concrete block, concrete panels, panels with an aggregate surface, or other similar concrete siding; or
 - (d) Applied materials such as stucco or Exterior Insulation and Finish System (E.I.F.S.).
- iv. The cap shall occupy the highest portion of the elevation, excluding the roof. The building cap shall consist of brick, stone, textured concrete block, wood, or applied materials such as exterior insulation finish system (E.I.F.S.). Materials not specifically mentioned may also be permitted with the specific approval of the Zoning Administrator on a case-by-case basis if the overall design meets the purpose and intent of this Section. The cap shall consist of at least one (1) of the following architectural features: a cornice; parapet; awning; canopy; or eaves.
- v. Buildings that are characterized by a flat roof and a continuous wall elevation of uniform height shall contain three-dimensional architectural elements that serve to break up the horizontal emphasis of the elevation. Building entrances, corners and other similar features are examples that may be characterized by a separate mass.
- vi. Architectural elements shall be distributed in a manner that limits the length of a continuous wall section of uniform height to not more than four (4) times the height of the building.
- vii. Window or through-wall air conditioning units on a front façade are prohibited.
- viii. Where E.I.F.S. is allowed it shall not cover more than fifteen percent (15%) of the exterior of the structure excluding window and door openings.
- ix. Pitched roofs, where included in the design of a structure, shall be at least 5/12 slope and roof materials for pitched roofs shall be either architectural shingles or standing seam metal.
- x. Building Mechanical Equipment.
 - (a) Building mechanical equipment may be situated on a property only as follows:
 - 1) Within the interior of the building not visible from the exterior;
 - 2) On the roof of a structure as close to the middle of the roof as possible and adequately screened with architecturally compatible screening from view from the centerline of all adjacent streets;

- 3) In a rear or side yard if surrounded by a one hundred percent (100%) opaque fence or wall of at least six (6) feet in height and made of natural masonry or stained or painted wood. Barbed or concertina wire is not permitted on the top of any such fence or wall;
 - 4) In no circumstances shall any building mechanical equipment be located in any front yard nor shall any building mechanical equipment be placed in the same yard as the primary building entrance; and
 - 5) In no circumstances shall any building mechanical equipment located on the roof of a building be screened or protected by any barbed or concertina wire, or any chain link fence.
- (4) Façades.
- i. Any structure façade facing a public right-of-way (excluding alleys) shall be treated as a front facade.
 - ii. A finished elevation (four-sided architecture) is required on every side of the structure. There shall be no blank facades and each side of a structure shall be architecturally similar to the other sides.
 - iii. When using zero lot line construction, the adjoining wall shall be constructed of maintenance-free masonry and the adjoining facade is exempt from the four-sided architecture requirement provided:
 - (a) A public art installation is permitted in lieu of the four-sided architecture requirement on one of the facades. This can include, but is not limited to, murals and sculptures.
 - (b) If intended to be located on the zero-lot line wall, art installations shall be designed to be removed and/or relocated at such time as the adjacent property is developed.
 - (c) Rear facades that face alleys shall be constructed of masonry but are exempt from the requirement for four-sided architecture provided public art installation is provided.
 - (d) All structures shall be at least seventy-five percent (75%) natural masonry on frontages facing public rights-of-way, excluding window and door openings. Other sides shall be at least fifty percent (50%) natural masonry.
 - (e) Permitted projections from the structure's facade shall be balconies, awnings, signs, flags, and cornice elements; provided, however, no such projections shall project into any public right- of-way or easement.
 - (f) Projections from the front of the structure shall be self-supporting and require no street level poles or supports.
 - (g) Balconies shall be a minimum of three (3) feet in depth as measured from the closest exterior façade wall.
 - (h) Front façade windows shall have decorative headers of stone or other masonry.
 - (i) The ground floor of mixed-use structures requiring first-floor commercial uses shall be transparent storefronts consisting of a minimum of sixty percent (60%) glass on front facades and twenty percent (20%) glass on other facades. Windows on front facades shall not be covered by posters or window coverings and shall be open and transparent from the outside to the inside during business hours.

- (j) Facades wider than ninety (90) feet shall change architectural styles at a minimum five (5) foot step backs at intervals of not more than forty (40) feet to create the appearance of multiple structures rather than one large monolithic structure of the same style.
- (k) All structures with frontages on two (2) public streets shall be required to create a corner feature that addresses the corner as a focal point.
- (l) Any facades facing a public right of way shall have a minimum of twenty-five percent (25%) transparent glass, and all facades, whether or not facing a public right of way, except adjoining or party walls, shall have a minimum of ten percent (10%) transparent glass.

I. Fences.

(1) The following standards shall apply to the material, maintenance and height of fencing.

i. Material.

- (a) Fences shall not include barbed or concertina wire and shall not contain an electrical charge.
- (b) Fences shall be constructed of treated wood, vinyl, or other normal acceptable materials.

ii. Maintenance.

- (a) Fences shall be maintained in good condition and repair at all times and shall be maintained at no less than an eighty (80)-degree angle to the ground where it is located at all times.

iii. Height.

- (a) Fences in the side and rear yard shall be a maximum of six (6) feet in height and shall be one hundred percent (100%) opaque.
- (b) Fences in the front yard or side yard (on any corner lot) shall not exceed four (4) feet in height, shall be no more than fifty percent (50%) opaque, and shall have a decorative design.
- (c) Fences in front yards must be placed three feet away from any easements or rights-of-way adjacent to or located within the property.
- (d) No fence shall be located within any visibility triangle as determined by this Code.
- (e) Sports fields, in instances where a fence or backstop protects spectators from projectiles, may have a fence height greater than six (6) feet; provided, however, that such fence shall require a Zoning Certificate and Building Permit.

- J. Walls.
- (1) The following regulations shall apply generally to all decorative and retaining walls:
- i. All walls shall be made of brick, stone, stucco, concrete masonry units, or other material approved by the Zoning Administrator, and shall complement the architectural design of the principal building;
 - ii. Walls shall not include barbed or concertina wire or contain any type of electrical charge;
 - iii. Walls shall be maintained in good condition and repair at all times and shall be maintained at no less than an eighty-five (85)-degree angle to the ground where it is located at all times;
 - iv. Walls in front yards must be placed three (3) feet away from any easements or rights-of-way adjacent to or located within the property;
 - v. No wall shall be located within any visibility triangle as determined by this Code; and
 - vi. Walls in the front yard or side yard on any corner lot shall not exceed three (3) feet in height.
- K. Standards for Specific Non-Residential Uses.
- (1) Farmer's Markets.
- i. A zoning certificate is required for the operation of a Farmer's Market. The following regulations apply to farmer's markets, as defined herein, on private property:
 - (a) All farmer's markets operating on private property must obtain a temporary zoning certificate from the Zoning Administrator each calendar year, which shall only be issued if the proposed farmer's market complies with the following:
 - 1) Shall operate no more than one (1) day per week;
 - 2) Shall provide three (3) parking spaces per vendor on the same parcel as the market;
 - 3) Parking may be provided off-site provided that there is a safe public walkway connecting the parking to the market, and provided that there is written permission from the property owner where the off-site parking is located; and
 - 4) Shall have available reasonable access to or provide adequate restroom facilities and refuse receptacles. If temporary restroom facilities are provided the facility shall only be present during operating hours;
 - (b) All participating vendors of the farmers market shall provide proof of their State of Ohio Transient Vendor License prior to the first operating day.
 - (c) All participating vendors shall file with local income tax if the minimum days with operating within the city are met.

(2) Mobile Food Trucks.

- i. A mobile food truck shall not set-up within the City without first obtaining a zoning certificate from the Zoning Administrator. The zoning certificate shall only apply to the location specified on certificate and each different location shall require a separate zoning certificate. The zoning certificate shall be conspicuously displayed at all times during the operation. A zoning certificate shall be granted only if the proposed mobile vending business satisfies the following conditions:
 - (a) Food trucks may park on private property with provided written permission from the property owner;
 - (b) Evidence of PHDMC approval shall be provided, and vendors shall have all applicable federal, state, and local licenses and approvals;
 - (c) The owner or operator of the food truck shall provide trash receptacles, other than public receptacles;
 - (d) All equipment, other than outdoor seating, shall be inside, attached to, or within three (3) feet of the food truck;
 - (e) The applicant shall provide proof of their State of Ohio Transient Vendor License if taxable items are being sold;
 - (f) The applicant shall file with local income tax if the minimum days for operating within the city are met;
 - (g) The Zoning Administrator reserves the right to limit the number of food trucks, or prohibit them outright, if there is a conflict with the surrounding or nearby restaurants;
 - (h) A food truck may not park in any residential district overnight unless it is located within an accessory structure that is compliance with this ordinance;
 - (i) The mobile vendor shall be located at the same location for maximum of three consecutive days for every thirty (30) days;
 - (j) Mobile vendors shall not occupy more than fifteen percent (15%) of the required parking for the permanent permitted use of the property;
 - (k) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws - mobile vendors are not permitted to dispose trash in public trash receptacles;
 - (l) Connection to a source of electricity, water or sewer is prohibited. The mobile vendor may supply their own sources;
 - (m) No mobile vendor shall operate at any location other than the approved application and permit;
 - (n) A mobile vendor shall not operate between 11:00 p.m. and 8:00 a.m.;
 - (o) A mobile vendor shall not operate within 500 feet of a structure that is primarily used as residential;

- (p) The mobile vendor shall submit written proof of permission from the property owner with the zoning certificate application;
 - (q) Mobile vendors shall include with application any temporary shelters such as tents that may be utilized. Review and approval by the City of Clayton Fire Department and Montgomery County Building Regulations may be required; and
 - (r) Mobile vendors shall only park on improved surfaces and shall not obstruct traffic movement or impair visibility or safety to the site.
- (3) Mining of Sand and Gravel.
- i. Surface mining of sand and gravel shall require a zoning certificate upon the submission of the following by the applicant:
 - (a) Name of the owner or owners of land from which removal is to be made;
 - (b) Name of the applicant making request for such a permit;
 - (c) Name of the person or corporation conducting the actual mining operations;
 - (d) Location, description and size of the area from which the removal is to be made;
 - (e) Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible;
 - (f) Type of resources or materials to be removed;
 - (g) Proposed method of removal and whether or not blasting or other use of explosives will be required;
 - (h) General description of the equipment to be used; and
 - (i) Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
 - ii. The following standards shall apply to all surface mining of sand and gravel:
 - (a) No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Zoning Administrator, where such is deemed necessary for the protection of adjacent property, except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property but in any such event, adequate lateral support shall be provided for said abutting property;

- (b) In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than one hundred (100) feet to the nearest line of such thoroughfare right-of-way, except as may otherwise be provided by the Ohio Revised Code;
 - (c) Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way line;
 - (d) Fencing or other suitable barrier, including the planting of trees or shrubs found on the Ohio Native Plants list shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board;
 - (e) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Zoning Administrator;
 - (f) Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained; and
 - (g) The Zoning Administrator is authorized to impose such requirements with respect to providing adequate barriers as they feel necessary to protect the public safety.
- (4) Portable Storage Units.
- i. Portable Storage Units shall be permitted only in the Commerce-Manufacturing and Industry (CMI) zone.
 - ii. The above restriction on portable storage units shall not apply to the following:
 - iii. Temporary construction sites; and
 - iv. When necessary to facilitate clean-up and/or restoration activities resulting from natural disasters of storms, fire, or flood for a period of not more than one hundred eighty days (180) provided that a permit is obtained from the Zoning Administrator.
 - v. A portable storage unit may be located on the property for a period not to exceed seven consecutive (7) days and not more than twice per year, provided that a permit is obtained from the Zoning Administrator and that the unit is not placed in the public street, road, alley or public right-of-way.
 - vi. The unit must not be stored in the grass and should be on a hard surface on lots of less than one (1) acre.
 - vii. Storage of hazardous materials is prohibited.
- (5) Adult-Oriented Businesses.
- i. Location.
 - (a) No adult entertainment business shall be established within five hundred (500) feet of any area zoned for residential use (not including mixed-use properties).

- (b) Adult entertainment businesses are permitted only in the Commerce - Manufacturing and Industry (CMI) District.
- (c) No adult entertainment business shall be established within a radius of one thousand (1,000) feet of:
 - 1) Any school or library, whether public or private, governmental or commercial;
 - 2) Any park or recreational facility;
 - 3) Any religious assembly; or
 - 4) Any other adult entertainment business.
- ii. Divisions K.(5)i.(a) through (c) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one percent (51%) of the property owners within the above described radii, giving their consent to the establishment of an adult entertainment business, and if the Board determines:
 - (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and interest of this Section will be observed;
 - (b) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of residential or commercial reinvestment, or renovation of a historical area; and
 - (c) That all applicable regulations of this Section will be observed.
- iii. Site and Design.
 - (a) All building openings, entries, windows, etc. for adult entertainment businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to eliminate any possibility of viewing the interior from any public or semi- public areas.
 - (b) Parking lots must be lit.
 - (c) Loitering is not permitted at building entrances or around the building.
- (6) Vehicle Sales.
 - i. Where permitted, vehicle sales shall be subject to the following conditions:
 - (a) All vehicle sales must be on a lot containing a permanent building with a foundation and meeting all applicable building codes;
 - (b) The entire sales lot and off-street parking area must be paved and a perimeter curb or barrier must be provided;
 - (c) All vehicles and equipment must be in operational condition; and
 - (d) All other provisions of this Code shall be met.

L. Landscaping.

- (1) The purpose of this chapter is to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community. These regulations are intended to:
- i. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community;
 - ii. Increase the compatibility of development with both adjacent development and the natural environment;
 - iii. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment;
 - iv. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset;
 - v. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development;
 - vi. Eradicate or control certain exotic plant species that have become nuisances because of their tendency to damage public and private works, to have a negative effect upon public health, or to disrupt or destroy native ecosystems;
 - vii. Promote innovative and cost-conscious approach to the design, installation, and maintenance of landscaping;
 - viii. Establish procedures and standards for the administration and enforcement of this Landscaping Ordinance; and
 - ix. Ensure Biodiversity and sustainability by maintaining a diversity of plant types.
- (2) Applicability.
- i. The standards within this section shall apply to all new development and gross floor area (GFA) expansions greater than twenty-five percent (25%).
 - ii. The following types of landscaping are required, and the standards listed in the sections below:
 - (a) Foundation Plantings
 - (b) Street Trees
 - (c) Buffer Yard
 - (d) Parking Lot Landscaping
- (3) Vegetation.
- i. All proposed plant material shall be:
 - (a) Included on the Ohio Native Plants list, exclusive of invasive species, kept on file at the Ohio Department of Natural Resources;
 - (b) Not more than thirty percent (30%) of any single plant genus; and
 - (c) Living, disease free, undamaged, and free of material defects.
- (4) Foundation Planting.
- i. Foundation landscaping shall be required adjacent to the foundation of all structures as follows:

STANDARD STANDARDS FOR FOUNDATION LANDSCAPING	
FOUNDATION LANDSCAPING	Planting strip with minimum width of 8 feet along the full-length of the foundation facing a public street.
TYPE OF PLANTING	Shrubs, flowers, long grasses, shade/evergreen trees at the recommended spacing by plant type.

- (5) Street Trees.
 - i. All new construction where the lot width at the right-of-way exceeds seventy (70) feet must provide shade or canopy trees at the right-of-way at a rate of one tree per forty (40) linear feet of frontage. Trees shall be planted in the first five (5) feet of the front yard outside of any easement or utility rights-of-way. Tree plantings shall not be placed in the visibility triangle located at an intersection. Tree planting shall not interfere with any utility poles or equipment that are either above or below ground.
- (6) Mature Tree and Plant Conservation.
 - i. The preservation of plants and trees that exist on a site shall count toward the requirements of this Code, provided that:
 - (a) Existing vegetation is clearly indicated on the landscaping plan;
 - (b) Existing vegetation is not an invasive species; and
 - (c) Existing vegetation is in good health.
- (7) Buffer Yard.
 - i. A landscaping buffer is required to mitigate the impacts of adjacent uses and districts that differ in intensity. There are three tiers or categories of buffer yards, small, medium, and large, as per the table below:

BUFFER YARD STANDARDS			
BUFFER YARDS	SMALL	MEDIUM	LARGE
WIDTH (MIN.)	10'	20'	30'
CANOPY OR EVERGREEN TREES (MIN. PER 100 LINEAL FEET OF FRONTAGE)	3	4	5
ORNAMENTAL TREES (MIN. PER 100 LINEAL FEET OF FRONTAGE)	2	3	4
SHRUBS (MIN. PER 100 LINEAL FEET OF FRONTAGE)	10	15	20

Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting zoning district or use.

Undulating mounds or berms may be substituted for a perimeter buffer yard in the discretion of the Zoning Administrator. Mounds or berms shall be a minimum height of three (3) feet and a maximum height of six (6) feet, a minimum crown width of two (2) feet, and a side slope not greater than three (3) feet horizontal to one (1) foot vertical. Mounds or berms shall be planted and covered with live vegetation.

For the Medium and Large buffer yards, the erection of a high-quality fence made of wood, vinyl or masonry, a minimum of eight (8) feet in height shall reduce the required buffer yard by ten (10) feet in width.

Buffers shall be located along the outer perimeter of the lot, parallel to and extending along one hundred percent (100%) of the shared lot lines, except the lot line abutting the right-of-way.

- ii. **Required Buffer Yard.**
 - (a) Buffer yards are provided when different uses abut each other in order to mitigate potential conflict between uses. A landscaped buffer shall be the responsibility of the developing use - small, medium, and large buffers shall be provided by property type (where they abut a different adjoining property type) as indicated on the following table:

USE ON ADJOINING PROPERTY	DEVELOPING USE			
	SINGLE-FAMILY HOME (ATTACHED OR DETACHED)	MULTI-FAMILY BUILDING/ COMPLEX	NON-INDUSTRIAL COMMERCIAL BUILDING AND INSTITUTIONAL	INDUSTRIAL COMMERCIAL BUILDING
Single-Family Home (attached or detached)		Small	Medium	Large
Multi-Family Building/Building Complex	Small		Small	Large
Non-Industrial Commercial Building and Institutional	Medium	Small		Large
Industrial Commercial Building	Large	Large	Large	

- (8) **Parking Lot Landscaping.**
 - i. Parking lot landscaping is required for all new or expanded parking lots greater than ten (10) spaces. When an existing parking lot is expanded, and the expansion results in ten (10) or more parking spaces, the expansion shall be required to comply with the following standards.
 - (a) **Perimeter Parking Lot Landscaping.**
 - 1) A minimum five (5)-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot along a right of way. Shrubs must be a minimum of eighteen (18) inches in height when planted and must reach a minimum size of three (3) feet in height within three (3) years of planting.
 - 2) The required five (5)-foot landscaped area may be reduced to three (3) feet when a three (3)-foot high masonry wall, wrought iron or wood picket fence is erected.

- (b) Off-Street Parking Islands.
 - 1) Within off-street parking lots, a landscaped interior island must be provided every twenty (20) parking spaces, and islands must be distributed evenly throughout the parking area.
 - 2) Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
 - 3) An interior island must be a minimum of nine (9) feet in width and 320 square feet in area.
 - 4) There must be one tree planted per interior off-street parking islands.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.06 WIRELESS SERVICE FACILITIES.

A. General.

(1) Purpose.

- i. The purpose of this Section is to protect the health, safety and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunication market place through the establishment of requirements for the installation of Wireless Service Facilities

(2) City Objectives.

- i. The standards found herein shall achieve the following objectives:
 - (a) To comply with the Telecommunications Act of 1996 including any follow-up rules and/or rule interpretations by the appropriate state, federal agencies and the courts;
 - (b) To work proactively with the various personal wireless service licensees to ensure rapid and reliable deployment of their services and technologies while minimizing the negative impacts on the City;
 - (c) To protect residential areas and land uses from potential adverse impacts of Wireless Service Facilities;
 - (d) To encourage the location of Wireless Service Facilities in non-residential areas and public property;
 - (e) To minimize the total number of Wireless Service Facilities throughout the community;
 - (f) To require the joint use of new and existing Wireless Service Facilities sites as a primary option rather than construction of additional single use Wireless Service Facilities;
 - (g) To require the owners and operators of Wireless Service Facilities to locate them in areas with the least or most minimal adverse impact on the community;
 - (h) To require owners and operators of Wireless Service Facilities to configure them in a way that minimizes the adverse impact of the Wireless Service Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques to be sure that, to the greatest extent feasible, Wireless Service Facilities are compatible with surrounding land uses;