City of Oakwood, Ohio

Zoning Ordinance

Effective Date: January 1, 2001

City of Oakwood
30 Park Avenue
Dayton, Ohio 45419-3400

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TITLE 1. TITLE, JURISDICTION, INTERPRETATION AND SEPARABILITY

Sec. 100 Title

This Ordinance shall be known and may be cited as the "Oakwood Zoning Ordinance" and may be referred to herein as the "Zoning Ordinance" or "this Ordinance".

Sec. 101 Jurisdiction

This Ordinance shall apply to all land, uses of land, and buildings and structures within the municipal limits of the City of Oakwood.

Sec. 102 Interpretation

102.1 In their interpretation and application, the provisions of this Ordinance must be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.

102.2 Where the conditions imposed by any provision of this Ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, Ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

102.3 The requirements of this Ordinance shall be deemed to be "exclusive" and "permissive". Unless expressly authorized by the terms of this Ordinance, when permitting and granting actions and rights, by definition, it excludes other "similar" or "like", or dissimilar actions or rights.

102.4 This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

102.5 No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance.

102.6 Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property, or to locate, construct, or maintain any building, structure or facility or to carry on any trade, occupation or activity.

Sec. 103 Separability

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are separable, in accordance with the following:

103.1 If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

103.2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

TITLE 2. PURPOSE

Sec. 200 **Purpose**

The Oakwood Zoning Ordinance is adopted with the purpose of protecting and promoting the public, health, safety, morals, comfort and general welfare. The fulfillment of this purpose is accomplished by seeking:

A. To implement the objectives of the Oakwood Comprehensive Plan.

B. To improve and enhance the overall physical environment of the City of Oakwood as generally set forth as part of the Oakwood Comprehensive Plan.

C. To protect residential, business, and commercial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses must not be negatively impacted by other inappropriate uses.

D. To encourage functionally adequate commercial, business and residential structures, and avoid functional obsolescence of the same.

E. To ensure the proper design of buildings and structures in relation to one another recognizing that the aesthetic attraction of Oakwood's human-made environment significantly contributes to community quality of life.

F. To establish adequate standards for the provision of light, air, and open space.

G. To zone all properties with the intent to conserve the value of buildings and land and encouraging the most appropriate use of land throughout the City.

H. To protect local ground water and well resources from contamination due to human development activity.

I. To minimize congestion on public streets.

J. To facilitate the provision of adequate transportation and of other public requirements and services such as water, sewerage, schools, and parks.

K. To avoid hazards to persons and damage to property from inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.

L. To avoid undue concentration of population.

M. To prevent the overcrowding of land, thereby ensuring proper living and working conditions.

N. To foster compatible relationships between residential, business, and commercial uses for the mutual benefit of all.

O. To isolate or control the location of unavoidable nuisance-producing uses.

P. To establish reasonable standards to which buildings and structures must conform, and to encourage reasonable flexibility of development design through appropriate innovation.

Q. To provide for the regulation of nonconforming buildings, structures and uses.

R. To ensure that additions to, and alterations or remodeling of, existing buildings or structures will comply with the restrictions and limitations imposed herein.

S. To define the powers and duties of the administrative and enforcement officers and bodies.

T. To prescribe penalties for any violation of the provisions of this Ordinance, or of any amendment thereto.

TITLE 3. RULES AND DEFINITIONS

Sec. 300 Rules of Construction

In the construction of this Title the rules and definitions contained in this Title must be observed and applied, except when the context clearly indicates otherwise. For clarity of interpretation of the context, the following definitions of word use shall apply:

A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

B. The words "shall" or "must" are mandatory and not discretionary.

C. The word "may" is permissive.

D. The word "lot" shall include the words "piece," "parcel," and "plots"; the word "building" includes all other structures of every kind.

E. All "measured distances" shall be to the nearest integral foot.

F. Words contained in this Ordinance and not defined hereinafter shall assume definitions as prescribed in Webster's unabridged dictionary (most current edition).

Sec. 301 Terms Defined

Access is the ability to ingress and/or egress from a public roadway.

Access, direct means the ability to ingress and/or egress from a point immediately integral to the public roadway.

Access Point any driveway or other point of egress and/or ingress such as a street, road, or highway that connects to a public roadway.

Accessory Building or Use Accessory building or use means and includes any building, use or structure which is incidental to and serves a principal building or principal use, and is subordinate in area, extent and purpose to the principal building or use served; the height of any accessory building must not exceed eighteen (18) feet from the highest point of the roof to adjoining ground level. An accessory building or use must be located on the same zoning lot as the principal building in use, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Addition is the increasing of the cubic contents of a building or the increasing of its ground area.

Adjacent means bordering, touching, contiguous or adjoining.

Advertising Device means any advertising sign, billboard, statuary or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed, but does not include those advertising signs, billboards or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Air Conditioning System means a mechanical system designed to control and maintain the temperature, humidity, movement and quality of air in buildings and structures, to secure health and comfort.

Air Conditioning System, Central means an air conditioning system designed and constructed to condition the air throughout a building or structure, or large portion thereof, and is considered an integral part of the mechanical plant or core of such building, and ordinarily includes a central unit containing refrigerant, coils and evaporators, and a system of supply and return air ducts and plenum chambers, as distinguished from a window or room model air conditioning unit.

Alley means a passage or way, open to public travel, sixteen feet or less in width, which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

Alteration means any change in size, shape, character, occupancy or use of a building or structure.

Amenity is a natural or man-made feature which enhances or makes more attractive or satisfying a particular property or development.

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

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

Apartment consists of one or more rooms comprising a dwelling unit wherein multiple dwellings are a part of a single structure comprising a multiple family dwelling.

Applicant means any person that applies for a permit pursuant to this Ordinance.

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

Appurtenance means the visible, functional objects accessory to and part of buildings.

Aquifer means a glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

Arcade, or "amusement arcade" means any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited to, pool tables, fouseball tables, air hockey tables, mechanical rides for children, electronic games and shooting gallery type games.

Assisted Living Facility means housing which provides a living arrangement of self contained units that integrate shelter, food service and other services for adults who require some level of care possibly including twenty-four (24) hour oversight. Services may include meals, laundry, transportation, housekeeping and organized activities which create opportunities for socialization.

Awning means a roof like cover (such as canvas or nylon) which projects from the wall of a building and is supported by cantilevering or bracketing from the face of the building.

Balcony means an upper story platform extending out from a building and having a balustrude, railing, or other guard.

Basement means that portion of a building partly underground, but having less than one-half of its clear height below the average lot grade.

Berm means an earth form which provides screening from adjoining land-uses or to improve aesthetic character.

Block means a tract of land bounded by streets (excluding alleys), or by a combination of such streets, public parks and corporate boundary lines of the City of Oakwood.

Board of Zoning Appeals (BZA) means the Board of Zoning Appeals of the City of Oakwood.

Breezeway means a roofed, open sided passageway connecting two structures, such as a house and a garage. A breezeway is considered part of a principal structure.

Buildable Area is the area of the lot remaining after the minimum open space, setback and yard requirements of this Ordinance have been complied with.

Building (Attached, Completely Enclosed, Detached, Height, Principal and Residential means:

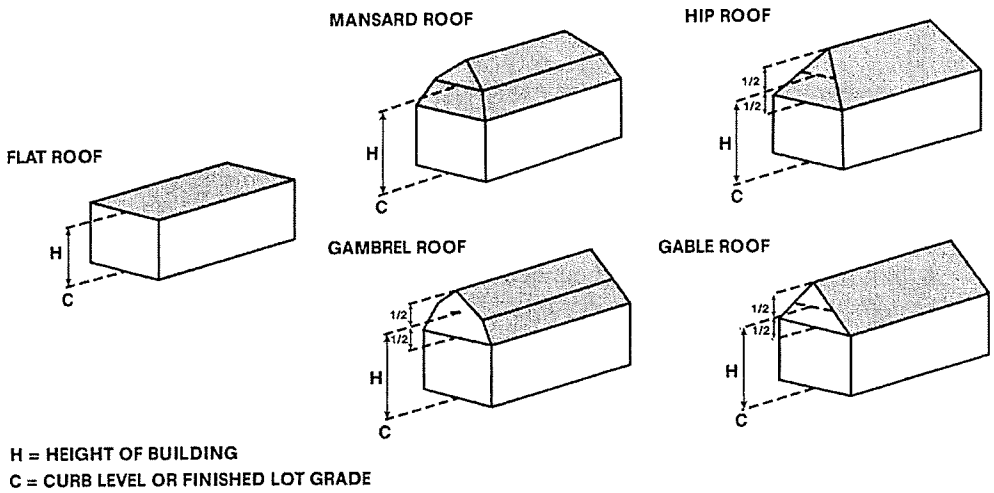
A. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, and includes those buildings resting on runners or similar supports and not intended for relocation.

B. "Building Attached" means any building which is permanently connected to another building, having one or more walls in common with other buildings.

C. "Completely Enclosed Building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

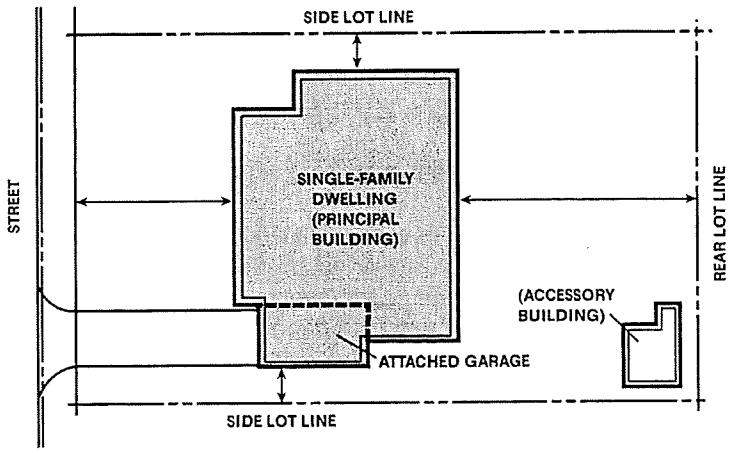
D. "Detached Building" means a building surrounded by an open space on the same lot.

E. "Building Height" means the vertical distance from the finished lot grade (mean elevation) at the front of the building, to the highest point of:
   1) the underside of the ceiling beams, in the case of a flat roof;
   2) to the deck line of a mansard roof: and
   3) to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof.



F. "Principal Building" means a non-accessory building in which the principal use of the lot on which it is located is conducted. If a building that would otherwise be deemed accessory is connected to a principal building by a breezeway or by a common roof, it shall be deemed to have become a part of the "principal building."

BUILDINGS - PRINCIPAL AND ACCESSORY



G. "Residential Building" means a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or persons and which includes, but is not limited to, the following types:

1. Single family dwellings;
2. Two family dwellings; and
3. Multiple-family dwellings.

Building Permit is a document issued by the Building Commissioner which authorizes performance of an activity which is subject to various Oakwood zoning, building, and related codes.

Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

A. Size and height of buildings;
B. Gross floor area of buildings in relation to lot area (floor area ratio);
C. All open spaces allocated to buildings; and
D. Amount of lot area provided per dwelling unit.

Building, Temporary is any building not permanently affixed to the land by reason of a permanent foundation. Temporary buildings commonly include accessory structures such as tool sheds and play structures,

Business or the words "business establishment" or "commerce" when used in this Ordinance means the engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise, including services; and the maintenance or operation of offices or recreational or amusement enterprises.

Business District Design Guidelines means any development and improvement guidelines for the City's business districts, as duly adopted by the City Council.

Caliper means the diameter of a tree trunk as measured six (6) inches above ground level.

Canopy means a rooflike structure projecting from a wall and supported in whole or in part by vertical supports to the ground, and erected primarily to provide shelter from the weather.

Carport is an open-sided , attached roofed automobile shelter, formed by extension of the roof from the side of a principal building or represents an free-standing open-sided structure.

Car Wash (vehicle laundry) is a building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods with a chain conveyer, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

Cellar means an occupied portion of a building partly underground and having one-half or more of its clear height below the average lot grade. For the purpose of this Ordinance, a cellar shall not be considered a story.

Cemetery is land used or intended to be used for the burial of human dead, and is dedicated for cemetery purposes, including crematories, mausoleums, crematorium columbaria, chapels and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate, Occupancy refers to the written approval of the Building Commissioner certifying that the building or structure, as constructed meeting the minimum requirements for occupancy set forth under the Municipal Code of the City of Oakwood and this ordinance.

Certificate, Zoning refers to the written approval of the Building Commissioner certifying that the applicant's plans and drawings comply with all applicable provisions of this Ordinance. The "zoning certificate" may consist of a standardized independent form bearing the signature of the Building Commissioner or it may be represented as a part of the building permit application.

Child Day Care means 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 part of the twenty-four hour day in a place or residence other than the child's own home.

A. "Type B Family Day Care Home" and "Type B Home" mean a permanent residence of the person who provides child day care for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at the same time. In counting the number of children under this definition, any under six (6) years of age who are related to the provider and who are on the residence premises of the provider must be included. This definition of a Type B Day Care Home is intended to be identical to that set forth in Section 5104.01 of the Revised Code of Ohio. It does not include a residence in which all of the children are being cared for live on the premises and are siblings of the same immediate family, nor does it include a nursery school or preschool.

B. Child Day Care Centers and "Center" mean an approved place in which child day care or publicly funded day care is provided for thirteen (13) or more children at one time. Those same terms also mean any place (not the permanent residence of the licensee or administrator) in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) at one time. In counting children for this purpose, any under six (6) years of age who are related to a licensee, administrator or employee and who are on the premises of the center must be included. Such a Center includes a preschool for children three (3) through five (5) years of age, but not yet enrolled or eligible to be enrolled in a grade of kindergarten or above. This definition of a Child Day Care Center is intended to incorporate all provisions of the definition of such a facility as contained in state statute 5104.01.

Church is a building primarily used for religious worship. The word "church" shall include, but is not limited to, chapel, temple, synagogue or mosque.

City means the City of Oakwood, Montgomery County, Ohio.

City Council means the City Council of the City of Oakwood, Ohio.

Clinic, Medical or Dental means an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic includes laboratory facilities in conjunction with normal diagnostic and treatment services, but shall not include inpatient care.

Club or Lodge, Private is an association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private clubs or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises, provided health and building codes and this Ordinance are met.

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

Commercial Use is an activity carried out for pecuniary gain.

Common Elements means land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all unit owners and designated in the master deed as common elements.

Communications Tower, Radio or Television is a structure attached to a building or a detached structure affixed to the ground, used in the transmission, relaying or receiving of electromagnetic waves or signals. (See also "Antenna")

Comprehensive Plan means the Official Comprehensive Plan of the City of Oakwood adopted by the City Council as amended from time to time.

Condominium is an association of co-owners in which individual owners hold title exclusively in their unit and are co-owners of the common elements. The association of co-owners has responsibility for control and maintenance of common elements.

Conforming Building, Structure of Use means any building, structure or use which complies with all regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building, structure or use is located.

Conservation means the protection and care which prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

Contiguous (See adjacent).

Cultural Facility is a structure in which its use is devoted primarily to the appreciation of the arts.

Curb means a stone or concrete boundary usually marking the edge of a roadway or paved area.

Curb Cut means an opening along a curb line at which point vehicles may enter or leave a roadway.

Curb Level means for any building, the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

Deck means an open-sided, above the surface/grade of a lot without roof which covers the vegetation and the ground underneath with concrete, wood, stone, gravel, or any other nonliving building material.

Decibel is a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."

Dedication is the gift or donation of property by its owner to another party.

Deed is a legal document conveying ownership of real property.

Delicatessen is an establishment wherein food is prepared either ready-to-eat on premises, or in a form to be prepared for consumption in other locations. A delicatessen is distinguished from a restaurant, food store or grocery store by its mix of specialty foods and products, mostly perishable and its small physical size. Delicatessens shall meet the design and performance standards identified in Section 901.12.

De Minimis Quantity means a specified amount of regulated substances, expressed in gallons and/or pounds, that is excluded from the provisions of the Wellhead Operation District (sometimes referred to as the WF District) and the Well Field Protection Overlay District (sometimes referred to as the WP District) regulations. Any use of regulated substances in excess of the de minimis quantities and not explicitly subject to exclusion is considered in violation of this Ordinance.

Density means the number of living units per gross acre.

Density, Gross means the numerical value obtained by dividing the area of the lot by the total number of dwelling units.

Density, Net means the numerical value obtained by dividing the total lot area by the number of dwelling units, after excluding lot area intended to be dedicated or occupied by public and private streets and other improvements, including but not limited to common open space areas and associated recreational facilities.

Detention Basin or Pond is a storage facility for the temporary storage of storm water runoff.

Developer means the legal or beneficial owner or owners of any lot or land included in a proposed development, including the holder of any option or contract to purchase or any person with beneficial interest in a land trust, or other persons having enforceable proprietary interest in such land.

Development means the division of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, or land excavation or grading, and any use or the extension of use of the land.

Direct Recharge Area means that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

District is a portion of the corporate area of the City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway is a hard-surfaced area paved with a bituminous, concrete, brick paving or other approved surface (in accord with *Title 11, Off-Street Parking and Loading*) on a zoning lot upon which vehicles are driven or parked, and which provides access to parking spaces or garages.

Drive-Through Facility means a vehicle lane which provides access to a building for purposes of purchase of goods and services directly from a vehicle.

Dwelling (Attached, Efficiency Detached, Single family, Two family, Multiple family) mean:

A. "Dwelling" means a principal building, or portion thereof, but not a mobile home or house trailer, designed or used exclusively for residential occupancy,.

B. "Attached dwelling" means one which is joined to another dwelling at one or more sides by a party wall or walls or by some other connection.

C. "Detached dwelling" means one which is entirely surrounded by open space on the same lot. bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, provided such dining alcove complies with occupancy permit requirements.

D. "Efficiency unit" means a dwelling unit consisting of one principal room exclusive of

E. "Single family dwelling" means a building containing one dwelling unit only.

F. "Two family dwelling" means a building containing two attached dwelling units.

G. "Multiple-family dwelling" means a building, or portion thereof, containing three or more attached dwelling units.

Dwelling Unit (abbreviated D.U.) consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms, sleeping and kitchen facilities must always be included for each "dwelling unit."

Easement is land or an interest in land which has been designated by lawful agreement between the owner or owners of such land and another person or persons, for a specified use only by such person or persons.

Emergency means 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 means any registered professional engineer licensed by the State of Ohio.

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

Establishment, Business see "business"

Exterior Building Component means an essential and visible part of the exterior of the building.

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

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

Family means:

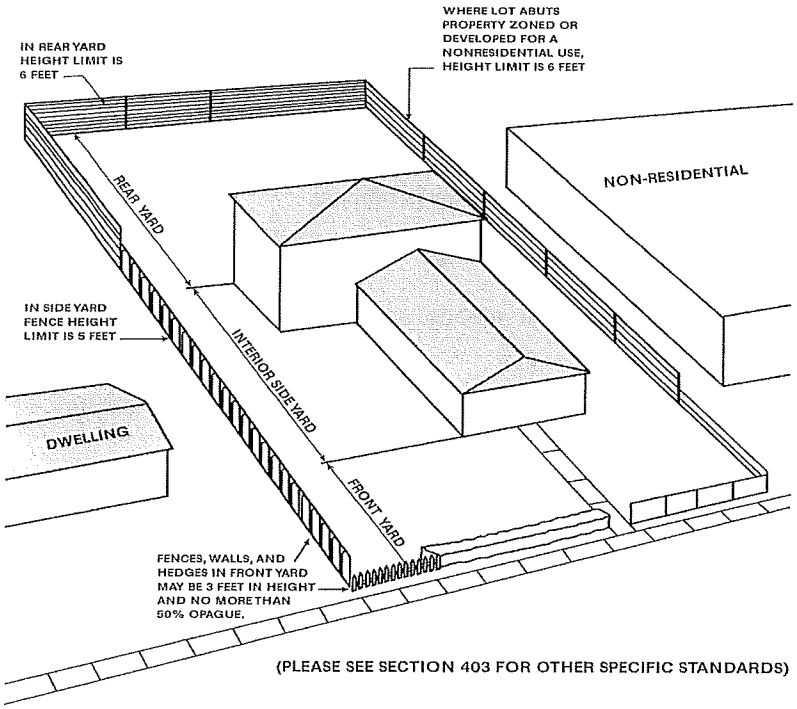
A. A "family" consists of one or more persons, each related to the other by blood, marriage or adoption, who are living together in single family dwelling unit and are maintaining a common household, but excluding the following groupings:

1. Two or more married couples;
2. Two or more parents (not married to each other and not themselves parents and child) who have their children or stepchildren living with them; and
3. Any such group of persons related to each other if the sole relationships are as first cousins or any more distant degrees of consanguinity.

B. A "family" also includes any domestic servants and any workers on the property to the extent such servants and workers live on the property and meet the definition of "persons employed on the premises" as set forth under this Title.

C. Persons who are living together in a single family dwelling unit and maintaining a common household shall be deemed to constitute a "family," even though not related by blood, marriage or adoption in the manner described above, provided that such arrangement shall be limited to two unrelated persons. However, the limitation to two such persons shall not apply to supported living facilities or similar facilities that provide accommodations for up to four unrelated adults, at least three of whom require personal care services by reason of having disabilities within the meaning of the federal Americans With Disabilities Act. (Amended Ord. 4533, effective 7/9/03; Ord. 4724, effective 5/4/11).

Fence or wall is a structure which is used as a boundary or a means of protection or confinement, or for decorative purposes and which is made of manufactured or natural material.

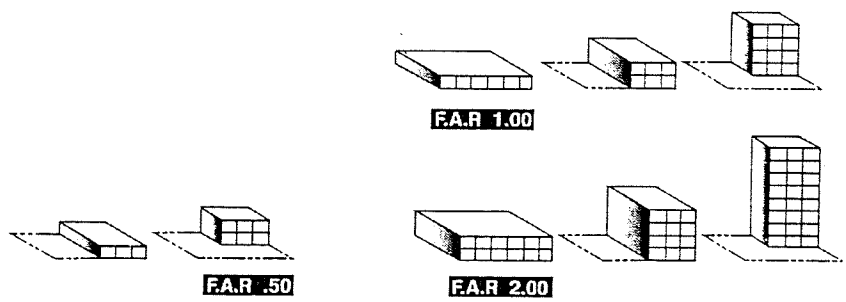


Flood is the condition existing when the waters of any watercourse, pond, or depressions temporarily rise to a height above their normal levels and overflow the boundaries within which they are ordinarily contained. It also includes the unusual rapid accumulation or runoff of surface waters.

Floor Area Ratio (F.A.R.) of the building or buildings on any zoning lot means the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of Planned Developments, by the net site area. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

Floor Area (For Determining Floor Area Ratio) means:

A. For the purposes of determining the floor area ratio, the "floor area" of a building means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building includes basement floor area, elevator shafts and stairwells at each floor, penthouse, attic space having headroom of seven (7) feet or more, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof). However, any space devoted to off-street parking or loading shall not be included in "floor area."



B. The "floor area" of structures devoted to bulk storage of materials shall be determined on the basis of height in feet, i.e., ten (10) feet in height equals one floor.

Floor Area (For Determining Off-Street and Loading Requirements) means:

A. "Floor area," when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including any basement or cellar floor area that is at least seven and one-half (7 ½) feet in height.

B. However, "floor area," for the purposes of measurement for off-street parking and loading spaces does not include floor area devoted to off-street parking or loading facilities including its aisles, ramps and maneuvering space, nor does it include basement or cellar floor area less than seven and one-half (7 ½) feet in height.

Foot Candle is a unit of illumination equal to the light flux which falls on a one (1) square foot area one (1) foot distant from a light source of one (1) candle power.

Frontage means the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Frontage Road means a public or private street, closely paralleling a larger public street, which provides the primary means of access across from adjacent property to the larger street.

Frontage, Zoning Lot means the length of all the property of such zoning lot fronting on a street, measured between side lot lines.

Garage (Private, Public, or Commercial) means:

A. "Private garage" means an accessory building used for the storage of passenger automobiles and for not more than one truck rated for not over one and one-half (1 and1/2) ton load carrying capacity, and in which no occupation, business or service is carried on.

B. "Public or commercial garage" means a building or part of a building or space used for business or commercial storage purposes.

Grade, Existing means the average or mean elevation of a parcel, lot or tract of land prior to commitment of development activity.

Grade, Finished means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Guest House means a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary gratuitous guests, such quarters shall not be occupied by the same person or persons for more than three consecutive months or for more than three months in any calendar year, nor shall such guest houses be used for rental occupancy.

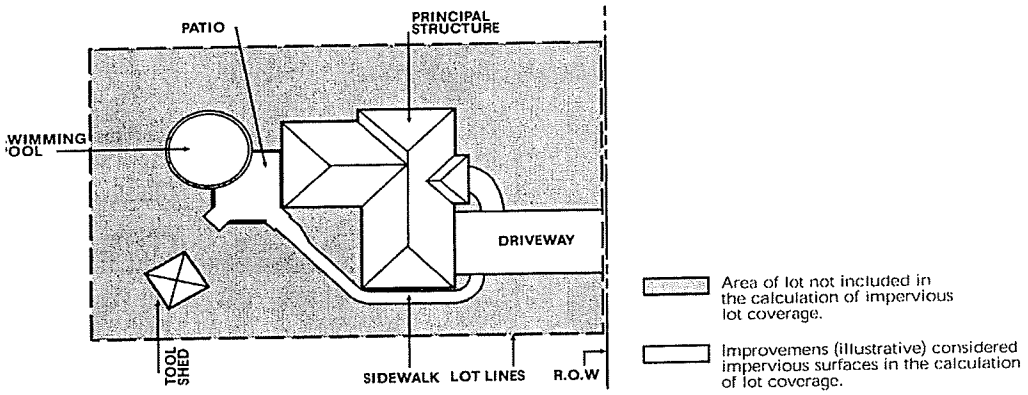
Home Occupation means any occupation, activity or profession carried on by members of the immediate family residing on the premises which is clearly secondary to the use of the dwelling for residential purposes. This definition excludes Child Day Care Homes as defined in this Title. (standards for home occupations are included in *Title 9, Design and Performance Standards.*

Hot Tub means a recreational bathing facility which is intended to utilize heated water for the comfort or therapeutic benefits of its occupants.

Hotel means an establishment which is open to transient guests, in contradiction to a boarding or rooming house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

House Trailer means a trailer or other vehicle designed and constructed for living or sleeping purposes, but shall not be considered a dwelling. The term "house trailer" includes mobile home.

Impervious Surface means any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall include "paved" surfaces such as gravel, stone asphalt, concrete or brick surfaces, driveways and parking areas, as well as buildings and structures.



Improvement means any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Incompatible Use means a use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

Kennel means:

A. A kennel shall be deemed to exist on any zoning lot on which more than a total of four kennel pets over four months of age are kept. Kennel pets are hereby defined as dogs and cats.

B. In addition, a kennel shall be deemed to exist on any zoning lot upon which ten or more such kennel pets are being or have been raised or kept for sale during any calendar year, regardless of the age of those kennel pets. Kennels are not included as permitted principal or accessory uses in any residential zoning districts and so are not allowed in those districts.

Laboratory, Medical or Dental means a building or room in which tests, diagnoses, research and similar activities in support of medical and dental services take place.

Land Use means a description of how land is occupied or utilized.

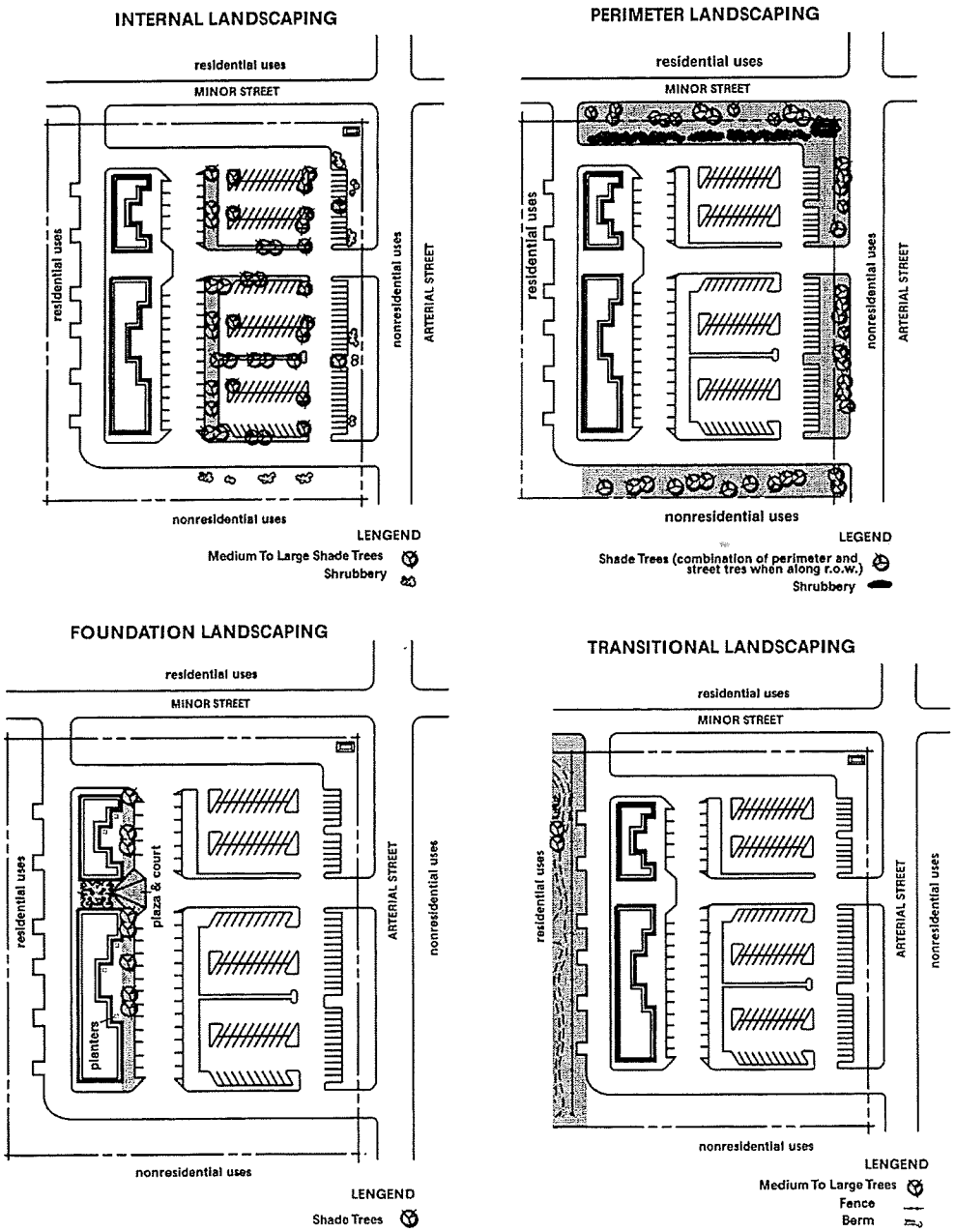
Landscape Material includes such living materials as trees, shrubs, ground cover, vines, turf grasses, and non-living materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

Landscaped Open Space means that part of the gross land area in open space which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas, courts or plazas, and outdoor recreational areas.

Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

Landscape Plan is the graphical depiction of the location and arrangement of existing and proposed plant material and land forms on a zoning lot in conformance with the requirements of this Ordinance.

Landscaping means the bringing of the soil surface to a smooth finished grade and installation of sufficient amount and variety of plant material to soften building lines, provide shade and generally produce a pleasing visual effect on the premises .

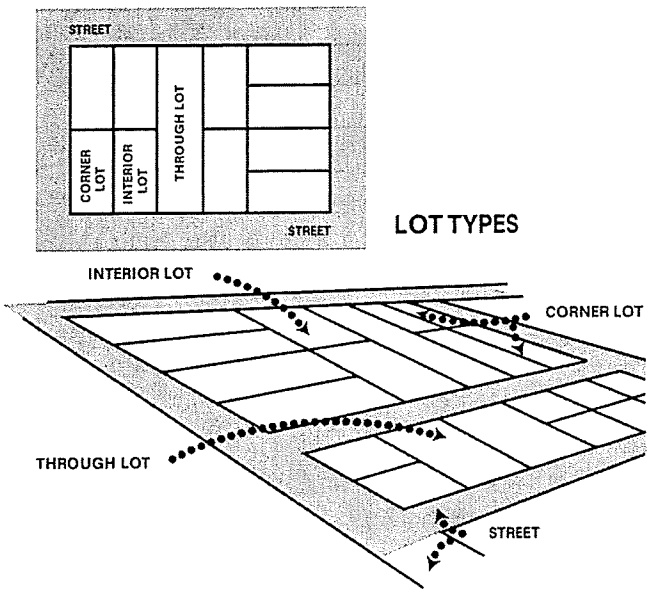


Loading Berth is the space planned for or used by a vehicle being loaded or unloaded.

Lodging Room (or rooming house) means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations must be counted as one "lodging room" for the purposes of this Ordinance.

Lot (Record, Through, Corner, Interior, Reversed Corner, Through) means:

A. "Lot" means a zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record. A "zoning lot" also means any contiguous lots of record or tracts of land required by this Ordinance to be combined into such a unit as the site of an existing or proposed structure, and also includes any such lots of record and tracts of land so combined and used as such a unit, whether or not the combination was required or was designated in the application for a building permit.



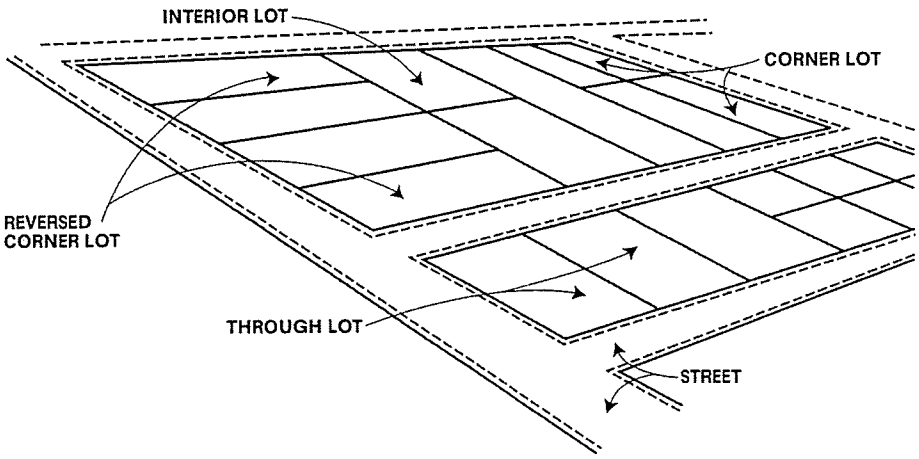
B. "Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Montgomery County, or means a parcel of land with the deed to which having been recorded in the office of such Recorder prior to the adoption of this Ordinance. Every lot of record must abut upon and have permanent access to a public street.

C. "Zoning lot or lots" means one or more contiguous tracts of land located within a single block, which (at the time of application for a building permit) is or was designated in that application or accompanying documents by its owner or developer as the tract to be used, developed or built upon as a unit, under single ownership or control as the site for the structure to be built under that building permit. Therefore, "zoning lot or lots" may or may not coincide with a lot of record. Any division or part of a zoning lot will constitute a subdivision under the subdivision regulations of this City. Every zoning lot must abut upon and have permanent access to a public street or may abut upon and have access to a private street subject to improvement standards specified under Title 9, Development and Performance Standards.

D. "Corner lot" means a lot abutting on two streets at their intersection.

E. "Interior lot" means a lot other than a corner or reversed corner lot.

F. "Reversed Corner lot" means a corner lot, in which the side lot line (along the corner side yard) intersects with the front yard line of the adjoining lot.



G. "Through lot" means a lot having a pair of opposite lot lines along two more or less parallel public streets, excluding alleys. On a "through lot" both street lines shall be deemed front lot lines except as follows:

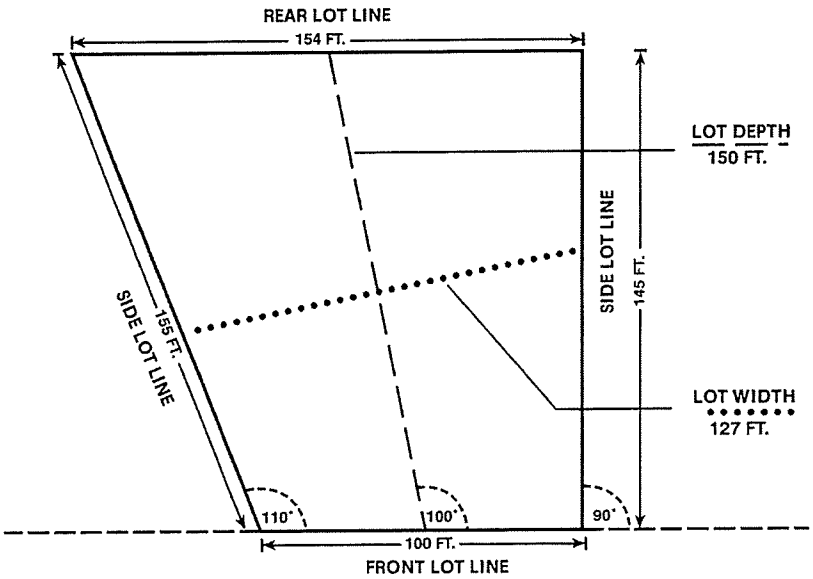
1. For purposes of determining whether or not accessory buildings or uses or other forms of obstruction may be located on a "through lot," the owner of that lot may select (by a signed document delivered to the City) which area is to be his front yard, as long as that area complies with front yard measurements required by the zoning district.
2. After such selection, the opposing yard shall be deemed to be a rear yard for purposes of accessory uses, etc., although the yard measurements and setback requirements shall still be established as though it were a front yard.
3. Where more than one through lot exists side-by-side, the front yard shall be that established by the adjoining through lot, if developed.

Lot Area, Gross means the area of a horizontal plain bounded by the front, side and rear lot lines.

Lot Coverage means that area or portion of a lot occupied by all buildings, structures, and other impervious surfaces.

Lot Depth means the distance measured in the mean direction of the side lot lines from the midpoint or front lot line to the opposite main rear line of the lot.

Lot Width means the mean width of the lot measured at right angles to its depth.



Lot Lines are the lines bounding a lot as defined herein.

Lot Line (Front Rear, and Side) means:

A. "Front lot line" means that boundary of a lot which is along a dedicated public street, or which is along an easement or right-of-way for a public or a private street. On a corner lot, the front lot line (and therefore the front yard) shall be deemed to be that which causes the yards and other measurements on the property to be conforming or closest to conforming. The owner of a corner lot, for purposes of selecting a post office address, may select either street as the address of that property, but that shall not affect which is the front lot line.

B. "Rear lot line" means that lot line which is generally opposing the front lot line. If the rear lot line is less than thirty (30) feet in length, or if the lot comes to a point in the rear, the rear lot line means a line parallel to the front lot line, having a length of not more than one-half the length of the existing front lot line; but in no case shall the length of such rear lot line be less than thirty (30) feet long, lying wholly within the lot and at the farthest point from the front lot line.

C. "Side lot line" means any boundary of a lot which is not a front lot line or a rear lot line.

Marquee means a roof-like structure of a permanent nature which projects from the wall of a building.

Median is a raised portion of a street separating the opposing traffic flows.

Mezzanine means an intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. Normally, a mezzanine is just above the ground or main floor, extending over only part of the main floor.

Monopole means a support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

Motor Vehicle shall be defined in Ohio R. C. 4501.01.

Net Site Area means the land area of a lot or tract remaining after subtraction of all public street and alley rights-of-way as required by this Ordinance.

Nier means non-ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Nonconforming Building or Structure means any building or structure which was legally constructed, but does not comply with all of the regulations of this Ordinance or of any amendment hereto for the zoning district in which such building or structure is located.

Nonconforming Use means any use of land, lawful at the time of the enactment of this Ordinance which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

Non-profit is a bona fide tax exempt entity such as organizations classed under 501 (c) (3) of the internal revenue code.

Non-Routine Maintenance or Repair means activities necessary not more frequently than every twenty-four (24) months to keep structures and equipment in good repair.

Noxious Matter is matter which is capable of causing injury or illness to living organisms, or is capable of causing detrimental effects to the health or the psychological, social, or economic well-being of humans.

Nursery School or Preschool means an enrichment program for children in a limited age range, usually three (3) to six (6) years of age, with planned curriculum and defined time frame. It does not include a full range of custodial and care services otherwise commonly required by children of this age in any twenty four (24) hour period.

Obstruction means an obstacle that tends to block or interfere with the act of walking across the surface of the zoning lot, whether or not the obstacle is attached to the ground.

Office includes those which are limited to the administrative functions of businesses, such as the processing of papers, computer records, telephone calls and face-to-face discussions, as opposed to retail sales or other non-administrative functions.

Off-Street Parking Space means an accessible area reserved exclusively for storage of one motor vehicle, is located either within a structure or in the open, and complies with the applicable provisions of Title 11.

One Year Capture Area means the area around protected public water supply well fields delineated by the one (1) year travel time contour.

Open Space means space which is not used for development, including paving and parking areas. Open space may include public and private open space areas.

Open Space, Usable means land which is free of buildings, structures, and other substantial improvements. The following examples are listed by way of illustration to indicate what *may* be counted as usable open space within this definition: outdoor swimming pools, swimming pool

areas, hard surface recreational areas, and other recreational areas, provided these areas are unenclosed except for fences, canopies, bath houses, or other minor structures. The following examples are listed by way of illustration to indicate *what may* not be counted as usable open space within this definition: a) roofs; b) open parking areas; c) parking structures; and d) road rights-of-way.

Outdoor Storage is the keeping in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Overlay District means a district which acts in conjunction with the underlying zoning district or districts.

Parking Lot is an unenclosed off-street paved area, containing four or more parking spaces and associated aisles.

Parking Structure means a structure for the parking of private motor vehicles either above or below ground, or an unenclosed parking area on top of a structure.

Parkway means that portion of a public street right-of-way on either side of an improved public street lying between the back-of-curb or the edge of pavement and the closest edge of sidewalk pavement or the right-of-way line.

Patio means an open-sided, ground-level improvement of the surface of a lot with or without a roof which covers the vegetation and ground with concrete, wood, stone, gravel, or any other nonliving building material which is usually directly attached to a building

Performance Standard is a criterion or measurement, whether quantitative or qualitative.

Permanently Affixed refers to buildings, structures, appurtenances or improvements designed and installed in a manner not intended to be moved or removed.

Person means any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not for profit.

Persons employed on the Premises means:

A. A phrase used in the definition of "family". It means those domestic servants or workers (such as a maid, gardener, cook, chauffeur, butler, etc.) who live on the property and whose primary employment is service to the family which resides on the premises and/or maintenance of such premises. For the purpose of this definition, "primary employment" means that the person employed on the premises meets at least two of the following three tests:
   1. The person devotes an average of eighty (80) percent of his or her working hours per week to such employment over the period of such employment.
   2. The person spends an average of thirty-five (35) hours per week working at such employment over the period of such employment.
   3. The person's average income per week from such employment over the period of such employment is more than fifty (50) percent of the person's average total income per week from employment, business or any profession over the period of such employment.

B. For the purposes of subsections 1, 2 and 3 above, the period of employment must not be greater than fifty two (52) consecutive weeks; if a person has been employed for more than fifty two (52) consecutive weeks, then the period of employment shall be the most recent fifty two (52) consecutive weeks of employment.

C. If the person who alleges to be employed on the premises is paying monetary rent in any amount to the owner or occupier of the premises, it will be presumed conclusively that the person's "primary employment" is elsewhere.

Pet Grooming Studio means a business use consisting of domestic house pet grooming and substantially related services, where at least sixty percent (60%) of the floor area of the studio is devoted to retail use for the sale of pet supplies and related merchandise, and where no animal is kept or boarded on the premises overnight. (Ord. 4702, passed 6/21/10).

Planning Commission means the Planning Commission of the City of Oakwood, Ohio

Plan, Conceptual is a plan that sets forth the basic concepts for development of a tract of land. This plan can be of a general nature or outline and need not propose definite locations of buildings, facilities, and uses.

Plan, Final is a plan showing the definite proposed location of buildings, facilities, landscaping, and uses upon a tract of land. This plan is usually the one for actual development of the land and, if approved by the City, is binding upon the land, and the owner of the land.

Plan, Preliminary is a plan showing the tentative arrangement of buildings, facilities, landscaping, and uses upon a tract of land.

Plan, Site Development is a plan prepared to scale, showing accurately and with complete dimensioning, a development or use proposal containing all mapping elements required in this Ordinance.

Planned Development means a tract of land which contains or will contain two or more principal buildings, developed under unit ownership or control, and is based upon a plan which allows for flexibility of design not available under normal zoning district requirements. When a building is divided into separate parts by unpierced fire walls rated at least two hours fire retardant or party walls rated at least two hours fire retardant, extending from below the lowest floor level in a basement or subbasement up to the roof, each part so completely separated shall be deemed to be an independent, although attached building.

Play structure means an accessory structure designed, intended and used for the amusement and recreation of children and must not be used for living, business or storage purposes.

Porch, Enclosed means a platform, projecting from the wall of a building with direct access to or from a building, which includes a roof or roof-like structure and is enclosed by transparent or nontransparent materials on all sides of the porch structure extended from the building.

Porch, Open means a roofed, open-sided room attached to a principal structure. If the sides are enclosed, the area will no longer be a "porch" or "open porch," but instead must be deemed a part of the principal building.

Potable Water means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

Property Lines means the lines bounding a zoning lot, as defined herein.

Property Owner means any person, group of persons, firm or firms, corporation or corporations, or any other entity having a proprietary interest in the land on which a building permit has been requested.

Protected Public Water Supply means a public water system which services at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five

(25) year-round residents, and having a (1) year capture area defined through appropriate hydrologic studies.

Public Hearing is a meeting announced and advertised in advance which is open to the public, with the public given an opportunity to speak and participate.

Public Notice is an advertisement of a public hearing in a newspaper of general circulation in the area, or through other media sources, indicating the date, time, place and nature of the public hearing.

Public Owned Real Property means all real property and facilities owned by the City.

Public Utility means a service and its related facilities which ostensibly provides for the benefit of the general public utility services including, but not limited to: water, sanitary sewer, storm sewers, electrical, telephone, natural gas and related utilities.

Public Way means any sidewalk, street, alley, highway or other public thoroughfare.

Recharge Lagoon means a body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

Recreational Vehicle is any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper and any towed recreational equipment, including the trailers for same such as boats, snowmobiles and motorcycles used privately for recreational purposes and not used commercially.

Regulated Substances means chemicals and mixtures of chemicals which are health hazards, except that materials packaged for personal or household use as food or drink for man or other animals are not regulated substances. Regulated substances include:

A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

B. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

C. Mixtures of chemicals which have not been tested as a whole, but which contain any chemical which has been determined to be a health hazard and which comprises one (1.0) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.

D. Ingredients of mixtures prepared within the WO or WF District in cases where such ingredients are health hazards but comprise less than one tenth of one (0.1) percent of the mixture on a weight per unit weight basis if carcinogenic, or less than one (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.

E. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Related Equipment means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to: cable, conduit and connectors.

Reservoir Parking facilities means those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Rest Home (Nursing Home) The State of Ohio defines a "rest home" in Section 3721.01 of the Ohio Revised Code, but the City of Oakwood has its own separate and distinct definition which is set forth below. The City definition includes some of the provisions of state statutes which describe a "rest home," but the City definition set forth below lists a number of other requirements which must be met to qualify as the type of rest home which may be allowed in multi-use special planning districts.

A. Accommodations for seventeen (17) or more unrelated individuals, supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age, physical or mental impairment or (in the case of a rest home component of the home for the aging) accommodations for three (3) or more individuals and supervision and personal care services for at least three (3) of those individuals.

B. Accommodations for three (3) or more unrelated persons plus supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age, physical or mental impairment, plus supervision of special diets or administration of medication to at least one of those individuals. (The personal care services referred to in this and the preceding paragraph are as defined in R.C. 3721.01.)

A rest home does not mean and does not include either a nursing home or a home for the aging, those terms being defined in R.C. 3721.01 as facilities that provide "skilled nursing care."

The same statutory section states that "home" does not mean any of the following types of group living facilities, and so this use for a rest home does not include and does not permit the living arrangements listed below:

1. A residential facility described in R.C. 5123.19 for developmentally disabled persons;
2. A habitation center as defined in R.C. 5111.04(1);
3. A residential facility for mentally ill as defined in R.C. 5119.22;
4. A community alternative home as defined in R.C. 3724.01;
5. An adult care facility as defined in R.C. 3722.01;
6. An alcohol or drug addiction program as defined in R.C. 3793.01;
7. A facility licensed to provide methadone treatment under R.C. 3793.11;
8. A facility providing services under contract with the Ohio department of mental retardation and developmental disabilities under R.C. 5123.18;
9. A hospice care facility licensed under R.C. 3712.04;
10. Nor, until January 1, 1994, the portion of a facility in which care is provided exclusively to members of a religious order, that facility being owned by or part of a non-profit institution of higher education which awards degrees under R.C. 1713.

Restaurant is an establishment wherein food is prepared and served in ready-to-eat form to the public for human consumption. "Restaurant" includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house and similar establishments.

Retention Basin or Pond is a storage facility for permanent storage of water, often storm water runoff.

School means any building or portion thereof, which offers educational instruction in any branch of knowledge or study.

Senior Citizen means any person 62 years of age or older.

Senior Citizen Housing is housing designed for and intended to be used exclusively for housing for persons sixty two (62) years of age or older or families of two (2) or more persons related by blood, marriage or operation of law, one member of which is sixty two (62) years of age or older.

Setback means the minimum horizontal distance between the front, corner side, side and rear line of a building or structure and the property line.

Site Development Plan means a scaled drawing or illustration depicting proposed development and project improvement plans, the content of which meet the requirements of this Ordinance. Site development plans are required under certain applications and petitions to demonstrate conformance with the explicit and implicit requirement of these regulations. There are two types of site development plan review processes

> *Minor Site Development Plan Review* applies to zoning actions which are typically less complex in site design and physical improvement descriptions. The Minor Site Development Plan is required in applications for Conditional Uses and Variances.
>
> *Major Site Development Plan Review* The major site development plan approval process; however, anticipates the potentially large and more complex development and improvement proposals. Therefore, it is designed for a more rigorous and careful evaluation of the development proposal. The requirements apply in petitions for Map Amendments, Special Use Permits, and Planned Developments. The procedures would also apply in under certain circumstances where building permits are sought for multiple family residential and non-residential development projects within the City.

Shed is a detached accessory structure used for the storage of materials whose use is incidental and subordinate to that of the primary or dominant use of the principal building or structure.

Sidewalk is that portion of a public right-of-way, easement, or land reserve which is paved and intended for the use of pedestrian traffic.

Shopping Center means a grouping of compatible business or commercial uses on a single zoning lot, such uses being in single ownership or under unified control.

Shrubbery means perennial woody plants of relatively low stature, typically with several stems arising from or near the ground.

Sign means a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" does not include any display of court or public office notices, nor does it

include the flat, emblem or insignia of a nation, political unit, school or religious group, nor does it include any school scoreboard for athletic contests to the extent such a scoreboard is on the school property, located immediately adjacent to an athletic field, facing inward toward that field, or, if not facing in that direction, located no closer than one hundred fifty (150) feet to the nearest property line, has no sign or identification on its backside, and includes no business advertising or other reference to a business anywhere on the sign. "Sign" does not include a sign located completely within an enclosed building unless the context shall so indicate. For various types of signs, see Title 12.

Special Use (See Use, Special).

Stoop means a small platform (frequently improved with steps) projecting from the wall of a building to permit direct pedestrian access to a building or structure.

Storage or **Stored** is the keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same.

Story means that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is over seven (7) feet above the level from which the height of the building is measured, or if it is used for business purposes other than educational or training facilities, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises and other than dwelling units in connection with educational or training facilities.

Story, Half is that portion of a building under a sloping roof, the wall plates of which, on at least two opposite exterior walls, are not more than five (5) feet above the floor of such story.

Street shall be as defined in the Uniform Traffic Act of the Ohio Revised Code.

Structure means an assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, observation towers, radio towers, water tanks, swimming pools and their enclosures, domes (plastic geodesic, air-supported, etc.), open sheds, coal bins, shelters, fences and display signs. Whether or not a particular arrangement of material is attached to the ground or, instead, is moveable does not affect it being included in this definition, except for vehicles as defined in the Traffic Code.

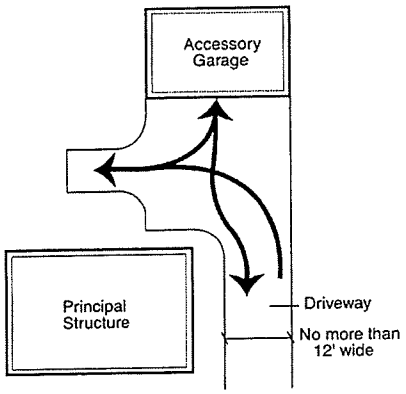
Structural Alteration means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

Swimming Pool or wading pool, whether indoors or outdoors and whether above or below the surface of the ground or both, having an inside wall depth at any point of more than two (2) feet or a surface area exceeding one hundred fifty (150) square feet.

Tent means any temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric or a similar pliable material.

Terrace is a level, unenclosed landscaped and/or surfaced area located at or above finished grade which is adjacent or attached to a building.

Three Point Turn Around – means an improved surfaced area extending off a driveway, street, or other paved surface which permits a vehicle adequate turning radius to turn the vehicle around in the opposite direction. (See illustration below)



Townhouse (See Dwelling, Attached).

Tower means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Toxic Material means any substance (liquid, solid or gaseous) which by reason of an inherent deleterious property when emitted in an amount injurious to plants, animals, or human beings.

Trailer means any vehicle, house car, camp car or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, hauling or commercial purposes and herein referred to as a "trailer."

Travel Time Contour means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

Underground Storage Tank means any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the City of Oakwood Health Department or Ohio Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

Use means the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use (Conditional, Permitted, Principal, and Special) means:

A. "Conditional use" means a use that because of its unique characteristics cannot be classified as a permitted use in any particular zoning district. If certain standards are met, however, the conditional use must be granted by the Building Commissioner.

B. "Permitted use" means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such district.

C. "Principal use" means the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "special."

D. "Special use" means a use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land, such "special use" may or may not be granted.

Use of property means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

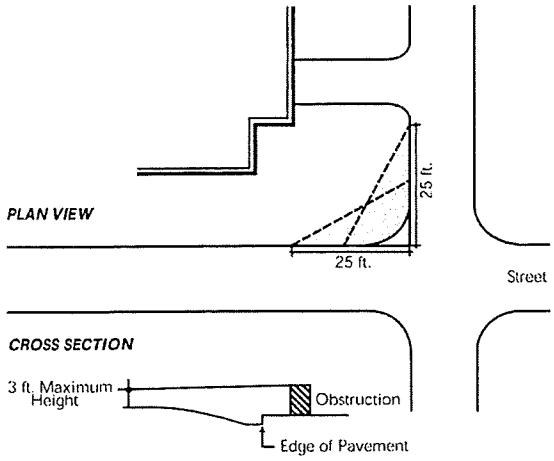
Use, Accessory is a use incidental to and subordinate to the principal use. It must not dominate in area, extent, or purpose to the principal use, building or structure.

Use, Temporary (or temporary event) means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

Variance means a Variance from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from a Map Amendment, Special Use Permit or Conditional Use Permit.

Veterinarian Hospital or Clinic means any building or portion thereof designed or used for the care, observation, or treatment of domestic animals, excluding boarding and grooming.

Visibility Triangle means an imaginary triangle formed by the intersection of any two or more streets. The triangle on each "leg" of each corner of a street intersection (there are two legs to each corner) is measured twenty five (25) feet in both directions from the point of intersection along the right-of-way/property lines formed by the street intersection; the third side, its hypotenuse. Within the triangle, objects are not to extend any higher than three (3) feet vertically from the crown of the street to maintain driver visibility at an intersection.



Wall (see Fence)

Warehouse means facilities largely devoted to storage of goods and materials. Distinguished from industrial in that no manufacturing is involved.

Water Course means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or

course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Well Field means a tract of land that contains one or more wells for supplying water.

Well Field Protection Overlay District means a district defined by the one (1) year capture area and depicted on the zoning map within which, through superimposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning districts to which such designation is added.

Wellhead Operation District means a district applied to property owned by the City of Oakwood where municipal water supply wells are located.

Wetlands are swamps or marshes, water courses, drainage tributaries, pools or ponds in either a perennial or intermittent state.

Wireless Telecommunications Facility means any cables, wires, lines, wave guides, antennae 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. The term wireless communications facilities do not include:

A. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned business.

B. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning district.

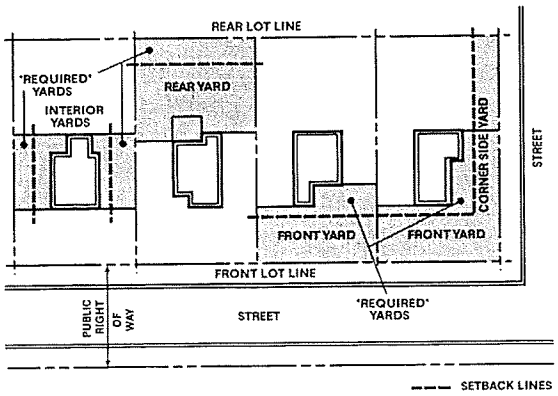
C. Antennae used by amateur radio operators.

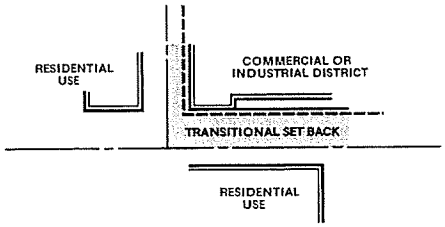
Yard shall mean any portion of a zoning lot, which is unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard (Front, Rear, Side, Corner Side, Interior Side, and Transitional) means:

A. "Yard" means usable open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its ground level to the sky, except as expressly permitted by the Codified Ordinances of this City.

YARDS AND SET BACKS





TRANSITIONAL SET BACK

B. "Required front yard" means a yard extending along the full width of the zoning lot, commencing at and following the contour of its front lot line and extending toward its rear lot line and parallel to the lot depth for the depth or distance specified in the Yard Requirements section for the zoning district in which such lot is located. Every such required front yard must have a minimum width of thirty (30) feet.

C. "Required rear yard" means a yard extending along the width of the zoning lot, (except for that portion defined as a corner side yard), commencing at and following the contour of its rear lot line and extending toward its front lot line and parallel to the lot depth for the depth or distance specified in the yard requirements section for the zoning district in which such lot is located. Every such required rear yard must have a minimum width of thirty (30) feet.

D. "Required interior side yard" means a yard extending from the end of the required front yard to the end of the required rear yard (or surplus rear yard, if one exists), commencing at and following the contour of the side lot line which adjoins another zoning lot and extending toward the opposing side lot line and parallel to the lot width for the depth or distance specified in the yard requirements section for the zoning district in which such lot is located.

E. "Required corner side yard" means a yard extending from the end of the required front yard to the rear lot line, adjoining a public street or alley, commencing at and following the contour of the side lot line and extending toward the opposing side lot line and parallel to the lot width for the depth or distance specified in the yard requirements section for the zoning district in which such lot is located.

F. "Transitional yard" means that yard which must be provided on a zoning lot in a Business zoning district, which lot adjoins land in a residential zoning district.

Zone of Influence means a zone delineated by iso-travel time contours around well fields. The zone is calculated on the rate of movement of ground waters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

Zoning District means an area or areas within the City for which the regulations and requirements governing use, lot and bulk of the buildings and premises are uniform.

Zoning Ordinance (This Ordinance) means this zoning ordinance, as amended.

TITLE 4. GENERAL PROVISIONS

Sec. 400 Rules of Transition

400.1 Buildings and Permitted Uses

A. All buildings erected hereafter, all uses of land or buildings established after the date of adoption of this Ordinance, and all structural alterations or relocation of existing buildings occurring after the date of adoption of this Ordinance must be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land are located.

B. However, where a building or zoning permit for a building or structure which does not comply with this Ordinance has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued. The building or structure may upon completion be occupied under a Certificate of Occupancy by the use for which originally designated - subject thereafter to the provisions of Title 13, Nonconforming Buildings, Structures, and Uses.

400.2 Special Use Permits

Any Special Use Permit approved and established under prior law shall be permitted to continue. However, where a Special Use Permit has been approved under prior law and no building or zoning permit has been issued or construction commenced, then such permit shall be subject to lapsing conditions of the permit. Where such Special Use Permit contains no lapsing provisions, it shall be valid up to one (1) year of the date of approval, unless a building permit has been issued or construction commenced.

400.3 Approved Variances

Any Variance established under prior law must be permitted to continue. However, where a Variance has been approved under prior law and no building permit has been issued or construction commenced (where a Variance involves construction), then such permit shall be subject to lapsing conditions of the permit. Except, however, where said Variance contains no lapsing provisions, it shall be valid up to one (1) year of the date of approval of the permit, unless a permit has been issued or construction commenced.

400.4 Pending Applications

Applications on file for any Zoning Amendment, Special Use Permit, Conditional Use Permit, Variance or Appeal at the time of adoption of this Ordinance for which a public hearing was held under prior Ordinances shall be governed by the Ordinance in effect at the time of hearing. Pending applications which have yet to be heard will be governed under the procedures and requirements of this Ordinance.

Sec. 401 Applicability

401.1 Zoning Lots

A. Number of Buildings on a Zoning Lot – Except for guest houses, or structures otherwise approved by the City Council as part of a shopping center or Planned Development, not more than one principal building must be located on a zoning lot.

B. Minimum Zoning Lot Frontage - All residential zoning lots created subsequent to the effective date of this Ordinance must have a minimum lot frontage and

rear yard of thirty (30) feet. However, on land which existed as a lot of record on the effective date of this Ordinance, a single family dwelling may be established regardless of the frontage of the lot, provided all other requirements of this Ordinance are complied with.

C. Division of Zoning Lots - No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale must conform to all the applicable bulk regulations of the zoning district in which the property is located. Except as may be permitted under Section 1302.

401.2 Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land in accordance with the lot size requirement of the district within which it is located. Except, however, on a lot of record on the effective date of this Ordinance, the requirements of Title 13, Nonconforming Lots of record, must be met. In no case, shall a lot created illegally be considered a lot of record.

Sec. 402 Accessory Buildings, Bulk Regulations and Permitted Obstructions in Required Setbacks and Yards

402.1 Accessory Structures and Uses

A. Purpose

Accessory buildings, structures and uses customarily incidental to and commonly associated with a use allowed as a permitted or special use within a particular zoning district may be allowed to occupy the same zoning lot as the permitted or special use. To qualify as an accessory building, structure, or use, it must be operated and maintained under the same ownership and on the same lot as the principal building, structure, or use and must meet the definition for an accessory use stated in Title 3, *Rules and Definitions*.

B. Percentage Coverage of Zoning Lot and Required Yard
No detached accessory building or structure shall occupy more than twenty (20) percent of the area of the yard within which such accessory structure is located.

C. Special Provisions Regarding Detached Structures and Uses in Rear Yards

1. As an exception to B., above, and unless otherwise authorized by Special Use Permit, detached accessory structures, including all paved and impervious surface areas, shall not occupy more than fifty percent (50%) of a required rear yard.
2. No detached accessory structures (except fence lines) in the rear yard shall be any closer than three (3) feet to the principal structure.
3. On any corner lot located in the R-3, R-4 or R-5 zoning districts, no detached accessory storage shed or structure intended exclusively for storage (other than a traditional detached garage) shall cover more than ten percent (10%) of a required rear yard in an R-3 district, and no more than fifteen percent (15%) of a required rear yard in an R-4 or R-5 district; provided, however, no storage shed or structure shall exceed one hundred fifth (150) square feet in the R-3 district, nor more than one hundred twenty-five (125) square feet in the R-4 or R-5 zoning districts. (Ord. 4494, passed 11/5/01).

D. Drainage Easements

Accessory buildings, structures or uses must not be located on or within drainage easement created by a duly recorded document.

E. Height of Accessory Buildings and Structures

Except for flag poles, no detached accessory structure or building shall exceed twelve (12) feet in height. Further, no detached accessory garage building or structure shall exceed eighteen (18) feet in height. Height shall be measured from the mean elevation of the finished lot grade at the front of the building to the highest point of the structure.

F. Attached Accessory Structures

An attached accessory structure must comply with all zoning district regulations applicable to the principal building, structure or use to which it is accessory.

G. Detached Accessory Structures and Uses

Unless otherwise provided in subsection 402.2 below, detached accessory structures and improvements shall:

1. Be located no closer to the front lot line than the principal dwelling on the lot for detached accessory buildings.

2. Otherwise meet the yard requirements of the zoning district in which the proposed accessory structure or use is to be located, as provided in Title 5, *Zoning Districts*.

H. Permitted Accessory Uses

1. Residential Districts

The following are accessory uses and structures permitted within all residential zoning districts, subject to applicable requirements of the zoning district and *Title 9, Design and Performance Standards*.

a) Air conditioning/heat pump equipment
b) Arbor or trellises
c) Auction sales (See Section 404 Temporary Uses)
d) Convents, seminaries and, monasteries
e) Type B Child Day Care Home (*See Design and Performance Standards,* 901.3)
f) Deck
g) Dog house
h) Driveways up to twelve (12) feet width
i) Entrance pillars (See *Design and Performance Standards,* 901.9)
j) Earth satellite stations and electronic antenna
k) Fences and walls in accord with *Title 4, General Provisions*
l) Firewood storage
m) Flag poles (See *Design and Performance Standards,* 901.4)
n) Garden, greenhouse, conservatory, private
o) Garage
p) Garage sales
q) Gazebo
r) Home occupations
s) Hot tub

t) Mail box
u) Patio
v) Play houses and summer houses
w) Retaining walls
x) Service walks (See *Design and Performance Standards,* 901.8)
y) Sheds for storage of common household items
z) Signs, in accord with *Title 12, Signs*
aa) Steps and ramps
bb) Storage of non-passenger vehicles (See *Design and Performance Standards,* 901.5)
cc) Swimming pools, private
dd) Terrace
ee) Yard lamp/light
ff) Vertical Projections
gg) Parking pads

2. Business Districts

The following are accessory uses and structures permitted within all business districts, subject to applicable requirements of the zoning district and *Title 9, Design and Performance Standards*.

a) Air conditioning/heat pump equipment
b) Arbor or trellises
c) Auction sales (See Section 404, Temporary Uses)
d) Deck
e) Dumpsters and garbage receptacles
f) Earth satellite stations and electronic antenna
g) Fences and walls in accord with *Title 4, General Provisions*
h) Garden, greenhouse, conservatory, private
i) Garage
j) Gazebo
k) Patio
l) Service walks (See *Design and Performance Standards,* 901.8)
m) Sheds for storage
n) Signs, in accord with *Title 12, Signs*
o) Steps and ramps
p) Terrace

402.2 Permitted Obstructions in Yards

Subject to all other requirements of this section, accessory buildings, structures or uses shall be permitted in designated yards of a zoning lot as follows:

F = Front Yard
CS = Corner Side Yard
S = Interior Side Yards
R = Rear Yards

Awnings, Balconies, Canopies, One Story Bay Window (Not more than three (3) feet into the required yard and not more than fifteen (15) percent of the required rear yard)	F	CS	S	R
Arbors or Trellises (one arbor and/or trellis not to exceed eight (8) feet height)	F	CS	S	R

Air Conditioning Condenser/Heat Pump (minimum yard must be met on side yard)		CS	S	R
Air Conditioner - Window Mounted Unit (not more than two (2) feet)	F	CS	S	R
Basketball equipment	F	CS	S	R
Barbecuing Equipment, Permanent and Temporary			S	R
Breezeway or Open Porch	F	CS	S	R
Chimney (not more than two (2) feet)	F	CS	S	R
Communications Tower				R
Deck			S	R
Dog Houses				R
Dog Runs				R
Dumpsters and Garbage Receptacles (Except for temporary placement for collection)			S	R
Eaves, Overhangs Gutters, and Bay Windows (Not more than three (3) feet in front yard nor more than thirteen (13) inches in interior side or rear)	F	CS	S	R
Fences and Walls See *Title 4, General Provisions* for additional requirements	F	CS	S	R
Firewood Storage			S	R
Flagpoles (One flag pole per zoning lot)	F	CS	S	R
Garages, Detached			S	R
Greenhouses, Private			S	R
Garden Appurtenances such as benches, sundials, birdbaths, fountains and sculptures)	F	CS	S	R
Hot Tubs				R
Mail Box, free-standing	F	CS		R
Non-passenger Vehicle Storage See Section 901.5			S	R
Off-Street Parking See *Title 11, Off-Street Parking and Loading*			S	R
Ornamental Light Standards	F	CS	S	R
Patio	F	CS	S	R
Picnic Table, Patio and Lawn Furniture		CS	S	R

Playground Equipment (Basketball hoops, backstops and supporting posts are allowed in all yards)				~~S~~	R
Playhouses, Gazebos, Open Sided Summer Houses					R
Satellite Antennas and Communications Towers					R
Sheds and Storage Structures for Garden Equipment					R
Service walks and other Impervious Surfaces	F	CS	S		R
Signs and Nameplates See *Title 12, Signs*	F	CS	S		R
Sills, Beltcourses and Ornamental Features of the Principal Structure (Not more than eighteen (18) inches into setback or court)	F	CS	S		R
Steps and Ramps (May not be less than one (1) foot from a lot line and four (4) feet above the established grade and which are necessary for access to a structure or from a public right-of-way)	F	CS	S		R
Swimming Pools				S	R
Tennis Courts, Private					R
Terrace	F	CS	S		R
Window Wells (not more than two (2) feet into the yard	F	CS	S		R

Sec. 403 Fences, Walls and Hedges

403.1 Fence Construction

A. Fences, walls (including retaining walls which significantly change the grade or contour of the land and which do not substantially follow or preserve such grade or contour) and terraces may be erected, placed or maintained upon, but only to the heights set forth below. Retaining walls which substantially follow or preserve the existing grade or contour of land may be erected, placed or maintained without height limitations.

B. Fences must be constructed of wood or ornamental wrought iron (in a traditional style as previously existing in this City) or of steel or aluminum formed and colored and in such a style as to be substantially similar to such wrought iron. Wood used in such fences shall be limited to cedar, redwood, or to southern pine pressure treated with a preservative so as to meet standards of the American Wood Preservation Association, AWPA C2-01, but excluding creosote and petaclorifinal preservation. Exceptions to this requirement include green or black vinyl or chain link wire fences enclosing part or all of a tennis court or other fences as may be approved as part of a Conditional Use Permit request. Further, chain link wire fences erected on public property used to separate public buildings or grounds from immediately adjoining dedicated streets are permitted. Fences of synthetic or composite materials that have the functional equivalence of natural or traditional material may be substituted. For purposes of this section, fences shall be defined as synthetic when they are constructed of material that is entirely manmade, such as PVC. Composite fences are those fences constructed of engineered material that combines

manmade and natural components, in any ratio, into a single building material. Such synthetic or composite fences shall conform to the following requirements:

1. All synthetic fences and parts thereof shall be made exclusively of first run, virgin compounds homogenous throughout the extruded wall of the profile with at least a 20-year non-prorated warranty. All composite fences and parts thereof shall be subject to this same material requirement, but shall carry at least a 15-year non-prorated warranty.
2. Fence colors shall be limited to white, almond, gray, light brown, natural wood finishes, or approved equals.
3. All latches, hinges and hardware shall be made of non-rusting materials.
4. All vinyl fence material shall conform to the American Society for Testing and Materials (ASTM) Standard F964-94. (Ord. 4529, passed 3/3/03, effective 4/3/03).
5. All composite fence material shall be free of urea formaldehyde and other toxic chemicals or compounds capable of being leached into the soil or air. (Ord. 4757, passed 9/17/12).

C. Temporary fences and walls used for the duration of construction may be approved as a temporary use in accord with Section 404.

403.2 Fence Design Standards

A. Fence Height – Residential Districts

1. Front Yard and Corner Side Yard. Fences, walls and hedges must not exceed three and one-half (3 1/2) feet in height in any front or corner side yard. Brick or stone walls must not be more than twelve (12) inches high.
2. Interior Side Yard. Fences, walls and hedges must not exceed five (5) feet in any interior side yard, but if such yard abuts a yard on adjacent property with a lower permitted height for fences and walls, that lower height shall apply. However, fences, walls and hedges may be allowed a height of up to six (6) feet in that portion of a required interior side yard which is adjacent to land zoned for nonresidential purposes.
3. Rear Yard. Fences, walls and hedges must not exceed six (6) feet height in any rear yard. For the purpose of this section, the rear yard shall be deemed to extend from the rear wall of the principal structure to each side (or corner side) lot line. If a rear yard of a corner lot abuts a yard on adjacent property with a lower permitted height for fences or walls or hedges, the lower height must apply to the entire rear yard.
4. Fences, walls and hedges on a through lot shall treat both the front and rear yards as a front yard for purposes of fence height.
5. Fence height excludes ornamental and decorative post knobs no taller than six (6) inches.
6. The combined height of fences on retaining walls shall be used in determining conformance with fence height.

B. Fence Height – Business Districts

The height of fences, walls and hedges in business districts shall be treated the same as residential districts.

C. No fence or wall shall be erected, placed, or maintained on any property within the front or the corner side yard that is more than fifty (50) percent opaque when viewed horizontally (from the side). An exception to this rule are screening fences in transitional yards, approved as part of a landscape plan required by this ordinance, intended to screen potential nuisances from the view of adjoining property.

D. In any district no fence, wall, hedge or shrubbery shall obstruct the visibility triangle as defined by this Ordinance.

E. Wood fences are to be constructed so as to have one side smooth and the other side with protruding materials must be erected with the smooth side facing out toward adjoining properties. More than one type of fencing may be used without special use permission.

F. Fences of chain link, wire or green or black vinyl extending up to fifteen (15) feet in height may be allowed around part or all of tennis courts (public or private) or on public parks and playgrounds.

Sec. 404 Temporary Uses and Events

404.1 Authority

Temporary uses and events may be permitted in any residential or commercial district in accordance with a permit that may be issued upon written application to the City Manager or an appointed designee. The City Manager, subject to the requirements of this section, must approve, deny, or approve with conditions a temporary use/event permit request. The City Manager, at its sole discretion, may direct any application for a temporary use or event to the Planning Commission for consideration and action.

404.2 Temporary Use and Event Requirements

A. General Requirements

Except where else provided in this Ordinance, in any residential district, such temporary uses and events may only be authorized when sponsored by and for the benefit of non-profit, charitable, , or government entities. This section specifically excludes weddings and other private parties and garage sales. The City Manager must not approve any temporary use or event, nor shall any permit granted remain valid unless the applicant satisfies the following conditions through the terms of the permit:

1. Compliance with all applicable City codes and Ordinances;

2. Approval by the Building Commissioner of all plans for structures and plans for vehicular and pedestrian access in connection with the temporary use or event;

3. Compliance with all health regulations of the Oakwood Health Department, as applicable; and

4. Compliance with the conditions established by the Planning Commission and City Manager necessary to protect the public health, safety and welfare and the polices and objectives of the Zoning Ordinance and the Comprehensive Plan.

A violation of the terms and conditions as established by the permit, at the sole discretion of the City Manger may result in immediate termination of the permit and cessation and evacuation of the use or event.

B. Duration of Permit.

A permit for a temporary use or event shall be for a fixed term established at the time of issuance not to exceed sixty (60) days. Only two permits shall be issued to the same applicant for the same premises each calendar year. Within the two (2) days after termination of the permit, the permittee must

remove all temporary structures, items and debris, and restore the premises to a safe condition.

404.3 Requirements for Specific Events

Requirements for specific events in this section are in addition to the requirements for events indicated above.

A. Outdoor Sales - Business Events

Within the business zoning districts up to a maximum of four separate dates in any calendar year, an owner/operator may also conduct uses permitted under this Ordinance by selling goods outside of any enclosed building on the site, with such outside sales to be subject to all health, safety and other regulations now existing or hereafter. These four dates must be used in common by the businesses in any particular Business District, so there will be only four dates each year on which outside business may be conducted in that District. Dates for such outside sales are to be established in the following manner:

1. Any one or more persons may file a written application on a form provided by the City requesting approval by the City Manager of one to four dates in any calendar year for such outside sales. Any such application must be accompanied by a fee as determined by the City Manager under Chapter 153 of the Administrative Code.

2. The application shall include a letter from the organization indicating that at least fifty (50) percent of the retail merchants who sell products in that particular business area are interested in participating in the business event. The letter must be signed by an officer of the association and shall affirm the fact that the members have been informed of the proposed sale dates and that fifty percent (50%) or more are interested in participating in the event. At the City's discretion, notice and hearing before the Planning Commission may be required prior to the issuance of a temporary use permit.

B. Auction Sales

Auction sales are subject to the following limitations; restrictions against sale of food, prohibited areas, restrictions against attendance fees, control of the number of sales per dwelling unit or business establishment in a calendar year, and restrictions against advertising as are applicable to garage sales. Such auction sales may be held only between the hours of 8:00 A.M. and 5:00 P.M. No such auction sale may extend for more than three (3) consecutive days (or portions thereof) nor occur within two (2) calendar months of any auction sale for the same dwelling unit. The City Manager shall have authority to permit any such sale to extend for up to an additional two (2) consecutive days of an inspection of the property indicating that it is not reasonable to believe the auction sale could be completed within the three (3) day limit.

Sec. 405 Wireless Telecommunication Facilities

405.1 Legislative Purposes

The purpose of this Section is to regulate the placement, construction, and modification of wireless communications facilities and their support structures in order to promote and protect the public health, safety, morals, comfort, prosperity and general welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications market place in the Miami Valley Region. Specifically, the purposes of this Section are:

1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City.
2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.
3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.
4. 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.
5. To avoid potential damages to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed upon any cessation of operation.
6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

405.2 Applicability

All towers, antenna support structures, and wireless telecommunications facilities, any portion of which are located within the City, are subject to this Section. Except as provided in this Section, any use being made of an existing tower or antenna support structure on the effective date of the Ordinance enacting 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, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired. Subject to all other requirements of this ordinance, location of wireless telecommunications facilities shall be permitted only on publicly owned real property, or on private property in business districts when no acceptable location is available on publicly owned real property.

405.3 Application and Review Requirements

All applications for wireless telecommunications facilities, including towers, must include the information required under this Section.

A. Plot Plan Required

Any person or company intending to apply for the placement or operation of a telecommunication facility within the City must first schedule a pre-application conference with the City Manager or an appointed designee. At this meeting, the applicant must present a plot plan at a scale of not less than one (1) inch equals one hundred (100) feet. This plot plan must indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

B. Photo Simulations Required

Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided. All costs for visual analysis, and applicable administrative costs, shall be borne by the applicant.

C. Technical Necessity

The applicant must demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There must be an explanation of why a tower and the proposed site is technically necessary.

D. Review By Radio Frequency Engineer

The evidence submitted by the applicant must be reviewed by a radio frequency engineer chosen by the City, who shall support or refute the evidence. If the radio frequency engineer refutes the evidence submitted by the applicant, the City may deny the application. The cost of the radio frequency engineer shall be borne by the applicant.

E. Required Site and Landscaping Plan

The applicant shall present a site and landscaping plan showing the following:

1. Specific placement of the wireless telecommunications facility on the site.
2. The location of existing structures, trees, and other significant site features.
3. Type and locations of plant materials used to screen the facilities.
4. The proposed color of the facility.

F. Co-Location, Maintenance and Removal Agreement

The applicant shall present signed statements, binding upon any successor of the applicant, providing that:

1. 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
2. The applicant must properly maintain the exterior appearance of the wireless telecommunication facilities.
3. The applicant agrees to remove the facility within one hundred eighty (180) days after its use is discontinued.
4. The applicant shall reimburse the City for all costs incurred to perform any work required of the applicant, but which the applicant fails to perform.

G. Denial by Jurisdiction

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

H. Variances

Any request to deviate from any of the requirements of this Section shall require approval of a Variance in conformance with the procedures set forth in Section 1006 of this Ordinance.

405.4 Standards Applicable to All Wireless Telecommunications Facilities

A. Construction Standards

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 Basic Building Code. Proof of on-going compliance must be provided to the City Manager every ten years by way of an inspection report prepared by an Ohio licensed structural engineer indicating the structural integrity of the tower. All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound.

B. Fire Protection

All wireless telecommunication buildings must be designed and operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. The City Manager shall determine what safety measures shall be implemented for all telecommunication buildings.

C. Height Determination

The height of a tower shall be measured from the ground surface below the base to the top of the tower itself or, if higher, to the top of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which the tower is mounted.

D. Telecommunication Support Facilities

No telecommunication support facility shall be more than one story in height and must be constructed to look like a building or facility typically found in the area.

E. Natural Resource Protection

The location of the wireless telecommunications facilities must comply with all natural resource protection standards established either in this Ordinance or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.

F. Historic or Architectural Standards Compliance

Any application to locate a wireless telecommunications facility on a building or structure that is listed in a federal, state or local historic register shall be subject to review by the City Manager an appointed designee to insure that architectural and design standards are maintained.

G. Color and Appearance Standards

1. All wireless non-building mounted telecommunications facilities must be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FCC, FAA and/or by historical or architectural standards imposed under this Ordinance. All appurtenances must be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the City.
2. No tower, antenna or wireless telecommunication appurtenance may be placed on the exterior of a building that is less than two-stories in height. Any roof-mounted structure(s) must be effectively screened, as determined by the city.
3. Any telecommunication support structures, accessory facility, accessory structure, storage shed, storage cabinet, or radiotelephone or transmission equipment associated with a tower, antenna or wireless telecommunication appurtenance must be located on either the roof of a building or an appropriate location within the existing structure.
4. Any roof-mounted tower, antenna or telecommunication appurtenance, together with all accessory facilities and structures, must be effectively screened, as determined by the City.
5. Any building mounted wireless telecommunication appurtenance must be painted the same color as the building and be architecturally compatible with the surrounding environment.
6. No portion of a building mounted telecommunication appurtenance may be lower than 15 feet above ground level.

H. Advertising Prohibited

No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.

I. Artificial Lighting Restricted

No wireless telecommunications facility shall be artificially lit except as required by the FAA.

J. Abandonment

All wireless telecommunications facilities must be subject to the abandonment requirements set forth in 405.5 of this Ordinance.

K. Setback From Edge of Roof

Any wireless telecommunications facility and its appurtenances permitted on the roof of a building must be set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunications facility. However, this setback requirement shall not apply to antennae that are less than two (2)

inches in thickness mounted to the sides of antenna support structures and do not protrude more than six (6) inches from the side of such an antenna support structure. This requirement is subject to change by the City upon review of the photo simulation provided in compliance with 405.3, B. of this Ordinance. Any roof mounted panel antenna with a base area greater than three and one-half (3 ½) square feet must be located so as to be effectively unnoticeable.

L. Security Enclosure Required

All towers and equipment shelters must be enclosed either completely or individually as determined by the City. No fencing shall be permitted in a residential zone. The City and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.

M. Existing Vegetation and Buffer Plantings

Existing vegetation (trees, shrubs, etc.) must be preserved to the maximum extent possible. Buffer plantings must be located around the perimeter of the security enclosure as deemed appropriate by the City. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.

N. Access Control and Emergency Contact

"No Trespassing" signs must be posted around the wireless telecommunications facility, along with a telephone number of whom to contact in the event of an emergency.

O. Co-Location Design Required

No new tower shall be constructed in the City unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.

P. Co-Location Requirements

All telecommunication facilities must be designed to promote facility and site sharing. The facility must make available space for co-location of other telecommunication facilities including space for entities providing similar or competing services. A good faith effort in achieving co-location shall be required of the host entity. Request for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and shall be provided to the City Manager. Unresolved disputes may be mediated by the City. Co-location shall not be required in cases where the addition of the new service or facility would cause quality of service impairment or if it became necessary for the host to go off-line for a significant period of time.

Q. Jurisdiction Study of Potential Sites

Because the City will permit the location of a wireless telecommunications facility only on publicly-owned property, except where no acceptable location is available on publicly owned real property, the City shall undertake an identification of publicly-owned properties that the City determines are suitable for such use. The City shall regularly update such identification and make the results available to the public.

R. Technically Suitable Space

Authorization for a tower must be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.

S. Location of Wireless Telecommunication Facilities

1. Wireless telecommunications facilities shall be permitted and preferred to be located on publicly-owned real property.
2. Wireless telecommunications facilities may also be permitted on private building locations in business districts when no appropriate location is available on a publicly owned real property.
3. Antenna. Any antenna shall preferably be attached to an existing publicly-owned building or structure, or to a private building in a business district where no acceptable location is available on a publicly owned real property.
4 Tower
   i. Minimum Setback From Property Lines - The minimum setbacks and yard requirements for principal structures for the zoning district where the tower is to be located shall apply.
   ii. Minimum Setback From Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
   iii. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.

405.5 Procedure for Decision – Planning Commission and City Council Action

1. The Planning Commission shall hold a public hearing on an application for placement or operation of a telecommunication facility within the City, once the application and review requirements set forth in 405.3 have been met. All interested persons shall be afforded an opportunity to be heard.
2. The Planning Commission shall vote to recommend approval or denial of the application by a simple majority based on the criteria and standards set forth in this Section 405 and all other applicable Oakwood Ordinances.
3. The City Council shall hold a public hearing on the proposed application and shall afford all interested persons the opportunity to be heard.
4. By a simple majority vote, the City Council shall approve, approve with modifications or conditions, or deny the proposed application based on the criteria and standards set forth in this Section 405 and all other applicable Oakwood Ordinances.
5. A denial of an application must be in writing and be supported by substantial evidence contained in the written record. The burden of proof for grant of the application shall always be on the applicant.

405.6 <u>Abandonment of Tower</u>

A. Notification Requirement

All providers utilizing towers shall present a report to the City notifying it of any tower facility located in the City the use of which will be discontinued and the date the use will cease. Such report must be filed with the City thirty (30) days prior to the cessation date. If at any time, the use of the facility is discontinued for one hundred eighty (180) days, the Building Commissioner may declare the

facility abandoned. The one hundred eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The Building Commissioner must serve the owner/operator with written notice of the declaration of abandonment and be instructed to either reactivate use of the facility or commence to dismantle and remove the facility within sixty (60) days from the mailing of the notice. Service of said notice must be by ordinary mail to the last known address of the owner/operator and service shall be presumed if said notice is not returned by the U. S. Post Office. If the notice is returned as undelivered, the Building Commissioner shall post the notice on the tower for a period of thirty (30) days. If reactivation or dismantling does not commence or, if commenced, the dismantling is not diligently pursued within said sixty (60) day period, and no Appeal is filed as provided by Section 405.5, C., the City may either remove the facility or contract to have the facility removed and assess the owner/operator the costs.

B. Contents of Notice to Owner/Operator

The notice required by Section 405.5 shall inform the recipient that it has the right to Appeal the order to reactivate or dismantle by filing a written notice of Appeal to the Board of Zoning Appeals of the City. Said written notice of Appeal must be filed with the Clerk of Council within thirty (30) days following service of the notice provided for in Section 405.5.

C. Appeal Procedure

Any Appeal filed pursuant to Section 405.5, A., shall proceed as provided in Section 1007 of this Ordinance.

D. Order of Removal

If the Board of Zoning Appeals affirms the order of the Building Commissioner, the City may proceed in accordance with the provisions of Section 405.5 in the same manner as if an Appeal had not been filed unless the owner/operator complies with paragraph A.

405.7 Separability

Should any section, clause, paragraph, sentence, item, phrase or provision of this Section 405 be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Section 405 as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Amended Ord. 4561, 12/20/04).

Sec. 406 Shielding of Outdoor Illumination

The illumination of signs, and all other outdoor lighting, shall be so designed, placed, shielded or arranged so as not to cause a glare, light or reflection of light upon adjacent premises or upon the street. For all non-residential and multiple family residential improvements requiring Site Development Plan Review under Section 1012 of this ordinance, appropriate lighting plans and specifications shall be submitted for City approval under these provisions.

Sec. 407 Stormwater Management

All zoning applications and/or issues are subject to all provisions and requirements of the City's stormwater management code (Part Twelve – Stormwater Management Code). (Ord. 4671, passed 5/4/09, effective 6/4/09).

TITLE 5. ZONING DISTRICTS

Sec. 500 **Districts**

For purposes of this Ordinance, the City of Oakwood is hereby divided into the following zoning districts:

Residential Districts

Residence Districts, Generally

R1	-	Single-Family Residence District
R2	-	Single-Family Residence District
R3	-	Single-Family Residence District
R4	-	Single-Family Residence District
R5	-	Two-Family Residence District
R6	-	General Residence District
R7	-	General Residence District

Business Districts

Business Districts, Generally

NB	-	Neighborhood Business District
CB	-	Community Business District

Special Purpose Districts

C	-	Cemetery District
MU	-	Multi-Use Special Planning District
WO	-	Wellhead Operation District
WF	-	Wellfield Overlay District

Sec. 501 **Official Zoning Map**

The location and boundaries of districts are set forth on the map entitled "City of Oakwood Zoning Map", dated March 1995,as amended, which is incorporated herein, and made a part of this Ordinance.

501.1 Rules

A. The location and boundaries of the districts established by this Ordinance are to be set forth on a zoning map entitled Amended Oakwood Zoning District Map (the "zoning map"). Subsequent zoning amendments which change the zoning district for any real estate also shall be depicted on that map.

B. The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning map:

1. Zoning district boundary lines are and shall be lot lines or the centerlines of highways, streets, alleys and street easements to the extent reasonably possible. Platting or replatting of lots shall be required to accomplish this with regard to any application or permit involving a zoning district line that divides a lot or runs through privately owned land that has not been platted as a lot.

2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or center lines of streets and highways, unless otherwise indicated.

3. No street or alley shall be deemed to be an unzoned area, and instead every street or alley is included in one zoning district or another, as depicted on the zoning map and/or described in zoning ordinances.

501.2 Purchase of Zoning Ordinance and Zoning Map

The current Zoning Ordinance text and zoning district map is available for purchase from the City of Oakwood Municipal Offices.

Sec. 502 Conformance to the Comprehensive Plan

In consideration of any Zoning Amendment, Special Use Permit, Conditional Use, Permit Site Plan Permit, or Variance to these regulations, conformance to the City of Oakwood Comprehensive Plan shall be considered and a part of the determination in the requested action.

Sec. 503 Exclusive Nature of Zoning District Regulations

The requirements of this Title shall be deemed to be "exclusive". Unless expressly authorized by the terms of this Ordinance, when permitting and granting actions and rights, by definition, it excludes other "similar" or "like" uses, actions or rights.

TITLE 6. RESIDENTIAL ZONING DISTRICTS

Sec. 600 Residence Districts Generally

600.1 Purpose of the Residential Districts As a Class

The purpose of the residential districts are to divide the City of Oakwood into land use areas which reflect the character of both new and existing residential areas in accordance with the general intentions of the City's Comprehensive Plan. The residential districts establish development standards and regulations reasonably required to protect existing and new development from the encroachment of incompatible land-uses.

600.2 Lot Size and Area Requirements

Lot size requirements shall be specified under each zoning district in Sections 600 through 607. Further provisions regarding the use and development of nonconforming lots of record are established in Title 13.

A. No buildings shall be converted by increasing the number of dwelling units within the building if the total number of dwelling units on the lot would cause that lot to be in violation of the lot size requirements of the district in which such building is located, or to violate those size requirements to a greater extent.

B. In the R-6 and R-7 Districts, the number of efficiency units provided in a multiple family dwelling shall not exceed twenty five (25) percent of the total number of dwelling units in the building.

600.3 Required Front and Corner Side Yards in Residential Districts

A. Notwithstanding the provisions of any other sections of this Ordinance, the minimum front yard setback and the minimum corner side yard setback which is required for any principal permitted use on a lot in any residential district shall be the least of the alternative measurements set forth below:

1. For a front yard, the average front yard setback (and for a corner side yard, the average corner side yard setback) for all permitted uses then existing in that block and on the same side of the street as the lot in question; or

2. The general purpose of this section is to require structures to be built about the same distance back from the street as existing houses in that block. In some instances, the average yard set back within a block does not reflect any standard or common setback shared by a large number of lots in that block, because there are a few yards with much larger (or much smaller) setbacks.

   Accordingly, an alternative measurement for minimum front (and corner side) yard setbacks under this section must be the front (and corner side) yard setback size that exists on a majority of all permitted uses in that block on the same side of the street as the lot in question. There can be no "majority," of course, unless more than half the lots have the same yard size (e.g. ten lots in a block, only three are the same size, so there can be no "majority").

To resolve that problem, yard setbacks that are approximately equal (maximum depth Variance of five (5) feet from the largest to the smallest) must be deemed to be the same size, for the purpose of determining if there is a majority yard setback size.

B. If the lot is not within a block, the alternative standards of average and majority front yard or corner side yard setbacks shall be measured in an area four hundred (400) feet on each side of the lot and on the same side of the street.

C. ~~D.~~ Where a lot is to be occupied for a permitted use without buildings, the required yards for such lot must be provided and maintained unless otherwise stipulated in this Ordinance.

600.4 Commercial Area Access Limitation

No land in a residence district shall be used for driveway, walkway, or other access purposes to any land located in a business district or used for any business purpose not permitted in a residence district.

600.5 Special Building Height Provision for Lots of Nonconforming Width

Every residential zoning district requires increased side yard setbacks for principal building heights exceeding twenty five (25) feet. This rule shall not apply to zoning lots which are nonconforming as to minimum lot width, but are otherwise developable under the terms of this Ordinance. No such yard increases shall be required for these undersized lots unless a majority of the single family residences on the same side of the street in the same block or, if there are no blocks in that area, on the same side of the street and within four hundred (400) feet of each side of the borders of the lot in question, have such yards larger than those required in this zoning district. If that majority exists, the increase in any yard shall be limited to the average of the measurements for similar yards (e.g. side or rear) for that majority or to the increased yard sizes required by this paragraph, whichever is smaller.

R1 SINGLE FAMILY RESIDENCE ZONING DISTRICT

Sec. 601 **R1 Single Family Residence District**

601.1 Description and Intent of District.

The R1 District is intended to preserve those residential areas which are best suited for large lot development and to maintain the character of existing low-density, single family developments.

601.2 Permitted Uses

A. Single family detached dwellings.

B. City of Oakwood uses and structures.

C. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

D. Child Day Care Home Type B.*

E. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, General Provisions, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

601.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Child Day Care Centers (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

B. Educational institutions as follows:
1. Elementary schools
2. Junior and senior high schools.
3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

C. Guest Houses.*

D. Land locked residential lots.*

E. Living quarters, detached, for persons employed on the premises and their immediate family.*

F. Museums.

G. Planned developments, residential.

H. Public libraries owned by the City of Oakwood or a non-profit organization.

I. Public utility and service uses, and civic uses, as follows:

1. Electrical substations
2. Gas regulator substations

3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

J. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

K. Semi-circular driveways in front yards.

L. Tennis courts on private property.

M. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

N. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage toa principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Performance Standards.*

601.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than 5 feet. [2]

C. Entrance pillars and gates. [2]

D. Driveways wider than twelve (12) feet.

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

601.5 Lot Size Requirements

A. Permitted Uses

	Min. LotMin. Lot Area (sq. ft)	Frontage (ft.)
Single family detached dwellings	40,000	125
Parks and Playgrounds	40,000	125

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	5 acres	None
Public utility and service uses	By Planning Commission	
Educational, religious/institutional	3 acres	225

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

601.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	70'	20'	35'	60'
Parks and playgrounds	No requirements			

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Guest house/living quarters	74'	15'	35'	40'
Educ./ religious/institutional	70'	45'	45'	60'

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
All structures	70'	20'	35'	25'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be five (5) feet. Accessory uses shall also meet the requirements of Title 4, Section 402, Accessory Uses and Structures.*

D. Buffer Yards to Protect Wooded Parks

Buffer yards to protect wooded parks as designated by the City Manager shall be provided in accord with Section 901.15.

601.7 Maximum Principal Building Height

No buildings or other structures erected within the R1 District shall exceed thirty-five (35) feet in height. For structures greater than twenty-five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty-five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

601.8 Maximum Floor Area Ratio

In the R1 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	0.5
Educational institutions	0.4

601.9 Transitional Yard Screening - Non-Residential Uses

No transition yard is required. However, any new non-residential use authorized within a residential district under the provisions of this Article, shall meet the transitional landscaping requirements in Section 1015.7.

601.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

R2 SINGLE FAMILY RESIDENCE ZONING DISTRICT

Sec. 602 **R2 Single Family Residence District**

602.1 Description and Intent of District.

The R2 District is intended to preserve those residential areas which are best suited for medium to large lot developments and to maintain the character of existing low-density single family developments.

602.2 Permitted Uses

A. Single family detached dwellings.

B. City of Oakwood uses and structures.

C. Child Dare Care Home Type B.*

D. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

E. Rectories, parsonages and parish houses.

F. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

602.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Child Day Care Centers (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

B. Educational institutions as follows:
   1. Elementary schools
   2. Junior and senior high schools.
   3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

C. Guest Houses.*

D. Land locked residential lots.*

E. Living quarters, detached, for persons employed on the premises and their immediate family.*

F. Museums.

G. Planned developments, residential.

H. Public libraries owned by the City of Oakwood or a non-profit organization.

I. Public utility and service uses, and civic uses, as follows:

1. Electrical substations
2. Gas regulator substations
3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

J. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

K. Semi-circular driveways in front yards.

L. Tennis courts on private property.

M. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

N. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage to a principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Performance Standards.*

602.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than 5 feet. [2]

C. Entrance pillars. [2]

D. Driveways wider than twelve (12) feet.

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

602.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	25,000	100
Rectories, parsonages, parish houses	25,000	100
Parks and Playgrounds	40,000	125

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	8 acres	None
Public utility and service uses	By Planning Commission	
Educational, religious/institutional	3 acres	225

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

602.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	60'	15'	35'	50'
Rectories, parsonages, etc.	60'	15'	35'	50'
Parks and playgrounds	No requirements			

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Guest house/living quarters	74'	15'	35'	40'
Educ./religious/institutional	70'	45'	45'	60'

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
All structures	60'	15'	35'	15'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be five (5) feet. Accessory uses shall also meet the requirements of Title 4, Section 402, Accessory Uses and Structures.*

D. Buffer Yards to Protect Wooded Parks

Buffer yards to protect wooded parks as designated by the City Manager shall be provided in accord with Section 901.15.

602.7 Maximum Principal Building Height

No buildings or other structures erected within the R2 District shall exceed thirty five (35) feet in height. For structures greater than twenty five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

602.8 Maximum Floor Area Ratio

In the R2 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	0.5
Educational institutions	0.4

602.9 Transitional Yard Screening - Non-Residential Uses

No transition yard is required. However, any new non-residential use authorized within a residential district under the provisions of this Article, shall meet the transitional landscaping requirements in Section 1015.7.

602.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012 Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

R3 SINGLE FAMILY RESIDENCE ZONING DISTRICT

Sec. 603 **R3 Single Family Residence District**

603.1 Description and Intent of District.

The R3 District is intended to preserve those residential areas which are best suited for medium sized lot development and to maintain the character of existing low-density single family developments.

603.2 Permitted Uses

A. Single family detached dwellings.

B. City of Oakwood uses and structures.

C. Child Day Care home Type B.*

D. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

E. Rectories, parsonages and parish houses.

F. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

603.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Child Day Care Centers (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

B. Educational institutions as follows:
   1. Elementary schools
   2. Junior and senior high schools.
   3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

C. Guest Houses.*

D. Land locked residential lots.*

E. Living quarters, detached, for persons employed on the premises and their immediate family.*

F. Museums.

G. Planned developments, residential.

H. Public libraries owned by the City of Oakwood or a non-profit organization.

I. Public utility and service uses, and civic uses, as follows:

   1. Electrical substations
   2. Gas regulator substations

3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

J. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

K. Semi-circular driveways in front yards.

L. Tennis courts on private property.

M. Non-commercial athletic fields, recreational buildings, and community centers.

N. Educational training, laboratory and/or research centers of business or industrial organizations.

O. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

P. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage to a principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Performance Standards.*

603.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than 5 feet. [2]

C. Entrance pillars. [2]

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

603.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	12,000	75
Rectories, parsonages, parish houses	12,000	75
Parks and Playgrounds	40,000	125

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	8 acres	None
Public utility and service uses	By Planning Commission	
Educational, religious/institutional	3 acres	225
Recreational/community centers	80,000	175
Education, laboratory and/or research centers of business and industry	6 acres	250

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

603.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	40'	10'	30'	40'
Rectories, parsonages, etc.	40'	10'	30'	40'
Parks and playgrounds	No requirements			

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Guest house/living quarters	37'	10'	30'	46'
Educ./religious/institutional	74'	45'	45'	60'
Recreation/community centers	58'	23'	40	115'
Athletic Fields	No requirements			
Education, laboratory and/or research centers of business and industry	No building to be within 70' of any line			

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
All structures	40'	10'	30'	10'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be five (5) feet. Accessory uses shall also meet the requirements of Title 4, Section 402, Accessory Uses and Structures.*

D. Buffer Yards to Protect Wooded Parks

Buffer yards to protect wooded parks as designated by the City Manager shall be provided in accord with Section 901.15.

603.7 Maximum Principal Building Height

No buildings or other structures erected within the R3 District shall exceed thirty-five (35) feet in height. For structures greater than twenty-five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty-five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

603.8 Maximum Floor Area Ratio

In the R3 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	0.5
Educational institutions	0.4
Recreation building and community centers	0.4
Educa., training, laboratory research centers	0.4

603.9 Transitional Yard Screening - Non-Residential Uses

No transition yard is required. However, any new non-residential use authorized within a residential district under the provisions of this Article, shall meet the transitional landscaping requirements in Section 1015.7.

603.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

R4 SINGLE FAMILY RESIDENCE ZONING DISTRICT

Sec. 604 **R4 Single Family Residence District**

604.1 Description and Intent of District.

The R4 District is intended to preserve those residential areas which are best suited for small sized lot developments and to maintain the character of existing low-density single family developments.

604.2 Permitted Uses

A. Single family detached dwellings.

B. City of Oakwood uses and structures.

C. Child Day Care Homes Type B.*

D. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

E. Rectories, parsonages and parish houses..

F. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

604.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Child Day Care Centers (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

B. Educational institutions as follows:
   1. Elementary schools
   2. Junior and senior high schools.
   3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

C. Land locked residential lots.*

D. Museums.

E. Planned developments, residential.

F. Public libraries owned by the City of Oakwood or a non-profit organization.

G. Public utility and service uses, and civic uses, as follows:

   1. Electrical substations
   2. Gas regulator substations
   3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
   4. Waterworks, reservoir, pumping station, and filtration plant.

H. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

I. Semi-circular driveways in front yards.

J. Tennis courts on private property.

K. Non-commercial athletic fields, recreational buildings, and community centers.

L. Educational training, laboratory and/or research centers of business or industrial organizations.

M. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

N. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage to a principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Performance Standards.*

604.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than 5 feet. [2]

C. Entrance pillars. [2]

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

604.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	8,000	75
Rectories, parsonages, parish houses	8,000	75
Parks and Playgrounds	40,000	125

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	4 acres	None
Public utility and service uses	Planning Commission	
Educational/religious/institutional	40,000	150
Recreational/community centers	40,000	150
Education, laboratory and/or research centers of business and industry	6 acres	250

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

604.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	25'	6'	15'	40'
Rectories, parsonages, etc.	25'	6'	15'	40'
Parks and playgrounds	No requirements			

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Educ./religious/institutional	35'	15'*	25'*	75'
Recreation/community centers	35'	15'*	25'*	75'
Athletic Fields	No requirements			
Education, laboratory and/or research centers of business and industry	No building to be within 75' of any line			

**Plus 1' for each 2' by which the building height exceeds 15'.*

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
All structures	25'	6'	15'	3'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be three (3) feet. Accessory uses shall meet the requirements Section 402, Accessory Uses and Structures.*

D. Buffer Yards to Protect Wooded Parks

Buffer yards to protect wooded parks as designated by the City Manager shall be provided in accord with Section 901.15.

604.7 Maximum Principal Building Height

No buildings or other structures erected within the R4 District shall exceed thirty-five (35) feet in height. For structures greater than twenty-five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty-five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

604.8 Maximum Floor Area Ratio

In the R4 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	0.5
Educational institutions	0.4
Recreation building and community centers	0.4
Educa., training, laboratory research centers	0.4

604.9 Transitional Yard Screening - Non-Residential Uses

No transition yard is required. However, any new non-residential use authorized within a residential district under the provisions of this Article, shall meet the transitional landscaping requirements in Section 1015.7.

604.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

R5 TWO - FAMILY RESIDENCE ZONING DISTRICT

Sec. 605 **R5 Two- Family Residence District**

605.1 Description and Intent of District.

The R5 District is intended to preserve those residential areas which are best suited for small sized lot developments and to maintain the character of existing low-density single family developments. Both single family and two family dwellings are anticipated in this district.

605.2 Permitted Uses

A. Single family detached dwellings.

B. Two family detached dwellings.

C. City of Oakwood uses and structures.

D. Child Day Care Homes Type B.*

E. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

F. Rectories, parsonages and parish houses.

G. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

605.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Child Day Care Centers (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

B. Educational institutions as follows:
   1. Elementary schools
   2. Junior and senior high schools.
   3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

C. Land locked residential lots.*

D. Museums.

E. Planned developments. residential.

F. Public libraries owned by the City of Oakwood or a non-profit organization.

G. Public utility and service uses, and civic uses, as follows:

   1. Electrical substations
   2. Gas regulator substations

3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

H. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

I. Semi-circular driveways in front yards.

J. Tennis courts on private property.

K. Non-commercial athletic fields, recreational buildings, and community centers

L. Educational training, laboratory and/or research centers of business or industrial organizations.

M. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

N. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage to a principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Development Standards.*

605.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than 5 feet. [2]

C. Entrance pillars. [2]

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

605.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	6,000	50
Rectories, parsonages, parish houses	6,000	50
Parks and Playgrounds	40,000	125

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	2.5 acres	None
Public utility and service uses	Planning Commission	
Educational, religious/institutional	40,000	150
Recreational/community centers	40,000	150
Education, laboratory and/or research centers of business and industry	6 acres	250

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

605.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	25'	5'	15'	35'
Two family Dwellings	25'	5'	15'	35'
Rectories, parsonages, etc.	25'	5'	15'	35'
Parks and playgrounds	No requirements			

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Educ./religious/institutional	35'	15'*	25'*	75'
Recreation/community centers	35'	15'*	25'*	75'
Athletic Fields	No requirements			
Education, laboratory and/or research centers of business and industry	No building to be within 75' of any line			

**Plus 1' for each 2' by which the building height exceeds 15'.*

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
All structures	25'	5'	15'	3'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be three (3) feet. Accessory uses shall meet the requirements of Section 402, Accessory Uses / Structures.*

605.7 Maximum Principal Building Height

No buildings or other structures erected within the R5 District shall exceed thirty-five (35) feet in height. For structures greater than twenty-five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty-five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

605.8 Maximum Floor Area Ratio

In the R5 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	0.75
Educational institutions	0.6
Recreation building and community centers	0.6
Educa., training, laboratory research centers	0.6

605.9 Transitional Yard Screening - Non-Residential Uses

No transition yard is required. However, any new non-residential use authorized within a residential district under the provisions of this Article, shall meet the transitional landscaping requirements in Section 1015.7.

605.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

R6 GENERAL RESIDENCE ZONING DISTRICT

Sec. 606 **R6 Residence District**

606.1 Description and Intent of District.

The R6 District is intended for low density multiple family residential areas compatible with the character of both existing low-density single family areas and commercial areas of the community.

606.2 Permitted Uses

A. Single family detached residential uses.

B. Two family residential uses.

C. Multiple family Dwellings.

D. City of Oakwood uses and structures.

E. Child Day Care Homes Type B.*

F. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

G. Rectories, parsonages and parish houses.

H. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

I. Transitional use approved under prior ordinance. (Ord. 4484, effective 4/19/01).

**Subject to Title 9, Design and Performance Standards.*

606.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Assisted Living Facility

B. Child Day Care Centers.*

C. Senior Citizen Housing.

D. Educational institutions as follows:
1. Elementary schools
2. Junior and senior high schools.
3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

E. Land locked residential lots.*

F. Museums.

G. Planned developments, residential.

H. Public libraries owned by the City of Oakwood or a non-profit organization.

I. Public utility and service uses, and civic uses, as follows:

1. Electrical substations
2. Gas regulator substations
3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

J. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

K. Semi-circular driveways in front yards.

L. Tennis courts on private property.

M. Non-commercial athletic fields, recreational buildings, and community centers

N. Educational training, laboratory and/or research centers of business or industrial organizations.

O. Structured parking, above grade.

P. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

Q. Garage, private, when proposed on a zoning lot (as a separate structure) when an existing attached or detached garage to a principal dwelling already exists. (Ord. 4512, effective 8/15/02).

**Subject to Title 9, Design and Performance Standards.*

606.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than five (5) feet. [2]

C. Entrance pillars. [2]

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

606.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	6,000	50
Two family dwellings	6,000	60
Rectories, parsonages, parish houses	6,000	50
Parks and Playgrounds	25,000	100
Multiple-family dwellings	3,000/d.u*	50'

**Maximum of four dwellings per zoning lot, not more than one of which may be an efficiency dwelling unit.*

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	4 acres	None
Public utility and service uses	By Planning Commission	
Educational, religious/institutional	25,000	100
Recreational/community centers	25,000	100
Education, laboratory and/or research centers of business and industry	6 acres	250

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures.*

606.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	20'	5'	12'	35'
Two family dwellings	35'	10'*	20'*	50'
Multiple family dwellings	35'	10'*	20'*	50'
Rectories, parsonages, etc.	20'	5'	12'	35'
Parks and playgrounds	No requirements			

**Plus 1' for each 2' by which the building height exceeds 15'.*

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Educ./religious/institutional	35'	10'*	20'*	50'
Recreation/community centers	35'	10'*	20'*	50'
Athletic Fields	No requirements			
Education, laboratory and/or research centers of business and industry	No building to be within 75' of any line			

**Plus 1' for each 2' by which the building height exceeds 15'.*

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
Structures accessory to single family uses	20'	5'	12'	3'
Structures accessory to two- and multiple family uses	20'	5'	12'**	3'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be three (3) feet. Accessory uses shall also meet the requirements of Title 4, Section 402, Accessory Uses and Structures.*
*** Plus 1' for each 5' by which the building height exceeds 25'.*

606.7 Maximum Principal Building Height

No buildings or other structures erected within the R6 District shall exceed thirty five (35) feet in height. For structures greater than twenty five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

606.8 Maximum Floor Area Ratio

In the R6 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Multiple family dwellings	1.0
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	1.0
Educational institutions	0.8
Recreation building and community centers	0.8
Educa., training, laboratory research centers	0.8

606.9 Major Site Development Plan Review

A. Development activity in the R6 District may require Major Site Development Plan Review. Conditions requiring Major Site Development Plan Review include any one or more of the following:

1. Any new building or structure, or
2. A building expansion of twenty five (25) percent or more of the then existing floor area [1]
3. A change in use(s) which requires a greater number of parking spaces than the prior use.

[1]Shall be cumulative for all incremental building additions subsequent to the amendatory date of this Ordinance (date).

606.10 Transitional Yard Screening Required

Any new multiple family use shall meet the transitional landscaping requirements in Section 1015.7.

606.11 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

F. Title 10, Administration, Section 1012, Site Development Plan Review

G. Title 11, Off-Street Parking and Loading Regulations

H. Title 12, Signs

R7 GENERAL RESIDENCE ZONING DISTRICT

Sec. 607 **R7 Residence District**

607.1 Description and Intent of District.

The R7 District is intended for higher density multiple family residential areas compatible with the character of both existing low-density single family areas and commercial areas of the community.

607.2 Permitted Uses

A. Single family detached residential uses.

B. Two family residential uses.

C. Multiple family Dwellings.

D. City of Oakwood uses and structures.

E. Child Day Care Homes Type B.*

F. Parks, playground and recreational uses on land owned or leased by the City of Oakwood.

G. Rectories, parsonages and parish houses.

H. Accessory uses to dwellings, incidental to and on the same zoning lot as a principal use in accordance with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

607.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

A. Assisted Living Facility.

B. Child Day Care Centers.*

C. Senior Citizen Housing.

D. Educational institutions as follows:
1. Elementary schools
2. Junior and senior high schools.
3. Nursery School or Preschool (as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose).*

E. Land locked residential lots.*

F. Museums.

G. Planned developments, residential.

H. Public libraries owned by the City of Oakwood or a non-profit organization.

I. Public utility and service uses, and civic uses, as follows:

1. Electrical substations
2. Gas regulator substations
3. Telephone exchange, telephone transmission equipment buildings, and microwave relay towers, and wireless telecommunications facilities.
4. Waterworks, reservoir, pumping station, and filtration plant.

J. Religious institutions operated as a non-profit organization including churches, convents, seminaries, monasteries and religious retreats.

K. Semi-circular driveways in front yards.

L. Tennis courts on private property.

M. Non-commercial athletic fields, recreational buildings, and community centers

N. Educational training, laboratory and/or research centers of business or industrial organizations.

O. Structured parking, above grade.

P. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, in accord with *Title 4, Section 402, Accessory Uses and Structures.*

**Subject to Title 9, Design and Performance Standards.*

607.4 Conditional Uses subject to the requirements of *Title 10, Administration, Conditional Use Permits*, as follows:

A. Temporary uses and events.[1]

B. Service sidewalks wider than five (5) feet. [2]

C. Entrance pillars. [2]

D. Accessory food stores, snack bars and physical health facilities. [2]

[1] *Subject to Title 4, General Provisions, Temporary Uses and Events*
[2] *Subject to Title 9, Design and Performance Standards*

607.5 Lot Size Requirements

A. Permitted Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Single family detached dwellings	6,000	50
Two family dwellings	6,000	60
Rectories, parsonages, parish houses	6,000	50
Parks and Playgrounds	25,000	100
Multiple-family dwellings	1,400/d.u*	50'
One bedroom or efficiency Dwelling	900/d.u**	50'
Senior Citizen/Assisted living Units	2,500/d.u.	60

**In no case shall the minimum lot area be less than 6,000 sq. ft.*

***The number of efficiency units calculated at this minimum shall not exceed fifty (50) percent of the total units otherwise permitted were the entire zoning lot developed with efficiency units. Efficiency units planned to be developed greater than fifty (50) percent of the allowable maximum number of units shall be based on a minimum lot area of 1,400 sq. ft.*

B. Special Uses

	Min. Lot Area (sq. ft)	Min. Lot Frontage (ft.)
Planned development (R)	4 acres	None
Public utility and service uses	By Planning Commission	
Educational, religious/institutional	25,000	100
Recreational/community centers	25,000	100
Education, laboratory and/or research centers of business and industry	6 acres	250

C. Accessory Uses

Accessory uses may be established on the same lot as a principal use in accord with *Title 4, Section 402, Accessory Uses and Structures*.

607.6 Yard Requirements

A. Permitted Uses and Structures

	Front	Interior Side	Corner Side	Rear
Single family dwellings	20'	5'	12'	35'
Two family dwellings	35'	10'*	20'*	50'
Multiple family dwellings	35'	10'*	20'*	50'
Rectories, parsonages, etc.	20'	5'	12'	35'
Parks and playgrounds	No requirements			

**Plus 1' for each 2' by which the building height exceeds 15'.*

B. Special Uses and Structures

	Front	Interior Side	Corner Side	Rear
Planned development (R)	By Planned Development			
Public/utility/service	By Planning Commission			
Educ./religious/institutional	35'	10'*	20'*	50'
Recreation/community centers	35'	10'*	20'*	50'
Athletic Fields	No requirements			
Education, laboratory and/or Research centers of business and industry	No building to be within 75' of any line.			

**Plus 1' for each 2' by which the building height exceeds 15'.*

C. Accessory Structures*

	Front	Interior Side	Corner Side	Rear
Structures accessory to single family uses	20'	5'	12'	3'
Structures accessory to two and multiple family uses	20'	5'	12'**	3'

** If the entire accessory structure is located behind the rear building line, the interior side yard and rear yard requirements shall be three (3) feet. Accessory uses shall also meet the requirements of Title 4, Section 402, Accessory Uses and Structures.*
*** Plus 1' for each 5' by which the building height exceeds 25'.*

607.7 Maximum Principal Building Height

No buildings or other structures erected within the R7 District shall exceed thirty-five (35) feet in height. For structures greater than twenty-five (25) feet in height, an additional two (2) foot setback shall be required on each side and rear yards for each one (1) foot in additional height above twenty-five (25) feet. (see Section 600.5 for special provisions regarding nonconforming lots).

607.8 Maximum Floor Area Ratio

In the R7 District, a maximum allowable floor area is established for the following uses:

	Floor Area Ratio
Multiple family dwellings	1.5*
Planned developments, residential	See Section 1004
Public utilities and service uses	By Planning Commission
Religious organizations	1.2.
Educational institutions	1.0
Recreation building and community centers	0.8
Educa., training, laboratory research centers	0.8

**If seventy five (75) percent of the required off-street parking spaces are provided underground, the maximum floor area ratio shall be 2.0*

607.9 Major Site Development Plan Review

A. Development activity in the R7 District may require Major Site Development Plan Review. Conditions requiring Major Site Development Plan Review include any one or more of the following:

1. Any new building or structure, or
2. A building expansion of twenty five (25) percent or more of the then existing floor area [1]
3. A change in use(s) which requires a greater number of parking spaces than the prior use.

[1]Shall be cumulative for all incremental building additions subsequent to the amendatory date of this Ordinance.

607.10 Transitional Yard Screening Required

Any new multiple family use shall meet the transitional landscaping requirements in Section 1015.7.

607.11 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

TITLE 7. BUSINESS ZONING DISTRICTS

Sec. 700 Business Districts Generally

700.1 Purpose of the Business Districts As a Class

The business districts set forth herein are established to protect public health, promote public safety and convenience, and enhance the economic base of the City of Oakwood. The business districts divide the City of Oakwood into two basic business classifications deemed necessary to meet the business, commerce, service and retailing needs of the community.

700.2 General Conditions

A. Dwelling units above 1st floor are allowed as a special use.

B. Business establishments are restricted to a minimum gross floor area of six hundred twenty-five (625) square feet each and a maximum gross floor area of 18,750 square feet each, exclusive of floor area devoted to off-street parking and loading facilities.

C. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold or rented as retail on the premises where produced.

D. All business, service, storage and display of goods shall be conducted within a completely enclosed structures, except:

1. Off-street parking and loading
2. Recreational uses.
3. Temporary uses and events.
4. Accessory Uses
5. Outdoor seating areas
6. Uses allowed and controlled under a Special Use Permit.

E. All on-site utility lines, but excluding high-tension power lines, shall be located underground.

F. All electric meters, downspouts, utility boxes, and other appurtenances shall be incorporated internally to the structure or be of compatible material and color to the principal structure.

G. At the discretion of the Planning Commission and City Council, blanket cross-easements for vehicle access may be obtained generally parallel to the interior of front property lines. Said easements are intended to provide for effective motor vehicle access minimizing access to public streets. Easements will not be required where a frontage road system has been established.

H. Uses shall be open to the public only between the hours of 7 A.M. and 9 P.M., except as maybe permitted to the contrary as a special use and except that offices and travel/transportation ticket businesses may occasionally be open at other times without need of special use approval. At the close of business, all lights not necessary for security purposes shall be extinguished.

700.3 Special Provisions in the NB Neighborhood Business District

All uses in the Neighborhood Business District, whether permitted, special or conditional, shall be subject to the provisions of this section.

A. No wholesale uses shall be permitted to the extent that any goods produced or sold on the premises must be sold or rented on the premises at retail to consumers.

NB NEIGHBORHOOD BUSINESS DISTRICT

Sec. 701 NB Neighborhood Business District

701.1 Description and Intent of District.

The NB District is intended to serve immediate neighborhoods and the community with a wide range of retail goods and services. The district is intended for application for smaller development parcels, proximate to residential areas. The district should be located along a collector or arterial street.

701.2 Permitted Uses

The following uses are permitted in the NB District:

Art/school supply
Antique Store
Bakeries
Banks/financial institutions
Barber shops
Beauty parlor
Book/stationary store
Brokerage firm
Candy/ice-cream
China/glassware
City of Oakwood uses and structures
Coffee shop
Custom dressmaking
Dry cleaning
Florist
Furrier shop
Gift shop
Hobby shop
Interior decorating
Jewelry store
Leather goods
Music store
Offices, service and business
Office supply
Shoe stores
Shoe/clothing/hat repair
Tailor shop
Tanning booth
Temporary uses and events*
Tobacco shop
Travel bureau
Wearing apparel

** See Section 404, Temporary Uses and Events*

701.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

Catering services
Child Day Care Center*
Delicatessens*
Dwelling units above first floor*
Museums owned by the City of Oakwood
Outdoor seating
Planned development – business
Public libraries
Public utility and service uses
Shared parking**
Structured Parking (integrated w/principal use)
Uses operating before 7:00 am/ after 9:00 pm

**Subject to Title 9, Design and Performance Standards.*
***Subject to Title 11, Off-Street Parking and Loading.*

701.4 Lot Size Requirements

A. In the Neighborhood Business District, there shall be no minimum lot area requirements.

701.5 Setback Requirements – Principal and Accessory Uses and Structures

A. Front yard: The minimum front yard depth shall be the smaller of the alternative measurements set forth below:

1. The average front yard depth for all uses then existing in that block and on the same side of the street as the Neighborhood Business District lot in question; or

2. The front yard depth that exists on a majority of all uses in that block on the same side of the street as the lot in question. Yards that are approximately equal in depth (i.e., maximum depth Variance of five (5) feet from the largest to the smallest such lot) shall be deemed to be of the same depth for the purpose of determining if there is a majority yard size.

B. Transitional yards:

1. Where a side lot line in a NB District coincides with a side or rear lot line in an adjacent residence district, a side yard equal to or greater than the minimum residential side yard shall be provided.

2. Where a rear lot line in a NB District coincides with a side lot line in an adjacent residence district, a rear yard equal to or greater than the minimum residential side yard shall be provided.

3. Where a rear lot line in a NB District coincides with a rear lot line in an adjacent residence district, a rear yard shall be provided. That yard shall be not less than six (6) feet in depth. However, a structure not to exceed eighteen (18) feet in height may be built in such required rear yard as long as it is no closer to the rear lot line than the distance of a required side yard in the adjacent residential district plus one (1) foot.

4. Where the extension of a front or side lot line in a NB District coincides with a front lot line of an adjacent lot located in a residence district, a yard no less in depth than the minimum required residential front yard shall be provided.

[1] See Section 1015.7 for Transition Setback landscaping requirements.

701.6 Accessory Uses and Structures

Accessory uses shall also meet the requirements of *Title 4, Section 402, Accessory Uses and Structures.*

701.7 Floor Area Ratio

The floor area ratio in the Neighborhood Business District shall not exceed 2.0.

701.8 Maximum Principal Building Height

No building or structure shall be structurally erected or altered to exceed thirty-five (35) feet.

701.9 Site Development Plan Review and Business District Design Review Guidelines

A. Development activity in the NB District may require Major Site Development Plan Review. Conditions requiring Major Site Development Plan Review include any one or more of the following:

1. Any new building or structure, or
2. A building expansion of twenty five (25) percent or more of the then existing floor area [1]
3. A change in use(s) which requires a greater number of parking spaces than the prior use.

[1]Shall be cumulative for all incremental building additions subsequent to the amendatory date of this Ordinance (date).

B. In the event of any modification of the exterior of any existing building, including but not limited to, colors, building mass and style, architectural details, facade, doors, windows, awnings, signage, lighting and planting schemes and in the event of the construction of any new building, awning, signage or lighting all of the provisions of the City of Oakwood Business District Design Guidelines shall apply. These regulations can be found in Section 1016.

C. Any development requiring Major Site Development Plan approval shall meet the transitional landscaping requirements in Section 1015.7.

701.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

CB COMMUNITY BUSINESS DISTRICT

Sec. 702 CB Community Business District

702.1 Description and Intent of District.

The CB District is intended to provide a mix of retail and general business uses within the community. It includes uses which are generally compatible with a traditional "downtown" shopping environment. The district is appropriate for application in the City's core commercial area along Far Hills Avenue.

702.2 Permitted Uses

The following uses are permitted in the CB District:

Antique store
Art/school supply
Appliance store
Bakeries
Banks/financial institutions
Barber shops
Beauty parlor
Book/stationary store
Brokerage firm
Business/office machine
Camera/photography
Candy/ice-cream
Carpet/rug
Catering services
China/glassware
City of Oakwood uses and structures
Coffee shop
Consumer electronics
Copy center - retail printing services
Custom dressmaking
Delicatessens*
Department store
Drug store/pharmacy
Dry cleaning
Electronics store
Florist
Food/grocery/supermarket
Furniture store
Furrier shop
Garden supply
Gift shop
Hardware store
Hobby shop
House ware and Kitchen
Interior decorating
Interior furnishing
Jewelry store
Leather goods
Medical/dental office
Medical/dental laboratory
Music store
Musical instrument sales

News paper distribution agency
Offices, service and business
Office supply
Optical sales
Pet Grooming Studio
Photographic studio
Post Office
Restaurants*
Shoe stores
Shoe/clothing/hat repair
Sporting goods
Tailor shop
Tanning booth
Temporary Uses and Events**
Tobacco shop
Travel bureau
Undertaking/funeral parlor
Veterinary hospital or clinic
Wearing apparel
Wine shop

*** See Section 404, Temporary Uses and Events.*
**Subject to Title 9, Design and Performance Standards.*

702.3 Special Uses subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

Child day care centers*
Coffee shops and delicatessens selling beer and wine*
Commercial parking lots and structures
Dwelling units above first floor*
Museums owned by the City of Oakwood
Off-site, off-street parking
Outdoor sales
Outdoor Seating
Planned development – business
Printing and publishing establishments
Public libraries
Public utility and service uses
Restaurants/coffee shops (not meeting standards)*
Shared parking**
Structured parking (integrated w/principal use)
Theaters
Uses operating before 7:00 am/ after 9:00 pm

**Subject to Title 9, Design and Performance Standards.*
***Subject to Title 11, Off-Street Parking and Loading.*

702.4 Lot Size Requirements

A. In the Community Business District, there shall be no minimum lot area requirements.

702.5 Setback Requirements – Principal and Accessory Uses and Structures

A. Front yard: The minimum front yard depth shall be the smaller of the alternative measurements set forth below:

1. The average front yard depth for all uses then existing in that block and on the same side of the street as the Community Business District lot in question; or
2. The front yard depth that exists on a majority of all uses in that block on the same side of the street as the lot in question. Yards that are approximately equal in depth (i.e., maximum depth Variance of five (5) feet from the largest to the smallest such lot) shall be deemed to be of the same depth for the purpose of determining if there is a majority yard size.

B. Corner side yards: The minimum corner side yard depth that is required for all permitted business uses existing in that block shall be twelve (12) feet.

C. Transitional yards:

1. Where a side lot line in a CB District coincides with a side or rear lot line in an adjacent residence district, a side yard equal to or greater than the minimum residential side yard shall be provided.

2. Where a rear lot line in a CB District coincides with a side lot line in an adjacent residence district, a rear yard equal to or greater than the minimum residential side yard shall be provided.

3. Where a rear lot line in a CB District coincides with a rear lot line in an adjacent residence district, a rear yard shall be provided. That yard shall be not less than six (6) feet in depth. However, a structure not to exceed eighteen (18) feet in height may be built in such required rear yard as long as it is no closer to the rear lot line than the distance of a required side yard in the adjacent residential district plus one (1) foot.

4. Where the extension of a front or side lot line in a CB District coincides with a front lot line of an adjacent lot located in a residence district, a yard no less in depth than the minimum required residential front yard shall be provided.

[1] See Section 1015.7 for Transition Setback landscaping requirements.

702.6 Accessory Uses and Structures

Accessory uses shall also meet the requirements of *Title 4, Section 402, Accessory Uses and Structures.*

702.7 Floor Area Ratio

The floor area ratio in the Community Business District shall not exceed 2.0. If seventy five (75) percent or more of the required off-street parking spaces are provided underground, the maximum allowable floor area ratio shall be 3.0.

702.8 Maximum Principal Building Height

No building or structure shall be structurally erected or altered to exceed thirty-five (35) feet.

702.9 Site Development Plan Review and Business District Design Review Guidelines

A. Development activity in the CB District may require Major Site Development Plan Review. Conditions requiring Major Site Development Plan Review include any one or more of the following:

1. Any new building or structure, or
2. A building expansion of twenty five (25) percent or more of the then existing floor area [1]
3. A change in use(s) which requires a greater number of parking spaces than the prior use.

[1]Shall be cumulative for all incremental building additions subsequent to the amendatory date of this Ordinance.

B. In the event of any modification of the exterior of any existing building, including but not limited to, colors, building mass and style, architectural details, facade, doors, windows, awnings, signage, lighting and planting schemes and in the event of the construction of any new building, awning, signage or lighting all of the provisions of the City of Oakwood Business District Design Guidelines shall apply. These regulations can be found in Section 1016.

C. Any development requiring Major Site Development Plan approval shall meet the transitional landscaping requirements in Section 1015.7.

702.10 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

TITLE 8. SPECIAL PURPOSE DISTRICTS

Sec. 800 Purpose

800.1 Purpose of Title

This Title establishes several "special purpose" zoning districts. These districts are intended to deal with special development situations, or unique physical conditions of the community. Special regulatory protection and control is required to serve the public interest in these situations.

C CEMETERY DISTRICT

Sec. 801 C Cemetery District

801.1 Purpose

The C Cemetery District is designed to establish an area solely for cemeteries, wherein all cemetery purposes and functions within the City of Oakwood are to be accommodated.

801.2 Permitted Uses

A. Each of the following principal uses shall be permitted only in the C District. No such use of properties shall be permitted in any other district, even if operated by a religious or benevolent society, except that a church in any residential district may include a columbarium as an accessory use within the building that includes the church to the extent that such a columbarium occupies not more than twenty (20) percent of the total floor area of the primary room of assembly in that church.

1. Burial of the body of any deceased person.

2. Burial of the ashes of any deceased person after cremation.

3. Burial of any cinerary urn or other vessel containing the ashes of any deceased person after cremation.

4. Erection or maintenance of any tomb, crypt, burial vault, mausoleum, columbarium, or any other structure above or below ground level to serve as a depository for the body of a deceased person, for the ashes of a deceased person after cremation, or for any cinerary urn or other vessel containing the ashes of any deceased person after cremation.

4. Erection of any gravestone, gravemarker, plaque, or monument to memorialize any deceased person, or to mark or memorialize the burial or depository site of any deceased person, or of the ashes of any deceased person, or of any cinerary urn containing the ashes of any deceased person.

6. Exceptions: Notwithstanding any provision of this section that would appear to prohibit the following uses of property, such uses shall be permitted as described below:

   a. Erection of memorial plaques or monuments shall be allowed on public land owned by any City or by the Oakwood School District, regardless of the zoning district in which that land is located.

b. Use of any residence dwelling by its occupants as the place of safekeeping (depository) for the ashes of any deceased person(s), who were or was related by blood, marriage or adoption to those occupants, regardless of the zoning district in which the residence is located. Such use must be terminated immediately if the dwelling is no longer used as a residence by individuals so related to any such deceased person(s).

B. The following accessory uses shall be permitted in the C District:

1. Access driveways and walks for operation of any principal use.
2. Avenues, walks, grounds and shrubbery for ornamental and aesthetic purposes.
3. Funeral processions and ceremonies.

801.3 Yard Requirements

Any principal permitted or accessory use in C District shall be set back no less than one hundred (100) feet each from the front, side and rear lot lines. Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Ordinance, except that side yard shall not be required on lots used for garden purposes without buildings or structures or on lots used for public recreation areas.

801.4 Proximity to Dwellings

None of the principal purposes permitted in this Section shall be located within one hundred fifty (150) feet of a dwelling.

801.5 Site Development Plan Review - Applicability

Site development plan review is not applicable to this district.

801.6 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

B. Title 4, General Provisions, Section 404, Temporary Uses and Events

C. Title 9, Design and Performance Standards

D. Title 11, Off-Street Parking and Loading Regulations

E. Title 12, Signs

MU MULTI-USE SPECIAL PLANNING DISTRICT

Sec. 802 MU Multi-Use Special Planning District

802.1 Description and Intent of District.

Development within this district shall be by planned development special use only, shall be consistent with the Oakwood Comprehensive Plan and must be in accordance with a Master Development Plan for the district if the City has adopted such a plan. Any such Master Development Plan may control (or describe a procedure by which delegated control may be exercised by the administrative staff of the City) to what extent, if any, various uses are to be permitted in the district, design considerations, building bulk requirements, signs and other exterior features, parking and loading and all other matters of any nature whatsoever relating to the development.

All development shall comply also with the requirements contained in Section 1001 Planned Developments. In the absence of any Master Plan, The City's Comprehensive Plan and Planned Development Regulations shall guide the review process.

802.2 Uses Allowed

The following uses, individually or in combination, may be allowed or may be disallowed, based upon review of the Planned Development plan in comparison to the Comprehensive Plan and any master development plan and under the procedures and standards for Special Use Permits, Section 1004:

A. Residential uses allowed in any of the R-1 through R-7 zoning districts, consistent with the multi-use plan for the site.

B. Office, business or professional as allowed in the B zoning district.

C. Retail uses allowed in the B zoning district, secondary to the office/residential character of the site.

D. Related recreational uses.

E. Rest home.*

**Subject to Title 9, Design and Performance Standards.*

802.3 Special Design Considerations

A. Design shall be in accordance with the Oakwood Comprehensive Plan and all approved supplemental reports and graphics.

B. To be emphasized within this district are the following design considerations:

1. The coordination of land use areas
2. Building sites
3. Access points
4. Internal circulation
5. Parking areas
6. Flood control facilities
7. Drainage
8. Open space systems.

802.4 Building Bulk Requirements

A. Building bulk requirements, including maximum building height and/or floor area ratio, shall be subject to the review and approval of the development plan.

B. Minimum lot size for development within this district shall be determined by property ownership or control and the requirements of the Comprehensive Plan and any approved supplemental area plans.

802.5 Signs, Fences, and Other Exterior Features

A. Signs and all other graphics shall comply with all pertinent provisions of this Section and the Master Plan, and with all approved supplemental reports and graphics.

B. Fences, screening and landscaping shall be controlled pursuant to all applicable provisions of this Ordinance, the Comprehensive Plan, and all approved supplemental reports and graphics.

802.6 Off-Street Parking and Loading

A. Off-street parking and loading shall conform to the design considerations contained in the Comprehensive Plan and all approved supplemental reports and graphics.

B. Numbers and sizes of required parking spaces and loading berths shall be determined by the pertinent requirements contained in this Ordinance.

802.7 Master Plan Approval

A Master Plan of development must be prepared which details the proposed site development. A master plan of development can be submitted separately of or in combination with a petition for approval under the multi-use planning district. Any Master Plan of Development shall be subject to public hearing by the Planning Commission and Adoption by the City Council in the same manner as an approval for a Special Use Permit (Section 1004). The Master Plan shall include, at a minimum, the following elements:

A. A completed application form provided by the Building Commissioner.

B The names and addresses of the persons responsible for preparing the plan.

C. The present zoning of the site and adjoining property.

D. A separate site development plan shall be prepared to show the general location, dimensions, size and height of the following regarding the proposed development:

1. Proposed new buildings and structures.
3. Driveways, entrances, exits, parking areas and sidewalks.
4. Recreation areas.
5. Natural and artificial watercourses and bodies of water and wetlands.
6. Calculations of the following, as applicable:
7. Natural and artificial watercourses and bodies of water and wetlands.
8. Limits of flood plains.
9. General alignment and lengths of all streets and all property lines.
10. Date, scale and north arrow.

11. Landscape plan.
12. Lighting plan.
13. Existing development on the site including principal and accessory buildings, off-street parking and loading areas, and other improvements, as applicable.
14. Exterior building elevations of all proposed structures and exterior elevations of existing buildings when existing buildings are proposed to be structurally altered. Elevations shall indicate the materials to be used in the design of the structure and the proposed color scheme.
15. A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.

E. Any other information that may reasonably be required by the City Council, Planning Commission or Building Commissioner as the case may be.

802.8 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 10, Administration, Section 1012, Site Development Plan Review

F. Title 11, Off-Street Parking and Loading Regulations

G. Title 12, Signs

WO WELLHEAD OPERATION DISTRICT

Sec. 803 WO Wellhead Operation District

803.1 Purpose

It is the purpose of the Wellhead Operation District (sometimes referred to as the WO District) to safeguard the public health, safety and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of regulated substances as defined in this Ordinance.

803.2 Boundaries of Wellhead Operation District

The Wellhead Operation District is limited to land owned by the City of Oakwood located at 120 Springhouse Road and 20 Rubicon Road, being lots 3926, 3927 and pt. lot 2667.

803.3 Permitted Uses

Permitted uses of land and buildings shall be only those hereinafter listed. No building or zoning lot shall be devoted to any use other than such a use, with the exception of uses lawfully established on or before the effective date of this Ordinance (nonconforming uses), and the following uses:

A. Municipal water supply: Municipal water supply, treatment, storage and operations facilities in accordance with the City of Oakwood's plan for water supply and treatment.
B. Recreation: Public parks, and playgrounds.

803.4 Special Uses: subject to the requirements of *Title 10, Section 1004, Special Use Permits*, as follows:

Public utility uses:

A. Electric and telephone substations.
B. Gas regulator and meter station buildings.
C. Electric and communication transmission towers and structures.

803.5 Groundwater Protection Standards

Within this Wellhead Operation District, the following standards shall apply:

A. Use and/or storage of regulated substances in conjunction with public water supply and treatment activities shall not be restricted by this Section.
B. Use of regulated substances in conjunction with public parks and playgrounds shall be in accordance with the City's Pollution Prevention and Corrective Action Plan now or subsequently adopted by the City.
B. Use of regulated substances in conjunction with special uses in this district shall be limited to:
C.
   1. Aggregate of Regulated Substances: The aggregate of regulated substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

2. Total Use of Regulated Substances: The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.
3. A limited exclusion from the provisions of Paragraph C.1. and C.2. above is authorized for non-routine maintenance or repair of property or equipment. The use of regulated substances under this exclusion shall be limited to:

   a. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
   b. The total use of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

D. Underground storage of fuels and lubricants for vehicle operations and any other regulated substances is prohibited.

E. As part of the findings required under this Section, and prior to issuance of a zoning certificate or a Certificate of Occupancy, the Oakwood Building Commissioner shall utilize the hazard potential rating system (identified in Section 804.6 herein) to assist in the determination of intensity of use within this district. No substitutions of a nonconforming use shall be permitted which result in an increase of the hazard potential rating on a parcel within this district.

F. All uses within this district are presently connected to the public wastewater disposal system and shall remain so connected for the life of the use. Any new uses, which require wastewater disposal shall be connected to the public wastewater disposal system.

G. Dry wells are prohibited in the WO District.

803.6 Reporting Requirements

See Subsection 804.7 for reporting requirements.

803.7 Enforcement Provisions

See Subsection 804.8 for enforcement provisions.

803.8 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 4, General Provisions, Section 402, Accessory Uses and Structures

B. Title 4, General Provisions, Section 403, Fences, Walls and Terraces

C. Title 4, General Provisions, Section 404, Temporary Uses and Events

D. Title 9, Design and Performance Standards

E. Title 11, Off-Street Parking and Loading Regulations

F. Title 12, Signs

WF WELLFIELD PROTECTION OVERLAY DISTRICT

Sec. 804 WF Wellfield Protection Overlay District

804.1 Purpose

It is the purpose of the Well Field Protection Overlay District (sometimes referred to as the WP District) to safeguard the public health, safety and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of "regulated substances" as defined in this Ordinance.

804.2 Boundaries of Well Field Protection Overlay District

The land within the Well Field Protection Overlay District is the one (1) year capture area, i.e., that land in the City of Oakwood that lies within a one (1) year travel time contour around existing and proposed public wells of the protected public water supply. The Well Field Protection Overlay District includes much of the north/northeast quadrant of the City.

804.3 Relationship to Underlying Zoning Districts

The provisions of this Section shall be applicable to all lands shown as being located within the boundaries of the Well Field Protection Overlay District on the 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.

804.4 Determination of Applicability

It shall be the responsibility of any person owning real property and/or owning or operating a business within the City of Oakwood to make a determination of the applicability of this Section as it pertains to that property and/or business, and failure to do so shall not excuse any violations of this Section.

804.5 Permitted Uses

The permitted principal and accessory uses within the Well Field Protection Overlay District shall be limited to those of the underlying zoning district, except as those uses may be restricted by this Section.

804.6 Special Uses

Special uses within the Well Field Protection Overlay District shall be those of the underlying zoning district, except as those uses may be restricted by this Section.

804.7 Conditional Uses

Conditional uses within the Well Field Protection Overlay District shall be those of the underlying zoning district, except as those uses may be restricted by this Section.

804.8 Miscellaneous Use, Bulk, and Area Regulations

Miscellaneous use, bulk and area regulations incident to a permitted use, special use or conditional use within the Well Field Protection Overlay District shall be those of the underlying zoning district.

804.9 Prohibited Uses

Dry wells are prohibited in the WP District.

804.10 Groundwater Protection Standards

A. Restrictions on Storage, Handling and/or Production of Regulated Substances. Use, storage, handling and/or production of regulated substances in conjunction with permitted, special or conditional uses in the WP District shall be limited to:

1. Aggregate of Regulated Substances: The aggregate of regulated substances in use, storage, handling and/or production may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

2. Total Use of Regulated Substances: The total use, storage, handling and/or production of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

B. Exclusions from Groundwater Protection Standards

1. Non-Routine Maintenance or Repair of Property. A limited exclusion from the provisions of this Subsection is authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling and/or production of regulated substances under this exclusion shall be limited to:

a. The aggregate of regulated substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

b. The total use, storage, handling and/or production of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

2. Application of Agricultural Chemicals. A limited exclusion to the provisions of this Section is authorized for the application of United States E.P.A. approved agricultural chemicals by licensed personnel using United States E.P.A. best recommended practices. Below ground applications in excess of hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period shall require 72 hour prior notice to the Building Commissioner.

3. Storage of Agricultural Chemicals. A limited exclusion from the provisions of this Section is authorized for on-site storage of a maximum one (1)-year supply agricultural chemicals to be used for routine on-site agricultural operations. This exclusion is subject to the condition that such substances are stored in standard approved packaging and such chemicals are applied to cropland under best management practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (U.S.E.P.A.) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from

other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of this WP District.

4. Medical and Research Laboratory Use. A limited exclusion from the provisions of this Section is authorized for each medical and research laboratory use. This exclusion is subject to the conditions that regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance; and the aggregate inventory of regulated substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

5. Cleaning Agents. A limited exclusion from the provisions of this Section is authorized for regulated substances which are cleaning agents. This exclusion is subject to the conditions 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 the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case, shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

6. Single, Two, Three and Four Family Residences. An exclusion from the provisions of this Section is authorized for the storage of regulated substances for maintenance of the residence or of vehicles under control of any occupant, and for the use of such substances for the same purposes. This exclusion is conditioned upon the waste amounts of these substances being disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.

C. Underground Storage Tanks. With the exception of residential use of heating fuels in tanks having a capacity of five hundred fifty (550) gallons or less, the underground storage of fuel and lubricants for vehicle operations and of fuel for building and/or process heating in conjunction with valid uses in this WP District shall be in tanks secondarily contained (as defined by the Ohio State Fire Marshal, Bureau of Underground Storage Tank Regulation) and monitored. Such installations shall be subject to approval by the Building Commissioner.

D. Nonconforming Uses - Replacement of Underground Storage Tanks. Notwithstanding other provisions of this Section, nonconforming uses in this WP District utilizing underground tanks to store fuel and lubricants for vehicle operations and fuel for building and/or process heating at the effective date of this Section shall be permitted to replace existing tanks with those constructed to meet the specifications of Section 804.5,C., 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.

E. Determination of Intensity of Use. As part of the findings required under this Ordinance, prior to issuance of a zoning certificate or Certificate of Occupancy, the Building Commissioner shall utilize the hazard potential rating system in Section 803.11 to assist in the determination of intensity of use within this WP District. No substitutions of a nonconforming use shall be permitted which result in an increase of the hazard potential rating on a parcel within this WP District. If the quantities of regulated substances initially exceed the de minimis quantities above, they shall be

considered legally nonconforming. Such legally nonconforming quantities cannot be increased to any degree or extent, however.

804.11 Hazard Potential Rating System

In order to assess the risk for potential groundwater contamination, a hazard potential rating has been developed for various activities categorized by their Standard Industrial Classification (SIC) code. This rating is based on the kind of materials commonly associated with each use, looking only at the most critical hydrologic factors.

Appendix Table 1 lists the site hazard potential by land use activity (source) on a scale of one (1) to nine (9), with one (1) being a low hazard and nine (9) a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged. This table refers to many land uses not permitted (and not existing as nonconforming uses) in the underlying zoning district of any land included in this overlay district, but that fact shall not be deemed to constitute an express or implied legislative statement that such uses are permitted by this Section.

Appendix Table 2 below lists the hazard potential determined on the basis of materials known to be used, stored, or disposed of at a specific site.

If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

804.12 Handling of Regulated Substances

A. No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any regulated substance on public or private property within the City of Oakwood or in any area under the jurisdiction of the City of Oakwood except as provided by law, statute, Ordinance, rule or regulation.

B. Any violation of this Section is hereby determined to be a nuisance and must be abated.

804.13 Underground Storage Tanks Declared to Constitute Dangerous Nuisances

A. With the exception of the underground storage of fuel and lubricants for vehicular operations and of fuel for building heating and/or process heating in conjunction with permitted and special uses in the WP District, any storage of regulated substances in underground storage tanks within the WP District shall be deemed to constitute a dangerous nuisance. Every such nuisance must and shall be abated no later than three (3) years from the effective date of this Ordinance.

B. With the exception of residential use of home heating fuel in tanks having a capacity of five hundred fifty (550) gallons or less, any underground storage tank systems for vehicle fuels and lubricants and for fuel for building and/or process heating within the WP District not removed within three (3) years from the effective date of this Section must be secondarily contained and monitored in accordance with plans submitted to and approved by the Building Commissioner.

804.14 Reporting Requirements

A. Regulated Substance Activity Inventory.

1. Report forms. The Building Commissioner shall develop the Regulated Substance Activity Inventory report forms and may modify the forms at any time in the future as may be deemed appropriate.

2. Applicability.

a. Except as excluded in accordance with Section 804.14, A. 3, below, each owner or occupant of any land in the WO or WP Districts at the effective date of this Ordinance, shall file a Regulated Substance Activity Inventory report with the Building Commissioner. Said report shall be filed within one hundred and eighty (180) days of the effective date of this Ordinance, and follow up reports shall be so filed at twenty-four (24) month intervals thereafter.

b. Except as excluded in accordance with Section 804.14, A, 3 below, any new owner or occupant of any land in the WO or WP Districts shall file a Regulated Substance Activity Inventory report prior to receipt of a zoning certificate or a Certificate of Occupancy and at twenty-four (24) month intervals following the date of occupancy. For purposes of this paragraph, "new" shall be defined as subsequent to the effective date of this Ordinance.

c. Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory reports shall be made for each location.

3. Exclusions from regulated substance activity inventory reporting: Any exclusion set forth in this subsection shall apply if it does not substantially increase any risk or hazard to the public health or water supply, wells or well fields; and further, any spill, leak, discharge or mishandling shall be subject to the provisions of the subsequent sub-paragraph 2 of this Section. Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity involved, except as to inventory reporting.

a. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for routine uses of regulated substances provided the uses are limited as follows:

i. The aggregate of regulated substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

ii. The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

b. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for non-routine maintenance or repair of property or equipment provided the uses are limited as follows:

i. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

ii. The total use of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

c. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances which are cleaning agents. This exclusion is subject to the conditions 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 the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case, shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

d. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for medical and research laboratory uses in the WP District. This exclusion is subject to the conditions that regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance, and the aggregate inventory of regulated substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

e. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for the transportation of regulated substances through the WP District. This exclusion is subject to the conditions that the transportation vehicle is in compliance with applicable local, state, and federal laws and regulations; and the transportation vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed seventy-two (72) hours. Reporting is not required if the regulated substance is fueling the vehicle.

f. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for owners and occupants of single, two, three or four family residences in the WP District. This exclusion is subject to the conditions that the storage and use of regulated substances are related to the maintenance of the residence or vehicles under control of the occupants, and waste regulated substances are appropriately

disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.

B. Spills, leaks or discharges.

1. Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the WO or WP Districts shall, if such spill, leak or discharge escapes containment or contacts a pervious ground surface and is not immediately and completely remediated, give notice to the Building Commissioner of the City of Oakwood or the Public Safety Department by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

2. Exclusion to Reporting. The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under best management practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.

3. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Oakwood in response and for cleanup related to such an incident, in addition to the amount of any fines imposed on account thereof under state 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 reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

C. 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.

804.15 Enforcement Provisions

A. Scope

The following enforcement provisions apply to both the WO and WF Districts. Nothing contained in this chapter 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.

B. Administration.

The Building Commissioner for the City of Oakwood, shall administer, implement, and enforce the provisions of this Section.

C. Notice of violation.

1. Any person found in violation of any provisions of this chapter or any order, requirement, rule or regulation issued under the authority of this chapter will be served with a written notice stating the nature of the violation and providing reasonable time for compliance; but such written notice of violation may be dispensed with under the conditions described in Subsection 804.14. Further, that if the Building Commissioner 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 Building Commissioner may dispense with establishing another time period for compliance. The Building Commissioner may impose penalties for violation authorized under Section 1010.5 of this ordinance.

2. 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.

D. Inspections.

Subject to applicable provisions of law, the Building Commissioner or authorized designee 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 chapter. Upon request of the entity which is the subject of the inspection, and if permitted by the state 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 Building Commissioner, or authorized designee, the Building Commissioner may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property; but no consent is necessary for entry into areas then open to the public or to customers.

E. Public water supply protection authorities.

1. Application. If any activity or use of regulated substance is deemed by the Building Commissioner to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, the Building Commissioner, in accordance with Section 713.13 of the Ohio Revised Code, 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 Building Commissioner shall consult with the appropriate administrative official of any potentially affected protected public water supply. Such consultation shall 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 Building Commissioner may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic impact imposed by the requirements or actions.

3. Exemption of certain regulated substances. The Building Commissioner is authorized to exclude certain regulated substances, that pose no threat to ground water, from the provisions of these regulations. Prior to authorizing the exemption of any regulated substance, the Building Commissioner shall have such request for exemption reviewed by the Board of Zoning Appeals. The recommendation of the Board of Zoning Appeals shall be binding on the Building Commissioner.

4. Technical consultants. Upon application for a zoning permit and/or Certificate of Occupancy for a use within the WO or WF Districts, the Building Commissioner may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All 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 of Oakwood to review an application for a zoning permit and/or Certificate of Occupancy.

F. Severability.

A finding by any court or other jurisdiction that any part or provision of this chapter is invalid shall not affect the validity of any other part or provision of this chapter which can be given effect without the invalid parts or provisions.

804.16 Related Regulations and Requirements

Other pertinent regulations contained within this Ordinance that shall be observed include, but are not limited to:

A. Title 11, Off-Street Parking and Loading Regulations

B. Title 12, Signs

TRANSITIONAL USE DISTRICT

Sec. 805 Transitional Use District

805.1 Purpose

The purpose of the Transitional Use District is to provide and maintain an intermediate or buffer use between adjacent residential uses and the more intensive business or commercial uses in the Far Hills Avenue Business District.

805.2 Boundaries of Transitional Use District

The boundaries of the Transitional Use District include: the buildings at the southwest corner of West Peach Orchard Road and Far Hills Avenue and at the southeast corner of East Peach Orchard Avenue and Far Hills Avenue. These previously approved buildings may be allowed to continue to exist as a transitional use upon a lot which meets all requirements of transitional uses.

805.3 Permitted Uses

Permitted uses of land and buildings in transitional areas shall be only those hereinafter listed.

City of Oakwood Uses and Structures
Business and Professional Offices
Medical/Dental Laboratory

805.4 Restrictions

Any transitional use shall be subject to the following conditions which are intended to impose additional restrictions on this particular type of use.

1. The building height shall not exceed two stories nor 25 feet in height.

2. An amount of off-street parking spaces shall be provided on the same basis as the off-street parking requirements for similar buildings in the business-zoned area under Section 1102.1 unless a variance is granted.

3. In the event of any modification of the exterior of any existing building, or in the case of new construction, all of the provisions of the city of Oakwood Business District Design Guidelines shall apply.

805.5 Site Development Plan Review

Any new principal structure intended for non-residential occupancy, or an expansion of an existing building which exceeds 25% of the total gross floor area, shall be subject to the Major Site Development Plan Review requirements under Section 1013.

805.6 Signage

Any signage associated with a transitional use shall be building mounted and be subject to the restrictions under Section 1208.

Legislative History: Ord. 4694, passed 3/1/2010.

TITLE 9. DESIGN AND PERFORMANCE STANDARDS

Sec. 900 Purpose and Applicability

900.1 Purpose of Title

The Design and Performance Standards establish supplemental regulations for specific land uses authorized elsewhere in the Zoning Ordinance. They are not intended to substitute for any other requirements of the Ordinance. Rather, they represent special additional requirements to apply to certain uses regardless of class of use -- permitted, special, conditional or accessory uses.

900.2 Applicability

The standards set forth in this section apply to all uses regardless of whether they are permitted, special, conditional or accessory uses. The City may establish additional conditions and requirements for the use under the conditions as proposed.

Sec. 901 Standards For Specific Uses

901.1 Nursery School or Non-public Preschool

A. Applicability

All proposed nursery schools or non-public preschools

B. Regulations

When permitted by special use as an accessory use of an existing institution, these schools should give preference for children of Oakwood residents under regulations established by the City Council. Any nursery school or preschool must be licensed by the State of Ohio and meet all the requirements of the zoning district in which it is located.

901.2 Day Care Centers

A. Applicability

All proposed child day care centers

B. Regulations

Any child day care center must be licensed by the State of Ohio and meet all the requirements of the zoning district in which it is located.

901.3 Type B Child Day Care Homes

A. Applicability

All proposed day care homes.

B. Regulations

This section authorizes the City Manager of the City of Oakwood to provide extra services and other benefits which will accrue to those Type B Homes, both certified and uncertified, qualifying as being "Registered" with this City. Those benefits are intended as incentives to encourage those homes to comply with the standards set by the City of Oakwood. The remainder of this section authorizes the City Manager to establish those standards.

1. The special services and other benefits available to Oakwood Registered Homes will be those listed from time to time by the City Manager on a Schedule of Benefits and Standards maintained in the administrative offices of this City.

2. The safety and operating standards applicable to Oakwood Registered Homes will be those listed from time to time by the City Manager on that same Schedule of Benefits and Standards.

3. Type B Child Day Care Homes are subject to the following provisions

   a. No more than one such home may be located within any block, whether on the same side or the opposite side of the street. In any event, no such home may be located closer than four hundred (400) feet to any other such home.

   b. To protect the safety and welfare of children, all persons involved in providing child day care in any Type B Home located in this City of Oakwood, even though uncertified, must comply with the same requirements of State Statutes 109.57.2, 5104.01.2 and 5104.01.3 as are applicable to child day care centers, This obligation also is to apply to every other adult residing in every Type B Home in this City, even though uncertified. As a result, such a child day care home will not be permitted to operate if any such person has been convicted of any of the criminal offenses referred to in Sections 109.57.2 and 5104.09 of the Ohio Revised Code. Those offenses include the following types of crimes:

      i. Homicide (excluding vehicular homicide).
      ii. Assault.
      iii. Menacing.
      iv. Stalking.
      v. Kidnapping, abduction or unlawful restraint.
      vi. Child stealing or criminal child enticement.
      vii. Extortion or coercion.
      viii. Any sex offense.
      ix. Violation of Ohio criminal statutes regarding obscenity.
      x. Domestic violence.
      xi. Possession or discharge of weapon.
      xii. Contributing to the unruliness or delinquency or a minor.

901.4 Standards for the Placement of Flagpoles

A. Applicability

All zoning districts

B. Regulations

One flagpole may be permitted in any yard if in accordance with the following conditions:

1. The flagpole shall be used solely for the display of not more than two (2) flags so long as the combined area of one side of the flags does not exceed sixty (60) square feet.

2. The flagpole may not be used for any type of sign nor for any other purpose.

3. The flags displayed may not be used for commercial advertising purposes.

4. The flagpole may not project more than thirty-five (35) feet above the average grade of the property.

5. The flagpole must be self sustaining and may not be supported by braces, guywires or other supports.

6. The diameter of the flagpole must be similar to standard or customary flagpoles of the same height.

7. Illumination shall be so designed, placed, shielded or arranged so as illuminate the flag only, not to cause glare, light or reflection upon adjacent premises or upon the adjacent street.

8. Every flagpole must be erected sufficiently far from any power or telecommunication lines so as not to cause a hazard.

9. All flagpoles must be set back a minimum of twelve (12) feet from all property lines.

901.5 Storage of Non-Passenger Vehicles – Oversized Vehicles

A. Applicability

All residential zoning districts

B. Regulations

1. The following restrictions shall apply to any trailer, boat, camper, self-propelled vehicle, any item of construction equipment not expressly permitted as an accessory use, and to any combination of such objects (other than passenger cars and other vehicles with Ohio noncommercial truck license plates, or equivalent plates from other states), which at any point exceeds any of the dimensions set forth below. Throughout this

section, any reference to "such vehicle" shall refer not only to any single oversized trailer, boat, etc., but also to any oversized combination:

a. Height: 7 feet (measured from ground level) plus an additional 1-1/2' for accessories, but no antenna shall be measured in determining the height.

b. Width: 7'.

c. Length: 20'.

2. It shall not constitute a permitted or accessory use or structure for any such vehicle to be parked, placed or stored upon, or to occupy, land zoned for residential purposes, except to the extent authorized by this Section.

3. No person shall occupy such an vehicle for living purposes (nor similarly occupy any trailer, boat, camper or self-propelled vehicle, regardless of its size) upon land zoned for residential purposes unless:

a. The vehicle has been erected or constructed upon the land in a permanent manner as a residential building and in compliance with all requirements of building and fire codes, and other statutes, ordinances and regulations, which apply to conventional single-family residential buildings.

b. The vehicle so erected or constructed into a permanent residential building is the principal building and principal use on the lot, and no other such oversize object is situated upon the lot.

4. During the day (commencing at sunrise and ending at sunset of the same day) only one such vehicle (sometimes called an "object") may be parked, placed or stored upon, or may occupy, any residential zoning lot, and such use must be on the following conditions:

a. Any such object shall be situated upon adequately drained material or substance having a minimum weight bearing capacity of 4,000 pounds per square foot and must be situated in a surplus or required rear yard.

b. This limitation to only one such object on residential land during the day shall not apply to any object within a permanent and completely enclosed structure situated on the lot in accordance with the zoning regulations of this City, which structure has transparent and/or translucent portions not exceeding 20% of its floor area.

5. During the night, however, (commencing at sunset and ending at sunrise of the following day) no such object may be parked, placed or stored upon, or may occupy, any portion of such residential zoning lot, except as set forth below:

a. This restriction shall not apply if the object is within a permanent and completely enclosed structure situated on the lot in accordance with the zoning regulations of this City, which structure has transparent and/or translucent portions not exceeding 20% of its floor area.

b. This restriction shall not apply to the extent a Special Use has been granted so as to permit the object to occupy the surplus or required rear yard.

c. This restriction shall not apply if the object has been transformed into a permanent residential structure as described in 3 above.

d. This restriction shall not apply during the time such object is on the premises in the active procedure of delivering or picking up people or items of property or in the active procedures of construction, reconstruction or repair of the land or improvements thereon, or during service to the premises of the City.

e. This restriction shall not apply to one such object on the land for a total of 45 nights in each calendar year with no more than seven of those nights to be used consecutively at any one time, with any such object to be situated upon adequately drained material or substance having a minimum weight bearing capacity of 4,000 pounds per square foot and must be situated in a required or surplus rear yard or corner side yard. Any such parking, placement, storage or occupancy which occurs, or continues, during any portion of a night shall be credited as one complete night against the total of 45 nights permitted under this exception. Further to claim the benefit of this exception notice must be given to the City of the date(s) any one or more of the permitted 45 nights will be used. Such notice may be given in writing, in person or by use of the telephone,, and shall be given as soon as reasonably possible after an adult occupant of the premises is aware that such an object is, or will be, on the premises during the nighttime.

901.6 Guest Houses and Detached Living Quarters for Persons Residing on Premise

A. Applicability

All residential zoning districts

B. Regulations

Guest houses and living quarters may not exceed 1,000 square feet of useable floor area, except in proportion to the amount by which the lot exceeds 40,000 square feet. In all other residential zoning districts, living quarters are permitted as an accessory use on lots larger than 25,000 sq. ft. with a minimum lot width of one hundred (100) feet.

901.7 Land Locked Parcels

A. Applicability

All zoning districts

B. Regulations

The City Manger may approve development of landlocked parcels, or at his or her discretion, may refer the approval of the same to the Planning Commission and City Council. Approval of development of a land locked parcel shall be subject to the following minimum conditions:

1. The parcel must abut or receive direct access to a private street which is connected to a public street in a distance of no more than four hundred (400) feet

2. The private access drive be built or improved to meet specifications as set forth by the City; and

3. Subject to a recorded easement providing for access of governmental personnel and equipment for the protection of the public peace, health, safety and welfare and acknowledging the owners of such private street have responsibility for the maintenance thereof and that the City has no obligation for maintenance, snow removal or enforcement of traffic regulations thereon, and that the access way is treated entirely as other private property in the community; and

4. Any conditions deemed appropriate in advancing the purposes of this Ordinance of the interests of the City of Oakwood.

901.8 Service Walks Wider Than Five Feet

A. Applicability

All residential zoning districts.

B. Regulations

Service walks wider than five (5) feet must be located, and their use must be conditioned, so that they may not be used for operation of motor vehicles other than yard maintenance equipment. The location and terms and condition of use of such walks shall be approved by the City Manager.

901.9 Entrance Pillars

A. Applicability

All residential zoning districts.

B. Regulations

Entrance pillars may be approved by the City Manager subject to the following standards:

1. The principal structure on the zoning lot must be set back a minimum of fifty feet from the street right-of-way (i.e. the right-of-way toward which the drive or walk bordered by the entrance pillars leads).

2. The height and size of entrance pillars shall be controlled by the lot width (on the side of the lot served by the pillars) and by the setback, as follows:

Setback Measured as in (1) above	Width of Lot at Street	Total Height	Foot Print
Under 50'	75'	None	None
50'	75'	4'	4 Sq. Ft.
75'	90'	5'	4 Sq. Ft.
100'	105'	6'	6.25 Sq. Ft.
125'	120'	7'	6.25 Sq. Ft.
150'	140'	8'	9 Sq. Ft.

No pillar shall exceed eight feet in height or have a greater footprint than nine square feet.

3. The pillars will not be in the public right-of-way except to the extent allowed by a written agreement with the City which is approved as to form by the City Attorney.

4. Such pillars and any decorative wall attached thereto must be at least five feet away from the nearest driveway on any adjoining lot.

5. Entrance pillars may border driveways and may also border walkways leading to the principal structure on the lot. No more than four entrance pillars may be located on any lot. (Amended Ord. 4582, passed 5/2/05, effective 6/2/05).

6. Decorative walls or retaining walls with fencing may be attached to the pillar. The average height of a decorative wall must not exceed one-half the height of the attached pillar. The combined height of a retaining wall with fence material may not exceed 75% of the height of the attached pillar, and under no circumstances may the height of the retaining wall itself exceed 30% of the pillar height. The combined length(s) or extension(s) of decorative or retaining wall(s) can be no longer than 20% of the lot width at the street. (Amended Ord. 4582, passed 5/2/05, effective 6/2/05).

7. Lighting fixtures may be a part of entrance pillars but shall be subject to the same height limitations. No lighting fixture may project more than two (2) feet from the pillar to which it is attached. This provision is intended to permit low level lighting to identify an entrance and shall not cause glare nor illuminate any portion of the public way.

8. That the structure for which approval is sought is architecturally compatible with principal structures on the subject zoning lot.

9. Security gates may be affixed to approved entrance pillars provided: 1) the zoning lot on which the proposed gates are to be located is a minimum of 2 acres; 2) the driveway on which a gate is to be located serves no more than one single family residence and is at least 150 feet wide; 3) the gates do not intrude upon the City right-of-way when opened; 4) the gates do not exceed the height of the pillars to which they are attached; 5) the gates are at least sixty (60) percent open and constructed of ornamental wrought iron or of steel or aluminum which is

formed and colored in such a style as to be substantially similar to wrought iron; and 6) the City has means of opening the gate for public safety response or other City related services.

901.10 Restaurants

A. Applicability

Community Business Zoning District.

B. Regulations

Restaurants which meet the following standards (in addition to requirements of health, fire and other applicable codes):

1. All such restaurants must furnish seating space at tables or booths, together with chairs or benches, so as to make available at least twice as much lineal seating space at such tables and booths as may exist at any counter or bar, or so as to provide at least twice as much square footage area of the tops of such tables and booths as may exist at any counter or bar, whichever is greater.

2. They must meet and comply with, as minimum standards, all regulations and requirements imposed by Chapter 747 of the Business Regulations Code of this City upon drive-in restaurants, excepting those in Section 747.08 concerning hours of operation, in Section 747.10 concerning a wall or fence, and in Section 747.11 concerning driveway location.

3. When the parcel or lot occupied by such a business establishment abuts residential property to the rear or side, the building must be constructed in such a manner that the exterior surfaces are compatible with one another.

4. Any rear entrance for customers must be secondary, with an entrance from the street to be the primary customer entrance.

5. Restaurants must have and provide a completely enclosed and a completely drainable area in which refuse containers must be stored. Such refuse enclosures must be fire resistant and shall be maintained in such a manner as to control to the greatest extent reasonably possible the various problems normally associated with business establishments serving food for consumption on the premises. The refuse storage area must be maintained in a clean and sanitary condition.

6. Each such restaurant must include and provide a fully equipped kitchen capable of being utilized for the preparation of complete meals. The kitchen equipment must include an approved commercial dishwasher, a commercial stove with an oven and ventilation system, a three-compartment stainless steel utility sink, a hand washing sink, a refrigerator, a cooler and/or freezer system comparable in size and capacity to the other equipment in the kitchen and any other equipment necessary or normally used for the preparation and serving of

complete meals. Complete plans, showing food service operation layout, equipment and equipment location must be submitted to the City Health Department for approval from the period of construction to opening.

7. Each such restaurant must provide an exhaust fan system, directed away from existing residential buildings and from normal pedestrian walkways, of sufficient capacity for the size of the business establishment, as is deemed necessary in the reasonable discretion of the City Health Department. The exhaust system shall include within it a filtering system of a size, type and efficiency as may be necessary to prevent the discharge of odors upon adjacent residential property or sidewalks and other customary pedestrian walkways, and to direct fumes and smoke away from such areas.

8. No such restaurant shall be permitted to have live entertainment, film, video or any other means of projecting pictures for the entertainment of customers.

9. Except for carryout orders to be taken to another location, all food and drink dispensed on the premises must be consumed within an enclosed portion of the restaurant.

901.11 Accessory food stores, snack bars and physical health facilities.

A. Applicability

R7 General Residence District.

B. Regulations

Accessory food store, snack bar and personal services facilities and health facilities such as a gymnasium, massage and other "spa" related facilities may be established in multiple family residential building which maintain a minimum of twenty four (24) dwelling units, provided:

1. Commercial facilities are accessible only to the tenants/owner of the building through the lobby. No entrance directly to the exterior of the building shall be permitted

2. No advertising shall be visible from the exterior of the building.

3. The total amount of retail space available for development must not exceed 1,000 square feet for each twenty four (24) dwelling units, or proportion thereof.

901.12 Delicatessens

A. Applicability

All business zoning districts.

B. Regulations - CB Community Business District

Delicatessens in the form of establishments that sell cooked or prepared foods in such a manner that the foods are available (without being enclosed in cans, jars or other containers as in grocery stores) and are ready for serving and consumption. No more than sixty five (65) percent of the gross sales revenue in any month may come from carry-out and delivery business. Further, no more than twenty five (25) percent of the gross sales revenue in any month may result from delivery business.

Delicatessens may provide tables and/or seating for consumption of food on the premises. They are not permitted to offer the full fare menus available in restaurants and/or coffee shops devoted primarily to in-house dining. Nothing in this paragraph shall be deemed to preclude a delicatessen from offering carry-out catering.

Because the stock in trade of delicatessens is to be limited as referred to above, they shall not be deemed to constitute restaurants or coffee shops.

C. Regulations - NB Neighborhood Business District

In addition to the regulations cited under paragraph A, above, delicatessens in the NB Neighborhood Business District shall also meet the following requirements:

1. The space in which the seating is provided may only occupy an area of no more than 1,200 square feet.

2. Tables and/or seating for consumption of food on the premises shall be limited to accommodate a maximum of twenty-four persons. The exact number of tables and/or seating is to be established by the Planning Commission as part of its responsibility in determining the number of parking spaces to be required.

3. Hours of Operation:

   a. Notwithstanding any other provision of these ordinances, delicatessens in the neighborhood business district may serve food on the premises no longer than between the hours of 7:00 A.M. and 9:00 P.M.

   b. In addition, because delicatessens are a special use, the Planning Commission may, in addition to any other stipulations, condition the approval of any such use on hours of operation that are shorter than between the hours of 7:00 A.M. and 9:00 P.M.

901.13 Rest Homes (Nursing Homes)

A. Applicability

MU Multi-Use Special Planning District.

B. Regulations

Rest homes must meet the following standards:

1. The project must provide at least one separate room for every two residents (i.e., a double room) and not less than one hundred (100) square feet of double room or single room space for each resident. Each such room must have a private bath, a sink and a refrigerator. The floor of each room must be covered with carpeting.

2. Each resident room shall be wired for personal telephone services.

3. It must have a separate television viewing room on each floor, of reasonable size and with seating capacity for at least fifteen (15) percent of the residents who reside on that floor.

4. It must have an on-site kitchen sufficient to provide, and which does provide, all meals served on the premises. Three meals shall be available each day.

5. It must have laundry facilities available for use by residents for their personal items. Bedding and bathroom linens shall be provided to residents, together with a service to launder those linens.

6. It shall have an on-premise beauty shop and barbershop, which may be combined into one operation and one location.

7. At least forty (40) percent of the total floor area of the home must be common space available for use by residents.

8. A minimum area of one (1) acre is to be provided for each such rest home. This is subject to an administrative Variance of up to ten (10) percent as part of the application, provided the petitioner meets the Variance standards described in Section 1006 of the this Ordinance. There must not be less than six hundred (600) square feet of land for each resident the facility is licensed by the state to accommodate.

9. The exterior area must be well landscaped with attractive trees, bushes, walks, grass and flowers so as to compare favorably with the better landscaped homes within the City. A detailed landscaping plan must be submitted by the applicant and approved by the City as part of the planned development special use approval which is necessary for any use within multi-use special planning districts. The landscaping plan must include screening which will protect the surrounding residential neighborhood.

10. To the extent reasonably possible, the exterior appearance shall be that of a large home and must not create the appearance of a hospital or other institutional facility.

11. Regularly and reasonably scheduled (and unscheduled) private transportation must be provided to shopping areas, banks and other facilities in Oakwood and nearby areas for residents' needs and interests.

12. Maid and/or janitorial service must be provided to clean all private rooms as well as common areas.

13. Daily supervised social and/or recreational and/or educational programs must be provided which occupy at least four hours each day. The application for planned development special use approval must describe the training and experience of the persons who will provide or guide such programs, and that training and experience must be satisfactory to the City of Oakwood.

14. Careful and regular health monitoring must be provided on-site by one or more registered nurses and/or physicians. This must include monitoring and/or administration of medication. On-site staff must be available to administer medication twenty-four (24) hours each day.

15. A full-time, on-site staff must be provided in the form of the following separate individuals: an administrator, one or more registered nurses, and one or more resident counselors. These persons, or additional members of staff, shall perform the duties of an activities director and must provide supervision of building and grounds maintenance, of all the services provided, and of food preparation.

16. No trash dumpsters may be used, but instead all trash must be placed in residential type waste cans no larger than those permitted for single-family residential dwellings in the City. Refuse areas must be screened.

17. The exterior and interior of all buildings, as well as the ground on which any buildings are situated, must be maintained in a first-class, better than average, manner in comparison to the general levels of maintenance found throughout the City of Oakwood.

18. Limited off-street parking shall be provided so as to have such number of paved off-street parking spaces as may be deemed appropriate for the area by the City of Oakwood, but the number of such spaces shall not be more than one-third of the total number of residents the facility is licensed by the state to accommodate. The size and operation of the rest home must be such that this number of off-street parking spaces is sufficient to accommodate all employees, volunteers and visitors except on holidays and except on special event occasions. The number of such special event occasions in any calendar year must be kept small enough that any resulting on-street parking will not have a substantially adverse impact upon enjoyment or use of nearby property for residential purposes.

19. The furniture, wall coverings, window treatments, carpet, accessories and any other aspects of interior decorating must be such that the interior appearance and ambiance is warm, friendly, and much more similar to a high quality, well furnished and decorated private home than to a commercial establishment or an institution.

901.14 Dwelling Units above first floor

A. Applicability

All business zoning districts.

B. Regulations

1. Such dwelling units must be located above the first floor of the structure in which they are housed although they may each have a separate entrance upon the ground floor level.

2. The applicant shall submit supporting documentation, and the Planning Commission shall find, that the parking spaces proposed for utilization by the combination of uses are sufficient as per provisions for shared parking facilities (Section 1101.2, A, 6)

901.15 Buffer Yards to Protect Wooded Parks

A. Applicability

All residential zoning districts.

B. Regulations

There shall be a buffer yard of not less than twenty (20) feet nor more than fifty (50) feet on that portion of any lot abutting or across the street from a "'wooded park" (designated as such on the list of parks maintained by the City Manager under Section 935.02 of the municipal code). The depth of the buffer yard shall be established by the City Manager with that decision to be based on the standard or test of what depth is necessary or appropriate to protect the integrity of the wooded park from the effects of a change in topography, and/or in the density and maturity of trees, abutting or across the street from that wooded park. This distance is to be measured from any such contiguous park or, if the park is across the street, from the dividing line between the yard and the street right-of-way

Within every buffer yard, no accessory structure or use, driveway or any other form of obstruction other than trees and vegetation may be placed, the existing topography may not be changed, and no living, non-diseased tree may be cut down or damaged, except as follows:

(1) By a driveway, provided that the applicant establish by a preponderance of the evidence that the only reasonable driveway access to the property would be through the buffer zone and that the proposed location of a driveway within the buffer yard is such that it minimizes impacts to topographical conditions

(2) For underground utility lines, subject to the condition that the area where trees have been removed is to be subject to an immediate tree-replanting requirement, with the size, species and location of replacement trees to be as reasonably determined by a city horticulturist. Any utility easement granted after the effective date of this portion of the codified ordinances shall be deemed subject to this requirement, whether or not expressed by in the utility easement.

(3) By a buffer yard Variance authorized under Section 1006.

901.16 Home Occupations

A. Applicability

All residential zoning districts.

B. Regulations

1. In connection with the home occupation, no sign, display or merchandise or other material or thing may be used that will indicate from the exterior that the dwelling is being utilized in whole or in part for any purpose other than that of a residential dwelling; no commodity may be sold upon the premises; no person may be employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment (except common office machines such as computers facsimile machines, etc.) may be used except of a type that is similar in size, capacity, style and character to that which is normally and customarily used for purely domestic or household purposes.

2. No home occupation shall occupy more than twenty five (25) percent of the floor area nor more than four hundred (400) square feet of gross floor area, whichever is less. No accessory building shall be used for such home occupation. To the extent they fail to meet the performance standards included in this section, the business of a barber, a rest home, child care center or cosmetologist must not be permitted as a home occupation.

3. No more than five (5) persons shall visit any property upon any given day in connection with such home occupation between the hours of 9:00 A.M. until 8:00 P.M. In no event, may any home occupation cause or result in persons arriving at or entering the premises before 9:00 A.M. or after 8:00 P.M.

4. The Building Commissioner may authorize the use of residences for home occupation purposes which meet the requirements of subparagraphs A through C below, but which do not meet the requirements of subparagraph D in the discretion of the Planning Commission and to the extent such home occupations meet the standards for all special uses set forth in Section 1004.6 and do not cause or result in the arrival or entrance on the premises of:

a. More than three persons per hour (averaged over any six (6) hours between 9:00 A.M. and 8:00 P.M.) other than persons residing upon the premises.
b. More than eighteen (18) persons per day, other than those residing upon the premises.
c. More than six (6) persons during any portion or any two (2) hour continuous period, other than those residing upon the premises.
d. Any persons who wait or congregate outside the residential building for a time longer than is reasonably necessary to enter or leave that building (other than persons residing upon the premises).
e. No home occupation may cause noise, vibrations or odors to extend from the residential dwelling beyond the borders of the zoning lot, or, in a multi-family structure, beyond the dwelling unit.

901.17 Transitional Use Provisions – Uses authorized by prior ordinance

A. Applicability

Specific parcels approved for use under prior ordinance in the R6 Zoning District.

B. Regulations

As of July 9, 1990 two office uses had been approved as transitional uses in this R-6 zoning district, one at the southwest corner of Peach Orchard Road and Far Hills Avenue and the other at the southeast corner of Peach Orchard Avenue and Far Hills Avenue. Each such previously approved building may be allowed to continue as a transitional use upon these lots which meets all requirements of the R-6 District, except:

1. Any interior side yard abutting a residential lot line shall not be less than fifteen (15) feet; and

2. No interior side yard, nor a rear yard, adjoining business zoned property.

(Ordinance #4484, effective 4/19/01).

901.18 Standards for more than one Private Garage

A. Applicability
When required as a special use in any residential zoning district.

B. Regulations
1. These regulations apply to private garages, as defined in this ordinance.
2. Driveway access to the private garage shall be combined with attached or detached garage to minimize curb cuts.
3. Driveways for the private garage, when extending behind the front building line, must meet the side yard requirements of the zoning district.
4. Private garages shall meet the minimum side yard requirements of the district.
5. The Planning Commission may approve limitations on the overall size of the structure to ensure compatibility in scale and materials with immediately surrounding land-uses, and the neighborhood in general.

(Ordinance #4512, effective 8/15/02).

901.19 Coffee Shops and Delicatessens Selling Beer and Wine

A. Applicability

CB Community Business District

B. Regulations

Coffee shops and delicatessens selling beer and wine must meet the following standards:

1. There shall be no more than eighteen (18) counter or bar seats.

2. Operating hours shall not extend beyond 12:00 a.m., and the use of any outdoor seating shall conclude by no later than 10:00 p.m.

3. No more than seventy percent (70%) of gross revenue in any month may come from alcohol sales.

4. There shall be no alcohol sales for off-premise consumption, nor any other carryout of alcohol.

5. Live entertainment, in the form of a band or musical group with more than two (2) members, is restricted to not more than four (4) times per month, and must occur if at all in the interior of the building.

6. There shall be no display of beer or wine advertising signs, plaques, banners, and the like, on any exterior surface of the building or otherwise visible from outside the building.

7. No illuminated advertising signage of any kind shall be visible from outside the building.

(Ordinance #4737, passed 9/19/11; Ordinance #4751, passed 2/6/12).

TITLE 10. ADMINISTRATION AND ENFORCEMENT

Sec. 1000 Purpose

The purpose of this Title is to set forth the administrative procedures, rules and requirements deemed necessary to administer the provisions of this Ordinance. The Title has been divided into three parts: A – Creation and Authority; B – General Administrative Procedures and Enforcement; and C – Performance Review Procedures.

PART A – Creation and Authority

This Part establishes the administrative bodies and officials responsible for the administration and enforcement of this Ordinance.

Sec. 1001 Planning Commission and Board of Zoning Appeals Established

1001.1 Planning Commission Established

A. The Planning Commission is established in Section 7.01 of the City Charter. Such Commission shall continue to consist of five members, four of whom shall be citizens who hold no other incompatible public office or employment, selected by Council one each year for overlapping terms of four (4) years, and one of whom must be a member of Council, designated annually by Council. The concurring vote of three members shall be necessary for decisions of the Planning Commission.

B. If conflicts of interest, recusals, or absences make it impossible to obtain three votes on a particular issue, temporary replacement members shall serve in such numbers as is equal to the number of permanent members disqualified by the conflicts of interest or otherwise unable to vote. The following persons shall serve as such temporary replacement members, as needed, in the order listed:

1. The acting chair of the Board of Zoning Appeals;
2. The acting vice-chair of the Board of Zoning Appeals;
3. Of the acting members of the Board of Zoning Appeals who are neither its chair nor its vice-chair, the member who has held the longest term of service on the Board of Zoning Appeals; and
4. Of the acting members of the Board of Zoning Appeals who are neither its chair nor its vice-chair, the member who has held the second-longest term of service on the Board of Zoning Appeals.

Such a temporary replacement member must serve for the limited period of time necessary to consider and vote upon the issue involved. After that vote, the terms of those temporary members shall be deemed to expire, and the permanent members previously serving shall be deemed to resume for the remainder of their previous term.

(Ord. 4708, passed 11/1/10, effective 12/1/10).

1001.2 Planning Commission Meetings and Rules

A. All meetings of the Planning Commission shall be held at the call of the Chairman and at such times as the Commission may determine. The Commission must follow the rules and procedures, not in conflict with this Ordinance, as established in Chapter 111 of the Administrative Code of this City, and must keep minutes of its proceeding. These minutes shall include all decisions of the commission. The chairman or acting chairman may administer oaths and compel the attendance of witnesses.

B. Certain portions of any meeting may be public hearings, while the remainder of the meeting need not involve a hearing and may be conducted under the aforesaid rules. After a public hearing, the commission may deliberate and decide in any meeting under those rules.

1001.3 Board of Zoning Appeals Established

A. A Board of Zoning Appeals (sometimes referred to as the BZA) as established in Section 7.02 of the City Charter. The members of such board shall be

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appointed and serve in the manner prescribed in the applicable sections of the City Charter, and as set forth hereinafter.

B. Such board shall continue to consist of five members who must be citizens holding no other City office or employment. Members shall be appointed by Council, one each year for overlapping terms of five (5) years each.

C. If conflicts of interest, recusals, or absences make it impossible to obtain three votes on a particular issue, temporary replacement members shall serve in such numbers as is equal to the number of permanent members disqualified by the conflicts of interest or otherwise unable to vote. The following persons shall serve as such temporary replacement members, as needed, in the order listed:

1. The acting chair of the Planning Commission;
2. The acting vice-chair of the Planning Commission;
3. Of the acting members of the Planning Commission who are neither its chair nor its vice-chair, the member who has held the longest term of service on the Planning Commission; and
4. Of the acting members of the Planning Commission who are neither its chair nor its vice-chair, the member who has held the second-longest term of service on the Planning Commission.

Such a temporary replacement member shall serve for the limited period of time necessary to consider and vote upon the issue involved. After that vote, the terms of those temporary members shall be deemed to expire, and the permanent members previously serving shall be deemed to resume for the remainder of their previous term.

(Ord. 4708, passed 11/1/10, effective 12/1/10).

1001.4 Board of Zoning Appeals Meetings and Rules

A. All meetings of the BZA shall be held at the call of the chairman, and at such times as the board may determine. Any affected person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board must keep minutes of its proceedings.

B. A copy of every decision of the board shall be included as part of its minutes, and shall be a public record. The board must follow the rules and procedures, not in conflict with this Ordinance, as established in Chapter 111 of the Administrative Code of this City, and must select or appoint such officers as it deems necessary. Certain portions of any meeting may constitute public hearings on Variances or on Appeals, while the remainder of the meeting need not involve a hearing and may be conducted in accordance with the aforesaid rules. Public hearings are for the purpose of receiving evidence from applicants and/or the public; and after a hearing the BZA may deliberate and decide in any meeting under those rules.

C. All final decisions and findings of the BZA on Appeals or upon application for a Variance (after a hearing) shall in all instances be final administrative decisions, and shall be subject to judicial review as by law may be provided.

Sec. 1002 Authority -- Administrative Bodies and Officers

The administrative bodies and officials of the City of Oakwood with vested authority to administer this Ordinance include: 1) the City Council; 2) the Planning Commission; 3) the Board of Zoning Appeals; 4) the Building Commissioner; 5) the City Engineer; and 6) the City Attorney.

The duties and responsibilities of each of the bodies and officers in the administration of this Ordinance are set forth below.

1002.1 City Council

The City Council of the City of Oakwood shall have the following duties and responsibilities:

A. To approve or disapprove an application for amendments to the text or map of this Ordinance.

B. To decide, on Appeal from the Planning Commission, Special Use Permit petitions. To also decide, upon recommendation from the Planning Commission, Planned Development – Special Use Permits

C. To decide, on appeal from the Planning Commission, Major Site Development Plan petitions.

E. To initiate applications for Text or Map Amendments to this Ordinance.

F. To direct the Planning Commission, Board of Zoning Appeals, Building Commissioner, City Engineer or City Attorney to conduct such studies, research, or other actions as appropriate in the review, and administration of this Ordinance.

1002.2 Planning Commission

The Planning Commission shall have the following duties and responsibilities:

A. To initiate, hear and make recommendations to the City Council on applications for amendments to the text or map of this Ordinance.

B. To hear and pass upon applications for Special Use Permits, excluding Planned Developments. The Planning Commission shall make recommendations to City Council on Planned Developments – Special Use Permits.

C. To hear and pass upon applications for Variances in situations which the applicant requires approval from the Planning Commission for another aspect of the same use/development for which approval is being sought. Further, to provide recommendations on variation applications submitted in association with amendments.

D. To review and approve, deny, or approve with conditions, Major Site Development Plans.

E. To regularly review and recommend as appropriate, amendments to this Ordinance.

F. To undertake studies or inquiries as directed by the City Council.

1002.3 Board of Zoning Appeals

The Board of Zoning Appeals shall have the following duties and responsibilities:

A. To hear and decide Appeals from any order, requirements, decision or determination made by the Building Commissioner.

B. To approve or deny Conditional Use Permits directed to it by the Building Commissioner.

C. To hear and pass upon applications for Variances in the manner prescribed by this Ordinance, subject to the superior authority of the Planning Commission to hear and pass upon applications for Variances in those situations in which an action also requires approval of the Planning Commission.

D. To hear and decide all other matters referred to it or upon which it is required to pass under this Ordinance.

1002.4 City Building Commissioner

The City Manager shall serve as Commissioner. However, the City Manager has the authority to delegate this responsibility as Building Commissioner to others, as appropriate. The Building Commissioner shall be responsible for the enforcement of this Ordinance. . The Building Commissioner shall have the following duties and responsibilities:

1. Receive applications as required and determine whether they are complete for processing under this Ordinance.

2. Examine premises for which permit applications are pending or have been approved, and make necessary inspections to determine compliance with this Ordinance.

3. Make investigations and render written reports when requested by the Mayor or City Council, or as the interest of the community requires.

4. Issue notices or orders as may be necessary.

5. Make available to the public, written rules and procedures consistent with this Ordinance.

6. Issue Zoning Certificates, and make and maintain records thereof.

7. Issue Certificates of Occupancy, and make and maintain records thereof.

8. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance.

9. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments and special uses, conditional uses, Variances, Appeals, site plans and applications thereof.

10. Receive, file, and approve or deny Conditional Use Permit requests.

11. Receive, file and forward to the City Planning Commission or Board of Zoning Appeals all applications for Major or Minor Site Development Plan approval.

12. Receive, file and forward to the City Planning Commission all applications for special uses and map and Text Amendments to this Ordinance.

13. Receive, file and forward to the Board of Zoning Appeals all applications for Appeals, Variances or other matters on which the Appeals Board is required to pass under this Ordinance.

14. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the City Planning Commission not less frequently than once a year.

15. Interpret the provisions of this Ordinance.

1002.5 City Engineer

The City Engineer shall have the following duties and responsibilities:

A. To review for compliance with civil engineering aspects of all development plans and proposals within the City under this Ordinance and other applicable Ordinances of the City of Oakwood.

B. To determine as may be required, in collaboration with the Building Commissioner, whether development proposals must be accompanied by a traffic impact analysis.

C. To advise and recommend to the Planning Commission, Board of Zoning Appeals, and City Council on civil engineering matters under this Ordinance, as required.

D. To undertake special studies or investigations as may be recommended by the Planning Commission to the City Council, and/or as directed by the City Council.

E. To enforce the provisions of this Ordinance as appropriate.

1002.6 City Attorney

The City Attorney shall have the following duties and responsibilities:

A. To advise the City Council, Planning Commission, Board of Zoning Appeals, or administrative staff as requested on any matters of law in the application or enforcement of this Ordinance.

B. To review for compliance under this Ordinance, actions to be taken by the City Council, as appropriate.

C. To diligently pursue prosecution of violators and violations brought under this Ordinance.

PART B – General Administrative Procedures and Enforcement

The Zoning Ordinance can be amended or changed. This Part authorizes several different ways in which the basic regulations may be modified or approvals for certain types of land-uses may be granted. It recognizes that the regulations, upon their adoption, could not conceivably comprehend every situation under which the regulations would apply. Therefore, procedures have been included to provide the opportunity to change the ordinance, subject to certain standards. Amendments authorize requests to change both the text of the ordinance, as well as the zoning map. The City's procedures for considering special and conditional uses authorized in the zoning districts are included, as well as procedures permitting a challenge (or an Appeal) to administrative decisions made by City officials in applying the rules of the Ordinance. Finally, Part B also includes procedures the City may use to enforce the requirements of this Ordinance.

Sec. 1003 Amendments

1003.1 Authority

The City Council has the authority to enact amendments to the text or map of the Zoning Ordinance in accordance with the provisions of this Section.

1003.2 Type and Purpose
The purpose of an amendment is to reclassify land or to change the text of this Ordinance.

1003.3 Initiation

A. Text Amendments

Text amendments may be initiated by any resident, tenant, or business owner in the City, the City Council, Planning Commission, or any person owning property in the City, or the owners agent.

B. Map Amendments

A Map Amendment may be initiated by the City Council, Planning Commission or the owner, or the owner's agent, of the property for which an amendment is sought.

1003.4 Procedure for Initiation - Application and Notice - See Section 1008

1003.5 Procedure for Decision - Planning Commission and City Council Action.

A. Public Hearing

The Planning Commission shall hold a public hearing on a proposed amendment. At the hearing, all interested parties shall have an opportunity to be heard.

B. Planning Commission Recommendation

Any time after the close of the public hearing, the Planning Commission may vote to recommend approval or denial. If the Planning Commission fails to attain the required minimum of three votes to decide the matter within forty five (45) days after the close of the public hearing, unless the time is mutually extended by the applicant and Planning Commission, the Planning Commission shall be deemed to have recommended denial.

C. City Council Action

The City Council shall hold a public hearing on a proposed amendment. At the hearing, all interested parties shall have an opportunity to be heard. (Ord. 4517, effective 10/16/02).

By simple majority, the City Council shall approve, disapprove or approve with modifications any requested Text Amendment. By simple majority, the City Council shall approve or deny any proposed Map Amendment.

1003.6 Written Findings of Fact

The Planning Commission shall submit findings of fact to the City Council along with its recommendation.

A. Map Amendments

Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. Existing uses of property within the general area of the property in question;

2. The zoning classification of property within the general area of the property in question;

3. The suitability of the property in question to the uses permitted under the existing zoning classification, as well as, the proposed zoning classification; and

4. The current Comprehensive Plan for the City of Oakwood.

5. A lot, or zoning lot less than 25,000 square feet in area shall not qualify for a Map Amendment, unless it adjoins a lot or parcel of land zoned the same classification as the one proposed class.

6. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the amendment is in the public interest, and not solely for the interest of the applicant.

B. Text Amendments

Text amendments shall be reviewed for consistency with the purposes of this Ordinance, the Comprehensive Plan, and the interests of the City of Oakwood as a whole.

Sec. 1004 Special Use Permits

1004.1 Authority

The City Council has the authority to grant Special Use Permits for Planned Developments and on Appeals from the Planning Commission in accordance with the provisions of this Ordinance.

1004.2 Purpose

The purpose for Special Use Permits is to require the special uses specified in this Ordinance to satisfy specified standards set forth in this Ordinance to minimize or eliminate the potentially harmful characteristics or off-site impacts of such uses on uses that are permitted in the zoning district.

1004.3 Initiation

The owner of the property, lessee, or contract purchaser for which a Special Use Permit is sought may initiate a request for a Special Use Permit.

1004.4 Procedure for Initiation - Application and Notice - See Section 1008

1004.5 Procedure for Decision - Planning Commission and City Council Action

A. Public Hearing

The Planning Commission must hold a public hearing on an application for a Special Use Permit. At the hearing, all interested parties shall have an opportunity to be heard.

B. Planning Commission Action

Within ninety (90) days after the close of the public hearing, the Planning Commission shall vote to approve or deny, or approve with conditions the special use. In the case of Planned Developments, however, the Planning Commission shall provide a recommendation to City Council, and City Council shall have final authority to approve or deny the Planned Development. If the Planning Commission fails to attain the required minimum of three votes to decide the matter within ninety (90) days after the close of the public hearing, the Planning Commission shall be deemed to deny the application for approval or to have recommended denial, as appropriate, unless such date is extended as mutually agreed upon by the applicant and the Planning Commission.

C. City Council Action on Appeal

Within fifteen (15) days following the date of final action by the Planning Commission, the petitioner may Appeal the Planning Commission's action to the City Council by filing with the Clerk of Council a written Notice of Intent to Appeal. A complete written appeal setting forth the facts, issues and arguments shall be filed with the Clerk of Council by the petitioner within fifteen (15) calendar days after filing the Notice of Intent to Appeal, or the Notice of Intent to Appeal shall lapse and become void.

The City Council shall hold a public hearing and decide such appeal as its agenda may permit, but not later than sixty (60) days after such written appeal has been filed with the Clerk of Council. Notice of the public hearing need only be made by publication in the manner described in Section 1008.3, with the petitioner to pay the cost of publication. The City Council may reverse or override any action of the Planning Commission, within the parameters of this Ordinance, by a majority vote of the City Council. Lack of action on behalf of Council resulting in expiration of the sixty (60) day action period shall be deemed an affirmation of the Planning Commission's action.

(Ordinance No. 4709, passed 11/1/10, effective 12/1/10.)

1004.6 Standards for Special Uses

Each application for a Special Use Permit will be considered on its own facts. The applicant must present evidence at the public hearing on the application for a Special Use Permit which demonstrates compliance with each of the following standards, as applicable:

A. The proposed use at the specified location is consistent with the Comprehensive Plan.
B. The proposed building or use will not adversely affect or change the character of the area in which it is located.
C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.
D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.
F. That the exterior architectural Appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable

district as to cause a substantial depreciation in the property values within the neighborhood.

G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

H. That adequate measures have been or will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

1004.7 Written Findings of Fact

The Planning Commission in its recommendations with regard to an application for a Special Use Permit must set forth specific written findings of fact on each standard.

1004.8 Conditions on Special Uses

Depending on the approving authority, the Planning Commission or City Council may impose conditions in authorizing a special use to make such special use more compatible with the use, enjoyment and development of adjacent and nearby properties, to make the special use more compatible with the character of the area in which it is located and to eliminate any adverse effect on adjacent and nearby properties and the neighborhood. Any such conditions must be set forth as part of the action approving the Special Use Permit.

1004.9 Written Notice

Following Council action, the Building Commissioner must forward written notice of either the Planning Commission and/or Council's decision to the petitioner, as appropriate.

1004.10 Lapse of Authorization for Special Uses

Unless the Planning Commission or City Council provides otherwise, or unless the City Council or Planning Commission has extended the term of the Special Use Permit at the request of the applicant, authorization for a special use shall automatically lapse if: 1) the special use ceases to operate for a continuous six (6) month period; or 2) six months (6) months after the date of approval of the special use unless a building permit has been issued and construction has commenced.

1004.11 Effect of Denial of Special Use

No application for a special use which has been denied wholly or in part by Council shall be resubmitted for a period of one (1) year from the date of such order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission and Council.

Sec. 1005 Conditional Use Permits

1005.1 Authority

The City Manager has the authority to grant Conditional Use Permits in accordance with the provisions of this Ordinance.

1005.2 Purpose

The purpose of a Conditional Use Permit is to review the design of the proposed use in relation to its physical surroundings. The nature of a conditional use presumes the use to generally be compatible, but that certain design conditions must first be met, or the use evaluated in context of its setting prior to permit authorization.

1005.3 Initiation

The owner of the property, owners agent, or contract purchaser for which a conditional use is sought may initiate a request for a Conditional Use Permit.

1005.4 Procedure for Initiation

An application for a conditional use must be filed with the Building Commissioner on a form prescribed by the Commissioner. The application shall be accompanied by such plans and/or data requested by the Commissioner, by a Minor Site Development Plan to the extent required by Section 1014, and must include a statement in writing by the applicant (together with adequate independent evidence) showing that the proposed conditional use will conform to the standards applicable to it. The application and all accompanying evidence shall be forwarded to the City Manager. Any application for a Conditional Use Permit must be accompanied by a fee as set by the City Manager under Chapter 153 of the Municipal Codified Ordinance.

1005.5 Procedure for Decision - City Manager

The City Manager must review the permit application along with the applicable provisions of this Ordinance, and the purposes defined for a Conditional Use Permit. The City Manager shall approve, deny, or approve the permit with conditions, as may be reasonably appropriate in each specific case. The City Manger must take action on a complete Conditional Use Permit application within thirty (30) days of the date of filling, unless the time is extended by mutual agreement. Either prior to or within said thirty (30) day period, the City Manager may refer the application to the Board of Zoning Appeals for consideration. Under such situation, the Board of Zoning Appeals shall approve, deny, or approve with conditions the application within 30 days of the date the item first appears on the Boards' agenda.

1005.6 Lapse of Authorization for Conditional Uses

The approval of a Conditional Use Permit shall be valid for six (6) months during which time the petitioner/property owner shall have secured proper permits and commenced construction of improvement(s). Failure to secure permits and commence construction within six (6) months shall render the permit invalid

Sec. 1006 Variances

1006.1 Authority

The Board of Zoning Appeals (BZA) and the Planning Commission are authorized to grant or deny requested Variances in accordance with the provisions of this Ordinance. Any person or entity who or which applies for a Variance or files an Appeal shall bear the burden of proving by a preponderance of the evidence that the Variance or Appeal should have been granted, or the decision should have been reversed or modified.

1006.2 Purpose

Variances afford a property owner the opportunity for relief from a particular hardship or practical difficulty that the regulations of this Ordinance impose upon a particular

parcel of land which make compliance with the regulations generally applicable in a zoning district extraordinarily difficult or impossible.

1006.3 Types of Variances Prohibited and Authorized

Use Variances are prohibited. Subject to the applicable provisions of this Section, Variances from other regulations generally applicable in a zoning district are as follows:

A. To permit any yard or setback less than a setback required by the applicable regulations.

B. To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the regulations.

C. To reduce the applicable off-street parking or loading facilities required by not more than twenty-five (25) percent.

D. To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served.

E. To permit the use of any lot for a use otherwise prohibited solely because of the insufficient area or width of the lot or for any other purpose to vary the area or width requirements.

F. To permit a school or the City to erect, along any public playground, public park or public recreation facility, fences which exceed the height limitations which would otherwise be applicable, but in no event higher than fifteen (15) feet.

G. To permit a lot of record to abut upon and/or have access to a private street.

H. To permit accessory structures or uses or other forms of obstruction to be placed in buffer yards required for properties abutting or across the street from a "wooded park" (requirements of Section 901.15), with possible resulting changes in topography and possible damage to or removal of living, non-diseased trees.

I. To permit an exception to the zoning lot joiner requirements of Section 1302, B., so as to allow a lot of record in a single family residence district even if that lot does not conform with zoning requirements and does not qualify for the majority rule exception of subparagraph (3) of Section 1302.B. No such Variance may be granted unless it meets the following conditions, and the standards for Variances in Section 1006.7, below.

1. Granting the Variance shall not cause any yard on the adjacent lot (owned or formerly owned by the same owner) nor the area or width of that adjacent lot to become or to be revealed as nonconforming or to have its nonconformity increased in any way.

2. If a Variance under this paragraph is granted, it must be contingent upon the lots being re-platted within the next one hundred and twenty (120) days, unless the boundaries of the resulting zoning lots are already platted.

3. The fact that a vacant, nonconforming lot is allowed as a building site through such a Variance does not make that lot conforming, but

merely allows the lot to be used for conforming structures which shall in all other respects meet the requirements of this Ordinance.

4. If a Variance is granted under this subsection, any structure subsequently placed on the lot must have all aspects of its appearance, of its size, shape and area, of its quality of construction, of its location on the lot, and of the landscaping and other appearance aspects of the lot so planned and implemented that the structure and lot will be reasonably compatible with other residences on approximately the same sized lots in the neighborhood in which the subject lot is located. Plans for any structure to be placed on a lot granted such a Variance must be submitted in advance for approval by the BZA, and no structure may be erected except in accordance with plans approved by the BZA on the basis of meeting this standard. To make future owners of the lot aware of this requirement, it must be included in plat restrictions that are a part of any plat referred to in sub-paragraph B above. If no such plat is necessary, this requirement shall be set forth in an affidavit of title filed by the City with the Recorder of Montgomery County as to the lot in question. Such affidavit shall also contain a signature line to indicate approvals as to form by the City Attorney.

J. To increase by not more than twenty-five (25) percent the maximum height of an accessory building or structure (except fences and garages) in a rear yard where it is determined that the lot on which said building or structure is to be located is not less than 40,000 square feet in area. (Ord. 4530, adopted 3/3/03, effective 4/3/03).

K. Any Variance considered by the Board of Zoning Appeals or the Planning Commission shall consider the minimum Variance necessary to reasonably permit use due to the regulations in force.
(Amended by Ord. 4488, adopted 7/16/01, effective 8/16/01)

1006.4 Initiation
The owner of the property, or the owner's agent, for which a Variance is sought may initiate a request for a Variance.

1006.5 Procedure for Initiation - Application and Notice - See Section 1008

1006.6 Procedure for Decision

A. Hearing
The Board of Zoning Appeals or Planning Commission must hold a public hearing on the application for a Variance. Petitions for Variances which do not require any action on behalf of the Planning Commission, shall be submitted for consideration by Board of Zoning Appeals. Petitions which require a form of approval from the Planning Commission, shall be heard and approved by the Planning Commission. At the public hearing, all interested parties shall have an opportunity to be heard.

B. Board of Zoning Appeals or Planning Commission Action

Within ninety (90) days time after the close of the public hearing, the Board of Zoning Appeals may, by a majority vote, grant the requested Variance by adopting a resolution providing therefore which must include written findings of fact showing compliance with each standard for a Variance and which shall include any conditions on the Variance granted. If an application for a Variance is not approved by a majority vote of the Board of Zoning Appeals, it shall be deemed denied.

1006.7 Standards for Variances

The Board of Zoning Appeals (and Planning Commission, as appropriate) may only approve a Variance if the applicant presents evidence at the public hearing establishing compliance with each of the following standards:

A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

B. The conditions upon which a petition for a Variance is based are unique to the property for which the Variance is sought and are not applicable, generally, to other property within the same zoning classification.

C. The purpose of the Variance is not based primarily upon a desire to make more money out of the property.

D. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.

E. The property in question cannot yield a reasonable return if permitted to be used only under the regulations of district in which it is located.

F. The granting of the Variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

G. The proposed Variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, the danger of fire, or danger to persons or property, nor will it create unreasonable noise, create a substantially adverse aesthetic appearance or substantially diminish or impair property values within the neighborhood.

H. The shape, topography, or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.

I. The applicant must show that the Variance requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.

No yard, setback, or lot area or width Variance may be granted unless any structure subsequently placed on the lot, and the result of any changes in existing structures, must be of such appearance, size and location that it will not have an adverse impact upon the value of other residences in the immediate vicinity and on approximately the same size lots and, while recognizing the diversity of Oakwood housing, is reasonably compatible with the appearance, size and location of such other residences on such lots.

Plans for any structure to be placed upon, or improved or expanded upon, a lot granted such a Variance must be submitted in advance for approval by the BZA, and no structure may be erected except in accordance with plans

approved by the BZA on the basis of meeting these conditions and the other standards required for Variances. In considering the plans, the BZA must give notice and hold a public hearing in the same manner as described above in this Section.

1006.8 Written Findings

The Board of Zoning Appeals or the Planning Commission shall set forth specific written findings of fact in its reason to approve or deny the Variance.

1006.9 Conditions of Variances

The Board of Zoning Appeals or Planning Commission may impose conditions in approving a Variance to eliminate any adverse effects on adjacent and nearby properties or a neighborhood.

1006.10 Effect of Denial of Variance

Denial of a petition for a Variance shall not be reconsidered for a period of twelve (12) months unless the petitioner can demonstrate to the hearing body that the facts and conditions surrounding the request have substantially changed.

1006.11 Lapse of Authorization for Variance

The approval of a Variance shall be valid for six (6) months following the date of the approval. Failure to secure permits and commence construction or establish an approved use within the six (6) months time frame will render a Variance or Appeal invalid.

1006.12 Appeal to Court

A decision by the Board of Zoning Appeals or Planning Commission on a variation is a final administrative decision subject to further review only in the courts.

Sec. 1007 Appeals

1007.1 Authority

The Board of Zoning Appeals (BZA) is authorized to grant or deny a request on Appeal in accordance with the provisions of this Ordinance. Any person or entity who or which files an Appeal shall bear the burden of proving by a preponderance of the evidence that an Appeal should be granted.

1007.2 Purpose

The purpose of an Appeal is to provide any person aggrieved by an administrative order, requirement, decision, or determination under this Ordinance to have such matter reviewed by the Board of Zoning Appeals.

1007.3 Scope of Appeals

An Appeal may be taken to the BZA by any person, firm or corporation, or by any office, department, board or bureau aggrieved by a decision of the Building Commissioner. Such an Appeal must be taken within fourteen (14) days from the date of the pertinent ruling by the Building Commissioner by filing with the Commissioner a notice of Appeal specifying the grounds thereof. The Commissioner shall thereafter transmit to the board such notice of Appeal and a copy of all of the plans and papers constituting the record upon which the action Appealed from was taken.

1007.4 Stay of Proceedings

An Appeal shall stay all proceedings in furtherance of the action Appealed from unless the Building Commissioner certified to the board, after the notice of the Appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall be not stayed except by a restraining order which may be granted by a court of record on application, on notice to the Commissioner and on due cause shown.

1007.5 Hearing and Determination

The Board shall select a reasonable time and place for a public hearing of the Appeal, and must render a written decision on the Appeal within a reasonable time. Notice of the time and place of the public hearing must be published not less than ten (10) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation in the City. The board shall also mail notices to the appellant and the Commissioner at least five (5) days before the hearing. Any affected person may be heard at such hearings in person or by agent or attorney.

Upon the concurring vote of three members, the board may affirm, reverse, or modify the order, requirement, decision or determination from which the Appeal was taken. In doing so, the board shall be limited to applying and interpreting the applicable sections of the codified Ordinances, acting within that language and the law as it may be determined by the City Attorney.

1007.6 Written Findings

The Board of Zoning Appeals shall set forth specific written findings of fact in its reason to approve or deny the Appeal.

1007.7 Appeal to Court

A decision by the Board of Zoning Appeals on an Appeal is a final administrative decision, which may be subject to further review only in the courts.

1008 Procedure for Petition for Any Amendment (map or text), Special Use Permit, Conditional Use Permit or Variance

1008.1 Application - Authority to Petition

A. The City Council may propose amendments by forwarding its written proposal, which shall set forth the proposed amendment, to the Building Commissioner for processing in accordance with the procedure set forth in this Ordinance.

B. The Planning Commission may make written proposals for amendments, which shall set forth the purpose and reason for such proposed amendment, and which shall be processed in accordance with the procedure set forth in this Ordinance.

C. The owner, contract purchaser, or others having an economic interest, for which a Map Amendment, Special Use Permit or Variance is sought must file an application with the Building Commissioner.

D. Any interested citizen or group of citizens may propose an amendment to the text of this Ordinance. The written proposal shall be filed with the Building

Commissioner for processing in accordance with the procedure set forth in this Ordinance.

1008.2 Petition Content

A. Each application must include four (4) copies of all full sized documents and drawings. For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet (1" = 100') shall be used. In no event, shall individual sheets or drawings exceed thirty (30) inches by forty two (42) inches. In addition, one set of reduced copies sized at eleven (11) inches by seventeen (17) inches shall be submitted. All sets of drawings submitted must be folded. The submission may be composed of one or more sheets and shall include:

1. Name, address and telephone number of the owner. If property ownership is in trust, the name and address of each person or entity owning an interest in the property, and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest.

2. Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the property and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. The application must include the signature of the owner(s).

3. A legal description of each parcel of property subject to the petition. (Not applicable to conditional uses.)

4. For Map Amendments, Special and Conditional Uses, and Variances, a plat, in duplicate, of the piece or parcel of land, lots or blocks, or parts or portions thereof, drawn to scale in ink or in blueprint showing the actual dimensions, as certified by a registered surveyor or a registered professional engineer, registered with the State of Ohio, as a true copy of the piece or parcel, lots or blocks, or portions thereof, according to the registered or recorded plat of such land, also by proof that the property has previously been surveyed and that the corners have been marked in a permanent manner so as to be located easily. However, the Building Commissioner may waive the certified plat described herein, if in his opinion such information is unnecessary for proper review and identification.

5. If notice Is to be made by the petitioner, an affidavit in which the applicant: 1) lists the names and addresses of the record owners of each parcel of property located within two hundred (200) feet of the subject property, excluding public streets and rights-of-way; and 2) states under oath that the list is true and correct to the best of the applicant's knowledge and belief. (Not applicable to conditional uses

or Appeals.) If notice is to be the responsibility of the City, then the petitioner shall provide the appropriate fee upon application.

6. If notice Is to be made by the petitioner, one original of a notice to be mailed to such property owners, said notice to be in the form set forth below:

   "You are hereby notified that the undersigned has filed a Variance application with the City of Oakwood. The purpose of the (Variance, Special Use, or Map Amendment) being sought is (State Nature of Matter). This matter will be heard by the (Planning Commission or Board of Zoning Appeals) on the second floor of the City Building at 30 Park Avenue, City of Oakwood, Ohio, on the (Date) day of (Month), (Year), at (Time) o'clock (A.M. or P.M.). (Signature of Chairman)

   As many properly stamped, addressed envelopes as are necessary to provide two separate such envelopes addressed to each of the property owners on the aforesaid list, one for notice of the hearing and the other to be used by the BZA to send notice of the decision. (Not applicable to Conditional Uses or Appeals)

7. Present zoning classification and use of each parcel of property for which a Map Amendment, Special or Conditional Use Permit or Variance is requested.

8. A nonrefundable fee as set forth in Chapter 153 of the Administrative Code.

9. Map Amendments

   a. The proposed zoning classification requested for each parcel of property which is the subject of the application and the proposed use of each and all such parcel(s).

   b. A statement indicating whether the proposed Map Amendment is consistent with the Comprehensive Plan and, if not, a statement indicating why the proposed deviation from the Comprehensive Plan is appropriate.

10. Text Amendments

    Any Text Amendment shall require an application to be filed with the Building Commissioner, which application shall be accompanied by the proposed text.

11. Special Use Permits

    A description of the proposed use and a statement of how the application meets each of the criteria described in Section 1004.6., Standards for Special Uses above.

12. Variances

A statement with supporting facts of the hardship or practical difficulties which form the basis for the Variance and which demonstrate compliance with each of the standards for Variances listed in Section 1006.7, above.

13. A major or Minor Site Development Plan depicting proposed improvements, if required, by Section 1013 of this Ordinance.

14. Other information, plans and studies which may be required by the Building Commissioner which may include, but are not limited to, the following:

    a. A traffic study.

    b. A market analysis of the need and demand for the proposed use and the impact of the proposed use on the value of adjoining and nearby properties.

    c. A fiscal impact analysis.

    d. Drainage study.

1008.3 Notice Requirements

A. Written Notice

After a completed application has been filed for a map or Text Amendment, Special Use Permit or Variance and accepted as complete to form and substance, the Building Commissioner shall schedule a date for a public hearing thereon before the Planning Commission, in the case of an amendment, or Special Use Permit, or Variance, or before the Board of Zoning Appeals in the case of a Variance or Appeal request, and shall cause notice thereof no less than ten (10) nor more than thirty (30) days prior thereto to be published in a newspaper of general circulation. The applicant shall pay the cost of publication. For a Map Amendment, Special Use Permit or Variance application, the written notices must be mailed by regular mail to the owner and owners of property located within two hundred (200) feet of the property as listed on the affidavit filed as a part of the application. If the applicant is the City of Oakwood, the Building Commissioner shall determine the names and addresses of the record owners of property within a two hundred fifty (200) foot distance of the property to be rezoned.

Sec. 1009 Permits, Certificates and Procedures

1009.1 Zoning Certificates

A. Authority

The Building Commissioner is authorized to grant or deny applications for Zoning Certificates in accordance with the provisions of this Ordinance.

B. Purpose

The purpose of a zoning certificate is for the City to certify that the proposed use and the development of a parcel of property complies with all of the provisions of this Ordinance and any and all other applicable Ordinances,

approved plans, Special Use Permits and Variations which apply to the use and development of the property.

C. Certificate Required

A Zoning Certificate is required: 1) along with, or prior to the issuance of a building permit; or 2) prior to a change in the use of an existing building or any part thereof to a different use.

D. Initiation

The owner of the property, or the owners agent, for which a zoning certificate is sought may initiate a request for a zoning certificate.

E. Procedure for Initiation - Application

Where the requested action(s) require the issuance of a building permit, the building permit application must substitute for the following application requirements.

For all other applications, the owner of the property for which a zoning certificate is sought must file an application with the Building Commissioner, which application must be accompanied by a nonrefundable fee established in Chapter 153 of the Administrative Code and which shall contain the following information:

1. Name, address and telephone number of the owner. If property ownership is in trust, the name and address of each person or entity owning an interest in the property or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest.

2. Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the property and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

3. A statement identifying the address of the property which is the subject of the application.

4. A statement setting forth the existing use of the property or portion thereof for which a zoning certificate is sought.

5. A statement setting forth in detail the proposed use of the property, the projected number of employees, the number of parking spaces available for the exclusive use of the proposed use and proof of such exclusive right and the number of parking spaces available for use of the proposed use on a shared basis and proof thereof.

6. An approved site development plan or an application for site development plan approval, if required.

7. A statement setting forth the zoning provisions including special or Conditional Use Permits, site plans and variations applicable to the proposed use and property.

8. Any other information which may be requested by the Building Commissioner.

F. Notice of Zoning Certificate Approval or Denial

The Building Commissioner shall grant the applicant a zoning certificate if the proposed use and development complies with the provisions of this Ordinance and any other applicable Ordinances, plans, Special Use Permits and variations applicable to the use and property. If the use and property do not so comply, the Building Commissioner shall deny such application and notify the applicant in writing by regular mail of such denial setting forth the reasons for such denial. Alternatively, the approval or denial of a building permit may serve to determine compliance, provided the permit stipulates the reasons for denial related to zoning.

G. Lapse of Zoning Certificate

Where the Building Commissioner has issued a zoning certificate, such certificate shall become null and void unless a building permit has been issued and construction commenced within six (6) months of the date of the issuance of such certificate by the Building Commissioner, and diligently prosecuted to completion, unless this time period is extended by City Council.

1009.2 Certificates of Occupancy

A. Certificates of Occupancy

No building, or addition thereto, constructed after the effective date of this Ordinance, (and no addition to a previously existing building) shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a Certificate of Occupancy has been issued by the Building Commissioner. No change in a use other than that of a permitted use to another similar permitted use shall be made until a Certificate of Occupancy has been issued by the Commissioner. Every Certificate of Occupancy must state that the use or occupancy complies with the provisions of this Ordinance.

B. Application for Certificate

Every application for a building permit or zoning certificate shall be deemed to be an application for an Certificate of Occupancy. Upon written request from the owner or tenant, the Building Commissioner shall issue a Certificate of Occupancy for any building or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.

C. Issuance of Certificate

No Certificate of Occupancy for a building or portion thereof, constructed after the effective date of this Ordinance, or for an addition to a previously existing building shall be issued until construction has been completed and the

premises inspected and certified by the Building Commissioner to be in conformity with the plans and the issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. The Certificate of Occupancy must be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Commissioner is notified in writing that the building or premises is ready for occupancy.

D. Lapse of Certificate of Occupancy

A Certificate of Occupancy shall remain in effect as long as the use of such building or premises is in full conformity with the provisions of this Ordinance and with any conditions upon which such certificate may have been issued. Upon serving notice for any violation of such provisions or conditions, the Certificate of Occupancy shall become null and void and a new Certificate of Occupancy shall be required for any further use of such building or premises.

Sec. 1010 Enforcement

1010.1 Authority

In addition to other remedies for violations of Ordinances as may be contained in the Oakwood Municipal Code, the Building Commissioner is conferred the responsibility for enforcing this Ordinance.

1010.2 Building Commissioner - Violation Notice Procedures

A. Upon the determination that a violation exists, the Building Commissioner must prepare a notice of violation making specific reference to the requirements of this Ordinance. The notice must be delivered by certified mail and request abatement of the violation within a ten (10) day period. Copies of the notice shall be forwarded to the City Attorney and Chairman of the Board of Zoning Appeals.

B. Following the ten (10) day violation abatement period, and upon re-inspection of the premise, should the violation not be corrected or abated within the timeline established above, the Building Commissioner shall notify the City Attorney of the status of the violation.

For permits or activity involving construction, the Building Commissioner is authorized to issue a stop work order until the violation is corrected. Fees and penalties for construction not authorized by a valid building permit shall be doubled.

In all situations, the Building Commissioner and/or City Attorney may promptly initiate any other lawful proceedings to secure correction or abatement of the violation(s), including the initiation of proceedings in a competent court of law.

1010.3 Stop Work Orders - Emergency Conditions

The Building Commissioner may issue a stop work order where in his or her judgment, a potentially dangerous or hazardous condition or situation exists which may result in injury to life or loss of property.

1010.4 Commissioner's Right of Entry

In the discharge of his duties, the Building Commissioner or an authorized representative shall have the authority to enter at any reasonable time, or any time demanded by circumstances, any building, structure or premises in the interests of enforcing the provisions of this Ordinance, with permission of the owner or occupant or through a court order.

1010.5 Penalties

A. Whoever violates this section is guilty of a minor misdemeanor and shall be fined not more than one hundred (100) dollars per offense. Each day the violation continues shall constitute a separate offense.

B. The City of Oakwood, or the City Manager on behalf of the City of Oakwood, may in addition to seeking criminal remedies , file suit for injunction against any violation of this code, or if the violation has caused damages to the City of Oakwood for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of the violations of this ordinance may file suit for injunction or damages to the fullest extent provide by the laws of the State of Ohio.

PART C – Performance Review Procedures

Several administrative procedures involve the review of proposed development or project improvements plans to ensure conformance with the regulations of this Ordinance. These include: Planned Developments; Major Site Development Plan Review; Minor Site Development Plan Review, Landscape Plan Review; and Business District Design Review Guidelines. Of these procedures, only the Planned Development regulations are voluntary. The remaining procedures are required under certain development or improvement situations to ensure conformity to all requirements of this Ordinance, the Comprehensive Plan, and various sub-area plans which may exist for portions of the community.

Sec. 1011 Planned Developments

1011.1 Authority

The City Council is hereby authorized to approve or disapprove Planned Developments, upon recommendation from the Planning Commission, in accordance with the provisions of this Ordinance.

1011.2 Purpose and Objectives

A. Planned Developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the actions of the Planning Commission and City Council.

1. General Purpose: A Planned Development is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this Section. The Planning Commission and City Council may require any reasonable conditions or design considerations which will promote proper development of benefit to the community. It is not intended that the Planning Commission nor City Council automatically grant the maximum use exceptions or density increase in the case of each Planned Development. The Commission shall recommend and City Council may grant only such increase or latitude which is consistent with the benefit accruing to the City as a

result of the Planned Development. As a condition for approval, each Planned Development must be generally compatible with the character and objectives of the zoning districts within which it is located, and each Planned Development must be consistent with the objectives of the City's Comprehensive Plan.

B. Specific purposes of the Planned Development procedure are:

1. Residential Planned Development. To offer recreational opportunities close to home and to enhance the appearance of neighborhoods by the conservation of streams and points of natural beauty. To add to the sense of spaciousness through the preservation of natural areas and open spaces, to counteract the effects of urban monotony and congestion in the streets and to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions. To promote appropriate architecture between adjacent dwellings or institutional buildings, and to encourage the placement of structures in proper relationship to the natural characteristics of the site, including cluster development, where appropriate.

2. Office or Business Planned Development. To promote the cooperative development of office or business centers each with adequate off-street parking, to control access points to the street system and to separate pedestrian and automobile traffic. To aid in stabilizing property values and to develop centers of size and location compatible with the market potential, to buffer adjacent residential areas with landscaped transition areas and to encourage harmonious architecture between adjacent commercial structures and between dwellings and commercial structures. Business Planned Developments could include business or professional offices, as well as, retail and service uses.

1011.3 Initiation

The owner of the property for which a planned development is sought may initiate a request for a special use planned development.

1011.4 Procedure for Approval

A. Procedure

The application and plan and all other pertinent papers shall be forwarded to the Planning Commission hearing, as prescribed in Section 1004 for Special Use Permits. However, under this procedure, the Planning Commission shall make a recommendation to City Council and City Council shall have final authority in the approval or denial of a Planned Development.

B. Pre-application Conference:

Prior to the filing of an application for approval of the preliminary plan, the applicant must submit to the Building Commissioner a preliminary presentation of the proposed planned development. The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the preliminary plan, so that the applicant may determine:

1. Whether the proposed planned development appears in general to be in compliance with the provisions of this Ordinance and other applicable Ordinances.

2. Whether any zoning amendment, variation or special use is required in connection with the proposed planned development.

3. Whether the proposed planned development will be in conformity with approved plans for the City.

C. Submittal of Plan and Supporting Documentation

Application for approval of a planned development must be filed with the Building Commissioner accompanied by sufficient copies of the plan, including, without limitation, the following:

1. A tentative subdivision plan or plot plan which either conforms to all requirements of the Subdivision Regulations or expressly states on its face any variation from such requirements.

2. A proposed site plan meeting the requirement of a Major Site Development Plan as described in Section 1013 below, showing the locations and dimensions of all proposed buildings.

3. Planned Development - Explanation of the character of the Planned Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. A description of all variations from underlying district regulations must be provided.

   a. Development schedule indicating:

      1) Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage must be shown on the plan and through supporting graphic material.

      2) Approximate dates for beginning and completion of each stage.

   b. Covenants - Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development and any of its common open space.

   c. Density - Provide information on the density of residential uses, including dwelling units per acre, the number of dwelling units by type, and the number of buildings by type.

   d. Nonresidential Use - Provide information on the type and amount of ancillary and nonresidential uses including the amount and location of common open space.

   e. Service Facilities - Provide information on all service facilities and off-street parking facilities.

f. Architectural Plans - Preliminary architectural plans, including elevations for all primary buildings must be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.

g. An identification of any required Special Uses or Variances required to accommodate the proposed plan.

h. Facilities plans for:

1) Roads, including classification and width of pavement
2) Sidewalks
3) Sanitary sewers
4) Storm drainage
5) Water supply system
6) Underground lighting program
7) A concept landscape planting plan.

4. A written statement signed by the applicant outlining and describing in such detail as the City deems appropriate the arrangement by which the applicant proposes to regulate land use and otherwise insure development of the proposed planned development in accordance with the approval of the Planning Commission and Council.

1011.5 Use Exceptions

The Planning Commission may recommend that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which such development is located, provided that the applicant meets the burden of proving by a preponderance of the evidence, and provided that the Planning Commission finds the development will meet the standards set forth below. The Council may authorize such uses if it determines the applicant met the burden of proof and if it makes the same findings:

A. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

B. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.

C. That not more than twenty five (25) percent of the ground area or of the gross floor area of such development, whichever is greater, shall be devoted to the uses permitted by such exception; however, in a residential planned development not more than ten (10) percent of the total land area shall be devoted to business uses.

1011.6 Bulk Regulations

In the case of any planned development, the Planning Commission may recommend exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Planning Commission shall determine that the applicant met the burden of proving by a preponderance of the evidence, and must find that the development will meet the standards set forth below. The Council may

authorize such exceptions if it makes the same determination as to the applicant meeting the burden of proof and the same findings:

A That such exceptions must be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots.

B That the overall floor area ratio for a residential planned development would not exceed by more than twenty five (25) percent the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such Planned Developments.

C That the minimum lot area per dwelling unit requirements of this Ordinance shall not be decreased by more than twenty five (25) percent in any such development containing residential uses.

D That spacing between principal buildings, except those separated only by approved fire walls, shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys, and along the periphery of such planned development, yards must be provided as required by the regulations of the district in which such development is located.

1011.7 Planned Developments - Zoning Map

A. The Official Zoning Map must indicate the boundaries of property subject to the planned development. Each zoning district within the planned development shall be mapped. The designation "PD" must accompany each zoning district designation.

1011.8 Revocation and Expiration

A. Schedule of Construction

The City Council shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule filed with the final plan. The developer shall be notified at least sixty (60) days prior to any revocation hearing. Extensions in the building schedule may be granted by the City Council without amendment to the planned development Special Use Permit.

B. Revocation

Where a developer fails to comply with the construction schedule as established under Section 1011, 4, C., 3, a., above, the City may consider the revocation of the planned development. Based upon the evidence presented to the City, including a finding of failure to comply with the development schedule, and following public hearing in accordance with the procedures for a Special Use Permit, the Planning Commission may recommend and City Council may approve revocation of the Special Use Permit and planned development.

1011.9 Planned Development Ordinance, Penalties and Enforcement

A. Recording of Planned Development Ordinance

At the sole expense of the applicant, the Planned Development Ordinance and attachments must be recorded in the Montgomery County Office of Recorder of Deeds prior to the issuance of any building permits. Evidence of recording must be provided to the Building Commissioner prior to the issuance of any permit for the project.

B. Fees

Any person, firm, corporation, or agent, who files an application for amendment or application for an Appeal, variation, or special use, or for any other certificate or license required under the terms of this Ordinance, must be charged a fee in accordance with a schedule of fees, as contained in Chapter 153 of the Municipal Code.

C. Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, shall upon conviction, be fined not less than $50.00 nor more than $200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1011.10 Proceedings for Enforcement

A. In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance or other regulation made under the authority conferred thereby, the City of Oakwood, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;

2. To prevent the occupancy of the building, structure, or land;

3. To prevent any illegal act, conduct, business, or use in or about the premises; or

4. To restrain, correct, or abate the violation.

Sec. 1012 Site Development Plan Review

1012.1 Purpose of Site Development Plan Review

Site development plan review and approval is required to ensure that the use and development of land as authorized under this Ordinance is undertaken in an orderly and proper manner to: further the public health, safety and welfare of our community; assure the availability of appropriate public and private services and amenities; and, for minimizing the adverse effects of such development.

The design, orientation and location of open spaces, buildings, structures, signs and other improvements visible from public streets, places and ways has a material and substantial relationship to property values in the City, and the cost of the municipal services provided thereto. Further, neighborhoods and commercial areas in other urban and suburban communities have deteriorated in the past by reason of the lack of

planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of adjoining areas, resulting in a reduction in property values.

Therefore, it is the policy of the City of Oakwood that these regulations be adopted to avoid and prevent deterioration of the function, character and appearance of the City and provide a favorable environment for residents and businesses, and to preserve and enhance the property values and the general public welfare.

1012.2 Major and Minor Site Development Plan Review Requirements Established

These regulations establish two procedures for site development plan review: Major Site Development Plan Review, and Minor Site Development Plan Review. The two procedures recognize the differences anticipated in the level of detail and community interest in the various zoning petitions and permits authorized under this Ordinance.

Minor Site Development Plan Review applies to zoning actions which are typically less complex in site design and physical improvement descriptions. The Minor Site Development Plan is required in applications for Conditional Uses and Variances.

Major Site Development Plan Review requirements apply in petitions for Map Amendments Special Use Permits, and Planned Developments. The procedures would also apply in certain circumstances where building permits are sought for multiple family residential and non-residential development projects within the City. The major site development plan approval process anticipates the potentially large and more complex development and improvement proposals. Therefore, it is designed for a more rigorous and careful evaluation of the development proposal.

Sec. 1013 Major Site Development Plan Review

1013.1 Authority

The Planning Commission has the authority, to approve or disapprove site development plans submitted for approval under this section.

1013.2 Approved Plan - When Required

Site development plan approval shall be required for multiple family and nonresidential development under the following intended situations:

A. Any new principal structure intended and designed for nonresidential or multi-family occupancy (or complete redevelopment of any site for nonresidential or multiple family uses) or the use of land for non-residential purposes. This includes properties for which a Map Amendment is sought for a multiple family or business zoning district.

B. Where an existing multiple family residential or non-residential structure erected prior to the date of adoption of this Ordinance is proposed to be expanded, for which the sum of gross floor area expansion(s) since the date of this Ordinance are equal to or greater than twenty five (25) percent of the total gross floor area of said structure.

C. Any new or modified building and/or site improvements for a zoning lot which has previously received site development plan approval under this Ordinance, re-approval of the plan is required for components of the plan which depart from the approved site development plan. The extent of changes to be incorporated in the submittal for re-approval must be determined by the City Manager.

D. A site development plan shall not be required exclusively as a change of use except where such change of use results in increased off-street parking requirements which cannot currently be met on the site.

E. A site development plan shall be required along with any application for a Special Use Permit which proposes physical change, as described under items A through D, above.

F. These requirements exclude the legal reconstruction of legally nonconforming buildings, when such buildings and related improvements are substantially restored to their prior condition.

1013.3 Initiation

Plan approval must be initiated by the owner of the property, or the owners agent, for which plan approval is sought.

1013.4 Procedure for Initiation

A. The owner of the property for which a Map Amendment or a Special Use Permit is sought (requiring site development plan approval under Section 1013.2, above) must file an application for site development plan approval along with such application for an amendment or Special Use Permit.

B. The owner of the property for which a building permit is sought (requiring site development plan approval under Section 1013.2, above) and which development has not been approved under the requirements of this section, must file an application for site development plan approval along with an application for such a zoning certificate or building permit.

C. The owner of the property, or a duly authorized representative of the owner, must file an application for site development plan approval with the Building Commissioner. It shall be accompanied by a nonrefundable fee as established in Chapter 153 of the Municipal Code and must contain the following information:

1. Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the property, and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. The application shall include the signature of the owner(s).

2. A site development plan of the size and containing the information required by Section 1013.5 of this Ordinance, below.

1013.5 Contents of a Site Development Plan Application

The application must include compliance with the City's stormwater code (Part Twelve – Stormwater Management Code) and shall include the following information and material for sites and development projects. Except, however, the Building Commissioner is authorized to waive requirements in this section which are not affected by or do not apply to the proposed project:

A. Site Development Plan Application

1. A completed application form provided by the Building Commissioner. Drawings and documentation submitted as part of the application must be the same as that required for the zoning process under which the plan is to be considered.

3 The names and addresses of the persons responsible for preparing the plan.

4. The present zoning of the site and adjoining property.

5. A plat plan of the parcel, lots or blocks, or parts or portions thereof, drawn to scale showing dimensions, as certified by a registered surveyor or a registered professional engineer, registered with the State of Ohio, as a true copy of the parcel, lots or blocks, or portions thereof, according to the registered or recorded plat of such land, also by proof that the property has previously been surveyed and that the corners have been marked in a permanent manner so as to be located easily. However, the Building Commissioner may waive the certified plat described in subsection 1 hereof, if in his opinion such information is unnecessary for proper review and identification.

B. An existing conditions map shall show the location, dimensions, size and height of the following, as applicable:

1. Sidewalks, streets, alleys, easements and utilities, including street lighting.

2. Buildings and structures.

3. Septic fields, wells and public sewer and water systems.

4. Slopes, particularly slopes specifically in excess of fifteen (15) percent, and terraces and retaining walls.

5. Driveways, entrances, exits, parking areas and sidewalks.

6. Water mains and fire hydrants.

7. Natural and artificial watercourses and bodies of water and wetlands.

8. Limits of flood plains.

9. Areas that can reasonably be expected to or which do contain soils or materials contaminated with but not limited to heavy metals, petroleum products, PCB's, pesticides, or other toxic or hazardous materials.

10. Underground storage tanks, if any.

11. The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown by dashed lines illustrating two (2) foot standard contour intervals and/or by spot elevations where necessary to indicate flat areas, as appropriate.

12. General alignment and lengths of all streets and all property lines.

13. All fences and walls.

14. All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.

15. Date, scale and north arrow.

16. Existing development on the site including principal and accessory buildings, off-street parking and loading areas, and other improvements, as applicable.

C. A separate site development plan shall be prepared to show the general location, dimensions, size and height of the following regarding the proposed development:

1. For a site development plan which includes any existing structures or other improvements, an indication of those improvements that are to remain and those which will be removed.

2. Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.

3. Buildings and structures with entrances and exits identified.

4. Utility plan for water and for sewage disposal.

5. Driveways, entrances, exits, parking areas and sidewalks.

6. Water mains and fire hydrants.

7. Proposed recreation areas.

8. Calculations of the following, as applicable:

   a. number of dwelling units or square footage of non-residential uses;
   b. number of parking spaces;
   c. number of loading spaces;
   d. total land area;
   e. total landscaped area;
   f. total open space; and
   g. total impervious surface.

9. A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two (2) foot contours and approximate elevations.

10. A landscape plan showing the location, names and area coverage of trees, shrubs and ground cover to be planted and the areas to be retained in natural vegetation. Plans shall be prepared in accordance with Section 1015, as applicable.

11. Plans for minimizing the impact on existing wetlands.

12. A light plan indicating all exterior building mounted and free-standing lights and structures including overall height, type of lamp, and luminaries.

13. Exterior building elevations of all proposed structures and exterior elevations of existing buildings when existing buildings are proposed to be structurally altered. Elevations must indicate the materials to be used in the design of the structure and the proposed color scheme.
14. Elevations of proposed signage as well as the intended sign message/display and the materials and colors intended for the sign.
15. A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.

D. Combined Existing Conditions Map and Site Plan
The requirements for each the Existing Conditions Map and Site Plan under subsections B. and C., above may be combined in a single map upon approval by the Building Commissioner.
(Ord. 4671, passed 5/4/09, effective 6/4/09)

1013.6 Agreement of Owner

All documents and information submitted as part of an application for site development plan approval constitute a statement by the applicant that he/she intends and agrees to be bound to develop in accord with such information upon approval.

1013.7 Notice Requirements

Site plans do not require any form of public notice, however a site development plan application concurrently filed with an application for a Map Amendment or an application for a Special Use Permit shall state that site development plan approval is sought as part of the public notice in addition to the requested Map and/or Special Use Permit Amendment.

1013.8 Procedure for Decision - Planning Commission

With the exception of Map Amendments, Major Site Development Plans are subject to the review and approval by the Planning Commission.

A. Planning Commission Action
Within ninety (90) days of the date the site development plan first appears on the agenda of the Planning Commission for action, the Planning Commission shall vote to approve, deny or approve the Plan with conditions. If the Planning Commission fails to attain the required minimum of three votes to decide the matter within ninety (90) days after the item has first appeared on the Planning Commission's agenda, the Planning Commission shall be deemed to deny the application for approval, unless such date is extended as mutually agreed upon by the applicant and the Planning Commission.

B. City Council Action on Appeal
Within fifteen (15) days following the date of final action by the Planning Commission, the petitioner may Appeal the Planning Commission's action to the City Council by filing with the Clerk of Council a written Notice of Intent to Appeal. A complete written appeal setting forth the facts, issues and arguments shall be filed with the Clerk of Council by the petitioner within fifteen (15) calendar days after filing the Notice of Intent to Appeal, or the Notice of Intent to Appeal shall lapse and become void.

The City Council shall hold a public hearing and decide such appeal as its agenda may permit, but not later than sixty (60) days after such written appeal has been filed with the Clerk of Council. Notice of the public hearing need only be made by publication in the manner described in Section 1008.3, with the petitioner to pay the cost of publication. The City Council may reverse or override any action of the Planning Commission, within the parameters of this Ordinance, by a majority vote of the City Council. Lack of action on behalf of Council resulting in expiration of the sixty (60) day action period shall be deemed an affirmation of the Planning Commission's action.
(Ord. 4709, passed 11/1/10, effective 12/1/10).

1013.9 Criteria for Plans

The following criteria for site development plan review applies to plans *not* associated with a Map Amendment, Special Use, or Planned Development petition. In reviewing and determining whether to approve or disapprove a plan, the Planning Commission shall consider those factors listed below which it determines to be applicable to a given plan.

A. Conformance with Ordinances. The application must comply with the provisions of this Ordinance and other Ordinances of the City and of any other applicable laws.

B. Comprehensive Plan. The plan must be in reasonable conformity with the Comprehensive Plan and any specific recommendations associated, or related to the subject property.

C. Land-Use Compatibility and Integration. The overall design integrates neighborhood and site characteristics into a compatible expression of building mass, building scale, circulation and site improvements.

D. Minimize Impacts to Surrounding Land-Uses. The spatial and functional design minimizes the potential impacts of noise, light, debris, and other undesirable effects of development upon adjoining properties and the area in general.

E. Architectural Compatibility. The plan is sensitive in the design of structures through appropriate treatment to vertical and horizontal planes of building facades, and makes use of appropriate building materials in establishing an overall architectural "theme" for the development.

F. Signage. Signage is designed compatible in scale and character with the overall development.

G. Site Access. Access to the site is designed to safely and efficiently facilitate ingress and egress. The use of shared curb-cuts and cross-access easements should be provided when appropriate.

H. Vehicle Circulation and Parking. Adequate provision has been made for traffic circulation which is coordinated with, and minimizes impacts to the adjoining street system. The plan should also demonstrate the provision of safe and convenient off-street parking and loading areas. When appropriate, cross-access easements should be provided between adjoining properties to allow for expanded on-site circulation of vehicles.

I. Pedestrian Circulation. Adequate provision has been made to ensure that the development will not create hazards to the safety of pedestrian traffic on or off the site, vehicular or pedestrian circulation paths, or undue interference and inconvenience pedestrian travel.

J. Utilities and Community Facilities. Reasonable provision has been made to ensure that development will be served by essential public facilities and services such as police and fire protection, drainage structures, refuse disposal, public water supply, wastewater collection, and related facilities.

K. Screening and landscaping. The arrangement and selection of landscaping materials should reinforce functional use areas of the site as well as add natural beauty. Screening in the form of fences, walls and landscaping should minimize the potential for nuisance impacts to surrounding properties.

L. Lighting. On-site lighting shall provide for adequate illumination for vehicle and pedestrian safety. Lighting should not be permitted to illuminate adjoining properties.

M. Detention and Retention Facilities. When appropriate, detention and retention facilities should be designed to provide for shared storage between properties. Detention and retention facilities should be appropriately landscaped.

1013.10 Conditions on Plans

The Planning Commission, in consideration of any site development plan may impose certain conditions in granting plan approval to minimize any negative impacts or minimize any adverse impacts due to the development.

1013.11 Modifications of Plans

Changes to site development plans require reconsideration and reapproval by the Planning Commission and City Council as provided in this section.

1013.12 Lapse of Approval

Unless the Planning Commission provides otherwise, the term of site development plan approval, plan approval shall automatically lapse one (1) year after the date of approval of the plan, unless a building permit has been issued and construction commenced.

Sec. 1014 Minor Site Development Plan Review

1014.1 Authority

The City Manager, Board of Zoning Appeals, and Planning Commission may approve or disapprove site development plans required to be submitted for approval under this section.

1014.2 Approved Plan - When Required

Minor site development plan approval shall be required for conditional use and variation petitions authorized under this Ordinance. When a request for variation is accompanied by a request for Special Use Permit or a request for a Map Amendment, the procedures and requirements for *Major Site Development Plan* approval shall apply.

1014.3 Initiation

Plan approval must be initiated by the owner of the property, or the owner's agent, for which plan approval is sought.

1014.4 Procedure for Initiation

The owner of the property, or a duly authorized representative of the owner, must file an application for Minor Site Development Plan approval with the Building Commissioner concurrent with a petition for a conditional use or variation request. A Minor Site Development Plan of the size and containing the information required by Section 1014.5 of this Ordinance, below.

1014.5 Contents of a Minor Site Development Plan Application

The application must include the following information and material for sites and development projects. Except, however, the Building Commissioner is authorized to waive requirements in this section which are not affected by or do not apply to the proposed project:

A. Site Plan Application

1. A completed application form provided by the Building Commissioner.

2. Each application must include four (4) copies of all documents and drawings in relation to Conditional Use Permits and four (4) copies of all documents and drawings in relation to Variances. All graphic plans shall be dimensioned and drawn to scale.

3. A plat plan of the parcel, lots or blocks, or parts or portions thereof, drawn to scale showing dimensions, as certified by a registered surveyor or a registered professional engineer, registered with the State of Ohio, as a true copy of the parcel, lots or blocks, or portions thereof, according to the registered or recorded plat of such land, also by proof that the property has previously been surveyed and that the corners have been marked in a permanent manner so as to be located easily. However, the Building Commissioner may waive the certified plat described in subsection 1 hereof, if in his or her opinion, such information is unnecessary for proper review and identification.

4. Any other information that may reasonably be required by the Building Commissioner.

B. A site development plan shall be prepared to show the location, dimensions, and size of proposed improvements.

1014.6 Procedures for Decisions

Plans filed with an application for a Conditional Use Permit or with an application for a Variance must be processed as a part of the Conditional Use or Variance proceedings.

1014.7 Standards for Plans

Plans must be approved or rejected in accord with the standards for Conditional Uses or Variances identified in Title 10, Administration and Enforcement.

Sec. 1015 Landscape Plan Review

1015.1 Purpose

The landscaping and screening standards in this section are intended to foster aesthetically pleasing and functional development. The regulations also strive to increase the compatibility between adjacent land use areas. The requirements serve to minimize impacts from noise, dust, debris and motor vehicle headlight glare to surrounding land use areas.

1015.2 Landscape Plans - When Required

Landscape plans shall be required for all developments requiring Major Site Development Plan Review. The procedure for landscape plan approval must follow the procedure for site plan approval. When required, landscape plans shall be prepared in accordance with the requirements of this subsection.

1015.3 Submission Requirements

The number and size of drawings and documentation to be submitted with the application shall be the same as that required for site development plan review.

1015.4 Requirements for a Landscaping Plan

A landscape plan must include the following elements:

A. A completed application form and appropriate fee as established in Chapter 153 of the Administrative Code.

B. Consistent with the site development plan, the locations and dimensions of all existing and/or proposed parking lots, drives, roadways, and rights-of-way, sidewalks, bicycle paths, free-standing signs, refuse disposal areas, bicycle parking areas, free-standing electrical equipment, free-standing signs, building mounted, heating, ventilating and air circulation equipment, and all fences.

C. Species, size and location of all existing trees greater than four (4) inches in diameter.

D. Species, planting size and location of proposed plant material required under this subsection.

E. Illustrations indicating the proposed locations and methods for screening for refuse disposal areas, as applicable.

F. The location of all off-street loading areas, including an indication whether any loading docks will be enclosed and methods of proposed screening.

G. The location and placement of sprinkler heads of any proposed irrigation system.

H. The following calculations, in square feet, displayed on the landscape plan:

1. Total site area
2. Total area devoted to off-street parking (including access drives)
3. Total area devoted to impervious surfaces
4. Total landscaped area
5. Total parking lot landscaped area
6. Total internal landscaping.

I. Any other plan documentation requirements, including elevations, cross-sections and other plan details as deemed necessary by the Building Commissioner.

1015.5 Requirements for Interior Parking Lot Landscaping

A. Applicability

Interior parking lot landscaping shall apply to developments requiring eight (8) or more off-street parking spaces.

B. Interior Parking Lot Landscaping

1. Coverage

Not less than five (5) percent of the interior of a parking lot shall be devoted to landscaping. The "interior" of a parking lot shall mean the area encompassed between the backs-of-curbs or edge of pavement encompassing the drives and parking area serving the site. Perimeter landscaping islands penetrating the parking area may count toward the five (5) percent minimum landscaping requirement, provided all other requirements are met. Transitional yards shall not count toward parking lot landscaping.

2. Landscape Areas

Interior parking lot landscaping is intended to be distributed throughout the parking lot. The design should facilitate pedestrian access through the site and seek to separate vehicle traffic from pedestrian traffic.

3. Landscaping Material

a. Type. The primary landscaping materials used in parking lots shall be shade trees which provide for shade. Ornamental trees, shrubbery and other live planting material may be used to supplement shade trees.

b. Quantity. One large to medium shade tree must be provided for each one hundred and eighty (180) square feet of landscaped area.

c. Ground Cover. A minimum of seventy five (75) percent of each interior parking lot landscaping area must be composed of live landscape material.

1015.6 Requirements for Perimeter Parking Lot Landscaping

A. Applicability

Perimeter parking lot landscaping shall be required except where parking lots are adjacent to a required transitional yard. Perimeter parking lot landscaping shall apply to all off-street parking areas regardless of size.

B. Landscaping

1. Planting material

a. Across from a Residential Property

Where a parking lot is located across a dedicated public right-of-way from property zoned for a residential district, landscaping shall be provided across one hundred (100) percent of the parking lot perimeter facing the public street (except for intersecting drives, signs and other obstructions to landscaping) to a minimum of three (3) feet in height. Such landscaping must consist of shrubbery.

b. Across From or Adjoining a Nonresidential Property

Where a parking lot is located across a dedicated public right-of-way from or adjoins property zoned for a nonresidential use, or designated for non-residential use in the Comprehensive Plan, landscaping must be provided across fifty (50) percent of the street frontage to a minimum of three (3) feet in height. Such landscaping must consist of shrubbery.

2. Ground Cover

Except where occupied by planting beds, all perimeter parking lot landscaped areas located in a front yard must be seeded or covered with sod.

1015.7 Requirements for Transitional Yards

A. Applicability

Transitional yards are intended to provide a physical separation between potentially incompatible land uses. In business districts where a transitional yard is required, the requirements of this section shall substitute for any parking lot screening requirement along the portion(s) of an affected yard. For non-residential uses in residential districts, and multiple family residential uses, these requirements shall apply to potions of the affected zoning lot, as appropriate.

Screening is required within the yard(s) of a nonresidential development, or when the nonresidential use is within a residential district directly adjoining a residential use. Transitional screening is also required between multiple family and single family detached residential uses. The petitioner must develop and landscaping and screening plan for the area which incorporates the following design principles

1. While quantities of landscaping are not fixed, the plan should include both deciduous and coniferous materials to effectuate a year round screen. It could include, shade trees, ornamental plantings, and shrubbery to establish screening at varying heights.

2. The location of plant materials should be sensitive to use areas on the site. For example, more attention should be given to screening activity areas such as parking and loading location and refuse areas from adjoining residential uses.

3. The screening plan should also consider the appropriate use of fences and walls in combination with landscaping particularly in transition yards of minimum depth.

4. For purposes of screening, all materials and improvements must not necessarily be located within the transition yard itself to effectively serve the intent of this section.

1015.8 Screening and Landscaping Requirements for Building Appurtenances and Related Elements.

A. Exterior Electrical and Utility Equipment

All ground mounted electrical and utility-related connection and service boxes must be effectively screened with shrubbery or other forms of living plant material to a minimum of fifty (50) percent opacity at the time of planting. Alternative methods of screening may be approved by the Building Commissioner where it is found that the size or positioning of the equipment to be screened presents unique conditions or difficulty in accomplishing the intent of this paragraph. This provision is not intended to apply to individual service pedestals less than twelve (12) inches by twelve (12) inches.

B. Free-Standing Signs

All free-standing sign locations must provide for landscaping around the base of the sign a minimum of two (2) feet from any portion of the base of the sign. Landscaping shall include shrubbery or annual flowering plant material or other plant material.

1015.9 Minimum Planting Requirements

A. Minimum planting sizes shall be as follows:

1. Large deciduous shade trees - three (3) inches caliper as measured six (6) inches above ground.

2. Medium deciduous shade trees - two and one-half (2 ½) inches caliper as measured six (6) inches above ground.

3. Small deciduous and ornamental trees - eight (8) feet in height, with the exception of true dwarf species.

4. Evergreens - six (6) feet in height.

5. Shrubs - twenty-four (24) inches.

6. Ground cover plants, whether in the form of crowns, plugs or containers, shall be planted in numbers appropriate by species to provide fifty (50) percent surface coverage after one growing season.

1015.10 Landscaping Maintenance

Trees, shrubs, and other landscaping materials depicted on landscaping plans approved by the City shall be considered to be elements of the project in the same manner as building, parking, and service areas. The developer, its successor and/or subsequent owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease and/or damage must be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by the Building Commissioner, or his or her designee. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered in violation of the terms of the Certificate of Occupancy. The Building Commissioner is empowered to enforce the terms of this Title.

A. As a condition to issuance of a Certificate of Occupancy, a cash escrow or irrevocable letter of credit in the amount of twenty-five (25) percent of the initial landscaping costs shall be posted to ensure the needed replacement of materials and the continued maintenance of the same for a period of two (2) years after initial installation. Said cash escrow or irrevocable letter of credit shall be annually renewable and may be forfeited if the necessary maintenance and replacement has not been performed in a satisfactory manner within the two (2) year period. As an alternative to a letter of credit or cash escrow, a performance bond may be submitted, subject to approval by the City Attorney. Further, should it be determined that the landscaping as approved on the landscaping plan is not being maintained as specified beyond the initial two (2) year maintenance period, resubmission of the approved plan and the posting of an additional maintenance escrow may be required by the City.

1015.11 Administrative Relief

A written application for administrative relief of the requirements of subsections 1015.5 and 1015.6 may be filed with the Building Commissioner as part of an application for landscape plan approval. Four (4) copies of the application and all supporting documentation must be submitted. Such application shall be submitted with the landscape plan and demonstrate the following:

A. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant, or, that the property has extraordinary or exceptional physical conflicts that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in absence of relief.

B. Dependent upon the approval process under which the application for relief is sought, the approving authority shall make the final decision upon whether any relief from these requirements may be approved.

C. As a condition of granting any administrative relief, the approving authority, may require alternative improvements, or stipulate such conditions as appropriate.

Sec. 1016 Business District Design Review Guidelines

1016.1 Applicability

A. Where Applicable

In the event of any modification to the exterior of any existing building, including but not limited to, colors, building mass and style, architectural details, facade, doors, windows, awnings, signage, lighting and planting schemes and in the event of the construction of any new building or addition, awning, signage or lighting all of the provisions of the City of Oakwood Business District Design Guidelines shall apply. These regulations are applicable in the NB and CB business districts.

The City Manager is authorized to interpret the applicability of the requirements of this section on a case-by-case basis. In recognition of the fact that not every "change" to an existing building will constitute a departure from the basic structural design, architectural components, and appropriate materials, the City Manger may approve minor changes to structures in accord with the following criteria:

1. The change does not constitute a building or habitable space addition;

2. The change does not alter, and is consistent with the basic architectural components of the structure;
3. The change does not involve the addition of new signage.

At the applicants cost, the City Manager may retain the services of a competent architect to assist in a decision of whether: 1) the change constitutes a minor change; and 2) that the proposed changes are consistent with the basic architectural and design elements of the existing improvement.

All other changes are considered major changes and shall be approved in accord with the provisions of this section.

B. Applications Involving Zoning Amendments, Special Use Permits, Variances and Major Site Development Plan Review.

For projects or modifications which would otherwise require Site Development Plan Review, Map Amendments, Special Use or Variance approval, review of the application under the City of Oakwood Business District Design Guidelines shall be undertaken as a part of that process.

C. Applications Requiring a Building Permit

The owner, lessee or the authorized agent must submit an application for said modification and/or new construction on a form prescribed by the Building Commissioner. If the Building Commissioner determines that the proposed modification or new construction fully complies with all applicable provisions of the City of Oakwood Business District Design Guidelines, the application may be approved administratively and the necessary permits issued. If the Building Commissioner determines that the proposed modification or new construction will deviate from the applicable provisions of the City of Oakwood Business District Design Guidelines, the applicant shall be so advised and, thereafter, the application must be processed as a special use application in accordance with the provisions of Section 1008 of this Ordinance.

1016.1 Design Guidelines

Copies of the Oakwood Business District Design Guidelines are available for inspection or purchase at the Municipal Offices.

TITLE 11. OFF-STREET PARKING AND LOADING

Sec. 1100 **Purpose**

The purpose of this Title is to set forth the comprehensive procedures, rules and requirements deemed necessary to provide adequate parking, loading, circulation and access for all areas in the City of Oakwood.

Sec. 1101 **Off-Street Parking**

1101.1 Parking and Loading Generally

A. Existing Parking and Loading Facilities

Off-street parking and loading facilities in existence on the effective date of this Ordinance must not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Title.

B. Parking and Loading Facilities

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

C. Submission of Parking and Loading Plan

Any application for a building permit, zoning certificate, or occupancy certificate, or where site plan approval, special use or planned unit development approval are required shall include a site plan meeting the requirements of Title 10, Section 1012 including the parking and loading plan conforming to the requirements of this Title.

D. On-Street Parking Permitted in Limited Circumstances

Anything in this Ordinance to the contrary notwithstanding, in those circumstances in which a property does not have on-site parking available, 100% of the parking facilities required by this ordinance may be provided by available spaces not on the zoning lot on which the building or use is located, or by available on-street parking identified through a parking study commissioned and paid for by the applicant. In the event that the required parking facilities are being provided exclusively by available on-street parking, such a request shall require a special use. (See also Section 1006.3 C.) (Amended Ord. 4511, effective 8/15/02).

1101.2 Off-Street Parking

A. General Requirements

1. Location

All parking spaces required to serve uses or buildings erected or established after the effective date of this Title shall be located on the same zoning lot as the building or use served, except that parking spaces to serve businesses may be located within four hundred (400) feet of such use if said spaces and uses they are intended to serve are located in a Business zoning district.

2. Control of Off-Site Parking Facilities

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities must be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory (except as

provided under section A.,5, below). Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Planning Commission; and such deed or lease must be filed for approval by the City Attorney. The deed or lease shall require such owner, heirs and assigns to maintain the required number of parking facilities for the duration of the use served. The deed or lease must be recorded in the Montgomery County Office of the Recorder of Deeds.

3. Size

Except for parallel parking spaces and handicapped parking spaces, each required off-street parking space must be at least eight and one-half (8.5) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet, and shall be measured at right angles to the axis of the vehicle. For parallel parking, the length of the parking space shall be increased to twenty two (22) feet.

4. Access

Each off-street parking space must open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. Access aisles for which serve parking both sides of a parking access aisle shall be designed with the following aisle widths:

22' wide for 90° parking
18' wide for 60° parking
15' wide for 45° parking

All off-street parking facilities must be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. For single family detached uses, access to an alley is preferred, wherever feasible.

5. Collective Provision

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use and all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Planning Commission, and except as provided in paragraph 6, below.

6. Shared Parking Facilities

a. As much as fifty (50) percent of the off-street parking facilities required under this Title for a religious or public institution, or an establishment for the sale and consumption on the premises of food, alcoholic beverages, or refreshments, and up to one hundred (100) percent of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for certain other kinds of buildings or uses specified in subsequent paragraph b. below, which are not normally open, used, or operated during the principal operating hours of the aforesaid establishments provided that a properly drawn legal instrument is executed by all the parties concerned for the joint use of the off-street parking facilities, which instrument, duly

approved as to form and manner of execution by the City Attorney, shall be filed with the application for a permit.

b. Buildings or uses not normally open, used, or operated during the principal operating hours of theaters, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, manufacturing buildings, and similar uses.

c. Shared off-street parking may be approved by the Building Commissioner where an application does not otherwise require any form of plan approval by the Planning Commission and City Council. The Building Commissioner, Planning Commission or City Council may require any necessary studies on behalf of the applicant to determine the operational characteristics of the shared parking arrangement proposal.

8. Computation

When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

9. Utilization

Except as may otherwise be provided, the parking of trucks in the granting of special uses, site plans, planned unit developments, required accessory off-street parking facilities provided for uses shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

10. Parking for the Handicapped

Within all parking lots or garages, parking spaces must be reserved for the handicapped. Such parking spaces must conform with the requirements of current state and federal regulations with regard to the number of required spaces, parking space dimensions, and signage.

1101.3 Design and Maintenance - Surface Parking and Circulation Areas

A. Plan: The design of parking lots or areas shall be subject to the approval of the Building Commissioner, or in the case of Site Plans, Special Uses and Planned Developments, the Planning Commission and/or the City Council.

B. Character: Accessory parking spaces may be open to the sky, or enclosed in a building.

C. Surfacing: All open off-street parking areas must be surfaced with a dustless all-weather material (such as bituminous asphalt, concrete, paving stones or paving bricks) capable of carrying a wheel load of 4,000 pounds.

D. Drainage: Proper drainage must be provided as approved by the City Engineer. Storm water detention facilities shall be permitted in off-street parking areas for

multiple family residential and business areas, and have a maximum storage depth of six (6) inches for a one hundred (100) year flood design.

E. Screening and Landscaping: Parking lot screening and landscaping must be in accordance with Section 1015.

F. Lighting: Any lighting used to illuminate off-street parking areas must be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed one-half (0.5) foot-candle measured at the lot (or zoning lot) line.

G. Cleaning and Maintenance: Except in the Business districts, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 P.M. and 6:00 A.M. each day, except for the removal of snow.

H. Barrier Curbs and Striping: The perimeter of all parking lots, planting islands, access aisles, and other locations where deemed appropriate, shall be improved with barrier curbs. All interior portions of the lot must be appropriately striped for circulation and designation of off-street parking spaces, in accordance with the approved site or development plan. This provision does not apply to single family detached and two family dwellings.

I. Signs: Accessory signs shall be permitted and are encouraged in parking areas in accordance with the provisions specified in Title 12. Parking facilities are encouraged to provide adequate directional signage to assist patrons in circulating through the sites and facilities to final destinations.

J. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities, with the exception of emergency services.

1101.4 Design and Maintenance - Structured Parking Facilities

Structured parking is permitted only through a Special Use Permit, the design of which is subject to the approval of the City Council.

1101.5 Residential Off-Street Parking Design Standards

A. Location of Required Off-Street Parking

1. Off-street parking spaces and access aisles and drives must not be located closer than five (5) feet from any property line. Off-street parking is not allowed in front or corner side yards.

2. The total number of accessory off-street parking spaces provided for a single family, two family, or multiple family dwelling must not exceed that required by this Ordinance for such use by more than fifty (50) percent or four spaces.

B. Design of Off-Street Parking Areas.

1. All driveways and access aisles shall be improved with a bituminous asphalt, concrete or paving block surface.

2. Beginning in the front yard or corner side yard, and extending to the rear line of the principal structure, no driveway serving any single family detached or two family dwelling shall be wider than twelve (12) feet. In any event, for single family detached uses, driveway width

shall exceed the width of the garage door, if any, by more than one (1) foot each side of the garage door. Three point turn arounds are not permitted, except behind the rear building line.

C. Design of Attached and Detached Garages

1. Attached and detached garages serving residential uses shall be designed in proportion and scale with the principal structure and the zoning lot on which it is to be constructed.

Sec. 1102 Parking Space Requirements

1102.1 Parking Space and Design

A. Spaces Required

Off-street parking spaces shall be provided in accordance with Table 1, *Off-Street Parking*. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special) use requirement. If the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable hereunder, the parking class of such use shall be established by the Building Commissioner.

TABLE 1
OFF-STREET PARKING REQUIREMENTS

Uses	Required Spaces
Residential Related Uses	
Dwelling, guest house	2/Dwelling unit
Dwelling, single family	
Dwelling, two family	
Dwelling, multiple family	
Studio/Efficiency	1/Dwelling Unit
1 bedroom	1.5/Dwelling Unit
2 bedroom	1.8/Dwelling Unit
more than 2 bedrooms	2/Dwelling Unit
Senior citizen housing (independent living)	.5/Dwelling unit
Dependent or semi-dependent senior citizen facilities	1.25/Dwelling unit
Convalescent home, or rest home	1/1,000 sq. ft. gross floor area
Convent, monastery	
Parsonage, rectory or parish house	

Public, Quasi-Public Uses

Library, museum, gallery	2/1,000 sq. ft. of floor area.
Nursery school	One parking space shall be provided for each employee. If a library is located on land owned by the City of Oakwood, this off-street parking requirement may be waived in whole or in part by the City Council in the interests of the preservation of public welfare through maintaining such City owned land for uses other than off-street parking.
Churches, chapels, synagogues, temples	1/each 6 seats
Elementary school Junior high school	1/each employee
High school	One parking space shall be provided for each two (2) employees, and one (1) parking space shall be provided for each three students, based on the projected maximum number of students sixteen years of age or older.
School auditoriums, gymnasiums, grandstands	One parking space shall be provided for each three seats.
Clubs and lodges	5/1000 sq. ft. of gross floor area

Recreational Uses

Athletic fields Public parks and play grounds Tennis courts and clubs	1/5,000 sq. ft. of gross area
Recreation/community centers	3/1,000 sq. ft. gross floor area
Meting hall	0/1,000 sq. ft. gross floor area
Public swimming pool	1/75 sq.ft. of water surface

Business Related Uses

Business Retail Uses

Apparel Antique store Appliance Bakery, retail Banks and financial institutions Card Store Day Care Center Delicatessen	4/1,000 sq.ft. of gross floor area

Furniture store Gift Store Grocery store/food store Medical office Medical and dental laboratories Offices, business and professional Barber shops Beauty shop Florist Hardware store Ice cream shop Shopping centers Tobacco store Wine shops	
Business Service Uses	
Business machines sales and service Office supply and equipment Catering serving Carpet and flooring store Dry cleaning Interior decorator School for music and dance Travel agency Laboratory testing and research Lock smith Photography studio Tailor shop	3/1,000 sq.ft. of gross floor area
Medical and dental clinics Printing and publishing Restaurant	6/1,000 sq. ft. of gross floor area
Schools, music and business	1/each two (2) students and one (1) for each employee
Undertaking establishments and funeral parlors	5/1,000 sq. ft. of gross floor area
Determined by Planning Commission and/or City Council	
Planned Developments Public utility, municipal and service uses Seasonal and temporary uses	

Sec. 1103 Off-Street Loading

1103.1 General Requirements

A. Location, Enclosure and Screening: All required loading berths must be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residential district or an intervening alley separating a residential district from a business, commercial or industrial district must be constructed of completely enclosed docks and landscaped with densely-planted mature shrubbery or any combination thereof as part of an approved landscape plan in accordance with Title 11. All loading berths which abut a residence district or intersecting alley separating the residence district from a business district shall

be screened to a height of eight (8) feet. No permitted or required loading berth shall be located within thirty (30) feet of a pavement line or any property line. No loading berth shall be located in a required front or side yard nor within thirty five (35) feet of the nearest point of intersection of any two streets, nor within seventy five (75) feet of any residentially zoned property.

B. Size: Unless otherwise specified, a required off-street loading berth shall be at least twelve (12) feet in width by at least thirty (30) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

C. Access: Each required off-street loading berth must 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 site development plan review, or the Building Commissioner, as applicable.

D. Surfacing: All open off-street parking areas must be surfaced with a dustless all-weather material (such as bituminous asphalt, concrete, paving stones or paving bricks) capable of carrying a wheel load of 4,000 pounds.

E. Repair and Service: No motor vehicle repair work or service of any kind must be permitted in conjunction with loading facilities provided in any zoning district.

F. Utilization: Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any access aisle or off-street parking facilities.

G. Minimum Facilities: Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, must be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley or service drive or open space on the same zoning lot.

1. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required loading facilities, loading facilities as required herein must be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, loading facilities must be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this Ordinance, additional loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this Ordinance.

1103.2 Specific Requirements

A. Residential Districts

Off-street loading facilities accessory to uses allowed in the several residential districts shall be provided in accordance with the following minimum requirements.

1. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor

area, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

a. Educational and cultural institutions.
b. Philanthropic and charitable institutions.
c. Multiple family residential structures.
d. Religious institutions.

2. Recreational and social facilities. For buildings containing 10,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, and for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one (1) additional loading berth must be provided, plus one (1) additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.

3. Planned developments, residential: Loading berths shall be provided on the basis of the required berths for each individual use.

4. For all other nonresidential uses, loading facilities shall be provided in accordance with the following requirements:

a. For buildings containing less than 10,000 square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space.

b. For buildings containing 10,000 to 100,000 square feet of gross floor area, one (1) off-street loading berth shall be provided.

c. For buildings containing over 100,000 square feet of gross floor area, there shall be provided one (1) loading berth for each 100,000 square feet of gross floor area or fraction thereof.

B. Business Districts

Off-street loading spaces accessory to uses permitted in the several business districts must be provided in accordance with the following minimum requirements:

1. Any use listed in a residential district that is also permitted in any of the several business districts must provide loading spaces as established for that use in the preceding section for residential districts.

2. For the uses listed thereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.

a. Banks and financial institutions.
b. Medical and dental clinics.
c. Medical and dental laboratories
c. Offices, business and professional.

d. Recreation buildings and community centers, non-commercial.
e. Undertaking establishments

3. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 150,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than twelve (12) feet in width by fifty five (55) feet in length.

   a. Clubs and lodges (not-for-profit) containing retail shops, auditoriums, or business or professional office (other than accessory).
   b. Recording studios.

4. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of gross floor area For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths must be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet in gross floor area shall be not less than twelve (12) inches in width by fifty five (55) feet in length.

   a. Printing and publishing

5. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 150,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.

   a. Clubs and lodges (not-for-profit) -- containing no retail shops, or business or professional offices (other than accessory).
   b. Meeting halls.
   c. Schools music, dance, business, and trade.
   d. Theaters, indoor.

6. For the uses listed hereunder, buildings containing 7,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

   a. Undertaking establishments and funeral homes

7. Parking lots and garages. There shall be no requirements for off-street loading.

8. Planned developments, business: Loading berths must be provided on the basis of the required berths for each individual use.

9. For all other uses, loading facilities must be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 20	1 - (12 ft. x 30 ft.)
20 to 40	2 - (12 ft. x 30 ft. each)

For each additional 200,000 square feet in gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one (1) additional loading berth shall be provided, such additional berth to be at least twelve (12) feet in width by fifty five (55) feet in length.

TITLE 12. SIGNS

Sec. 1200 Purpose

Regulation of signs by this Ordinance is intended to promote and protect public health, safety and welfare by reducing the depreciation of property values caused by signs that are incompatible with surrounding land uses; by creating a more attractive economic and business climate within the office and commercial areas of the City; by enhancing and protecting the physical appearance of all areas of the City; by protecting signs from obstruction by other signs; and by reducing the distractions, obstructions, and hazards to pedestrian and vehicle traffic caused by the indiscriminate placement and use of signs.

Sec. 1201 Scope

The regulations of this Section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the City visible from any street, sidewalk, or public or private common open space. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this Section relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the Building and Electrical Codes applicable to the construction and maintenance of signs. Should any regulation in this Title be in conflict with provisions of any other lawfully adopted rule, regulation or Ordinance, the more restrictive provisions shall prevail.

Sec. 1202 Nonconforming Signs

Signage, legally existing prior to the effective date of this Ordinance shall be allowed to continue; provided, however, that replacement or modification of signage on a zoning lot shall require that said signage conform to the provisions of this Title.

Sec. 1203 Sign Permit Required

Except as expressly provided in this Title, no sign shall be erected, enlarged, expanded, altered, relocated, or maintained unless a Sign Permit shall have first been issued in accordance with the provisions of this Ordinance. No Sign Permit shall be required for an alteration of a sign involving only routine maintenance or the changing of parts designed to be changed provided that such sign currently conforms to provisions of this Title.

1203.1 Specific Requirements

Every application for a sign permit shall be accompanied by:

A. Applicant: Name, address and telephone number of applicant; owner of sign; person, firm, corporation or association erecting the sign.

B. Location: Location of the building, structure or parcel of property to which, or upon which, the sign is to be attached or erected.

C. Plat of Survey: A Plat of Survey showing the position of the sign on the lot in relation to nearby buildings, structures and street grade.

D. Structural Drawings: Four (4) copies of plans and specifications showing method of construction, location and support.

E. Elevation Drawings: An elevation drawing showing sign faces, exposed surfaces and proposed message accurately represented in scale as to area, size, proportion and color.

F. Removal Upon Abandonment: A statement that the sign owners agree to remove the sign at their own expense in the event the sign is not maintained or is abandoned. For purposes of this Title, any sign which is located on property which becomes vacant, or any sign which pertains to a use or activity no longer conducted on the premises where such sign is located, shall be deemed to be abandoned.

Sec. 1204 Definitions and Classifications of Signs:

1204.1 Definitions of Functional Types

A For purposes of this Code, signs shall be classified as follows according to function:

1. Advertising Sign means a sign which directs attention to a business, commodity, service or entertainment not related to the premises where such sign is located or to which it is affixed. This includes temporary advertising of business products or services being provided on a site other than the primary and principal business location. (For example, a roofing company's sign in the front yard of a residential property for which they are undertaking a roof repair.)

2 Attention-Getting Device. A sign or other device designed to attract attention by means of flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants hung in series, whirligigs, spinners, streamers, flashing lights, search lights, beacons, and balloons or similar inflatable devices.

3. Awning Sign. Any structure made of cloth or other non-rigid material attached to and projecting from a building and including structures which are fixed or so erected as to permit their being raised or retracted to a position against the building when not in use. Any sign located on an awning must be affixed to the surface thereof, and shall not be illuminated, and indicate only the name and/or address of the establishment. No such sign shall extend vertically beyond the end of the awning. The vertical surface of the portion of the awning parallel to the wall to which it is affixed must not exceed twelve (12) inches in vertical height. End enclosures for an awning sign must not project below the limit noted above.

4. Billboard. Outdoor advertising signs which advertise goods, products or services not sold on the premises on which the sign is located. For purposes of this Ordinance, the terms "billboard," "off-premises sign," and "outdoor advertising sign" may be used interchangeably. Such signs generally constitute a principal land use. There are three main types:

   a. Poster panels or bulletins normally mounted on a building wall or free standing structure with advertising copy in the form of posted paper.
   b. Multi-faced signs - same as above and alternating advertising messages on the one display area.
   c. Painted signs with advertiser's messages painted directly on the background of the wall-mounted or free-standing display area.

5. Bulletin Board Sign (Permanent). A sign that identifies an institution or organization on whose premises it is located and that contains only the name of the institution or organization, the name or names of persons connected with it, and greetings, announcements of events, or activities occurring at the institution, or similar messages.

6. Business Sign means a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. No business sign shall be located within fifty (50) feet of any residential building located in a residential district.

7. Canopy Sign. A permanent roof-like structure extending from part or all of a building and constructed of a metal framework with an approved covering.

8. Changeable Copy Sign (Manual). Sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial patterns (e.g. gas stations, etc.).

9. Changing Sign (Automatic). A sign such as an electronic or electronically controlled public service time, temperature and date sign. message center or reader board, where different copy changes are shown at five (5) second intervals or more.

10. Civic Event & Family Announcement Sign. A temporary sign that announces or identifies a civic event or family announcement, use, purpose or program.

11. Construction (Developer's Sign). A temporary sign erected on premises on which construction is taking place, during the period of such construction indicating the names of the architects, engineers and contractors or firms having a role in the construction project.

12. Double Faced Sign. A sign with two distinct faces, each designed to be viewed from separate directions. Both faces must be the same dimension, parallel to each other, and supported by the same structure. The area of each face of a double-faced sign shall not exceed the maximum allowable area for a single faced sign.

13. Flashing Sign means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purposes of this Ordinance, any moving and/or turning, illuminated sign shall be considered a "flashing sign."

14. Freestanding Sign. A sign erected on a freestanding frame, mast, pole or pylon and not attached to any building.

15. Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, Ordinance, or governmental regulation.

16. Ground Sign. Any freestanding sign, other than a pylon sign, placed upon or supported by the ground independently of any other structure.

17. Home Occupation Sign. A sign which includes the name of the home occupation business or services offered on the residential property.

18. Identification Sign. A sign giving only the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building, business, development, or establishment on the premises where it is located.

19. Marquee Sign. Any sign attached to, supported by, and projecting beyond the wall of a building.

20. Memorial Sign. A sign or tablet memorializing a person, place, event, or structure.

21. Moving or Animated Sign. Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.

22. Nameplate Sign. A sign limited in content to the name or address, or both, of the owner or occupant of a building or premises on which it is located. If any premises is occupied by more than one occupant, the nameplate sign may identify all such occupants as well as the premises and may include necessary directional information.

23. Off-Premises Identification Sign. A sign giving only the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building or development, which sign is located off the lot on which such building or development is located.

24. Parapet Sign. A sign that is located on that portion of a building wall that rises above the roof level.

25. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

26. Private Sale Sign. A temporary sign advertising private sales of personal property at "house sales," "garage sales," "rummage sales," and the like.

27. Private Warning Sign. A sign limited in content to messages of warning, caution, or danger.

28. Projecting Sign. A sign that is wholly or partially dependent upon a building for support and which projects more than eighteen (18) inches from such building.

29. Public Service Sign. Any sign intended primarily to promote items of general interest to the community such as time, temperature and date. atmospheric conditions, news or traffic control.

30. Real Estate Sign. A sign indicating the sale, lease or rental of the parcel, structure or establishment on which the sign is located.

31. Roof Sign. A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

32. Special Promotion Sign. A sign, or banner, directing attention to a special product or event (e.g., Grand Opening).

33. Temporary Banner. A banner intended to be displayed for a period of time as defined hereinafter in this Ordinance.

34. Temporary Sign. Any sign, symbol, holiday decoration, figure, representation, banner, pennant, valence, icon or advertising display that by intent is not permanent, constructed of cloth, canvas, fabric,

plywood, wallboard, cardboard or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

35. Wall Sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of such sign.

36. Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

1204.2 Signs Permitted in any District without Permit or Fee

Except as expressly prohibited in Subsection 1204.4 of this Section, and notwithstanding any other contrary provisions of this Ordinance, the following signs may be erected and maintained in any district without obtaining a sign permit or paying a fee, subject to the following limitations:

A. Residential Nameplate Signs. There shall be no more than one nameplate per dwelling unit. The sign must be no larger than one (1) square foot in size and its contents limited to the name and/or address of its occupants. The nameplate must be either located on the building that encloses the dwelling unit or on the mailbox which serves that dwelling unit.

B. Residential Nameplate Signs (Apartments and Condominiums). There shall be no more than one (1) sign per property identifying the name, address and telephone number of the apartment or condominium project. Attached signs shall not project higher than the first story or fifteen (15) feet, whichever is less. Detached free-standing signs must be no more than four (4) feet in height.

C. Private Sale Signs. Such signs shall be no more than twelve square feet in area (six (6) square feet per side), must be located entirely on the premises where such sale is to be conducted, shall be clearly marked with the telephone number of the person responsible for the removal of such sign, shall be erected not more than twenty four (24) hours before such sale, and must be removed within twenty four (24) hours following the conclusion of such sale. No such sign shall be higher than three and one-half (3 1/2) feet above grade or closer to any lot line than eight (8) feet.

D. Private Warning Signs. Such signs shall be no more than two (2) square feet in area each, shall be limited to the number necessary to accomplish the intended purpose. No such sign shall be higher than four (4) feet above grade or closer to any lot line than six (6) feet and shall not be illuminated.

E. Real Estate Signs. Such signs shall be limited to one (1) single- or double-faced, non-illuminated sign and must be no larger than twelve (12) square feet (six (6) square feet per side).

F. Street Address Sign. One street address sign is permitted per zoning lot. The content of the sign is limited exclusive to the name of the street and address and must be mounted in not more than two exterior walls of the dwelling. Such street address and/or property identification sign may be mounted upon (or may project not more than two (2) feet from) entrance pillars allowed as a conditional use.

G. Towing Signs. Such signs shall be permitted as allowed under the City traffic code.

H. Temporary Signs. Such signs shall be limited to single or double faced, non-illuminated sign(s) and such signs cumulatively shall be no greater than twelve (12) square feet with no single sign being larger than six (6) square feet.

1204.3 Signs Permitted in any District without Fee but requiring a Permit
Except as expressly prohibited in Subsection 1204.4 of this Section, and notwithstanding any other contrary provisions of this Ordinance, the following signs may be erected and maintained in any district after obtaining a permit, but without paying a fee for the required sign permit.

A. Bulletin Board Signs. Such signs shall be limited to one per zoning lot, sixteen (16) square feet in area maximum, and must not exceed five (5) feet in height above grade.

B. Civic Events & Family Announcements. Such sign shall be limited to one per lot and shall be displayed for a period of not more than seven (7) days.

C. Governmental Signs. Signs for the control of traffic, legal notices, identification, information or direction erected or required by governmental bodies, or authorized for public purpose by any law, statute or Ordinance.

D. Memorial Signs. Such signs shall be limited to no more than one (1) wall or ground sign per zoning lot, shall be made of durable materials such as bronze, stone, or concrete, shall not be illuminated, and must not exceed three (3) square feet in area. No sign shall be higher than four feet above grade or closer to any lot line than six (6) feet.

1204.4 Signs Specifically Prohibited in All Districts
The following signs, as well as any other signs not expressly permitted by this Section, are prohibited in all districts:

A. Advertising Signs

B. Attention-Getting Devices

C. Billboard

D. Construction Signs

E. Flashing Signs

F. Home Occupation Sign.

G. Moving or Animated Signs, except public service signs as expressly authorized in the Section.

H. Off-Premises Identification Signs

I. Parapet Signs

J. Portable Signs

K. Roof Signs

L. Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold on the premises where such sign is located.

M. Any sign on a tree or utility pole, whether on public or private property, except house numbers on private property.

N. Any sign on public property, except governmental signs authorized in this Section.

O. Any sign painted directly on a wall, roof, fence, bridge, or railroad trestle.

P. Any sign using reflective paint or tape, other than a governmental sign, towing sign or warning sign.

Q. Any sign in the shape of any product, other than a temporary window sign.

R. Any sign not expressly permitted in this Ordinance.

1204.5 Temporary Banners

The following banners shall be permitted only upon receiving approval of the Building Commissioner in accordance with the following standards:

A. Promotional Banners

1. Time Limitation. No such temporary banner shall be exhibited for a period of more than thirty (30) days in any calendar year.

2. Letter of Request. No temporary banner shall be exhibited until the Building Commissioner approves a written request for such banners. The letter of request must include banner location and size.

B. Civic Banners

1. Permits Required. No banner shall be erected or placed in a public right-of-way or over any street in the City except upon receipt of a permit therefore. All applications for said permit shall be in writing, fully describing the banner for which the permit is desired and must be filed with the City Manager. Said permit shall be limited to charitable organizations, local government units, accredited educational institutions located in Oakwood, and local civic organizations, but not including political organizations. No permit for a civic banner shall be issued unless the City Manager has given written notice to the City Council at least seventy two (72) hours prior to a regularly scheduled council meeting. At such meeting, the City Council may, in its discretion, direct the City Manager to deny the temporary civic banner permit to the applicant therefore.

2. Fee. If the banner to be erected or placed over a street receives approval from the City Manager, the City Clerk shall issue a permit therefore upon the payment of a fee as established in the Fee Ordinance to cover the cost of installation and removal by the City.

3. Time Limitation. Unless specifically approved by the City Manager, no such temporary civic banner shall be exhibited for a period of more than fourteen (14) days.

1204.6 General Standards

A. Illumination

1. Location and Design of Light Source. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than eighteen (18) inches from the face of the sign or building to which it is attached however, a

receptacle or device housing a permitted light source for a sign may be located more than eighteen (18) inches from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected.

2. Districts Permitted - Source of Illumination. Except as may be allowed by Special Use Permit for institutional and other non-residential properties, signs in the residential districts may not be illuminated. Internally illuminated signs are prohibited.

3. Level of Illumination. In business districts, in no event shall the illumination of any sign, resulting from any external artificial light source, exceed 0.5 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such sign face. All artificial illumination must be so designed, located, shielded, and directed as to illuminate only the sign face or faces and to prevent the casting of glare or direct light upon adjacent properties or streets.

4. Flashing Lights Prohibited. Except for public service signs when expressly permitted by this Section, no flashing, blinking, or intermittent lights shall be permitted.

B. Business District Design Review Guidelines

Signs in the business districts shall be subject to the Business District Design Review Guidelines, Section 1016 of this Ordinance. Signs which do not meet the standards for the Business district guidelines may be considered for special use approval under section 1004.

C. Sign Visibility

A sign in direct line of vision of any traffic signal, from any point in the traffic line from a position opposite the near sidewalk line to a position one hundred and fifty (150) feet before such sidewalk line, shall not have red, amber or green illumination.

D. Electrical Elements and Structural

All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs must be in accordance with the provisions of the applicable Electric codes. The construction and structural components of all signs must be in accordance with the standards and regulations of the applicable Building codes.

E. Obstruction of Access Ways

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window, or other required access way.

F. Obstruction of Window Surface

No sign shall project over, occupy, or obstruct any window surface required for light or ventilation by any applicable provision of Oakwood Ordinances or other applicable Codes.

1204.7 Traffic Safety

A Confusion with Traffic Signals

No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere

with the view of, or be confused with any traffic control sign, signal, or device or where it may interfere with, mislead, or confuse traffic.

B. Obstruction of Sight Triangle Prohibited

No sign, nor any part of a sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter, shall be located lower than seven (7) feet from grade within the area of any sight triangle as defined in Title 2 of this Ordinance.

C. Signs in Rights-of-Way

Except as provided in this Paragraph, no sign, except governmental signs authorized in this Section shall be placed in or extend into or over any public property or public right-of-way. Civic event signs may extend on, into, or over a public right-of-way upon the specific prior approval of the City Manager on the basis of need, impact on pedestrian and vehicular traffic, and impact on surrounding property.

D. Civic Event Sign

No civic event signs authorized in this Section shall be permitted except upon the specific prior approval of the City Manager.

E. Sign Maintenance

The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Ordinance an all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs must be kept clean and free of all rubbish and weeds.

1204.8 Sign Measurement

"Gross area of a sign" means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Signs in the business districts shall include the following criteria for sign mounting:

A. Flat against a building or wall.
B. Back-to-back in pairs, so that the backs of the signs will be screened from public view.
C. In clusters in an arrangement which will screen the backs of signs from public view.
D. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be finished in a neutral color, or a color that blends in with the surrounding environment.

Sec. 1205 District Regulations: C Cemetery District

1205.1 Functional Types Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Bulletin Board Sign, Ground Sign, and Street Address Sign.

1205.2 Maximum Number, Location and Height

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. One (1) Bulletin Board Sign and Ground Sign.

1205.3 Maximum Gross Area Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. One (1) Bulletin Board Sign and Ground Sign such sign shall be limited to fifty (50) square feet.

Sec. 1206 District Regulations: Residential Zoning Districts

1206.1 Functional Types Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Wall signs, ground signs and window signs.

E. Temporary Signs.

F. Awning signs for Transitional Use properties. (Ord. 4510, effective 8/15/02)

1206.2 Number and Location and Height

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Signs may not be located any closer to a public right-of-way than eight (8) feet. Signs shall not exceed a height of four (4) feet measured from the ground to the top of the sign.

1206.3 Maximum Gross Area Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Wall signs associated with non-residential development may be allowed up to sixteen (16) sq. ft. in area. Wall signs, free standing signs, and window signs shall be no larger than three and one-half (3 1/2) feet by three (3) feet in area (10 ½ square feet total).

Sec. 1207 District Regulations: Business Districts

1207.1 Functional Types Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Wall signs, window signs, canopy signs, awning signs, marquee signs, and private directional signage.

C. Temporary Signs.

1207.2 Number and Location and Height

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. Business signs shall not be located within fifty (50) feet of any principal residential dwelling located in a residential zoning district.

C. Signs within twenty five (25) feet of a street intersection shall be no taller than three (3) feet.

D. Signs shall not project more than eighteen (18) inches from the face of any building or structure, and must not project beyond the property line into a public way.

E. Signs in the business districts shall comply with the Oakwood Business District Design Guidelines set forth in Section 1016.

1207.3 Maximum Gross Area Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.

B. The gross square feet of all permitted signs shall not exceed two times the linear length of the zoning lot frontage. For purposes of calculation, where a zoning lot has frontage on more than one street, the length of the shortest frontage shall be used to calculate maximum permitted sign area.

Sec. 1208 District Regulations: Transitional Use District

1208.1 Functional Types Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3.
B. Wall signs, awning signs, and private directional signs.
C. Temporary signs.

1208.2 Number and Location

A. All signs permitted in any district as authorized in Section 1204.2 and 1204.3.
B. Signs shall not project more than 18 inches from the face of any building or structure, and must not project beyond the property line into a public way.

1208.3 Maximum Gross Area Permitted

A. All signs permitted in any district as authorized in Sections 1204.2 and 1204.3
B. The gross square feet of all permitted signs shall not exceed two times the shortest frontage on lots fronting more than one street.

LEGISLATIVE HISTORY: Ordinance 4694, passed 3/1/2010.

TITLE 13. NON-CONFORMING LOTS, STRUCTURES AND USES

Sec. 1300 Purpose

The purpose of this Title is to provide for the regulation and treatment of buildings, structures, lots and land uses considered nonconforming under the provisions of this Ordinance and specify those circumstances and conditions under which nonconforming structures shall be repaired, enlarged, moved, restored or terminated.

Sec. 1301 Authority to Continue Nonconforming Buildings, Structures, and Uses

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this Ordinance, and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this Ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

Sec. 1302 Nonconforming Lots of Record

A. No new use shall be established on a lot recorded after the effective date of this Ordinance which is of less area or less width than prescribed hereinafter for such use in the zoning district in which it is to be located.

B. The following exceptions apply to the general rule set forth in subsection A:

1. An undersized lot of record that previously met lot size requirements under this Ordinance, but which has been made nonconforming in size by adoption of this Ordinance may be used as a buildable lot, as long as, all zoning requirements (other than lot size) are met. This exception shall not apply, however, if the lot is subject to subparagraph 2 below; and to prove that subparagraph 2 does not apply the lot owner must submit a real estate title search, by a person or entity satisfactory to the City Attorney.

2. Where two or more contiguous recorded lots, substandard as to lot size, are in common ownership constitute a "zoning lot" meeting the lot size requirements as combined, such lots or portions thereof are considered joined for the purpose of meeting the minimum lot size requirements of this Ordinance.

   Such contiguous lots in common ownership may be re-platted to conform to this Ordinance. Any division of a zoning lot (whether or not previously platted as such) shall be deemed to be a subdivision under said subdivision regulations. This rule is subject to the exception set forth below in subparagraph 3.

3. Provided, however, that an undersized lot of record may be used for a single family residence and need not be joined as part of a full sized "zoning lot" under subparagraph 2 above, even though contiguous with another lot in common ownership, if a majority of the single family residences situated on the same side of the street in the same block or, in the event there are no blocks in that area, on the same side of the street and within four hundred (400) feet of each side of the borders of such lot of record (and within the same zoning district) are located upon zoning lots no larger than such undersized lot of record. Improvements on the lot, in all respects, shall meet the requirements of this Ordinance.

C. Relationship to Zoning Map Amendments

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another, the foregoing provisions shall also apply to any lots made nonconforming by such change in zoning district.

Sec. 1303 Continuance of Nonconforming Buildings Structures and Uses

1303.1 Generally

A. Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming and any building, structure, or use which shall become nonconforming upon the adoption of this Ordinance, or of any subsequent amendment thereto, may be continued indefinitely subject to the regulations which follow.

B. For the purpose of this Section a building or structure lawfully constructed or established on the effective date of this Ordinance shall be deemed to include any building or structure for which a building permit has been lawfully issued, and on which construction has begun within the required period of time allowed by the unexpired building permit then in effect.

1303.2 Nonconforming Buildings and Structures - Repairs, Alterations, Enlargements and Discontinuance

A. Ordinary Repairs

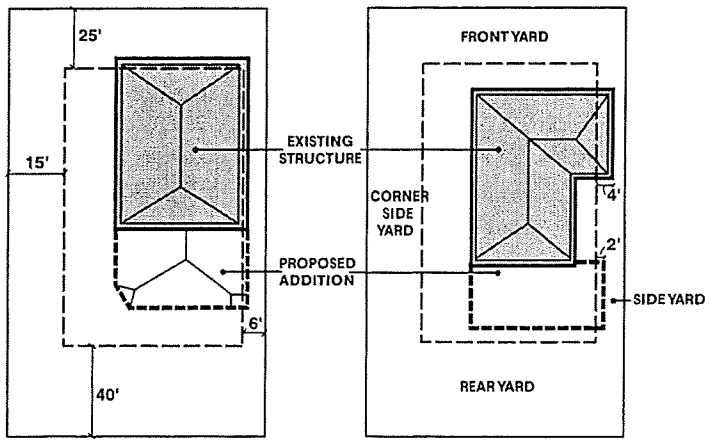
1. Building or structure designed or intended for a use not permitted within the district. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure conform to the regulations of the district in which it is located. For the purpose of this section, repairs include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as hereinabove provided.

2. Building or structure designed or intended for a permitted use. Repairs, alterations and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located.

B. Additions and enlargements

1. A principal building or structure which is designed or intended for a use permitted within the district and is nonconforming as to yard, height or area regulations may be expanded or enlarged, provided such expansion conforms to all of the regulations of the district in which it is located. Except, however, where an expansion or addition to the rear of a principal single family residential structure is proposed, regardless of any existing

nonconforming front, side or corner side yard, the structure may be expanded to follow the existing building line within a side or corner side yard. Any improvement shall meet the minimum required rear yard. Where the existing exterior building wall results in an uneven or irregular setback distance, the average depth of the established side or corner side yard shall apply. Permitted obstructions in required yards (as defined in Section 402.2) shall *not* be included in the calculation of the average depth of the side or corner side yard.



EXAMPLES - TYPICAL R-4 ZONING LOT

2. A nonconforming building or structure which is nonconforming as to bulk, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, must conform to the following:

   a. Applicable regulations concerning the amount of lot area provided per dwelling unit.

   b. The allowable floor area ratio.

   c. The allowable gross floor area per establishment.

C. Relocation of building or structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all the regulations of the district in which it is to be located.

D. Reconstruction or restoration of nonconforming structures or uses

Any nonconforming structure and any structure designed or intended for a nonconforming use may be restored or reconstructed in whole or in part without being required to eliminate the nonconformity, as long as:

1. The size of the structure is not enlarged;

2. The location of the structure is not changed; or, if changed, any nonconformity as to the location is not increased;

3. If the need for restoration or reconstruction was caused by a casualty loss or act of God, the restoration or reconstruction is commenced under a duly issued building permit within nine months after the occurrence of such loss or act of God; and

4. If the restoration or reconstruction is diligently prosecuted to completion so as to finish the work within six (6) months from the date it began, subject to delays caused by weather, strikes, war, acts of God, and other matters beyond the control of the owner.

If the conditions set forth herein are not met, any restoration or reconstruction may be completed but must conform to all regulations of the district in which the structure is located, so that the nonconformity is eliminated. In that event, any of the restoration or reconstruction work that has already been completed and that is not in such conformance (or that continues the nonconformity) must be removed at once before further work may be undertaken.

E. Nonconformity caused by City. In the event that a building, structure or use is caused to become nonconforming as to setback requirements after the date of the adoption of this Ordinance and because of street or highway construction of the City such building, structure or use shall not be subject to the restrictions contained in this section as to such nonconforming setbacks.

F. Vacant lot setback requirements. In the event that a portion of a vacant lot has been taken by, or conveyed to, the City of Oakwood for the purpose of widening or realigning an adjacent street or highway, the front yard setback requirements for such vacant lots shall be deemed to be measured from the front lot line which existed previous to the taking or conveyance.

G. Addition of more land so as to eliminate nonconformity.

1. A nonconforming situation with regard to any yard, setback, location of building, total area or width of lot, or other similar matter, may be cured and eliminated by the property owner having acquired additional and contiguous land. If the combination of such additional land with the previous owned tract would have the effect of eliminating such a nonconformity, the two parcels of ground shall be deemed to have been joined and combined, to the extent necessary to eliminate the nonconformity.

2. If, after allocating enough of the additional land to eliminate the nonconformity on the original tract, there is sufficient additional land left to constitute a separate conforming lot, the combination of the parcels of land shall be deemed to have created two conforming zoning lots, with the dividing line located so as just to cure the nonconformity on the original tract. If, however, there is not enough additional land to eliminate the

nonconformity and still leave a balance large enough for another conforming lot, the combination of the parcels of land shall be deemed to have produced one zoning lot in common ownership. Any division of part of such a zoning lot must be accomplished by following the subdivision regulations of this City.

1303.3 Non-Conforming Use of Buildings or Structures

A. Expansion of Nonconforming Use

1. Building or structure designed or intended for nonconforming use. The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located (such as a structure designed for single family residential use converted to retail space within a business zoning district), may be extended throughout the building or structure in which such use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes of structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

2. Building or structure designed or intended for permitted use. The nonconforming use of part of a building or structure designed or intended for a use permitted in the district in which it is located must not be expanded or extended into any other portion of such building or structure, nor changed to any nonconforming use.

B. Change of Nonconforming Use

1. Building or structure designed or intended for nonconforming use. The nonconforming use of a building or structure, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the building or structure, or if that same district is residential, the use may be changed to any use permitted in a more restrictive residential zoning district. For the purpose of this subsection only, the R1 Single-Family Residence District shall be considered the most restrictive and the Business District the least restrictive.

2. Building or structure designed or intended for permitted use. No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure designed or intended for a permitted use.

C. Expansion of Use in a Nonconforming Building or Structure

A conforming use in a nonconforming building or structure, may be expanded within the building or structure in which said use is presently located. However, no changes or structural alterations shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

1303.4 Discontinuance of Nonconforming Use

If the nonconforming use of a building or structure is voluntarily discontinued for a continuous period of one hundred eighty (180) days, it shall not be renewed; and any subsequent use of the building, structure or premises must conform to the use regulations of the district in which it is located.

Sec. 1304 Non-Conforming Use of Land

The nonconforming use of land not involving a building or structure (such as a storage yard or parking lot), or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions.

A. Expansion

A nonconforming use of land must not be expanded or extended beyond the area it occupies.

B. Discontinuance

If a nonconforming use of land is discontinued for a period of one hundred and eighty (180) consecutive days, it shall not thereafter be renewed. Any subsequent use of the land shall conform to the regulations of the district in which the land is located.

C. Change of Use

A nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

Sec. 1305 Nonconforming Fences and walls

A. Nonconforming Fences and Walls

Fences and walls (except for plant material) constructed prior to the adoption of this Ordinance which do not conform to the provisions of this section will be considered legal nonconforming structures. However, any replacement of a nonconforming fence or wall, either by sections or of the whole, in excess of fifty (50) percent of its total area, the entire fence shall be made to conform to the provisions of this Ordinance. No portion of an existing nonconforming fence may be expanded or lengthened.

Ordinary repairs and maintenance may be made, provided such repairs and maintenance do not increase the height, or cause any other structural change, or the relocation of the fence.

Sec. 1306 Non-Conforming Driveway Setback

Where a driveway is legally nonconforming as to its setback along a lot line (see Section 1101.5) normal maintenance or reconstruction of the driveway will not require conformance to the setback regulation, unless a new attached or detached accessory garage is proposed in association with a driveway improvement.

TABLE 1

CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY SOURCE

SIC NUMBER		DESCRIPTION OF WASTE SOURCE	HAZARD POTENTIAL INITIAL RATING
01		AGRICULTURAL PRODUCTION-CROPS	1-2
02		AGRICULTURAL PRODUCTION-LIVESTOCK	
	021	Livestock, except Dairy, Poultry and Animal Specialties	(5 for Feedlots)
	024	Dairy Farms	4
	025	Poultry and Eggs	4
	027	Animal Specialties	2-4
	029	General Farms, Primarily Livestock	2
10		METAL MINING	
	101	Iron Ores	4
	102	Copper Ores	6
	103	Lead and Zinc Ores	5
	104	Gold and Silver Ores	6
	105	Bauxite and Other Aluminum Ores	5
	106	Feroalloy Ores Except Vanadium	5
	108	Metal Mining Services	4
	1092	Mercury Ore	6
	1094	Uranium-Radium-Vanadium Ores	7
	1099	Metal Ores Not Elsewhere Classified	5
11		ANTHRACITE MINING	7
12		BITUMINOUS COAL AND LIGNITE MINING	7
13		OIL AND GAS EXTRACTION	
	131	Crude Petroleum and Natural Gas	7
	132	Natural Gas Liquids	7
	1381	Drilling Oil and Gas Wells	6
	1382	Oil and Gas Field Exploration Services	1
	1389	Oil and Gas Field Services Not Elsewhere Classified	Variable, Depending on Activity
14		MINING AND QUARRYING OF NON-METALLIC MINERALS, EXCEPT FUELS	
	141	Dimension Stone	2
	142	Crushed and Broken Stone, Including Riprap	2
	144	Sand and Gravel	2
	145	Clay, Ceramic, and Refractory Minerals	2 - 5
	147	Chemical and Fertilizer Mineral Mining	4 - 7
	148	Nonmetallic Minerals Services	1 - 7
	149	Miscellaneous Nonmetallic Minerals, Except Fuels	2 - 5
16		CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	

	1629	Heavy Constructions, Not Elsewhere Classified (Dredging, Especially in Salt Water)	4
20		FOOD AND KINDRED PRODUCTS	
	201	Meat Products	3
	202	Dairy Products	2
	203	Canned and Preserved Fruits and Vegetables	4
	204	Grain Mill Products	2
	205	Bakery Products	2
	206	Sugar and Confectionery Products	2
	207	Fats and Oils	2
	208	Beverages	2 - 5
	209	Misc. Food Preparation and Kindred Products	2
22		TEXTILE MILL PRODUCTS, ALL EXCEPT LISTINGS BELOW	
	223	Broad Woven, Fabric Mills, Wool (including dyeing and finishing	6
	226	Dyeing and Finishing Textiles, Except Wool Fabrics and Knit Goods	6
	2295	Coated Fabrics, Not Rubberized	6
24		LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	
	241	Logging Camps and Logging Contractors	2
	242	Sawmills and Planing Mills	2
	2435	Hardwood Veneer and Plywood	4
	2436	Softwood Veneer and Plywood	4
	2439	Structural Wood Members, Not Elsewhere Classified (laminated wood-glue)	3
	2491	Wood Preserving	5
	2492	Particle Board	4
	2499	Wood Products, Not Elsewhere Classified	2 - 5
26		PAPER AND ALLIED PRODUCTS	
	261	Pulp Mills	6
	262	Paper Mills Except Building Paper Mills	6
	263	Paperboard Mills	6
28		CHEMICALS AND ALLIED PRODUCTS	
	2812	Alkalies and Chlorine	7 - 9
	2813	Industrial Gases	3 - 8
	2816	Inorganic Pigments	3 - 9
	2819	Industrial Inorganic Chemicals Not Elsewhere Classified	3 - 9
	2821	Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers	6 - 8
	2822	Synthetic Rubber (Vulcanizable Elastomers)	6 - 8
	2823	Cellulose Man-Made Fibers	6 - 8
	2824	Synthetic Organic Fibers, Except Cellulosic	6 - 8
	2831	Biological Products	6 - 9
	2833	Medicinal Chemicals and Botanical Products	3 - 8
	2834	Pharmaceutical Preparations	6 - 9
	2841	Soap and Other Detergents, Except Specialty Cleaners	4 - 6
	2842	Specialty Cleaning, Polishing, and Sanitation Preparation	3 - 8
	2843	Surface Active Agents, Finishing Agents,	

		Sulfonated Oils and Assistants	6 - 8
	2844	Perfumes, Cosmetics, and Other Toilet Preparations	3 - 6
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	5 - 8
	2861	Gum and Wood chemicals	5 - 8
	2865	Cyclic (coal tar) Crudes, and Cyclic Intermediates Dyes and Organic Pigments (Lakes and Toners)	6 - 9
	2869	Industrial Organic Chemicals Not Elsewhere Listed	3 - 9
	2873	Nitrogenous Fertilizers	7 - 8
	2874	Phosphatic Fertilizers	7 - 8
	2875	Fertilizer Mixing Only	5
	2879	Pesticides and Agricultural Chemicals, Not Elsewhere Listed	5 - 9
	2891	Adhesives and Sealants	5 - 8
	2892	Explosives	6 - 9
	2893	Printing Ink	2 - 5
	2895	Carbon Black	1 - 3
	2899	Chemicals and Chemical Preparations, Not Elsewhere Listed	3 - 9
29		PETROLEUM REFINING AND RELATED INDUSTRIES	
	291	Petroleum Refining	8
	295	Paving and Roofing Materials	7
	299	Misc. Petroleum and Coal Products	7
30		RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS	
	301	Tires and Inner Tubes	6
	302	Rubber and Plastic Footwear	6
	303	Reclaimed Rubber	6
	304	Rubber and Plastic Hose and Belting	4
	306	Fabricated Rubber Products, Not Elsewhere Classified	4
31		LEATHER AND LEATHER PRODUCTS	
	311	Leather Tanning and Finishing	8
		(Remaining Three-Digit Codes)	1 - 3
32		STONE, CLAY, GLASS AND CONCRETE PRODUCTS	
	321	Flat Glass	4
	322	Glass and Glassware, Pressed or Blown	4
	324	Cement, Hydraulic	3
	3274	Lime	3
	3291	Abrasive Products	3
	3292	Asbestos	3
	3293	Gaskets, Packing, and Scaling Devices	3
33		PRIMARY METAL INDUSTRIALS (Except as Noted Below)	3
	3312	Blast Furnaces, Steel Works and Rolling and Finishing Mills	6
	333	Primary Smelting and Refining of Nonferrous Metals	7
34		FABRICATED METAL PRODUCTS,	

		EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT (Except as noted Below)	5
	347	Coating, Engraving, and Allied Services	8
	3482	Small Arms Ammunition	7
	3483	Ammunition, Except for Small Arms, Not Elsewhere Classified	7
	3489	Ordinance and Accessories, Not Elsewhere Classified	7
	349	Misc. Fabricated Metal Products	3 - 6
35		MACHINERY, EXCEPT ELECTRICAL	5 - 7
36		ELECTRICAL AND ELECTRONIC MACHINERY, EQUIPMENT AND SUPPLIES (Except as Noted Below)	
	3691	Storage Batteries	8
	3692	Primary Batteries, Dry and West	8
37		TRANSPORTATION EQUIPMENT	5 - 8
38		MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS (Except as Noted Below)	4 - 6
	386	Photographic Equipment and Supplies	7
39		MISCELLANEOUS MANUFACTURING INDUSTRIES	3 - 7
49		ELECTRIC, GAS AND SANITARY SERVICES	
	491	Electric Services	3 - 5
	492	Gas Production and Distribution	3
	494	Water Supply	2
	4952	Sewage Systems	2 - 5
	4953	Refuse Systems (Landfills)	5 - 9
	496	Steam Supply	2 - 4

TABLE 2

CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE

DESCRIPTION	HAZARD POTENTIAL INITIAL READING	ID* NUMBER
SOLIDS		
Ferrous Metals	1-4	1100
Non-Ferrous Metals	1-7	1200
Resins, Plastics, and Rubbers	2	1300
Wood and Paper Materials (except as noted below)	2	1400
Bark	4	1401
Textiles and Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral-Bearing Mine Tailings	6	1601
Slag and Other Combustion Residues	5	1602
Rubble, Construction, and Demolition Mixed Waste	3	1603
Animal Processing Wastes (except as noted below)	2-4	1700
Processed Skins, Hides, and Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes - Raw Manures (Feedlot)	5	1703
Composts of Animal Waste	2-4	1704
Dead Animals	5	1705
Edible Fruits and Vegetable Remains - Putrescibles	2-3	1800
LIQUIDS		
Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3-5	2001
Aromatic (Benzene) Acids	7-8	2002
Resin Acids		2003
Alcohols	5-7	2004
Aliphatic Hydrocarbons (petroleum derivatives)	4-6	2005
Aromatic Hydrocarbons (benzene derivatives)	6-8	2006
Sulfonated Hydrocarbons	7-8	2007
Halogenated Hydrocarbons	7-9	2008
Alkaloids	7-9	2003
Aliphatic Amines and Their Salts	1-4	2010
Anilines	6-8	2011
Pyridines	2-6	2112
Phenols	7-9	2013
Aldehydes	6-8	2014
Ketones	6-8	2015
Organic Sulfur Compounds (Sulfides, Mercaptans)	7-9	2016
Organometallic Compounds	7-9	2017
Cyanides	7-9	2018
Thiocyanides	2-6	2019
Sterols - 2020		
Sugars and Cellulose	1-4	2021
?????	6-8	2022
Inorganic Chemicals (must be chemically classified)		2100
Mineral and Metal Acids	5-8	2101
Mineral and Metal Bases	5-8	2102
Metal Salts, Including Heavy Metals	6-9	2103
Oxides	5-8	2104
Sulfides	5-8	2105

Carbon or Graphite	1-3	2106
Other Chemical Process Wastes not Previously Listed (must be chemically classified)		2200
Inks	2-5	2201
Dyes	3-8	2202
Paints	5-8	2203
Adhesives	5-8	2204
Pharmaceutical Wastes	6-9	2205
Petrochemical Wastes	7-9	2206
Metal Treatment Wastes	7-9	2207
Solvents	6-9	2208
Agricultural Chemicals (Pesticides, Herbicides, Fungicides, etc.)	7-9	2209
Waxes and Tars	4-7	2210
Fermentation and Culture Wastes	2-5	2211
Oils, Including Gasoline, Fuel Oil, etc.	5-8	2212
Soaps and Detergents	4-6	2213
Other Organic or Inorganic Chemicals, includes Radioactive Wastes	4-8	2300
Conventional Treatment Process Municipal Sludges		
From Biological Sewage Treatment	4-8	2301
From Water Treatment and Conditioning Plants (must be chemically classified)	2-5	2302

*ID Number is for identification of wastes types in the Reporting Form.

1. Classification based on material in Environmental Protection Agency Publication, 670-2-76-024, pp. 79-85, prepared by Arthur D. Little, Inc., and published in 1975.

2. For individual material ranking, refer to solubility-toxicity tables prepared by Versas, Inc. for the Environmental Protection Agency (source: MDNR, June 1980).

Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Mich.: West Michigan Shoreline Regional Development Commission, November 1980).