

CODIFIED ORDINANCES OF CLAYTON
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Code

- Chap. 1101. Introduction, Intent and Interpretation.
- Chap. 1111. Zoning Districts.
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- Chap. 1181. Glossary of Terms.

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CHAPTER 1101
Introduction, Intent and Interpretation

1101.01	Title.	1101.10	Effect of annexation on zoning.
1101.02	Purpose and intent.	1101.11	Private provisions.
1101.03	Applicability.	1101.12	Conflicting provisions.
1101.04	Zoning and districts.	1101.13	Glossary: use-terms and non-use terms.
1101.05	Zoning Map.	1101.14	Determination of uses not listed in this Code.
1101.06	Rules for interpreting district boundaries on the Zoning Map.	1101.15	Saving provision for pending enforcement actions.
1101.07	Rules of interpretation.	1101.16	Invalidity/severability.
1101.08	Rules of measurement and calculation.	1101.17	How to navigate this Code.
1101.09	Minimum requirements.		

1101.01 TITLE.

This Code shall hereinafter be known and cited as "The City of Clayton Zoning Code," and hereinafter referred to as the/this "Code" or "these regulations."
 (Ord. 0-05-21-02. Passed 6-17-21.)

1101.02 PURPOSE AND INTENT.

A. In adopting this Code, Council has given reasonable consideration to, among other things:

- (1) The comprehensive plan;
- (2) Current conditions and the character of current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The preservation and promotion of property values throughout the City of Clayton; and
- (5) Responsible development and growth of the City of Clayton, and hereby adopts this Code for the following purposes:
 - i. To promote the achievement of the Comprehensive Land Use Plan for the City;
 - ii. To advance the position of the City as a center of commerce, industry, recreation and culture;
 - iii. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space;
 - iv. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to share services;
 - v. To ensure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy;
 - vi. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of the City's environment and to provide adequate off-street parking;
 - vii. To stabilize expectations regarding future development of the City, thereby providing a basis for wise decisions with respect to such development;
 - viii. To preserve and enhance the quality of the City's environment;
 - ix. To provide for effective signage that is compatible with the surrounding urban environment; and
 - x. To maintain the safety and potability of public water supplies located within the City.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.03 APPLICABILITY.

A. In the interpretation and application, the provisions of this Code shall be held to be minimum requirements (unless a maximum standard is established) adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Code are at variance with the requirements of any other lawfully adopted rules, regulations, Codes, deed restrictions or covenants, the provisions of this Code shall control.

B. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations herein specified for the zone or district in which it is located. (Ord. 0-05-21-02. Passed 6-17-21.)

1101.04 ZONING AND DISTRICTS.

A. The following zones and districts are hereby established for the corporate limits of the City of Clayton, and land within said areas shall be designated on the Zoning Map by the following symbols:

DISTRICTS AND ZONES	SYMBOL	REPLACES
ZONES		
Rural Conservation	RCD-1 & RCD-2	A
Suburban Conservation	SCD	A-1
Residential - Single-Unit	RSD	R-1, R-2, R-3, UR-1
Residential - Multi-Unit Mixed-Use	RMX	UR-2, O-R
Commercial Mixed-Use	CMX	GB, HS, O-S
Commercial - Manufacturing and Industry	CMI	I
Planned Development	PDD	PD-1 through PD-4
DISTRICTS		
SR 48 Main Street District	MSD	Main Street Overlay District
Historic Clayton District	HCD	New district; see map

B. The Planned Development districts (PD-1 through PD-4) are no longer included in the zoning districts applicable to this Code. All projects previously designated PD-1 through PD-4 shall be assigned a different zoning district with the adoption of this Code; provided, however, they may continue to function under the established PD-1 through PD-4 regulations previously adopted and specific to that development. Any project within the same geographic boundaries of the existing Planned Development may be redeveloped under and administered in accordance with the same provisions that were previously adopted. An owner of property greater than two acres in total area, at the approval of the Zoning Administrator, may instead petition the City to rezone the Planned Development as one or more applicable zoning districts that most closely relate to the existing uses and building form.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.05 ZONING MAP.

A. The City is divided into zones and districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Code.

B. The Zoning Map shall be located in the office of the Zoning Administrator of the City of Clayton, maintained on file in the office of the Clerk of Council, and on the City's official website, and this map shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.

C. No changes of any nature shall be made to the Zoning Map or matter shown thereon except in accordance with the procedures set forth in Chapter 1141 of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under this Code.
(Ord. 0-05-21-02. Passed 6-17-21.)

1101.06 RULES FOR INTERPRETING DISTRICT BOUNDARIES ON THE ZONING MAP.

A. The following rules shall apply to the interpretation of district and zone boundaries on the Zoning Map:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as following shorelines shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines; and
- (6) Boundaries indicated as parallel to or extensions of features listed above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

B. Conflicts to Official Zoning Map.

- (1) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered herein, the Zoning Administrator shall interpret and determine the district boundaries.

C. Lots Divided by District Boundaries.

- (1) Where a district boundary line divides a lot which was in single ownership at the time of passage of this Code, the Planning Commission may permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.
(Ord. 0-05-21-02. Passed 6-17-21.)

1101.07 RULES OF INTERPRETATION.

A. Whenever a defined word appears in the Code, its meaning is as set forth in this chapter. Words not defined in this Code are interpreted in accord with their usual dictionary meaning and customary usage.

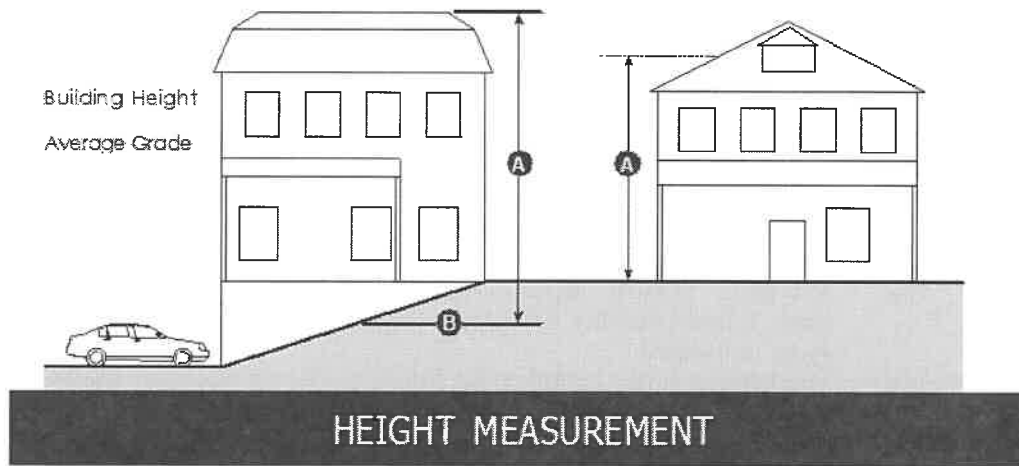
- (1) All references to other regulations or manuals in this Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.

- (2) Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- (3) Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- (4) The language of this Code shall be interpreted in accordance with the following regulations:
- (5) The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
- (6) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
- (7) The word "shall" is mandatory, the word "may" is permissive.
- (8) The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied.
- (9) The word "lot" includes the words "plot", "tract", or "parcel".
- (10) The terms "standards", "regulations", and "requirements" are used to mandate a specific course of action or built outcome.
- (11) Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- (12) Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", " "either ... or", the conjunction shall be interpreted as follows:
 - i. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - ii. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - iii. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.(Ord. 0-05-21-02. Passed 6-17-21.)

1101.08 RULES OF MEASUREMENT AND CALCULATION.

A. Height Measurement.

- (1) Building height is measured as the distance between a horizontal line at the average existing pre- development grade of the lot directly beside the structure, and the highest point of the coping of a flat roof, the top of a mansard roof, the midpoint of any pitched gable, hip or the upper portion of a gambrel roof, or measured between the top floor ceiling and the peak of the roof on an "A" framed structure. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit.



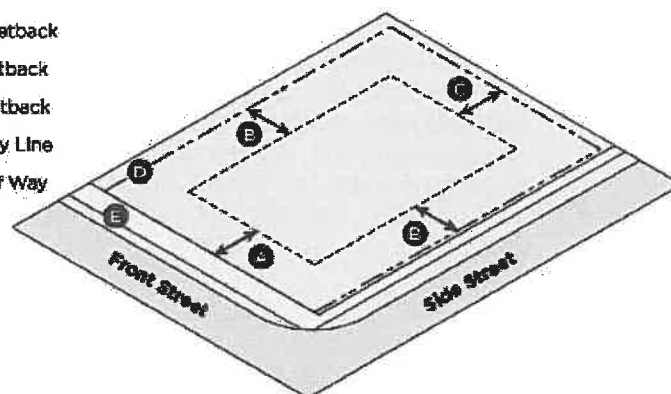
B. Measuring Distance.

- (1) When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

C. Measuring Setbacks.

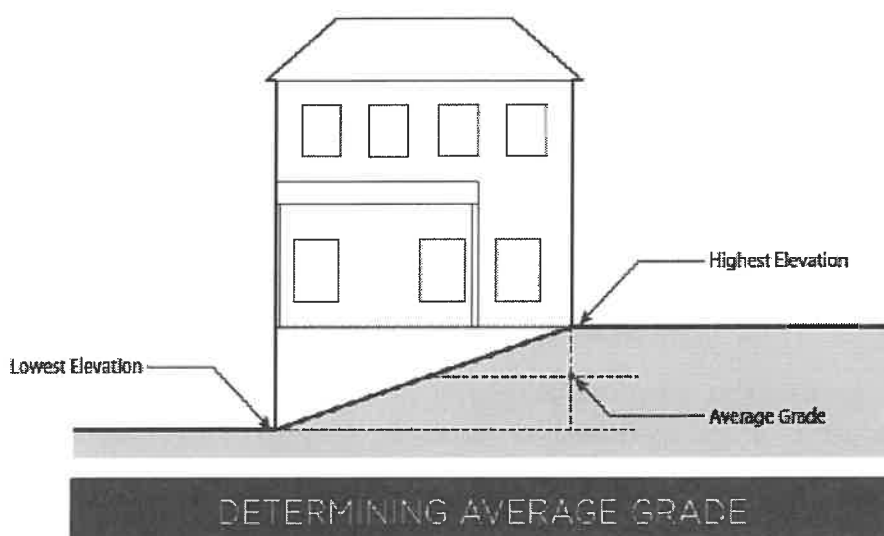
- (1) The front street setback is measured at a right angle from the right-of-way line or roadway easement.
- (2) Where a lot extends through the block from street to street, the required front yard must be provided along each street and the lot shall have two front yards, two side yards and no rear yard.
- (3) The side street setback is measured at a right angle from the side street right-of-way line.
- (4) The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line.
- (5) All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side lot line.

- Ⓐ Front Setback
- Ⓑ Side Setback
- Ⓒ Rear Setback
- Ⓓ Property Line
- Ⓔ Right of Way



D. Determining Average Grade.

- (1) Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive). If improved, then the average grade will be measured along the front of the building parallel to the front street setback line.



E. Yards, Open Space, and Parking.

- (1) Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

F. Lot or Yard Dimensions.

- (1) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum or maximum requirements established by this Code. The Zoning Administrator will determine setbacks for irregular shaped lots.

G. Permitted Within Setbacks.

- (1) The following are permitted within the required setback; provided, however, none of the following shall be permitted to encroach into any public or private easement or rights-of-way:

- i. Fences and decorative walls;
 - ii. Sidewalks and driveways;
 - iii. A required buffer yard;
 - iv. Landscaping;
 - v. Signs;
 - vi. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, chimneys, flues, cornices, belt courses, sills, buttresses or other similar architectural features may extend a maximum of three (3) feet into a required setback; provided, however, that such extension is no closer than two (2) feet from the vertical plane of any lot line;
 - vii. Unenclosed patios, decks, terraces or porte cochere may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line; or
 - viii. An awning, canopy or gallery attached to a building may encroach into a front or side street setback provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- (Ord. 0-05-21-02. Passed 6-17-21.)

1101.09 MINIMUM REQUIREMENTS.

In the interpretation and application of this Code, the provisions hereof shall be held to be minimum requirements (unless a maximum requirement is expressly provided) adopted for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, Codes, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. Wherever special or unusual conditions or circumstances exist, or wherever there is an apparent safety hazard, the Planning Commission may prescribe additional requirements in order to promote and protect the health, safety, morals and general welfare of the city. The regulations contained in each district or zone herein shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.10 EFFECT OF ANNEXATION ON ZONING.

All territory which may hereafter be annexed to the City by operation of Council shall be annexed in whichever district is most prevalent around the annexed territory until or unless otherwise classified. The zoning classification determination for the incoming property will be made by the Zoning Administrator.

(Ord. 0-02-22-04. Passed 3-3-22.)

1101.11 PRIVATE PROVISIONS.

The provisions of this Code are not intended to nullify, abolish or repeal any easement, covenant or other written and recorded private agreement or restriction.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.12 CONFLICTING PROVISIONS.

In the case of any conflict or inconsistency between two or more provisions of this Code (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other ordinance of the City of Clayton, the provision which imposes the greater or higher or more restrictive standard of performance shall control.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.13 GLOSSARY: USE-TERMS AND NON-USE TERMS.

The "Glossary of Terms" is found in Chapter 1181 of this Code. The Glossary has been divided into two parts; the first part of the Glossary includes only use terms. Defined use terms provide clarity and understanding around the uses that are permitted, prohibited, or conditionally permitted within each zoning district. All other terms used within this document can be found within the non-use term Glossary.

(Ord. 0-05-021-02. Passed 6-17-21.)

1101.14 DETERMINATION OF USES NOT LISTED IN THIS CODE.

It is recognized that this Code may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Code shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein. In case of disagreement with the determination of the Zoning Administrator in assigning a use to an appropriate district, any aggrieved party may file an appeal with the Board of Zoning Appeals.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.15 SAVING PROVISION FOR PENDING ENFORCEMENT ACTIONS.

A. Except as shall be expressly provided for in this Code, the adoption of this Code shall not:

- (1) Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code;
- (2) Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code;
- (3) Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code;
- (4) Waive any right of the City of Clayton under any section or provision of any prior zoning code or subdivision code; or,
- (5) Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the City of Clayton under, or by virtue of, any prior zoning code or subdivision code.

(Ord. 0-05-21-02. Passed 6-17-21.)

1101.16 INVALIDITY/SEVERABILITY.

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 0-05-21-02. Passed 6-17-12.)

1101.17 HOW TO NAVIGATE THIS CODE.

1. Step One: Locate your property and applicable district or zone on the Zoning Map.
2. Step Two: Locate the applicable district or zone regulations in Chapter 1111.

3. Step Three: Determine the use, building placement, parking, landscaping and signage regulations in the applicable district or zone in Chapter 1111.
4. Step Four: Determine if any generally applicable regulations apply in Chapter 1121.
5. Step Five: Determine if any nonconformities exist and how to address them in Chapter 1131.
6. Step Six: Determine if any approvals are necessary and how to apply for them in Chapter 1141.
7. Step Seven: Determine if any subdivision is necessary and how to address it in Chapter 1161.
8. Step Eight: Reference Glossary of Terms in Chapter 1181 for use and general term definitions used throughout this document.
(Ord. 0-05-21-02. Passed 6-17-21.)

**CHAPTER 1111
Zoning Districts**

1111.01	Intent.	1111.14	Commerce - Manufacturing and Industry District (CMI).
1111.02	Compliance with regulations.	1111.15	Main Street 48 District (MSD).
1111.03	Development typologies.	1111.16	Historic Clayton District (HCD).
1111.04	Base development standards.	1111.17	Suburban Conservation District (SCD).
1111.05	Additional development standards.	1111.18	Rural Conservation District 1 (RCD-1).
1111.06	Residential districts - Use Summary Table.	1111.19	Rural Conservation District 2 (RCD-2).
1111.07	Nonresidential Districts - Use Summary Table.	1111.20	Development typologies.
1111.08	Residential Dimensions Summary Table.	1111.21	Planned Development District (PDD).
1111.09	Nonresidential Dimensions Summary Table.	1111.22	Clayton Improvement District #1 Overlay (CIDI-O).
1111.10	Zoning Map.		
1111.11	Residential Single-Unit District (RSD).		
1111.12	Residential Mixed-Use District (RMX).		
1111.13	Commercial Mixed-Use District (CMX).		

1111.01 INTENT.

The following districts are hereby established for the regulation of land in the City. The districts have been formulated to realize the general purpose and intent as set forth in Chapter 1101 of this document and the Comprehensive Plan, as may be amended from time to time. The specific purpose of each district shall serve as the regulatory basis for existing and future development within each district. (Ord. 0-05-21-02. Passed 6-17-21.)

1111.02 COMPLIANCE WITH REGULATIONS.

A. The regulations for each district in this Code shall be minimum regulations, or the maximum if so specified, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided or as otherwise varied for specific cases heard by the Board of Zoning Appeals.

B. No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

C. No building or other structure shall be erected or altered in any of the following manners contrary to the provisions of this Code:

- (1) To provide for greater height or bulk;
- (2) To accommodate or house a greater number of households or dwelling units, unless for an accessory dwelling unit approved and granted a Zoning Certificate;
- (3) To occupy a greater percentage of lot area;
- (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required by this Code.

D. No yard or lot existing at the time of adoption of this Code shall be reduced in dimension or area below the minimum requirements or beyond the maximum requirement as the case may be, set forth herein, and yards or lots created after the effective date of this Code shall meet all such requirements.

E. Notwithstanding anything to the contrary contained herein, any single lot of record existing on the effective date of this ordinance shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created.

F. Permitted uses and conditional uses for each district are set forth within each section. Permitted uses shall include all accessory uses, as such term is defined within this Code, except as otherwise expressly set forth herein. Conditional Uses require the grant of a conditional use permit. (Ord. 0-05-21-02. Passed 6-17-21.)

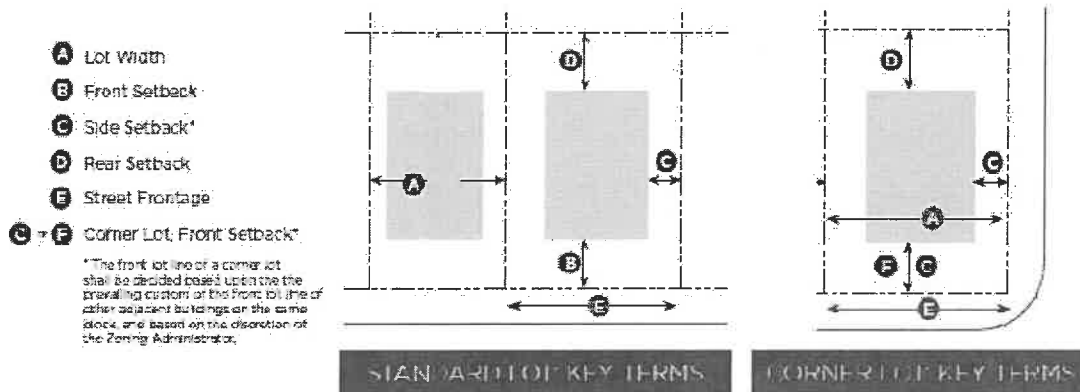
1111.03 DEVELOPMENT TYPOLOGIES.

The development typologies, included at the end of this chapter, reflect various general forms of development contemplated for all new development within the City. For the alteration of existing structures, the alteration shall comply with the development standards applicable to the development typology that, in the determination of the Zoning Administrator is most similar to the existing structure.

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.04 BASE DEVELOPMENT STANDARDS.

Each district contains development standards calibrated specifically for the desired development pattern for that district.



(Ord. 0-05-21-02. Passed 6-17-21.)

1111.05 ADDITIONAL DEVELOPMENT STANDARDS.

Additional standards generally applicable to certain of the uses and development standards as set forth in Chapter 1121 "Generally Applicable Standards."

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.06 RESIDENTIAL DISTRICTS - USE SUMMARY TABLE.

The following table summarizes the permitted and conditional uses for the residential districts. "P" indicates a use is permitted in the respective district. "C" indicates that a use is permitted only after a Conditional Use approval is received from the Board of Zoning Appeals. Permitted and conditional uses are also subject to all other applicable requirements of this Code. A blank space indicates that a use is not permitted in the respective district. Uses are defined in Chapter 1181 - Use Glossary. In instances where there are additional use standards in Chapter 1121, this will be referenced in the column titled "Ref.#", in the format "Section and Subsection".

RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C=CONDITIONAL, BLANK = NOT PERMITTED OR CONDITIONAL)						
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVA TION (SCD)	RURAL CONSER VATION (RCD-1)	RURAL CONSER VATION (RCD-2)	REF. #
AGRICULTURAL						
Agriculture Retail				C	P	
Agriculture Tourism				C	C	
Animal Boarding and Stables				C	C	
Backyard Farm	P		P	P	P	1121.02E.
Camping					C	
Cemeteries					P	
Commercial Animal Sales and Feedlots					P	
Commercial Greenhouse					P	
Concentrated Animal Feeding Facility					P	
Farm Equipment Sales and Services					C	
Hobby Farms	P		P	P	P	1121.02E.
Outdoor Processing, Agriculture					P	
Outdoor Processing, Composting					P	
Wedding Barns				C	C	
RESIDENTIAL						
Accessory Dwelling Unit (ADU)	P	P	P	P	P	1121.02B.
Child Day Care, in Home - Type A	C	P	C	C	C	
Child Day Care, in Home - Type B	P	P	P	P	P	
Dwelling, Attached Single-Family	C	P		P		
Dwelling, Residential Care Facility	P	P		P		1121.02N.
Dwelling, Detached Single-Family	P	P	P	P	P	

RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C=CONDITIONAL, BLANK = NOT PERMITTED OR CONDITIONAL)						
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVA TION (SCD)	RURAL CONSER VATION (RCD-1)	RURAL CONSER VATION (RCD-2)	REF. #
Dwelling, Duplex	C	P				
Dwelling, Halfway House	C	C				
Dwelling, Multi-Unit Building		P				
Dwelling, Multi-Unit Building Complex		C				
COMMUNICATIONS/UTILITIES						
Power Generation Facility					C	
Power Substation Facility		C	C	C	C	
Wireless Service Facility	C	C	C	C	P	1121.06
INSTITUTIONAL						
CIVIC						
Community Facility, Activity Center	C	P	C	C	C	
Community Facility, Government Administration and Courts	C	C				
Community Facility, Public Health Safety	P	P	P	P	P	
Library	C	P				
Museum/Arts Center		C				
EDUCATION						
School, College/University	C	C				
School, Primary	C	C				
School, Secondary	C	C				
School, Vocational	C	C				
OTHER						
Community Facility, Detention and Corrections			C			
Event Center, Large		P				
Event Center, Small	C	P				
Religious Assembly		C	P	P	P	

RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C=CONDITIONAL, BLANK = NOT PERMITTED OR CONDITIONAL)						
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVA TION (SCD)	RURAL CONSER VATION (RCD-1)	RURAL CONSER VATION (RCD-2)	REF. #
PARKS & RECREATION						
Community Facility, Outdoor Recreation	P	P				
Community Facility, Park	P	P	P	P	P	
Community Facility, Trail	P	P	P	P	P	
COMMERCIAL						
ENTERTAINMENT/ RECREATION						
Bar/Tavern		C				
Golf Course	P	P				
Live Theater		C				
Private Club		C				
Shooting Range, Outdoor			C	C	C	
SERVICES						
Adult Day Care		P				
Boarding/Kennel, Indoor		C				
Child Day Care Center		P				
Clothing Services, Tailor		P				
Health and Wellness, Clinic		C				
Health and Wellness, Fitness Facility/Gym		C				
Health and Wellness, Massage		C				
Health and Wellness, Physical Therapy		C				
Medical, Emergency Services					C	
Medical, Full Service Hospital					C	
Medical, Outpatient and Urgent Care					C	

RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C=CONDITIONAL, BLANK = NOT PERMITTED OR CONDITIONAL)						
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVA TION (SCD)	RURAL CONSERVA TION (RCD-1)	RURAL CONSERVA TION (RCD-2)	REF. #
Overnight Lodging, Bed and Breakfast		C		C	P	
Overnight Lodging, Boutique Hotel		C				
Overnight Lodging, Hotel		C				
Personal Care and Beauty Services		P				
Short Term Rentals				C	C	
PROFESSIONAL OFFICE						
Medical, Nursing		P				
Medical, Office		P				
Medical, Psychiatric/Therapy		P				
Office, Corporate		P				
Office, Professional Services		P				
Studio - Art	C	P	C	C	P	
Veterinary					C	
RESTAURANT/FOOD PREPARATION						
Beverage, Brewing and Distilling		C			C	
Food Service, Fast Casual Restaurant		P				
Food Service, Full Service Restaurant		P				
RETAIL						
Antique Shop		P			C	
Beverage Sales, Liquor, Beer, or Wine Store		C				
Food Sales, Farm Market		P		C	P	
Food Sales, Small Grocery		P			P	
Food Service, Commissary/Bakery		P				

RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C=CONDITIONAL, BLANK = NOT PERMITTED OR CONDITIONAL)						
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVA TION (SCD)	RURAL CONSER VATION (RCD-1)	RURAL CONSER VATION (RCD-2)	REF. #
Food Service, Deli		P				
Gallery, Art		P				
Garden Center, Outdoor					C	
Retail, Pharmacy		C				
Retail, Small Format		P				
INDUSTRIAL						
Landfill					C	
Manufacturing, Artisan					P	
Mineral Extraction/Processing					C	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.07 NONRESIDENTIAL DISTRICTS - USE SUMMARY TABLE.

The following table summarizes the permitted and conditional uses for the nonresidential districts. "P" indicates a use is permitted in the respective district. "C" indicates that a use is permitted only after a Conditional Use approval is received from the Board of Zoning Appeals. Permitted and conditional uses are also subject to all other applicable requirements of this Code. A blank space indicates that a use is not permitted in the respective district. Uses are defined in Chapter 1181 - Use Glossary. In instances where there are additional use standards in Chapter 1121, this will be referenced in the column titled "Ref.#", in the format "Section and Subsection".

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)	REF. #
AGRICULTURAL					
Commercial Greenhouse				C	
Farm Equipment Sales and Services				P	
Outdoor Processing, Agriculture				C	
Outdoor Processing, Composting				P	
RESIDENTIAL					
Accessory Dwelling Unit (ADU)	P	P			1121.02B.
Child Day Care, In Home - Type A	P	C	P		
Child Day Care, In Home - Type B	P	P	P		
Dwelling, Attached Single-Family	P	P			
Dwelling, Residential Care Facility	P	P			1121.02N.
Dwelling, Detached Single-Family	P	P			
Dwelling, Duplex	P	P			
Dwelling, Halfway House	C	C			
Dwelling, Multi-Unit Building	P	P	P		
Dwelling, Multi-Unit Building Complex			P		
COMMUNICATIONS/UTILITIES					
Power Generation Facility				P	
Power Substation Facility				P	
Wireless Service Facility	C	C	P	P	1121.06
INSTITUTIONAL					
CIVIC					
Community Facility, Activity Center	P	P	P	P	
Community Facility, Government Administration and Courts	P	C	P	P	
Community Facility, Public Health Safety	P	P	P	P	
Library	P	P	P	P	
Museum/Arts Center	P	P	P	P	

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)	REF. #
EDUCATION					
School, College/University	P	C	P	P	
School, Primary	P	P	P	P	
School, Secondary	P	P	P	P	
School, Vocational	P	C	P	P	
TRANSPORTATION					
Air Transportation Services				C	
Air Transportation Services, Heliport			P	C	
OTHER					
Community Facility, Detention and Corrections				C	
Event Center, Large	P		C	C	
Event Center, Small	P	P	P	C	
Religious Assembly	P	P			
PARKS & RECREATION					
Community Facility, Outdoor Recreation	P	P	P	P	
Community Facility, Park	P	P	P	P	
Community Facility, Trail	P	P	P	P	
COMMERCIAL					
ADULT USES					
Adult Entertainment Business				C	1121.05K.(5)
MOTOR VEHICLE SERVICES					
Equipment Repair, Light			C	P	
Retail, Gasoline and Convenience			P	P	
Storage, Vehicular and Boat			C	P	
Vehicle Care Services, Washes			C	P	

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)	REF. #
Vehicular Care Services, Major				P	
Vehicular Care Services, Minor			C	P	
Vehicular Sales, Automobiles			C	P	
Vehicular Sales, Motorcycles	P		C	P	
Vehicular Sales, Recreational Vehicles			C	P	
ENTERTAINMENT/RECREATION					
Bar/Tavern	P	C	C		
Hookah Bar/Lounge				C	
Enterprise, Indoor	P		P	P	
Enterprise, Outdoor			P	P	
Golf Course			P		
Live Theater	P	C	P	P	
Movie Theater	P	C	P	P	
Private Club	P	C	P	P	
Shooting Range, Indoor	C		P	P	
SERVICES					
Adult Day Care	P	C	P	P	
Alternative Financial Services			C	C	
Animal Shelter	P		P	P	
Boarding/Kennel, Indoor	P		P	P	
Child Day Care Center	P	C	P	P	
Clothing Services, Dry Cleaning	P	P	P	P	
Clothing Services, Tailor	P	P	P	P	
Financial Services and Banking	P		P	P	
Funeral Homes	P		P	P	
Health and Wellness, Clinic	P	C	P	P	

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)	REF. #
Health and Wellness, Fitness Facility/Gym	P	C	P	P	
Health and Wellness, Massage	P	C	P	P	
Health and Wellness, Physical Therapy	P	C	P	P	
Overnight Lodging, Bed and Breakfast	P	C			
Overnight Lodging, Boutique Hotel	P		P	C	
Overnight Lodging, Hotel	P		P	C	
Overnight Lodging, Motel	C		P	C	
Overnight Lodging, Resort	P		P	P	
Personal Care and Beauty Services	P	P	P	P	
Storage, Self-Store			C	P	
PROFESSIONAL/OFFICE					
Medical, Emergency Services	P		P	P	
Medical, Full Service Hospital	p		P	P	
Medical, Nursing	P		P	P	
Medical, Office	P	C	P	P	
Medical, Outpatient and Urgent Care	P		P		
Medical, Psychiatric Therapy	P		P		
Office, Corporate	P		P	P	
Office, Professional Services	P	P	P		
Radio/Television Broadcast Studios	P	C	P	P	
Research Facility/Laboratory	C		C	P	
Studio - Art	P	P	P	P	
Veterinary	P	C	P	P	

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACT URING AND INDUSTRY (CMI)	REF. #
RESTAURANT/FOOD PREPARATION					
Beverage, Brewing and Distilling	P	C	P	P	
Beverage, Distribution			C	P	
Beverage, Non-Alcoholic Production	P		P	P	
Food Service, Fast Casual Restaurant	P	P	P	P	
Food Service, Full Service Restaurant	P	P	P	P	
Food Service Mobile	P	C	P	P	
Food Service, Processing	P		P	P	
Food Service, Production	P		P	P	
Food Service, Quick Serve/Fast Food	P		P	P	
RETAIL					
Antique Shop	P	P	P	P	
Auction Facility	P			P	
Beverage Sales, Liquor, Beer or Wine Store	P	P	P	P	
Food Sales, Farm Market	P	P	P	P	
Food Sales, Large Grocery	P		P	P	
Food Sales, Small Grocery	P	P	P	P	
Food Service, Commissary/Bakery	P	P	P	P	
Food Service, Deli	P	P	P	P	
Gallery, Art	P	P	P	P	
Garden Center, Indoor	P	P	P	P	
Garden Center, Outdoor			C	P	
Medical Marijuana, Dispensary	P		P	P	
Outdoor Sales, Primary Use			C	C	
Retail, Convenience			P	P	
Retail, Enclosed Shopping Center	P		P	P	

NON-RESIDENTIAL DISTRICTS - USE SUMMARY TABLE (P = PERMITTED, C = CONDITIONAL)					
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED-USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)	REF. #
Retail, Large	P		P	P	
Retail, Medium	P		P	P	
Retail, Outdoor Shopping Center	P		P	P	
Retail, Pharmacy	P	P	P	P	
Retail, Small Format	P	P	P	P	
INDUSTRIAL					
Equipment Repair, Heavy			C	P	
Junk/Scrap Yards				C	
Manufacturing, Artisan	P		P	P	
Manufacturing, Heavy				P	
Manufacturing, Light	P		P	P	
Medical Marijuana, Cultivation			P	P	
Medical Marijuana, Processing	P		P	P	
Mineral Extraction/Processing				C	
Outdoor Processing, Concrete and Asphalt				P	
Recycling Center				P	
Storage, Commercial Gases				P	
Storage, Contractor				P	
Truck Terminals				P	
Warehouse, Large				P	
Warehouse, Small			C	P	
Waste Facility				C	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.08 RESIDENTIAL DIMENSIONS SUMMARY TABLE.

The following table summarizes the dimensional standards for regulating development in each of the residential districts.

SUMMARY TABLE OF RESIDENTIAL DIMENSIONS					
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVATION (SCD)	RURAL CONSERVATION (RCD-1)	RURAL CONSERVATION (RCD-2)
LOT DIMENSIONS					
Project Area (Min. Acres)	N/A	N/A	25	N/A	N/A
Street Frontage (Min. Ft.)	60	N/A	N/A	N/A	N/A
Lot Size (Min.)	0.15 acre	0.25 acre	N/A	N/A	10 acres
Lot Size (Max.)	N/A	N/A	N/A	9.99 acres	N/A
Lot Width (Min. Ft.)	60	N/A	N/A	80	200
Lot Width (Max. Ft.)	N/A	N/A	N/A	N/A	N/A
DENSITY					
Units Per Acre (Max.)	N/A	24	1	N/A	N/A
SETBACKS					
Front Yard Setback (Min. Ft.)	20	20	20	30	100
Front Yard Setback (Max. Ft.)	N/A	40	N/A	N/A	N/A
Side Yard Setback (Min. Ft.)	10	20	10	20	30
Side Yard Setback (Max. Ft.)	N/A	N/A	N/A	N/A	N/A
Side Yard Setback (Min. Aggregate Ft.)	20	40	20	40	60
Side Yard Setback (Max. Aggregate Ft.)	N/A	N/A	N/A	N/A	N/A
Rear Yard Setback (Min. Ft.)	30	20	40	40	50
HEIGHT					
Building Height (Min. Ft.)	N/A	35	N/A	N/A	N/A
Building Height (Max. Ft.)	35	45	35	35	50

SUMMARY TABLE OF RESIDENTIAL DIMENSIONS					
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVATION (SCD)	RURAL CONSERVATION (RCD-1)	RURAL CONSERVATION (RCD-2)
LOT COVERAGE					
Lot Coverage (Max.) - Not including paved areas	40%	N/A	N/A	N/A	N/A
Open Space (Min.) - Paved areas not included	40%	N/A	50% of development plan area	N/A	N/A
USE AREA					
Residential Unit Area (Min.)	N/A	65%	N/A	N/A	N/A
Residential Unit Area (Max.)	N/A	100%	N/A	N/A	N/A
Commercial Ground Floor Area (Min.)	N/A	0%	N/A	N/A	N/A
Commercial Ground Floor Area (Max.)	N/A	100%	N/A	N/A	N/A
ACCESSORY BUILDING					
Accessory Building Location	Rear yard, 5 feet from any lot or recorded easement, no closer to the front lot line than 10 feet behind the front building line.	Rear or side yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.	Rear or side yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.	10 feet from any lot line or recorded easement.	20 feet from any lot line or recorded easement.
Accessory Building Height (Max. Ft.)	15	15	20	In no case shall the accessory structure be taller than the principal structure.	In no case shall the accessory structure be taller than the principal structure.
PARKING LOCATION					
Parking Location	Driveway and Garage	Driveway, Garage and rear yard parking lot	Driveway and Garage	Both Driveway and Garage; or other on-site parking if not visible from the public right of way.	Both Driveway and Garage; or other on-site parking if not visible from the public right of way.
DRIVE-THRU LOCATION					
Drive-Thru Location	Drive-thrus are permitted only in MSD, CMX and CMI				

SUMMARY TABLE OF RESIDENTIAL DIMENSIONS					
	RESIDENTIAL SINGLE UNIT (RSD)	RESIDENTIAL MIXED-USE (RMX)	SUBURBAN CONSERVATION (SCD)	RURAL CONSERVATION (RCD-1)	RURAL CONSERVATION (RCD-2)
SIGNS					
Permitted Sign Types* * see Chapter 1121 for additional standards and standards applicable to multi-tenant buildings.	Residential Monument Sign at Subdivision Entrance	One Building Sign; One Accessory Sign per Storefront	Residential Monument Sign	Residential Monument Sign at Subdivision Entrance or One Agricultural Monument Sign per Street Front	Residential Monument Sign at Subdivision Entrance or One Agricultural Monument Sign per Street Front
DESIGN					
RSD: Front façades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material. RMX: Front façades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material; balconies and patios shall not extend past the façade and shall be embedded in the structure. See Chapter 1121, Section H: Non-Residential Structure Design Standards for standards applicable to non-residential structures in the RMX SCD: Residential front porches must be closer to the front street than the garage; front façades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material.					

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1111.09 NONRESIDENTIAL DIMENSIONS SUMMARY TABLE.

The following table summarizes the dimensional standards for regulating development in each of the nonresidential districts.

SUMMARY TABLE OF NONRESIDENTIAL DIMENSIONS				
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)
LOT DIMENSIONS				
Project Area (Min. Acres)	N/A	N/A	N/A	N/A
Street Frontage (Min. Ft.)	75	N/A	50	N/A
Lot Size (Min.)	8,000 sf	N/A	½ acre	½ acre
Lot Size (Max.)	N/A	2.5 acres	20 acres	N/A
Lot Width (Min. Ft.)	75	30	50	N/A
Lot Width (Max. Ft.)	400	200	N/A	N/A

SUMMARY TABLE OF NONRESIDENTIAL DIMENSIONS				
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)
DENSITY				
Units Per Acre (Max.)	24	N/A	N/A	N/A
SETBACKS				
Front Yard Setback (Min. Ft.)	10	5	20	40
Front Yard Setback (Max. Ft.)	25	20	60	N/A
Side Yard Setback (Min. Ft.)	5	5	20	40
Side Yard Setback (Max. Ft.)	15	20	N/A	N/A
Side Yard Setback (Min. Aggregate Ft.)	10	10	40	80
Side Yard Setback (Max. Aggregate Ft.)	N/A	N/A	N/A	N/A
Rear Yard Setback (Min. Ft.)	25	30	40	60
HEIGHT				
Building Height (Min. Ft.)	20	N/A	N/A	N/A
Building Height (Max. Ft.)	45	35	50	60
LOT COVERAGE				
Lot Coverage (Max.) - Not including paved areas	88%	60%	N/A	N/A
Open Space (Min.) - Paved areas not included	12%	30%	10%	20%
USE AREA				
Residential Unit Area (Min.)	0%	N/A	N/A	N/A
Residential Unit Area (Max.)	50%	N/A	N/A	N/A
Commercial Ground Floor Area (Min.)	75%	N/A	100%	N/A
Commercial Ground Floor Area (Max.)	100%	N/A	100%	N/A

SUMMARY TABLE OF NONRESIDENTIAL DIMENSIONS				
	MAIN STREET 48 DISTRICT (MSD)	HISTORIC CLAYTON DISTRICT (HCD)	COMMERCIAL MIXED USE (CMX)	COMMERCE MANUFACTURING AND INDUSTRY (CMI)
ACCESSORY BUILDING				
Accessory Building Location	Rear yard, 5 feet from any lot line or recorded easement, whichever is closer	Rear yard, 5 feet from any lot line or recorded easement, whichever is closer	N/A	Rear or side yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.
Accessory Building Height (Max. Ft.)	20	15	N/A	25
PARKING LOCATION				
Parking Location	Side Yard/Rear Yard	Driveway and Garage	Side Yard/Rear Yard	Front Yard/Side Yard/Rear Yard - If front yard, then only 50% of front yard may be devoted to impervious parking surface
DRIVE-THRU LOCATION				
Drive-Thru Location	Rear and Side Yards, adjacent to the primary structure	Not Permitted	Rear and Side Yards, adjacent to the primary structure	Rear and Side Yards, adjacent to the primary structure.
SIGNS				
Permitted Sign Types* *see Chapter 1121 for additional standards and standards applicable to multi-tenant buildings	One Ground Sign; One Building Sign; One Accessory Sign	One Building Sign; One Accessory Sign	One Ground Sign; One Building Sign; One Accessory Sign	One Ground Sign; One Building Sign; One Accessory Sign
DESIGN				
Design Standards	See Section 1121.05H., Non-Residential Structure Design Standards	Front facades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material; balconies and patios shall not extend past the facade and shall be embedded in the structure. See Section 1121.05H., Non-Residential Structure Design Standards for standards applicable to non-residential structures.	See Section 1121.05H., Non-Residential Structure Design Standards.	See Section 1121.05H., Non-Residential Structure Design Standards.

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.10 ZONING MAP.

RCD-1	Rural Conservation District - 1	CMI	Commercial Manufacturing and Industry
RCD-2	Rural Conservation District - 2	MSD	SR - 48 Main Street District
SCD	Suburban Conservation District	HCD	Historic Clayton District
RSD	Residential Single Unit District	PDD	Planned Development District
RMX	Residential Multi-Unit Mixed Use	CIDI-0	Clayton Improvement District #1
CMX	Commercial Mixed Use		Special Area I

*This map is current as of the effective date of this Code but is for reference only and shall not be construed as being the official Zoning Map, which shall be kept in the office of the Zoning Administrator.

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.11 RESIDENTIAL SINGLE-UNIT DISTRICT (RSD).**A. Purpose and Intent.**

- (1) The Residential Single-Unit (RSD) District is intended to regulate all land in the City platted for medium-scale suburban single-unit residential development.

B. Existing Development Patterns.

- (1) The existing development pattern in the RSD is traditional single-family residential subdivisions with single unit residential structures.
- (2) Where a subdivision has been platted and substantially built-out utilizing a front setback different from that required by this section, an infill lot must utilize the established setback as defined in Chapter 1181 - Glossary General Terms. Similarly, redeveloped or combined residential lots must utilize established setbacks, as defined, for the subject lot's front yard setback, if surrounding lots are predominantly residential.

C. Desired Development Pattern.

- (1) The desired development pattern in the RSD District is to accommodate multiple forms of single-family development, including attached single-family dwellings. New development in the RSD should also promote pedestrian connectivity and the retention of planned open-space amenities.

D. Uses.

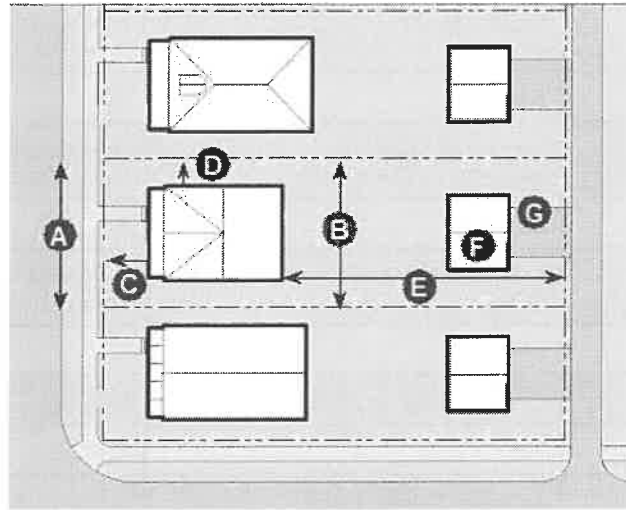
- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02, Glossary of Terms-Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
AGRICULTURAL		
Backyard Farm	P	1121.02E.
Hobby Farms	P	1121.02E.
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, in Home - Type A	C	
Child Day Care, In Home - Type B	P	
Dwelling, Attached Single-Family	C	
Dwelling, Residential Care Facility	P	1121.02N.
Dwelling, Detached Single-Family	P	
Dwelling, Duplex	C	
Dwelling, Halfway House	C	

COMMUNICATIONS/UTILITIES		
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	C	
Community Facility, Government Administration and Courts	C	
Community Facility, Public Health Safety	P	
Library	C	
EDUCATION		
School, College/University	C	
School, Primary	C	
School, Secondary	C	
School, Vocational	C	
OTHER		
Event Center, Small	C	
PARKS & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Golf Course	P	
PROFESSIONAL OFFICE		
Studio - Art	C	

E. Development Standards.

- (1) All development in the RSD shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



	DEVELOPMENT STANDARDS		
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		60	N/A
		Lot Size (Min. Sq. Ft.)	Lot Size (Max. Sq. Ft.)
		0.15 acres	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		60	N/A
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		20	N/A
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		10	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		20	N/A
	E	Rear Yard Setback (Min. Ft.)	
		30	

Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	35
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		40%	40%
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear yard, 5 feet from any lot or recorded easement, no closer to the front lot line than 10 feet behind the front building line.	15
Parking Location	G	Parking Location	
		Driveway and Garage	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the RS	
Signs		Permitted Sign Types	
		Residential Monument sign as permitted in Chapter 1121, and permitted only as identification to a residential subdivision	
Design		Design Standards	
		Front facades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material.	

F. Development Typologies.

- (1) Buildings in the RS District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	RS DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	•
Accessory Dwelling Unit	•
Two-Unit Residential	•
Multi-Unit Residential	
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1111.12 RESIDENTIAL MIXED-USE DISTRICT (RMX).

A. Purpose and Intent.

- (1) The purpose of the Residential Mixed- Use (RMX) District is to incorporate a mix of uses in areas of the City that have been developed on a residential-scale. The regulations for the RMX District allow for the establishment of walkable neighborhood-scale commercial development that is supported by surrounding single-unit and multi-unit residential development.

B. Existing Development Patterns.

- (1) The existing development pattern in the RMX District is traditional neighborhood- scale development, including single-family structures and small format commercial and retail uses.

C. Desired Development Pattern.

- (1) The desired development pattern in the RMX District is medium density single-unit and multi-unit development, including detached single-unit homes, attached single-unit homes as well as multi- unit development. Where appropriate, neighborhood-scale commercial development shall be permitted to promote a mix of uses within the RMX District.

D. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

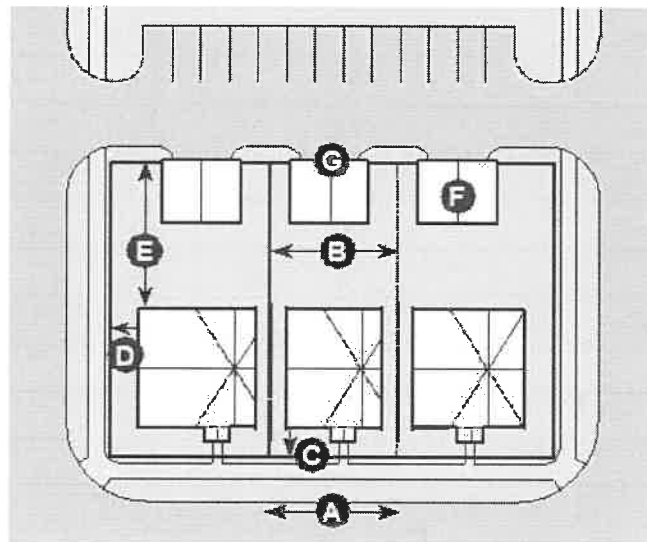
DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, in Home - Type A	P	
Child Day Care, in Home - Type B	P	
Dwelling, Attached Single-Family	P	
Dwelling, Residential Care Facility	P	1121.02N.
Dwelling, Detached Single-Family	P	
Dwelling, Duplex	P	
Dwelling, Halfway House	C	
Dwelling, Multi-Unit Building	P	
Dwelling, Multi-Unit Building Complex	C	
COMMUNICATIONS/UTILITIES		
Power Substation Facility	C	
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	P	
Community Facility, Government Administration and Courts	C	
Community Facility, Public Health Safety	P	
Library	P	
Museum/Arts Center	C	
EDUCATION		
School, College/University	C	
School, Primary	C	
School, Secondary	C	
School, Vocational	C	
OTHER		
Event Center, Large	P	
Event Center, Small	P	
Religious Assembly	C	

PARK & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Bar/Tavern	C	
Golf Course	P	
Live Theater	C	
Private Club	C	
SERVICES		
Adult Day Care	P	
Boarding/Kennel, Indoor	C	
Child Day Care Center	P	
Clothing Services, Tailor	P	
Health and Wellness Clinic	C	
Health and Wellness, Fitness Facility/Gym	C	
Health and Wellness, Massage	C	
Health and Wellness, Physical Therapy	C	
Overnight Lodging, Bed and Breakfast	C	
Overnight Lodging, Boutique Hotel	C	
Overnight Lodging, Hotel	C	
Personal Care and Beauty Services	P	
PROFESSIONAL OFFICE		
Medical, Nursing	P	
Medical, Office	P	
Medical, Psychiatric/Therapy	P	
Office, Corporate	P	
Office, Professional Services	P	
Studio - Art	P	

RESTAURANT/FOOD PREPARATION		
Beverage, Brewing and Distilling	C	
Food Service, Fast Casual Restaurant	P	
Food Service, Full Service Restaurant	P	
RETAIL		
Antique Shop	P	
Beverage Sales, Liquor, Beer or Wine Store	C	
Food Sales, Farm Market	P	
Food Sales, Small Grocery	P	
Food Sales, Commissary/Bakery	P	
Food Service, Deli	P	
Gallery, Art	P	
Retail, Pharmacy	C	
Retail, Small Format	P	

E. Development Standards.

- (1) All development in the RMX District shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



	DEVELOPMENT STANDARDS		
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	N/A
		Lot Size (Min. Sq. Ft.)	Lot Size (Max. Sq. Ft.)
		0.25 acres	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		N/A	N/A
Density		Units Per Acre (Max.)	
		24	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		20	40
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		20	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		40	N/A
	E	Rear Yard Setback (Min. Ft.)	
		20	
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		35	45
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	N/A
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		65%	100%
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		0%	10)%

Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear or side yard, 5 feet from any lot line or recorded easement, no closer to the front lot line than 10 feet behind the front building line.	15
Parking Location	G	Parking Location	
		Driveway, Garage or Rear Yard Parking Lot	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the RMX	
Signs		Permitted Sign Types	
		One Building Sign; One Accessory Sign per Storefront	
Design		Design Standards	
		Front facades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material; balconies and patios shall not extend past the facade and shall be embedded in the structure. See Section 1121.05H. Non-Residential Structure Design Standards for standards applicable to non-residential structures in the RMX.	

F. Development Typologies.

- (1) Buildings in the RMX District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	RMX DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	•
Accessory Dwelling Unit	•
Two-Unit Residential	•
Multi-Unit Residential	•
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	•
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.13 COMMERCIAL MIXED-USE DISTRICT (CMX).**A. Purpose and Intent.**

- (1) The purpose of the Commercial Mixed- Use (CMX) District is to promote a mix of commercial uses and higher density residential development in proximity to traditional suburban residential development patterns.

B. Existing Development Patterns.

- (1) The existing development pattern in the CMX District is primarily single-story, single-purpose, low-density commercial and retail.

C. Desired Development Pattern.

- (1) The desired development pattern in the CMX District is the introduction of a mix of uses along commercial corridors that are adjacent to suburban residential development. New structures should be oriented to the street with parking at the rear and sides of buildings.

D. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
RESIDENTIAL		
Child Day Care, In Home - Type A	P	
Child Day Care, In Home - Type B	P	
Dwelling, Multi-Unit Building	P	
Dwelling, Multi-Unit Building Complex	P	
COMMUNICATIONS/UTILITIES		
Wireless Service Facility	P	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	P	
Community Facility, Government Administration and Courts	P	
Community Facility, Public Health Safety	P	
Library	P	
Museum/Arts Center	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
EDUCATION		
School, College/University	P	
School, Primary	P	
School, Secondary	P	
School, Vocational	P	
TRANSPORTATION		
Air Transportation Services, Heliport	P	
OTHER		
Event Center, Large	C	
Event Center, Small	P	
PARKS & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
MOTOR VEHICLES SERVICES		
Equipment Repair, Light	C	
Retail, Gasoline and Convenience	P	
Storage, Vehicular and Boat	C	
Vehicle Care Services, Washes	C	
Vehicular Care Services, Minor	C	
Vehicular Sales, Automobiles	C	
Vehicular Sales, Motorcycles	C	
Vehicular Sales, Recreational Vehicles	C	
ENTERTAINMENT/RECREATION		
Bar/Tavern	C	
Enterprise, Indoor	P	
Enterprise, Outdoor	P	
Golf Course	P	
Live Theater	P	
Movie Theater	P	

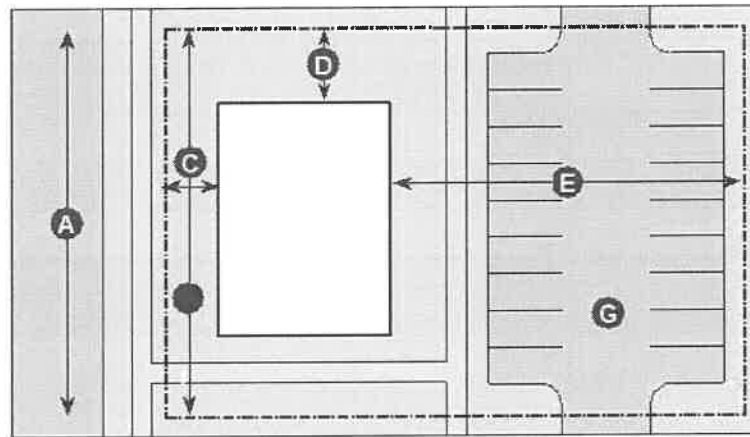
DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Private Club	P	
Shooting Range, Indoor	P	
SERVICES		
Adult Day Care	P	
Alternative Financial Services	C	
Animal Shelter	P	
Boarding/Kennel, Indoor	P	
Child Day Care Center	P	
Clothing Services, Dry Cleaning	P	
Clothing Services, Tailor	P	
Financial Services and Banking	P	
Funeral Homes	P	
Health and Wellness, Clinic	P	
Health and Wellness, Fitness Facility/Gym	P	
Health and Wellness, Massage	P	
Health and Wellness, Physical Therapy	P	
Overnight Lodging, Boutique Hotel	P	
Overnight Lodging, Hotel	P	
Overnight Lodging, Motel	P	
Overnight Lodging, Resort	P	
Personal Care and Beauty Services	P	
Storage, Self-Store	C	
PROFESSIONAL/OFFICE		
Medical, Emergency Services	P	
Medical, Full Service Hospital	P	
Medical, Nursing	P	
Medical, Office	P	
Medical, Outpatient and Urgent Care	P	
Medical, Psychiatric Therapy	P	
Office, Corporate	P	
Office, Professional Services	P	
Radio/Television Broadcast Studios	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Research Facility/Laboratory	C	
Studio - Art	P	
Veterinary	P	
RESTAURANT/FOOD PREPARATION		
Beverage, Brewing and Distilling	P	
Beverage, Distribution	C	
Beverage, Non-Alcoholic Production	P	
Food Service, Fast Casual Restaurant	P	
Food Service, Full Service Restaurant	P	
Food Service Mobile	P	
Food Service, Processing	P	
Food Service, Production	P	
Food Service, Quick Serve/Fast Food	P	
RETAIL		
Antique Shop	P	
Beverage Sales, Liquor, Beer or Wine Store	P	
Food Sales, Farm Market	P	
Food Sales, Large Grocery	P	
Food Sales, Small Grocery	P	
Food Service, Commissary/Bakery	P	
Food Service, Deli	P	
Gallery, Art	P	
Garden Center, indoor	P	
Garden Center, Outdoor	C	
Medical Marijuana, Dispensary	P	
Outdoor Sales, Primary Use	C	
Retail, Convenience	P	
Retail, Enclosed Shopping Center	P	
Retail, Large	P	
Retail, Medium	P	
Retail, Outdoor Shopping Center	P	
Retail, Pharmacy	P	
Retail, Small Format	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
INDUSTRIAL		
Equipment Repair, Heavy	C	
Manufacturing, Artisan	P	
Manufacturing, Light	P	
Medical Marijuana, Cultivation	P	
Medical Marijuana, Processing	P	
Warehouse, Small	C	

E. Development Standards.

- (1) All development in the CMX District shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



	DEVELOPMENT STANDARDS		
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		50	
		Lot Size (Min. Acreage)	Lot Size (Max. Acreage)
		½ acre	20
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		50	N/A
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		20	60
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		20	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		40	N/A
	E	Rear Yard Setback (Min. Ft.)	
		40	
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	50
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	10%
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		100%	100%

Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		N/A	N/A
Parking Location	G	Parking Location	
		Side Yard/Rear Yard	
Drive-Thru		Drive-Thru Location	
		Rear and Side Yards, adjacent to the primary structure, Drive-thru standards apply per regulations found in Chapter 1121.	
Signs		Permitted Sign Types	
		Property containing one (1) space for a Single Tenant may have one Ground sign type, one Building Sign type, and one Accessory Sign; and Property containing Multiple Storefronts/Tenants on the same property may have one (1) Building sign type and one (1) Accessory sign per storefront/tenant. The entire property is permitted one Ground sign type. See additional sign standards in Chapter 1121.	
Design		Design Standards	
		See Section 1121.05H. Non-Residential Structure Design Standards	

F. Development Typologies.

- (1) Buildings in the CMX District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	CMX DISTRICT
Single-Unit Detached (Front Loaded)	
Single-Unit Detached (Alley Loaded)	
Single Unit Attached	
Accessory Dwelling Unit	
Two-Unit Residential	
Multi-Unit Residential	
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	
Commercial Retail	•
Office Building	•
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.14 COMMERCE - MANUFACTURING AND INDUSTRY DISTRICT (CMI).**A. Purpose and Intent.**

- (1) The purpose of the Commerce- Manufacturing and Industry (CMI) District is to serve as the economic engine of the City.

B. Existing Development Patterns.

- (1) The existing development patterns in the CMI District include medium to large-sized manufacturing facilities and warehouses providing users with proximity to Interstates 70 and 75, rail lines, as well as Dayton International Airport.

C. Desired Development Patterns.

- (1) The desired development pattern in the CMI District is to continue the development of manufacturing and warehouse facilities with an emphasis on proximity to fiber optic, highways, and rail lines. Additionally, certain retail, commercial and office uses are appropriate within the CMI District when located in accessible nodes.

D. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
AGRICULTURAL		
Commercial Greenhouse	C	
Farm Equipment Sales and Services	P	
Outdoor Processing, Agriculture	C	
Outdoor Processing, Composting	P	
COMMUNICATIONS/UTILITIES		
Power Generation Facility	P	
Power Substation Facility	P	
Wireless Service Facility	P	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	P	
Community Facility, Government Administration and Courts	P	
Community Facility, Public Health Safety	P	
Library	P	
Museum/Arts Center	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
EDUCATION		
School, College/University	P	
School, Primary	P	
School, Secondary	P	
School, Vocational	P	
TRANSPORTATION		
Air Transportation Services	C	
Air Transportation Services, Heliport	C	
OTHER		
Community Facility, Detention and Corrections	C	
Event Center, Large	C	
Event Center, Small	C	
PARKS & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ADULT USES		
Adult Entertainment Business	C	1121.05K.(5)
MOTOR VEHICLES SERVICES		
Equipment Repair, Light	P	
Retail, Gasoline and Convenience	P	
Storage, Vehicular and Boat	P	
Vehicle Care Services, Washes	P	
Vehicular Care Services, Major	P	
Vehicular Care Services, Minor	P	
Vehicular Sales, Automobiles	P	
Vehicular Sales, Motorcycles	P	
Vehicular Sales, Recreational Vehicles	P	

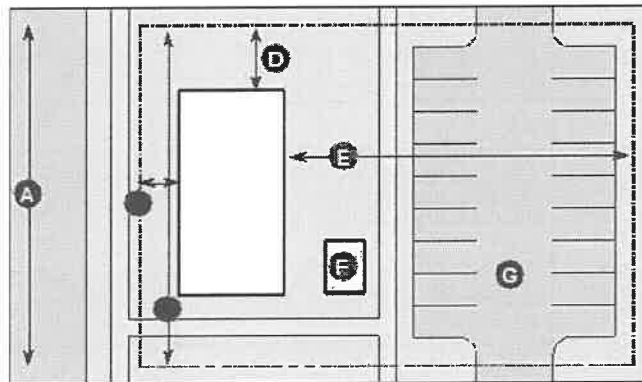
DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
ENTERTAINMENT/RECREATION		
Enterprise, Indoor	P	
Enterprise, Outdoor	P	
Live Theater	P	
Movie Theater	P	
Private Club	P	
Shooting Range, Indoor	P	
SERVICES		
Adult Day Care	P	
Alternative Financial Services	C	
Animal Shelter	P	
Boarding/Kennel, Indoor	P	
Child Day Care Center	P	
Clothing Services, Dry Cleaning	P	
Clothing Services, Tailor	P	
Financial Services and Banking	P	
Funeral Homes	P	
Health and Wellness, Clinic	P	
Health and Wellness, Fitness Facility/Gym	P	
Health and Wellness, Massage	P	
Health and Wellness, Physical Therapy	P	
Overnight Lodging, Boutique Hotel	P	
Overnight Lodging, Hotel	C	
Overnight Lodging, Motel	P	
Overnight Lodging, Resort	P	
Personal Care and Beauty Services	P	
Storage, Self-Store	P	
PROFESSIONAL/OFFICE		
Medical Emergency Services	P	
Medical, Full Service Hospital	P	
Medical, Nursing	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Medical, Office	P	
Office, Corporate	P	
Radio/Television Broadcast Studios	P	
Research Facility/Laboratory	P	
Studio - Art	P	
Veterinary	P	
RESTAURANT/FOOD PREPARATION		
Beverage, Brewing and Distilling	P	
Beverage, Distribution	P	
Beverage, Non-Alcoholic Production	P	
Food Service, Fast Casual Restaurant	P	
Food Service, Full Service Restaurant	P	
Food Service Mobile	P	
Food Service, Processing	P	
Food Service, Production	P	
Food Service, Quick Serve/Fast Food	P	
RETAIL		
Antique Shop	P	
Auction Facility	P	
Beverage Sales, Liquor, Beer or Wine Store	P	
Food Sales, Farm Market	P	
Food Sales, Large Grocery	P	
Food Sales, Small Grocery	P	
Food Service, Commissary/Bakery	P	
Food Service, Deli	P	
Gallery, Art	P	
Garden Center, Indoor	P	
Garden Center, Outdoor	P	
Medical Marijuana, Dispensary	P	
Outdoor Sales, Primary Use	C	
Retail, Convenience	P	
Retail, Enclosed Shopping Center	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Retail, Large	P	
Retail, Medium	P	
Retail, Outdoor Shopping Center	P	
Retail, Pharmacy	P	
Retail, Small Format	P	
INDUSTRIAL		
Equipment Repair, Heavy	P	
Junk/Scrap Yards	C	
Manufacturing, Artisan	P	
Manufacturing, Heavy	P	
Manufacturing, Light	P	
Medical Marijuana, Cultivation	P	
Medical Marijuana, Processing	P	
Mineral Extraction/Processing	C	
Outdoor Processing, Concrete and Asphalt	P	
Recycling Center	P	
Storage, Commercial Gases	P	
Storage, Contractor	P	
Truck Terminals	P	
Warehouse, Large	P	
Warehouse, Small	P	
Waste Facility	C	

E. Development Standards.

- (1) All development in the CMI District shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



DEVELOPMENT STANDARDS			
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	N/A
		Lot Size (Min. acres)	Lot Size (Max. acres)
		½	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		N/A	N/A
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		40	N/A
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		40	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		80	N/A
	E	Rear Yard Setback (Min. Ft.)	
		60	

	DEVELOPMENT STANDARDS		
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	60
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	20%
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear or side yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.	25
Parking Location	G	Parking Location	
		Front Yard/Side Yard/Rear Yard - if front yard, then only 50% of front yard may be devoted to impervious parking surface	
Drive-Thru		Drive-Thru Location	
		Rear and Side Yards, adjacent to the primary structure, Drive-thru standards apply per regulations found in Chapter 1121.	
Signs		Permitted Sign Types	
		One Ground Sign; One Building Sign; One Accessory Sign	
Design		Design Standards	
		See Section 1121.05H. Non-Residential Structure Design Standards	

F. Development Typologies.

- (1) Buildings in the CMI District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	CMI DISTRICT
Single-Unit Detached (Front Loaded)	
Single-Unit Detached (Alley Loaded)	
Single Unit Attached	
Accessory Dwelling Unit	
Two-Unit Residential	
Multi-Unit Residential	
Education/Public Institution	
Congregation/Community Facility	
Neighborhood Commercial	
Commercial Retail	•
Office Building	•
Office/Flex	•
Manufacturing/Flex	•

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1111.15 MAIN STREET 48 DISTRICT (MSD).

A. Purpose and Intent.

- (1) The purpose of the Main Street 48 District (MSD) is to promote a unique main street atmosphere where people can live, work, shop, dine and play.

B. Existing Development Pattern.

- (1) The existing development pattern in the MSD is traditional single-story single-use retail development with surface parking located in the front of each lot. Existing structures in these areas are set back from the street to allow for surface parking.

C. Desired Development Pattern.

- (1) The desired development pattern for the MSD is to provide a balance of safety and aesthetics while minimizing potentially adverse impacts on surrounding development. New development should also promote a compact, walkable streetscape with a main street appearance and provide adequate parking within either dedicated, shared or public locations.

D. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, in Home - Type A	P	
Child Day Care, In Home - Type B	P	
Dwelling, Attached Single-Family	P	
Dwelling, Residential Care Facility	P	1121.02N.
Dwelling, Detached Single-Family	P	
Dwelling, Duplex	P	
Dwelling, Halfway House	C	
Dwelling, Multi-Unit Building	P	
COMMUNICATIONS/UTILITIES		
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	P	
Community Facility, Government Administration and Courts	P	
Community Facility, Public Health Safety	P	
Library	P	
Museum/Arts Center	P	
EDUCATION		
School, College/University	P	
School, Primary	P	
School, Secondary	P	
School, Vocational	P	
OTHER		
Event Center, Large	P	
Event Center, Small	P	
Religious Assembly	P	

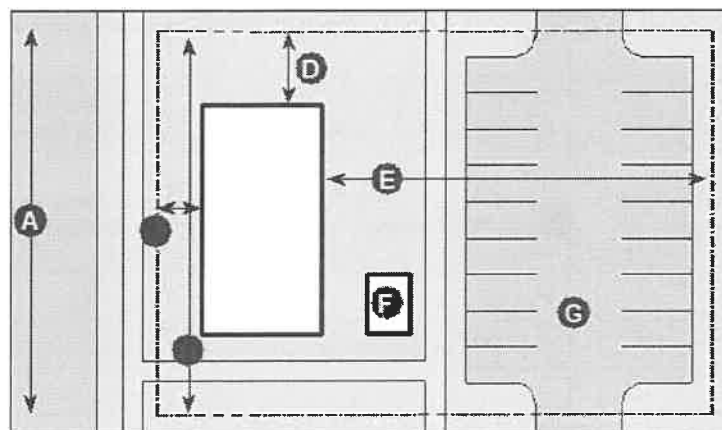
DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
PARKS & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
MOTOR VEHICLES SERVICES		
Vehicular Sales, Motorcycles	P	
ENTERTAINMENT/RECREATION		
Bar/Tavern	P	
Enterprise, Indoor	P	
Live Theater	P	
Movie Theater	P	
Private Club	P	
Shooting Range, Indoor	C	
SERVICES		
Adult Day Care	P	
Animal Shelter	P	
Boarding/Kennel, Indoor	P	
Child Day Care Center	P	
Clothing Services, Dry Cleaning	P	
Clothing Services, Tailor	P	
Financial Services and Banking	P	
Funeral Homes	P	
Health and Wellness, Clinic	P	
Health and Wellness, Fitness Facility/Gym	P	
Health and Wellness, Massage	P	
Health and Wellness, Physical Therapy	P	
Overnight Lodging, Bed and Breakfast	P	
Overnight Lodging, Boutique Hotel	P	
Overnight Lodging, Hotel	P	
Overnight Lodging, Motel	C	
Overnight Lodging, Resort	P	
Personal Care and Beauty Services	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
PROFESSIONAL/OFFICE		
Medical, Emergency Services	P	
Medical, Full Service Hospital	P	
Medical, Nursing	P	
Medical, Office	P	
Medical, Outpatient and Urgent Care	P	
Medical, Psychiatric Therapy	P	
Office, Corporate	P	
Office, Professional Services	P	
Radio/Television Broadcast Studios	P	
Research Facility/Laboratory	C	
Studio - Art	P	
Veterinary	P	
RESTAURANT/FOOD PREPARATION		
Beverage, Brewing and Distilling	P	
Beverage, Non-Alcoholic Production	P	
Food Service, Fast Casual Restaurant	P	
Food Service, Full Service Restaurant	P	
Food Service Mobile	P	
Food Service, Processing	P	
Food Service, Production	P	
Food Service, Quick Serve/Fast Food	P	
RETAIL		
Antique Shop	P	
Auction Facility	P	
Beverage Sales, Liquor, Beer or Wine Store	P	
Food Sales, Farm Market	P	
Food Sales, Large Grocery	P	
Food Sales, Small Grocery	P	
Food Service, Commissary/Bakery	P	
Food Service Deli	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Gallery, Art	P	
Garden Center, Indoor	P	
Medical Marijuana, Dispensary	P	
Retail, Enclosed Shopping Center	P	
Retail, Large	P	
Retail, Medium	P	
Retail, Outdoor Shopping Center	P	
Retail, Pharmacy	P	
Retail, Small Format	P	
INDUSTRIAL		
Manufacturing, Artisan	P	
Manufacturing, Light	P	
Medical Marijuana, Processing	P	

E. Development Standards.

- (1) All development in the MSD District shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



	DEVELOPMENT STANDARDS		
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		75	N/A
		Lot Size (Min. Sq. Ft.)	Lot Size (Max. Sq. Ft.)
		8,000	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		75	400
Density		Units Per Acre (Max.)	
		24	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		10	25
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		5	15
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		10	N/A
	E	Rear Yard Setback (Min. Ft.)	
		25	
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		20	45
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		88%	12%
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		0%	50%
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		75%	100%

	DEVELOPMENT STANDARDS		
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear yard, 5 feet from any lot line or recorded easement whichever is closer	20
Parking Location	G	Parking Location	
		Side Yard/Rear Yard	
Drive-Thru		Drive-Thru Location	
		Rear and Side Yards, adjacent to the primary structure	
Signs		Permitted Sign Types	
		Property containing one (1) Space for a Single Tenant may have one ground sign type, one building sign type and one accessory sign, and Property containing Multiple Storefronts/Tenants on the same property may have one (1) Building sign type and one (1) Accessory sign per storefront/tenant. The entire property is permitted one Ground sign type. See additional sign standards in Section 1121.05.	
Design		Design Standards	
		See Section 1121.05H. Non-Residential Structure Design Standards	

F. Development Typologies.

- (1) Buildings in the MSD District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	MSD DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	•
Accessory Dwelling Unit	•
Two-Unit Residential	•
Multi-Unit Residential	•
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	•
Commercial Retail	•
Office Building	•
Office/Flex	•
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.16 HISTORIC CLAYTON DISTRICT (HCD).**A. Purpose and Intent.**

- (1) The purpose of the Historic Clayton District (HCD) is to preserve the identity of the city's historic downtown center while creating opportunities for infill and walkable development.

B. Existing Development Patterns.

- (1) The existing development pattern in the HCD is historic businesses mixed with traditional neighborhood design along historic corridors.

C. Desired Development Patterns.

- (1) The desired development pattern in the HCD is commercial and retail development on a neighborhood-scale. The introduction of single-unit detached development will promote a mixed-use district.

D. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

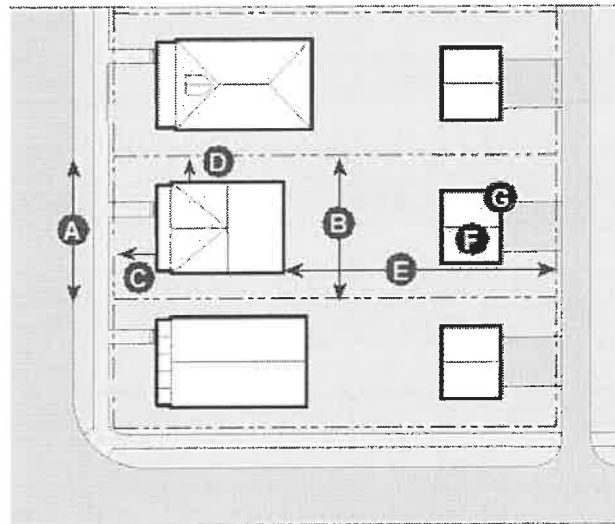
DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, in Home - Type A	C	
Child Day Care, In Home - Type B	P	
Dwelling, Attached Single-Family	P	
Dwelling, Residential Care Facility	P	1121.02N.
Dwelling, Detached Single-Family	P	
Dwelling, Duplex	P	
Dwelling, Halfway House	C	
Dwelling, Multi-Unit Building	P	
COMMUNICATIONS/UTILITIES		
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	P	
Community Facility, Government Administration and Courts	C	
Community Facility, Public Health Safety	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
Library	P	
Museum/Arts Center	P	
EDUCATION		
School, College/University	C	
School, Primary	P	
School, Secondary	P	
School, Vocational	C	
OTHER		
Events Center, Small	P	
Religious Assembly	P	
PARKS & RECREATION		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Bar/Tavern	C	
Live Theater	C	
Movie Theater	C	
Private Club	C	
SERVICES		
Adult Day Care	C	
Child Day Care Center	C	
Clothing Services, Dry Cleaning	P	
Clothing Services, Tailor	P	
Health and Wellness, Clinic	C	
Health and Wellness, Fitness Facility/Gym	C	
Health and Wellness, Massage	C	
Health and Wellness, Physical Therapy	C	
Personal Care and Beauty Services	P	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
PROFESSIONAL/OFFICE		
Medical, Office	C	
Office, Professional Services	P	
Studio - Art	P	
Veterinary	C	
RESTAURANT/FOOD PREPARATION		
Beverage, Brewing and Distilling	C	
Food Service, Fast Casual Restaurant	P	
Food Service, Full Service Restaurant	P	
Food Service Mobile	C	
RETAIL		
Antique Shop	P	
Beverage Sales, Liquor, Beer or Wine Store	P	
Food Sales, Farm Market	P	
Food Sales, Small Grocery	P	
Food Service, Commissary/Bakery	P	
Food Service, Deli	P	
Gallery, Art	P	
Garden Center, Indoor	P	
Retail, Pharmacy	P	
Retail, Small Format	P	

E. Development Standards.

- (1) All development in the HCD shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



DEVELOPMENT STANDARDS			
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	N/A
		Lot Size (Min. Sq. Ft.)	Lot Size (Max. Sq. Ft.)
		N.A.	2.5 acres
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		30	200
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		5	20
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		5	20
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		10	N/A
	E	Rear Yard Setback (Min. Ft.)	
		30	

	DEVELOPMENT STANDARDS		
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	35
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		60%	30%
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear yard, 5 feet from any lot line or recorded easement whichever is closer	15
Parking Location	G	Parking Location	
		Driveway and Garage	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the HCD	
Signs		Permitted Sign Types	
		One Building Sign; One Accessory Sign; Signs on attached or detached single-family residences not permitted except for home occupations as permitted in Section 1121.01A.(1)(iii)	
Design		Design Standards	
		Front facades shall be composed of no less than 50% of a natural material like brick or stone; or a synthetic natural material balconies and patios shall not extend past the facade and shall be embedded in the structure. See Section 1121.05H; Non-Residential Structure Design Standards for standards applicable to non-residential structures in the HCD	

F. Development Typologies.

- (1) Buildings in the HCD may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	HCD DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	•
Accessory Dwelling Unit	•
Two-Unit Residential	•
Multi-Unit Residential	•
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	•
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.17 SUBURBAN CONSERVATION DISTRICT (SCD).

A. Purpose and Intent.

- (1) The Suburban Conservation District (SCD) is intended to preserve natural features and open space within the city.

B. Desired Development Pattern.

- (1) The desired development pattern in the SCD is a clustered development pattern that promotes passive spaces while introducing varied housing types including both single- unit attached and detached housing. Open- space amenities and residential development should be connected through bicycle and pedestrian trails.

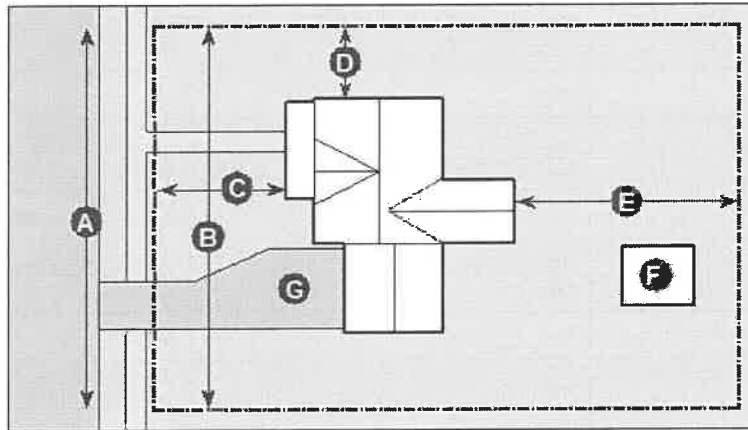
C. Uses.

- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms-Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
AGRICULTURAL		
Backyard Farm	P	1121.02E.
Hobby Farms	P	1121.02E.
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, In Home - Type A	C	
Child Day Care, In Home - Type B	P	
Dwelling, Detached Single-Family	P	
COMMUNICATIONS/UTILITIES		
Power Substation Facility	C	
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	C	
Community Facility, Public Health Safety	P	
OTHER		
Community Facility, Detention and Corrections	C	
Religious Assembly	P	
PARKS & RECREATION		
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Shooting Range, Outdoor	C	
PROFESSIONAL OFFICE		
Studio - Art	C	

D. Development Standards.

- (1) All development in the SCD shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



DEVELOPMENT STANDARDS			
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	25
		Lot Size (Min. Sq. Ft.)	Lot Size (Max. Sq. Ft.)
		N/A	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		N/A	N/A
Density		Units Per Acre (Max.)	
		1	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		20	N/A
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		10	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		20	N/A
	E	Rear Yard Setback (Min. Ft.)	
		40	

	DEVELOPMENT STANDARDS		
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	35
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	50% of Development Plan Area
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		Rear or side yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.	20
Parking Location	G	Parking Location	
		Driveway and Garage	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the SCD	
Signs		Permitted Sign Types	
		Residential Monument sign as permitted in Section 1140F.	
Design		Design Standards	
		Residential front porches must be closer to the front street than the garage; front facades shall be composed of no less than 50% of a natural material like brick or stone, or a synthetic natural material.	

E. Development Typologies.

- (1) Buildings in the SCD District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	SCD DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	•
Accessory Dwelling Unit	•
Two-Unit Residential	
Multi-Unit Residential	
Education/Public Institution	•
Congregation/Community Facility	•
Neighborhood Commercial	
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1111.18 RURAL CONSERVATION DISTRICT 1 (RCD-1).

A. Purpose and Intent.

- (1) The Rural Conservation District (RCD-1) is intended to both promote the conservation of small-scale and low-intensity agriculture and supporting uses within the city, while also intermixing low-density ex-urban housing.

B. Existing Development Pattern.

- (1) The existing development pattern in the RCD-1 is low-intensity farmland and large-lot residential development with single-unit detached residences.

C. Desired Development Pattern.

- (1) The desired development pattern in the RCD-1 is the continuation of existing development patterns, which provide a transition to higher-intensity agricultural uses.

D. Uses.

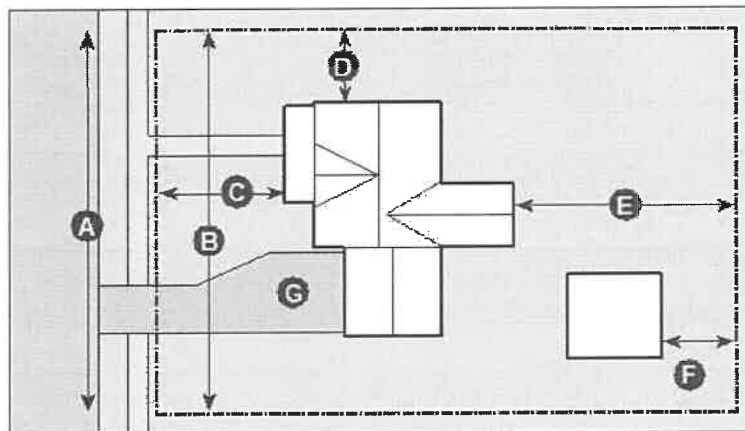
- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
AGRICULTURAL		
Agricultural Retail	C	
Agriculture Tourism	C	
Animal Boarding and Stables	C	
Backyard Farm	P	1121.02E.
Hobby Farms	P	1121.02E.
Wedding Barns	C	
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, In Home - Type A	C	
Child Day Care, In Home - Type B	P	
Dwelling, Attached Single-Family	P	
Dwelling, Residential Care Facility	P	
Dwelling, Detached Single-family	P	
COMMUNICATIONS/UTILITIES		
Power Substation Facility	C	
Wireless Service Facility	C	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	C	
Community Facility, Public Health Safety	P	
OTHER		
Religious Assembly	P	
PARKS & RECREATION		
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Shooting Range, Outdoor	C	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
SERVICES		
Overnight Lodging, Bed and Breakfast	C	
Short-Term Rental	C	
PROFESSIONAL OFFICE		
Studio - Art	C	
RETAIL		
Food Sales, Farm Market	C	

E. Development Standards.

- (1) All development in the RCD-1 shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Chapter 1121 "Generally Applicable Standards."



	DEVELOPMENT STANDARDS		
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	N/A
		Lot Size (acres)	Lot Size (acres)
		N/A	9.99
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		80	N/A
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		30	N/A
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		20	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		40	N/A
	E	Rear Yard Setback (Min. Ft.)	
		40	
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	35
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	N/A
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A

	DEVELOPMENT STANDARDS		
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		10 feet from any lot line or recorded easement	In no case shall the accessory structure be taller than the principal structure
Parking Location	G	Parking Location	
		Driveway and Garage; or other on-site if not visible from the public right of way	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the RCD-1	
Signs		Permitted Sign Types	
		Residential monument sign at subdivision entrance or one Agricultural Monument sign per street front	
Design		Design Standards	
		N/A	

F. Development Typologies.

- (1) Buildings in the RCD-1 District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	RCD-1 DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	
Accessory Dwelling Unit	•
Two-Unit Residential	
Multi-Unit Residential	
Education/Public Institution	
Congregation/Community Facility	•
Neighborhood Commercial	
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21.)

1111.19 RURAL CONSERVATION DISTRICT (RCD-2).**A. Purpose and Intent.**

- (1) The Rural Conservation District (RCD-2) is intended to promote the conservation of agriculture and supporting uses within the city.

B. Existing Development Pattern.

- (1) The existing development pattern in the RCD-2 is unimproved farmland and large-lot residential development with single-unit detached residences.

C. Desired Development Pattern.

- (1) The desired development pattern in the RCD-2 is the continuation of traditional large-lot residential development to conserve the city's agricultural character. The development of traditional subdivisions is also desirable adjacent to major corridors.

D. Uses.

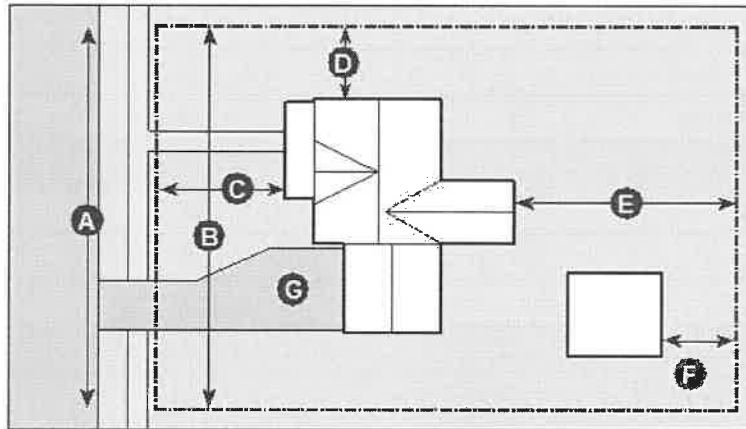
- (1) The following uses are either permitted or conditional uses as indicated in the following chart. For definitions, see Section 1181.02 Glossary of Terms - Uses.

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
AGRICULTURAL		
Agricultural Retail	P	
Agriculture Tourism	C	
Animal Boarding and Stables	C	
Backyard Farm	P	1121.02E.
Camping	C	
Cemeteries	P	
Commercial Greenhouse	P	
Commercial Animal Sales and Feedlots	P	
Concentrated Animal Feeding Facility	P	
Farm Equipment Sales and Services	C	
Hobby Farms	P	1121.02E.
Outdoor Processing, Agriculture	P	
Outdoor Processing, Composting	P	
Wedding Barns	C	

DISTRICT USES (P = PERMITTED, C = CONDITIONAL)		REF. #
RESIDENTIAL		
Accessory Dwelling Unit (ADU)	P	1121.02B.
Child Day Care, in Home - Type A	C	
Child Day Care, In Home - Type B	P	
Dwelling, Detached Single-family	P	
COMMUNICATIONS/UTILITIES		
Power Generation Facility	C	
Power Substation Facility	C	
Wireless Service Facility	P	1121.06
INSTITUTIONAL		
CIVIC		
Community Facility, Activity Center	C	
Community Facility, Public Health Safety	P	
OTHER		
Religious Assembly	P	
PARKS & RECREATION		
Community Facility, Park	P	
Community Facility, Trail	P	
COMMERCIAL		
ENTERTAINMENT/RECREATION		
Shooting Range, Outdoor	C	
SERVICES		
Overnight Lodging, Bed and Breakfast	P	
Short-Term Rental	C	
PROFESSIONAL OFFICE		
Studio - Art	P	
RETAIL		
Antique Shop	C	
Food Sales, Farm Market	P	
Garden Center, Outdoor	C	
INDUSTRIAL		
Landfill	C	
Manufacturing, Artisan	P	
Mineral Extraction/Processing	C	

E. Development Standards.

- (1) All development in the RCD-2 shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses.



DEVELOPMENT STANDARDS			
Dimensions	A	Street Frontage (Min. Ft.)	Project Area (Min. Acres)
		N/A	N/A
		Lot Size (acres)	Lot Size (max acres)
		10	N/A
	B	Lot Width (Min. Ft.)	Lot Width (Max. Ft.)
		200	N/A
Density		Units Per Acre (Max.)	
		N/A	
Setbacks	C	Front Yard Setback (Min. Ft.)	Front Yard Setback (Max. Ft.)
		100	N/A
	D	Side Yard Setback (Min. Ft.)	Side Yard Setback (Max. Ft.)
		30	N/A
		Side Yard Setback (Min. Aggregate Ft.)	Side Yard Setback (Max. Aggregate Ft.)
		N/A	N/A
	E	Rear Yard Setback (Min. Ft.)	
		50	

	DEVELOPMENT STANDARDS		
Height		Building Height (Min. Ft.)	Building Height (Max. Ft.)
		N/A	35
Lot Coverage		Lot Coverage (Max.) - Not Including Paved Areas	Open Space (Min.) Paved Areas Not Included
		N/A	N/A
Use Area		Residential Unit Area (Min.)	Residential Unit Area (Max.)
		N/A	N/A
		Commercial Ground Floor Area (Min.)	Commercial Ground Floor Area (Max.)
		N/A	N/A
Accessory Building	F	Accessory Building Location	Accessory Building Height (Max. Ft.)
		20 feet from any lot line or recorded easement	In no case shall the accessory structure be taller than the principal structure
Parking Location	G	Parking Location	
		Driveway and Garage; or other on-site if not visible from the public right of way	
Drive-Thru		Drive-Thru Location	
		Drive-thrus are not permitted in the RCD-2	
Signs		Permitted Sign Types	
		One Agricultural Monument Sign per Street Front	
Design		Design Standards	
		N/A	

F. Development Typologies.

- (1) Buildings in the RCD-2 District may be constructed in accordance with the following development typologies:

DEVELOPMENT TYPOLOGIES	RCD-2 DISTRICT
Single-Unit Detached (Front Loaded)	•
Single-Unit Detached (Alley Loaded)	•
Single Unit Attached	
Accessory Dwelling Unit	•
Two-Unit Residential	
Multi-Unit Residential	
Education/Public Institution	
Congregation/Community Facility	•
Neighborhood Commercial	
Commercial Retail	
Office Building	
Office/Flex	
Manufacturing/Flex	

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

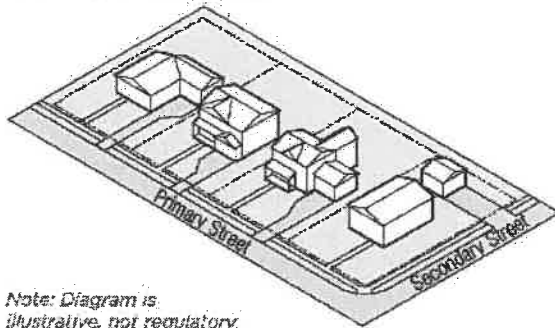
1111.20 DEVELOPMENT TYPOLOGIES.

A. The below-listed building typologies are the building typologies contemplated for new development in the districts described below. New buildings and alterations to existing buildings shall be reviewed in accordance with the development standards contained within this chapter.

Building Typologies	Residential Single Unit District (RSD)	Residential Mixed-Use District (RMX)	Commercial Mixed-Use District (CMX)	Commerce- Manufacturing and Industry District (CMI)	Main Street 48 District (MSD)	Historic Clayton District (HCD)	Suburban Conservation District (SCD)	Rural Conservation Districts (RCD-1 & RCD-2)
Single-Unit Detached (Front Loaded)	•	•			•	•	•	•
Single-Unit Detached (Alley loaded)	•	•			•	•	•	•
Single-Unit Attached	•	•			•	•	•	
Accessory Dwelling Unit	•	•			•	•	•	•
Two-Unit Residential	•	•			•	•		
Multi-Unit Residential		•			•	•		
Education/Public Institution	•	•	•		•	•	•	
Congregation/Commu nity Facility	•	•	•		•	•	•	
Neighborhood Commercial		•			•	•		
Commercial Retail			•	•	•			
Office Building			•	•	•			
Office/Flex				•	•			
Manufacturing/Flex				•				

SINGLE-UNIT DETACHED (FRONT LOADED)

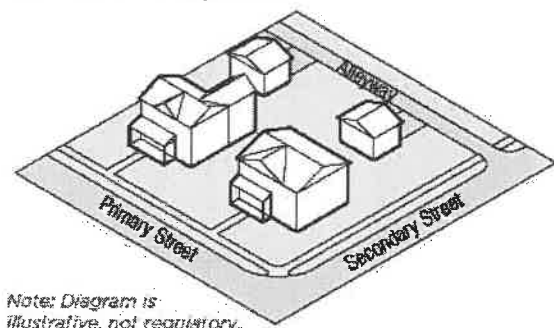
A. Typical Configuration



TYPICAL AXON DIAGRAM

SINGLE-UNIT DETACHED (ALLEY LOADED)

A. Typical Configuration



TYPICAL AXON DIAGRAM

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

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



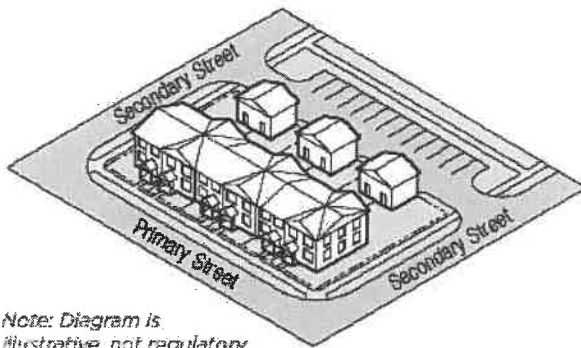
EXAMPLE IMAGES



EXAMPLE IMAGES

SINGLE-UNIT ATTACHED

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

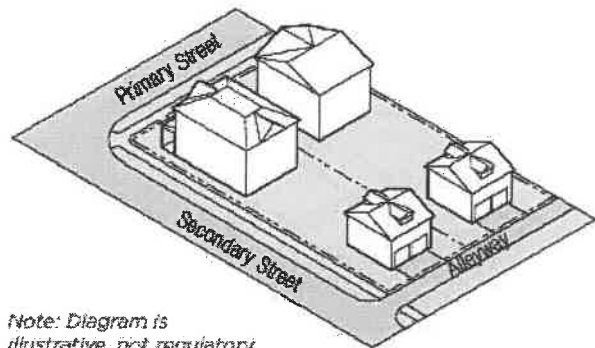
- B. A detached structure with narrow side and street setbacks. Garage access is typically from a rear parking lot or garage, but garages are clearly subordinate to the principal structure.



EXAMPLE IMAGES

ACCESSORY DWELLING UNIT

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

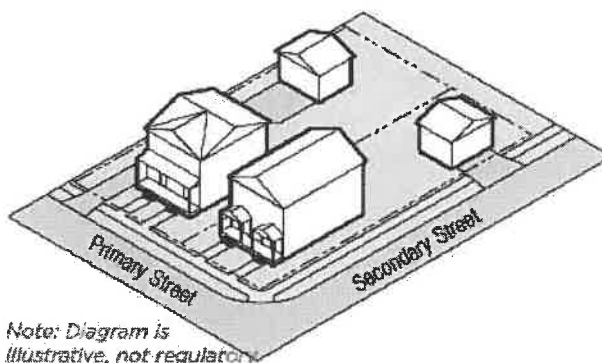
- B. An attached or detached secondary structure that allows for additional dwelling unit(s) on a single property. These may be over a garage, attached to the primary structure, or stand alone units.



EXAMPLE IMAGES

TWO-UNIT RESIDENTIAL

A. Typical Configuration



TYPICAL AXON DIAGRAM

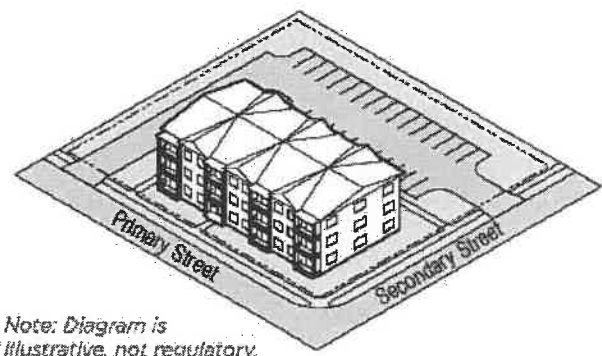
- B. A detached structure with two units that is massed as a single structure. Setbacks can range from narrow to wide and units are typically side-by-side, but may be stacked.



EXAMPLE IMAGES

MULTI-UNIT RESIDENTIAL

A. Typical Configuration



TYPICAL AXON DIAGRAM

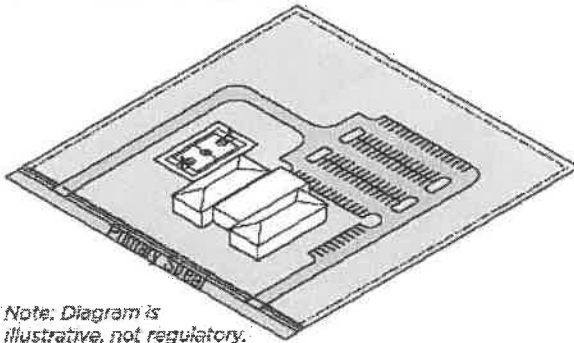
- B. A building with multiple residential units that front an interior corridor, with main access from the primary street. Units can be next to each other (side-by-side), or stacked (top and bottom).



EXAMPLE IMAGES

EDUCATION / PUBLIC INSTITUTION

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

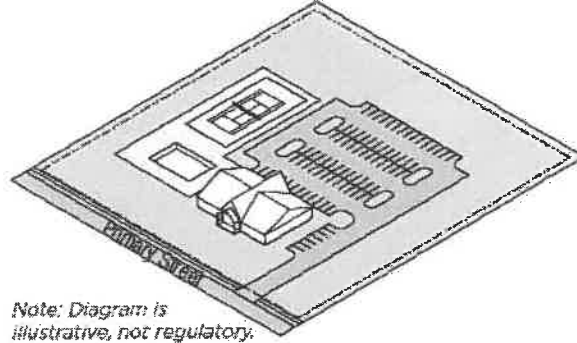
B. An institution or place for instruction or education: such as kindergarten, elementary, middle or junior high school and high school.



EXAMPLE IMAGES

CONGREGATION/COMMUNITY FACILITY

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

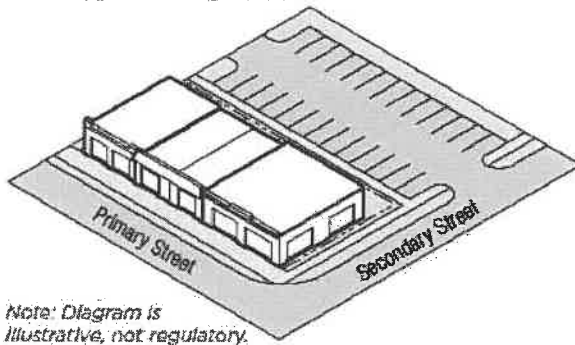
B. Usually a public building where community can gather for group activities, social support, public information, and other purposes. It can be open for the whole community or specialized groups.



EXAMPLE IMAGES

NEIGHBORHOOD COMMERCIAL

A. Typical Configuration



TYPICAL AXON DIAGRAM

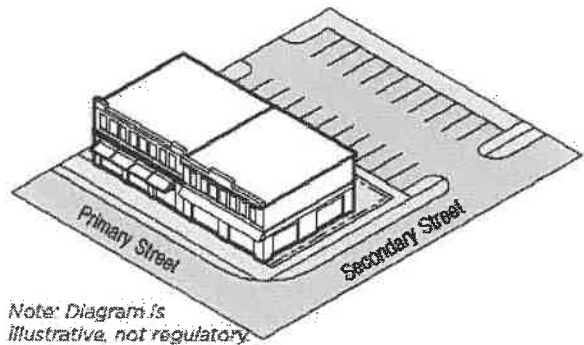
B. Attached or detached structures ranging from one to two stories which can include single or mixed uses. Parking is located in the rear/side of the building accessed from a rear alley when possible.



EXAMPLE IMAGES

COMMERCIAL RETAIL

A. Typical Configuration



TYPICAL AXON DIAGRAM

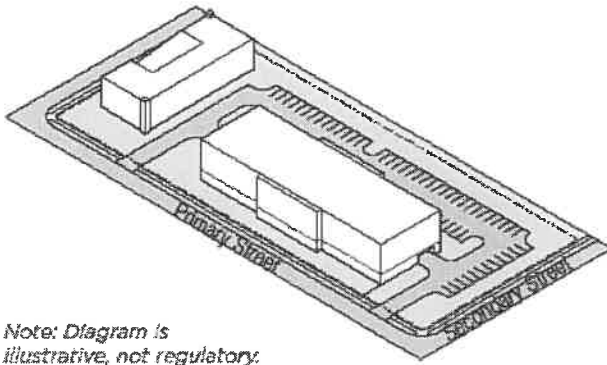
B. Attached or detached structures ranging from one to four stories which can include single or mixed uses. Parking is located in the rear/side of the building accessed from a rear alley when possible.



EXAMPLE IMAGES

OFFICE BUILDING

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

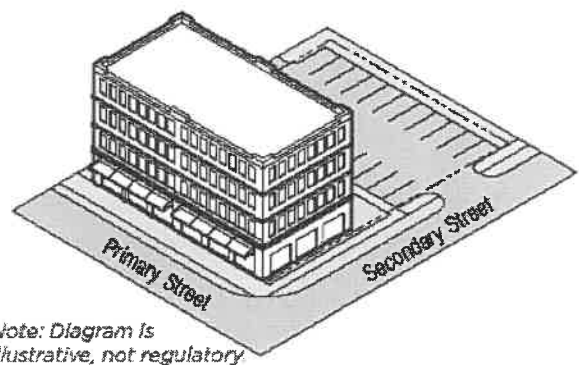
- B. A building used for a single business, service, industry, or like activity, which may include ancillary services. Parking is typically found on the same lot with main access from the primary street.



EXAMPLE IMAGES

OFFICE / FLEX

A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

TYPICAL AXON DIAGRAM

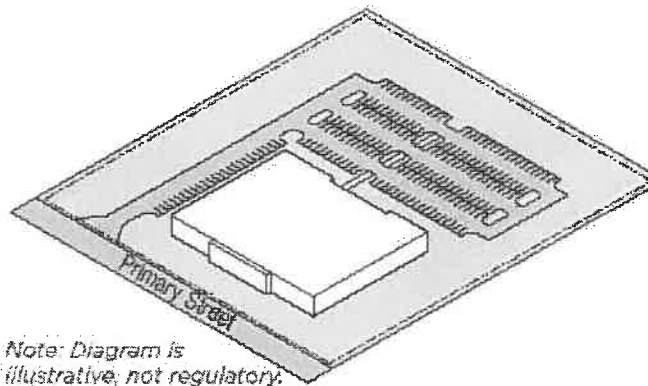
- B. A building used for multiple businesses, services, industries, or like activity which may include ancillary services. Parking is typically found on the same lot with main access from the primary street.



EXAMPLE IMAGES

MANUFACTURING / FLEX

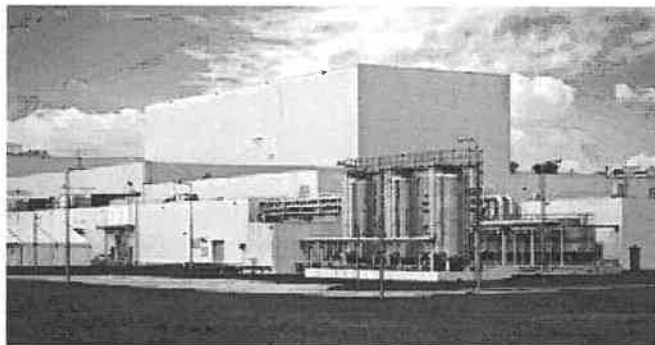
A. Typical Configuration



TYPICAL AXON DIAGRAM

- B. A building that houses manufacturing activity. Facilities for loading and unloading are typically located in the side or rear yard with employee and visitor parking in

the rear yard.



EXAMPLE IMAGES

(Ord. 0-05-21-02. Passed 6-17-21.)

July 2022 Replacement

1111.21 PLANNED DEVELOPMENT DISTRICT (PDD).**A. Purpose.**

- (1) This chapter is intended to permit the creation of Planned Development Districts in accordance with Chapter 713 of the Revised Code of the State of Ohio. Such districts are for the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds, nonresidential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development and renewal. Such regulations need not be uniform, but may vary in order to promote public health, safety, and morals.

B. Development Standards.

- (1) The Development Plan must comply with the following requirements unless specifically waived by the City Council with the recommendation of the Planning Commission:
 - i. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
 - ii. The Planned Development will not jeopardize public health, safety, and morals.
 - iii. The streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development. Traffic control signals/signs will be provided without expense to the City of Clayton when the City Engineer determines that such signals/signs are needed on or off site to prevent traffic hazards or congestion generated by the development.
 - iv. The development will not impose an undue burden on public services and facilities, such as fire and police protection.
 - v. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and morals.
 - vi. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the Planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

C. Area Requirements.

- (1) Two (2) acres shall be the minimum land area for a Planned Development.

D. Planning Requirements.

- (1) The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence, or other dangers, annoyances, or inconveniences.
- (2) The site shall have direct access to a major street and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four (4) dwelling units per acre or less.

- (3) Utilities and public facilities shall be developed at no cost to the public.
- (4) The development shall provide for efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities.
- (5) There shall be an appropriate relationship of space inside and outside buildings to intended uses and structural features.
- (6) Provision shall be made at points of ingress, egress and within the districts to insure a free and safe flow of vehicular and pedestrian traffic.
- (7) Common open space may be required.
- (8) Off-street parking for more than three (3) cars, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage shall be properly screened.

E. Off-Street Parking and Loading.

- (1) The off-street parking minimums in Chapter 1121 shall act as a guide when identifying the PDD parking requirements. Parking minimums shall be reduced where shared parking can be incorporated.

F. Procedure.

- (1) Submission of Application
- (2) The owners) or lessee(s) of a tract of land may request that the Zoning District Maps be amended to include such tract in one of the Planned Development Districts. Such amendment shall be processed, noticed and heard in the manner prescribed in Section 1141.10 and as described herein.
- (3) The applicant is encouraged to engage in informal consultations with staff prior to preparing their plans, it being understood that no statement or representations by a member of staff shall be binding upon either the Planning Commission or other approval body.
- (4) An application for a Planned Development may be processed, noticed, and heard by the Planning Commission concurrently with an application for a proposed subdivision or resubdivision of the same property pursuant to the Subdivision Regulations of the City of Clayton.
- (5) The following options are available at the applicant's discretion:
 - i. Submission of a Preliminary Development Plan, processed in the manner described herein, and the subsequent submission of a Final Development Plan for any portion of the approved Preliminary Development Plan the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in this Section.
 - ii. Submission of a Final Development Plan without a Preliminary Development Plan. A Final Development Plan so submitted shall be processed in the manner described herein.
- (6) No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is chosen by the applicant.

G. Submission of Preliminary Development Plan.

- (1) Two (2) copies of the Preliminary Development Plan and one (1) 8 1/2" X 11" photostat of the Preliminary Development Plan shall be submitted and shall include in text and map form:

- i. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
- ii. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and blocks if any, proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, proposed access points, proposed parking and drives, and proposed buffers.
- iii. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development.
- iv. In the case of a Residential Planned Development, the proposed density to which the Development shall be limited.
- v. In the case of Office, Business, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development.

H. Action by the Planning Commission.

- (1) The Planning Commission shall hold a public hearing on the Preliminary Development Plan as provided by this Code. Such public hearing shall consider all aspects of the Preliminary Development Plan including all proposed stages and/or units of development. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. The Commission shall prepare and transmit to the City Council and to the applicant, its recommendation and specific findings of fact with respect to the extent to which the Preliminary Development Plan complies with the standards set out in this section and the district for which the change has been requested. Copies of the findings and recommendations of the Commission shall be made available to any other interested person.

I. Action by City Council.

- (1) The City Council shall hold a public hearing on the Preliminary Development Plan as provided by this Code. If the application is granted, the area of land involved shall be redesignated as a "Planned Development" District (PDD) by Code. The Code shall include conditions and/or restrictions to the plan that may be imposed by the City Council.
- (2) Such approval does not, however, constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of required zoning certificates shall be dependent upon approval of the Subdivision Plan as set forth in Chapter 1161 when applicable.

J. Submission of a Final Development Plan in Accordance with an Approved Preliminary Development Plan.

- (1) A Final Development Plan may be filed for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan. The filing fee shall be the same as that required for a change in zoning district.

One (1) full size copy, six (6) 11" x 17" copies, and pdf (digital) copy of the Final Development Plan shall be submitted and shall include in text and map form:

- i. Any changes necessary to the survey described in the Preliminary Development Plan
- ii. A site plan showing the exact location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening and areas to be left in their natural state.
- iii. A statement of the proposed total gross floor area, and the percentage of the site which is to be occupied by structures.
- iv. Sketches of the proposed structures and landscaping.
- v. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- vi. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
- vii. In the case of Office, Business, or Industrial Planned Development a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.
- viii. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- ix. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
- x. One copy of the Preliminary Plan.

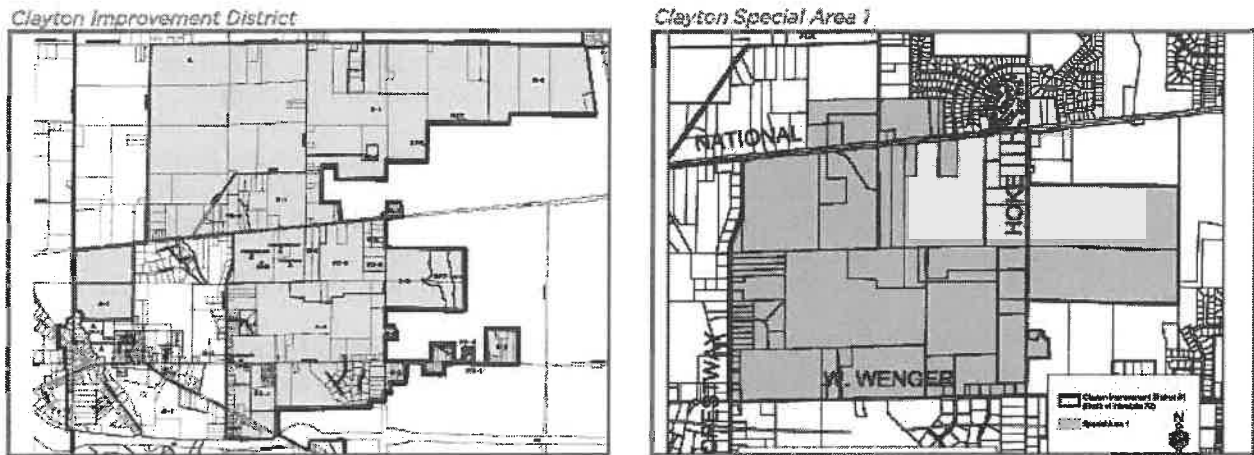
K. Action by the Planning Commission.

- (1) The Planning Commission shall hold a public hearing on the Final Development Plan as provided by this Code. Such public hearing shall consider all aspects of the Final Development Plan including all proposed stages and/or units of development. The Commission shall recommend that City Council approve, approve with conditions, or disapprove the Final Development Plan. The Commission shall prepare and transmit a resolution of their findings and recommendations to City Council. A copy of the findings and recommendations of the Commission shall be made available to any other interested person.

- L. Submission of Final Development Plan without and Approved Preliminary Plan.
- (1) The applicant need not file a Preliminary Development Plan if filing a Final Development Plan for the entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed in Section 1141.10. Two (2) copies of the Final Development Plan and one (1) 8 1/2 x 11" photostat of the Final Development Plan shall be submitted and shall include in text and map form:
- i. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
 - ii. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening and areas to be left in their natural state.
 - iii. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
 - iv. Sketches of the proposed structures and landscaping.
 - v. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted.
 - vi. When a Planned Development provides for common opens space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
 - vii. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development.
 - viii. In the case of Office, Business, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development.
 - ix. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
 - x. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

- M. Action by the Planning Commission.
- (1) The Planning Commission shall hold a public hearing on the Development Plan as provided this Code. Such public hearing shall consider all aspects of the Development Plan including all proposed stages and/or units of development. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. The Commission shall prepare and transmit to the City Council and to the applicant, its recommendation and specific findings of fact with respect to the extent to which the Development Plan complies with the standards set out herein. Copies of the findings and recommendations of the Commission shall be made available to any other interested person.
- N. Action by the City Council.
- (1) The City Council shall hold a public hearing on the Development Plan. If the application is granted, the area of land involved shall be redesignated as a "PD" District (PDD) by this Code. The Code shall include conditions and/or restrictions to the plan that may be imposed by the City Council.
 - (2) Such approval does not, however, constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of required zoning certificates shall be dependent upon approval of the Subdivision Plan as set forth in Chapter 1161 when applicable.
- O. Subdivision Plan Required.
- (1) No zoning certificate shall be issued for any structure in any portion of a Planned Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the County.
 - (2) This requirement may be waived by the Planning Authority when it is deemed that a subdivision plat is not required.
- P. Modifications.
- (1) Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date. Such modifications shall have the recommendation of the Planning Commission and approval by the City Council without additional public hearings. Owners of property within three hundred (300) feet of the area in question will be mailed notice of the time at which the Commission will review the request for modification. Such notice will be mailed at least seven (7) days prior to such review by the Commission.
 - (2) Modification to the Final Development Plan shall not deter from the general intent and purpose as ordinarily approved by the City Council. No modifications, unless approved by the City Council, shall be approved that will increase density or intensity, decrease parking and loading areas, reduce useable open space or reduce distance between structures and the perimeter property lines.
 - (3) If the modification is approved, the Final Development Plan will be changed to reflect the modification and notice will be sent to the Building Inspection Department and Zoning Administrator.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1111.22 CLAYTON IMPROVEMENT DISTRICT #1 OVERLAY (CID-1).



- A. Purpose.
- (1) It is the purpose of the Clayton Improvement District #1 Overlay District, hereafter referred to as the CID1-O, to allow for flexibility in zoning when the result will be the development of a compact neighborhood development with the following emphases:
- i. Connectivity with the Clayton Towne Center;
 - ii. Unified architectural themes that will allow for freedoms in design and building materials while clearly creating an integrated neighborhood;
 - iii. Neighborhoods, activity areas, and open space around a well-designed transportation network where pedestrian activity is strongly supported;
 - iv. The support of commercial uses in the Towne Center;
 - v. To ensure quality development; and
 - vi. An emphasis on people and neighborhoods where they live and play, and a design where open space, public and institutional uses, and recreational uses are interwoven into the fabric of the overall neighborhood context.
- B. Applicability.
- (1) Unless otherwise noted or exempted, the regulations of this chapter shall apply to all development in the Clayton Improvement District #1, north of Interstate 70 and east of Barnes Road, as illustrated on the official Zoning Map.
- C. General Provisions.
- (1) Planned Development Required.
- i. Any development of land, or assemblage of land, with an area of five (5) acres or more, or where more than five (5) lots will be created, shall be developed as part of a planned development under this Zoning Code.

- (2) Submittal Requirements.
 - i. In addition to the submittal requirements of the planned development, applicants shall be required to submit all maps, sketches, and information necessary to illustrate that new development will meet the provisions of this chapter.
- (3) Uses.
 - i. Uses shall be regulated by the underlying zoning district, planned development district, and any applicable regulations of this chapter.
 - ii. Unless otherwise modified by the planned development review process in accordance with this chapter, the maximum suggested gross density of residential development shall be two and five-tenths (2.5) units per acre.
 - iii. In order to create open space, there shall be a minimum lot area requirement of 5,000 square feet for single-family detached dwellings.
 - iv. The Planning Commission and City Council may approve additional uses if they meet the purpose and intent of the City of Clayton Land Use Plan as it relates to the subject property.
- (4) General Design Standards.
 - i. The entire land area of a development shall be divided into blocks, streets, lots, public spaces. The blocks, streets, and lots should be organized into a network of interconnected streets to the maximum extent feasible.
 - ii. Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots that front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
 - iii. All uses shall be conducted within complete enclosed buildings unless otherwise specified.
 - iv. All setbacks shall be established through the planned development process.
 - v. All utilities shall be located underground to the maximum extent feasible.
- (5) Anti-Monotony Requirements.
 - i. Single-family or two-family dwellings in proximity to each other on the same street shall not look alike. For the purposes of this requirement, "dwellings in proximity" shall mean the lot on either side of the subject property and the lots directly across the street from those three lots.
 - ii. Residential dwellings shall differ from one another in two of the following:
 - (a) Wall or siding materials;
 - (b) Architectural style;
 - (c) Major addition features such as porches or turrets;
 - (d) Roof type or shape;
 - (e) Building footprint; or
 - (f) Window and door orientation.

(6) Floor Plan/Elevation Review.

- i. In addition to the anti-monotony standards above, the applicant shall submit illustrations and information on the floor plans, in particular, the building elevations for dwelling units as part of the submittal requirements.
- ii. The Planning Commission shall have the authority to review and approve or deny the use of certain floor plans and elevations for use in approved planned developments. However, such decision shall only be made based on the external appearance of the floor plan and not the internal layout of the dwelling.
- iii. Applicants may seek approval of additional floor plans, after initial approval of the planned development, by submitting the proposal floor plans to the Planning Commission for review in accordance with this section.
- iv. The Planning Commission shall review the floor plans:
 - (a) To ensure compliance with the building material requirements of Clayton Improvement District #1;
 - (b) To encourage building designs where garages are side entry, rear entry, or in the cases of front entry garages, ensure that the garages are flush with the front of the building or setback so they do not protrude in from the front facade line; and
 - (c) To ensure a diversity of housing styles that will comply with the anti-monotony standards above.

D. Provisions for Special Area 1.

(1) Establishment of Special Area 1.

- i. Special Area 1 is hereby established as part of the CID1-0 and all development within this area shall be subject to the provisions of this section.

(2) Permitted Uses and Density.

- i. The maximum gross density of residential use permitted in this area shall be two and five-tenths (2.5) units per acre if only the minimum public space requirements are met.
- ii. The Planning Commission and City Council may permit a maximum gross density of four units per acre provided that the applicant provides a minimum of twenty percent (20%) public space that meets the standards herein.
- iii. The primary use of this area should be single-family detached dwellings.
- iv. A maximum of twenty percent (20%) of the dwelling units may be attached housing provided the dwellings are attached through common walls with individual exterior entrances for each unit. Such units should be focused around the Towne Center, Hoke Road, or National Road.
- v. Nonresidential uses may only be permitted when such use conforms with the City of Clayton Land Use Plan or any amendment thereto.

- (3) Vehicular and Pedestrian Circulation.
- i. A maximum of twenty-five percent (25%) of the lots in a development may front on a street that ends in a cul-de-sac or dead end unless otherwise approved by the Planning Commission due to unique topography or other hardships.
 - ii. The use of alleys to access parking areas or garages in the rear yard is allowed provided that the applicant can demonstrate that the alleys will be maintained through deed restrictions or other covenants.
 - iii. Street and sidewalks shall be designed to provide for the safe and functional movement of both vehicles and pedestrians on and off-site.
 - iv. Pedestrian circulation between parcels is encouraged.
 - v. Sidewalks shall be provided on each side of every street and shall be creatively developed to interconnect different land use areas and open spaces.
 - vi. Pedestrian connections shall be provided between sidewalks and buildings.
 - vii. Sidewalks in residential areas shall be a minimum of four feet in width.
 - viii. Sidewalks in all commercial areas north of National Road shall be a minimum of six (6) feet in width.
 - ix. Gates and fences shall be prohibited across all public streets and alleys.
- (4) Landscaping and Buffering.
- i. Street trees shall be provided within tree lawns located between the sidewalk and the street. The tree lawns shall be a minimum of five (5) feet in width and the trees shall be of a species that is suitable for such tree lawns.
 - ii. Buffering between nonresidential uses and residential uses shall be required and shall meet the requirements of Section 1121.05L, unless modified through the Planned Development process.
 - iii. Parking areas and driveways for nonresidential uses shall be landscaped with shrubs, trees, or tree groupings.
 - iv. For nonresidential uses, a minimum of six percent (6 %) of the total interior parking lot area shall be landscaped with planted islands. A minimum of one tree and two shrubs shall be planted in interior islands for every 2,500 square feet of parking lot. The islands should be located as to break up large expanses of pavement.
 - v. A landscape plan shall be submitted with the planned development to illustrate compliance with these requirements and shall include indications of a maintenance plan.
 - vi. A lighting plan shall be submitted with the Final Development Plan to demonstrate that all outdoor lighting of buildings, parking areas, or signage, shall not have a negative impact on adjacent properties.
- (5) Fences.
- i. General fencing requirements shall be established in this Zoning Code.

- ii. Fencing may be permitted in the front yard of a nonresidential use only if the intent is to separate outdoor dining areas from parking or a sidewalk.
 - iii. The construction materials and colors of walls and fences on nonresidential properties shall be uniform and compatible with the architectural style, color, and building materials of the principal building and its surroundings unless the wall or fence is not visible from a public right-of-way.
 - iv. Chain link fences are permitted only when they are located in a rear yard.
 - v. Barbed wire, razor wire, barbs, spikes, and similar elements of fencing are prohibited.
- (6) Public Space Requirement.
- i. For all planned developments with more than twenty-five (25) acres, a minimum of five percent (5%) of the project area shall be reserved as improved public spaces. Improved public spaces shall be approved by the Planning Commission and may include:
 - (a) Playgrounds and improved parks;
 - (b) Community centers;
 - (c) Swimming pools;
 - (d) Improved ponds;
 - (e) Picnic facilities;
 - (f) Public plazas that may serve as gathering places for residents;
 - (g) Other improved areas that may be used by the public as approved by the Planning Commission.
 - ii. For all planned developments with more than twenty-five (25) acres, an additional ten percent (10%) of the project area shall be reserved as common spaces that may include natural areas, common open spaces, or additional public spaces.
 - iii. For planned developments with more than twenty-five (25) acres that will include high densities of residential development, a minimum of fifteen percent (15%) of the project areas shall be reserved as common open spaces in addition to the five percent (5%) public space requirement of this Section.
 - iv. All public spaces shall be protected and maintained by a homeowners' association.
 - v. All documents of incorporation of a homeowners' association and initial bylaws are subject to review by the City to ensure that all public spaces will be adequately maintained.
- (7) Non-Residential Uses.
- i. Nonresidential uses shall only be permitted north of National Road per the amended land use plan.
 - ii. Public utilities and essential services are exempt from the requirements of this chapter.
 - iii. Nonresidential land uses shall be subject to the design requirements of this Code.

- iv. Any commercial use that encourages patrons to remain in their automobiles while receiving goods or services, manufacturing, storage or distribution as a primary use shall be prohibited in the CID1-0.
- v. All dumpsters, mechanical equipment, service entrances, loading areas and outdoor storage shall be screened from view by materials compatible with those used in the building.
- vi. Outside storage of raw material, finished products, and equipment must be visually screened from all sides visible from any public right-of-way. The screening shall be architecturally compatible with the principal building.
- vii. Locate outdoor storage out of view from the public rights of way where possible, preferably behind the main building.
- viii. Outdoor sales and conditions of the sales may be permitted at the discretion of the Planning Commission through the planned development process.
- ix. Loading spaces shall be screened from public rights of way.
- x. All nonresidential uses shall be subject to the minimum off-street parking requirements of this Zoning Ordinance unless modified through the planned development process.
- xi. No more than two (2) bays of parking may be located between a nonresidential building and the street.
- xii. One ground-mounted sign or projecting sign may be permitted per parcel on a nonresidential lot. Such sign shall comply with the nonresidential sign standards in Section 1121.05(F)
- xiii. Wall signs shall comply with the nonresidential sign standards in Section 1121.05(F)
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

CHAPTER 1121
Generally Applicable Regulations

1121.01	Overview.	1121.04	Short-term rental standards - applicable anywhere permitted.
1121.02	Standards generally applicable to detached single-family and attached single-family uses.	1121.05	Halfway house standards - applicable anywhere permitted.
1121.03	Parking and storage of automobiles, trucks, trailers, recreational vehicles and equipment in all districts.	1121.06	Standards generally applicable to non-single-family uses.
		1121.07	Wireless service facilities.
		1121.08	Adult use cannabis and marijuana related operations.

1121.01 OVERVIEW.

A. General Health and Safety Standards.

- (1) The following general health and safety standards shall apply to the use of all property in the City:
 - i. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, heat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
 - ii. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
 - iii. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be detectable at any point along the lot lines.
 - iv. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
 - v. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
 - vi. No use shall produce erosion, ponding of water, changing of water flow, or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.

- vii. No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- viii. Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood shall not be present or accumulate on any property, or the storage or parking of any inoperable vehicle or junk vehicles as those terms are defined herein.
- ix. This subsection shall not be construed as prohibiting any of the following:
 - (a) The outdoor storage of bona fide farm equipment, farm implements, or farm vehicles, provided such items are being used for ongoing farm operations and are otherwise in compliance with all other applicable ordinances;
 - (b) A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or cosigned to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for sale or delivery; or
 - (c) A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, if the repair shop or impoundment facility has all licenses or registrations required by the State of Ohio, and all zoning permits required by the City.

B. Organization of Generally Applicable Standards.

- (1) The generally applicable regulations have been organized within this chapter as follows:
 - i. Overview;
 - ii. Standards Generally Applicable to Detached Single-Family and Attached Single-Family Uses;
 - iii. Standards Generally Applicable to Non-Single-Family Uses; and
 - iv. Regulations Generally Applicable to all Uses.(Ord. 0-05-21-02. Passed 6-17-21.)

1121.02 STANDARDS GENERALLY APPLICABLE TO DETACHED SINGLE-FAMILY AND ATTACHED SINGLE-FAMILY USES.

A. Home Occupations.

- (1) A zoning certificate is not required prior to the operation of a home occupation. Home occupations shall be subject to the following standards:
 - i. Home occupations shall clearly be subordinate and incidental to the primary use of the property as a residence;

- ii. No more than twenty-five percent (25%) of the gross floor area of the dwelling, including accessory structures, may be utilized for the home occupation;
- iii. The external appearance of the residence may not be altered to accommodate the home occupation with the exception of one sign no larger than two square feet;
- iv. Outdoor storage of any kind, including products, materials or equipment, is prohibited;
- v. Noise, vibration, smoke, dust, odor, heat, light, glare, radiation, or electromagnetic disturbance generated by the home occupation by any means is prohibited;
- vi. Not more than one (1) person that is not an occupant of the residence on premises may be employed by the home occupation;
- vii. Customers or visitors of the home occupation may not enter the premises before 8:00 am or after 6:00 pm; and

B. Accessory Dwelling Units (ADU).

- (1) A zoning certificate is required prior to the construction of an accessory dwelling unit. An ADU may be created through new construction, conversion of an existing structure, addition to an existing dwelling, or conversion of an existing dwelling to an ADU while simultaneously constructing a new primary dwelling on the site where both structures comply with all applicable zoning regulations. The following standards apply:
 - i. Only one ADU is permitted per single-family lot;
 - ii. The ADUs exterior finish materials must be the same as the exterior finish materials of the primary dwelling;
 - iii. No accessory dwelling unit shall exceed 864 square feet except where a rear yard exceeds 20,000 square feet in area. In this case, the size of the accessory dwelling unit may be increased by five percent (5%) of the rear yard area over 20,000 square feet. In any event, an accessory dwelling unit shall not exceed 1,800 square feet, nor be larger in area than the primary structure;
 - iv. Both the primary residence and the ADU shall be served by one residential utility connection and one meter and all utilities extended to serve the ADU must be underground;
 - v. The ADU shall have access to one (1) on-site parking space to be located on a driveway or within a garage on the property; and
 - vi. The ADU may be attached or detached from principal structure. If detached, the ADU shall be located in rear yard only and comply with accessory structure standards.

C. Accessory Structures.

- (1) A zoning certificate is required prior to the construction of an accessory structure. The following standards apply to accessory structures on lots containing single-family residential dwellings:
 - i. Up to two (2) accessory structures are permitted on a single lot; only one of which may exceed 200 square feet, with the exception of properties in the Rural Conservation District, on which both accessory structures can be larger than 200 square feet, in compliance with subsection vi. below;

- ii. Accessory structure(s) shall be located in the rear yard only;
- iii. Any utilities to service accessory structure shall be underground;
- iv. Accessory structures may not be located within five (5) feet of the primary structure and shall be no closer than five (5) feet to any lot line and not within any recorded easement. An accessory structure located adjacent to a side street shall not be closer to the side street lot line than the required side yard setback for the principal structure;
- v. Accessory structures may be constructed only in conjunction with or after construction of the primary structure on the site with the exception of agricultural properties, which are exempt from this standard; and
- vi. No accessory structure shall exceed 864 square feet except where a rear yard exceeds 20,000 square feet in area. In this case, the size of the accessory structure may be increased by five percent (5%) of the rear yard area over 20,000 square feet. In any event, an accessory structure shall not exceed 1,800 square feet.

D. Swimming Pools.

- (1) A zoning certificate is required prior to the construction of a swimming pool or pool house. Swimming pools are not considered an accessory structure; applicable standards are as follows:
 - i. Only one (1) swimming pool and one (1) pool house is permitted per property;
 - ii. The swimming pool and pool house shall be located in the rear yard only and shall be setback a minimum of fifteen (15) feet from the primary structure and any lot line; and not within any recorded easements;
 - iii. The pool house shall be considered an accessory structure and shall count toward the maximum number of accessory structures on site;
 - iv. The swimming pool shall be surrounded by a wall or fence no less than five feet high with a locked gate to prevent uncontrolled access; and
 - v. A pool house shall not exceed 200 square feet in size.

E. Keeping of Farm Animals within Residential Districts.

- (1) Hobby Farms, as defined in Chapter 1181, are permitted on a parcel of five (5) acres or more and do not require a zoning certificate.
 - i. Large farm animals, as defined in Chapter 1181, shall be permitted.
- (2) Backyard farms, as defined in Chapter 1181, shall be permitted if the following conditions are met. A zoning certificate is required for any backyard farm on property of two (2) acres or less:
 - i. No more than one (1) small farm animal shall be kept on a parcel of land for each 100 square feet of enclosed pen/yard;
 - ii. A maximum of six (6) small farm animals, may be kept on the property at any given time;
 - iii. Small farm animals shall be kept in a coop, enclosed exterior pen/yard or other similar enclosure situated no closer than fifteen (15) feet from side and rear property lines. The applicant and/or property owners shall be responsible for providing evidence of the location of property lines and fifteen (15)-foot setback. A survey may be required at the Zoning Administrator's discretion;

- iv. All coops, exterior pens/yards, stored feed and manure shall be placed in rear yard only;
- v. Small farm animals shall be confined to coop, enclosed exterior pen/yard or similar enclosure at all times; animals shall not be allowed to freely pasture on the property;
- vi. Small farm animals shall be provided with enclosed house or coop, properly ventilated; minimum two (2) square feet per animal;
- vii. All winged animals shall be clipped;
- viii. Coops and enclosed exterior pens/yards shall be kept clean, dry, free of odor, and free of accumulated manure;
- ix. Stored feed and manure shall be kept in an air-tight container with sealable lid and situated no closer than fifteen (15) feet from side or rear property line;
- x. No small farm animals shall be butchered or processed within public or neighboring view;
- xi. No person operating a backyard farm in a residential zoning district shall own, keep, or harbor a rooster;
- xii. Off-premise and on-premise signs are not permitted;
- xiii. No person operating a backyard farm in a residential zoning district shall sell products produced by a small farm animal.
- xiv. Fences shall be a maximum of six (6) feet in height and comply with this Code;
- xv. Small farm animals shall be kept in compliance with all applicable provisions of Chapter 505 of the Codified Ordinances; and
- xvi. The property shall be inspected on an annual basis for continued compliance and if in compliance, a Renewal Certificate of Completion will be issued. If the property is not in compliance, then it must be brought into compliance within the time frame specified by the Code Enforcement Officer in order to obtain a Renewal Certificate of Completion.

F. Ponds.

(1) The following regulations shall apply to ponds, as defined in Chapter 1181, which require a zoning certificate; these regulations do not apply to pre-manufactured or inner lined ponds that do not exceed 200 square feet and are exempt from this code:

- i. Ponds may be constructed on a single lot of greater than two (2) acres in total area and no closer than fifty (50) feet from a property line, easement, or right-of-way;
- ii. The pond shall be constructed in accordance with Montgomery County Soil and Water Conservation District regulations and recommendations; and
- iii. All plans shall be approved by the City of Clayton Development Department and Montgomery County Soil and Water Conservation District. Following construction, all ponds must be certified by the Montgomery County Soil and Water Conservation District, including seeding.

G. Garage Sales.

(1) Garage sales (including patio, basement, yard, or block sales) shall be permitted on any lot containing a single-family dwelling and not in any public right-of-way or easement, and subject to the following regulations:

- i. Garage sales may be held from 8:00 a.m. to sundown;
- ii. No sale may extend for more than three (3) consecutive days (or portion thereof);
- iii. Garage sales may be advertised by sign twenty-four (24) hours in advance of said sale and shall be placed only on the property at which the sale is to occur. Off-premise signs are not permitted;
- iv. No more than two (2) garage sales per single-family dwelling may be held on any calendar year;
- v. No person conducting a garage sale under the provisions of this chapter shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Public Health Dayton & Montgomery County;
- vi. No fee or other charge shall be imposed upon members of the public attending any such sale;
- vii. Ballots, balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale; and
- viii. Estate auctions and moving sales shall be permitted not more than one (1) week per calendar year, provided that such estate auction is made necessary for settling the estate of the resident, or provided that such moving sale is made necessary when a resident is moving away from that dwelling.

H. Residential Driveways.

- (1) In compliance with Section 904.06(e) of the City of Clayton Codified Ordinances, all residential driveway approaches must be constructed with concrete.
- (2) Residential driveways, from the back edge of the driveway approach to the primary structure, shall be constructed of a durable and dustless hard surface of asphalt, concrete, or other suitable material capable of withstanding 1,000 pounds per square inch (psi); except:
 - A. On lots with an area of three (3) acres or more, gravel may be used for driveways leading back to detached accessory structures, with the following conditions:
 - i. Gravel shall only be permitted as a driveway material starting behind the primary structure and leading to the door or access area of the accessory structure.
 - ii. Vehicles shall not be parked or stored on any part of a driveway that is graveled.

I. Fences and Walls.

- (1) A zoning certificate is not required for fences or walls.
- (2) Fences and walls shall not violate the sight distance requirements, which apply to the visibility triangle as defined in Chapter 1181.
- (3) Fences and walls shall not be installed within any recorded easements, nor shall they block or divert natural or designed stormwater flow.

- (4) All fences are to be installed with the finished (or face) side out. If a condition exists on the property that would prevent the owner from reasonably complying with this requirement, the affected fence panels may be installed unfinished side out at the Zoning Administrator's discretion.
- (5) Fences and Walls in the rear and side yard shall be:
 - i. Designed for privacy or containment including normal fencing materials; such as wood, vinyl, chain link, or other material as approved by the Zoning Administrator;
 - ii. A minimum opacity of seventy-five percent (75%);
 - iii. Located up to the side and rear property lines; and
 - iv. Maximum of six (6) feet in height.

J. Landscaping.

- (1) No part of any newly planted tree shall be located within any recorded easement.
- (2) The unfinished front and side foundation walls of the principal structure shall be shielded with landscaping.

K. Exterior Lighting.

- (1) Exterior lights shall be shielded and shall not directly cast light onto neighboring properties.

L. Portable Storage Units or Any Enclosed Unit Designed for Temporary Storage that is Transportable.

- (1) A zoning certificate is required prior to the placement of any unit.
- (2) Portable Storage Units shall be permitted for temporary loading or unloading of personal belongings for a period no longer than ninety (90) consecutive days per calendar year.
- (3) Units shall be placed on a hard service like a driveway and not on the grass.

M. Dumpsters, Roll-off.

- (1) A zoning certificate is required prior to the placement of any dumpster.
- (2) Dumpsters are permitted for a period no longer than fourteen (14) consecutive days at one time with a maximum of twenty-eight (28) total days per calendar year for the clean-up or restoration of a property.
- (3) Dumpsters shall be placed on a hard surface like a driveway and not on the grass.

N. Care Facilities.

- (1) Residential care facilities, as defined by the Ohio Revised Code, shall be permitted in any district in the City, subject to the following standards:
 - i. Suitable space shall be provided for indoor and/or outdoor recreational activities for the number of residents at the care facility;
 - ii. All new structures proposed shall be compatible with the residential design of the surrounding neighborhood;
 - iii. All exterior lighting shall be shielded to prevent glare at four (4) feet in height at any property line;
 - iv. The site must meet all applicable zoning requirements for yard, parking and sign regulations of the district in which it is located; and

- v. Prior to issuance of a final certificate of completion, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed use, if such license is required by a governmental body or unit.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1121.03 PARKING AND STORAGE OF AUTOMOBILES, TRUCKS, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT IN ALL DISTRICTS.

The parking and storage of automobiles, trucks, trailers, recreational vehicles and equipment in all districts shall be subject to the following regulations, unless otherwise permitted by the specific zoning district standards:

- (a) The parking or storage of a vehicle or motor vehicle off a paved surface for longer than forty-eight (48) hours is not permitted in any residential or commercial district or property used for a residence or business. This includes vehicles displayed "For Sale";
- (b) Vehicles displayed "For Sale" on a property must have been registered to a resident or business at the property on which the vehicle is displayed for not less than ninety (90) days prior to displaying it "For Sale";
- (c) Paved surface shall mean a durable and dustless hard surface of asphalt, concrete, or other suitable material capable of withstanding 1,000 pounds per square inch (psi);
- (d) Outdoor parking and storage of trucks with a load hauling capacity of over one (1) ton, and/or greater than eight (8) feet in height is prohibited. This does not include camping and recreational equipment which are regulated in subsections (e) through (g) hereof. This regulation also does not apply to temporary truck parking for the delivery of goods and/or services.
- (e) Parked or stored camping and recreational equipment shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes;
- (f) If camping, recreational equipment or trailers are parked or stored outside of a garage, they shall be parked or stored no closer to the street than the nearest foundation line of the residence and shall be parked on hard dustless surface; and
- (g) Notwithstanding the provisions of subsection (f) hereof, camping and recreational equipment may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than forty-eight (48) hours.
(Ord. 0-02-22-04. Passed 3-3-22.)

1121.04 SHORT-TERM RENTAL STANDARDS - APPLICABLE ANYWHERE PERMITTED.

A. Purpose.

- (1) To prevent long-term rental units from being replaced with Short-Term Rentals and protect affordable housing units from conversion.
- (2) To preserve and protect neighborhood character and livability from nuisances that are often associated with Short-Term Rentals.
- (3) To generate City revenue to share City infrastructure cost and other public expenditures by operation of Short-Term Rentals under established standards.
- (4) To provide alternative forms of lodging.

B. Applicability.

- (1) Short-Term Rentals shall be conditionally permitted in the following zoning districts: RCD-1 and RCD- 2.
- (2) Short-Term Rentals shall be prohibited in below market rate (BMR) units. BMR units for Short-Term Rental purposes refer to dwelling units whose rents are listed as a result of deed restrictions or agreements with public agencies, and whose tenants must be income-qualified.

C. Permit Required.

- (1) Short Term Rentals are permitted only in the Host Residence. A Zoning Certificate for Short-Term Rental shall be required for each Host to operate a Short-Term Rental.

D. Operating Standards and Requirements.

(1) Proof of Host Residency.

- i. An Owner-Host of a Short-Term Rental must provide documentation of Owner Host and Host Residence status and, if applicable, Host Presence, as defined herein above.

(2) STR Duration and Required Residency Timeframes.

- i. The Owner-Host must be Present when a short-term transient is staying at the residence.
- ii. The unit, or a portion thereof, may be rented as a Short-Term Rental for an unlimited number of days during the calendar year, but no individual lease may be longer than twenty-nine (29) days.

(3) Number of Occupants. All occupants must sleep on a bed, cot, couch, etc.; the number of occupants shall be limited to the number of appropriate sleeping locations that are not on a floor. Additionally, the occupancy of an STR shall be limited to six (6) occupants per bathroom on site.

(4) Notification. Initial, one-time notification of the establishment of a Short-Term Rental by Zoning Certificate and Business license/registration shall be provided to the residents of all Adjacent Properties. Notification shall include Owner-Host and Contact information. Additional notification shall be required within a week of updated Owner-Host, and Contact or other information.

E. Liability Insurance. Liability insurance is required of the Host, or Hosting Platform on behalf of the Host, in the amount of at least one million dollars (\$1,000,000).

F. Payment of Taxes. The Host shall pay all City taxes and fees owed in a timely manner.

G. Remedies.

- (1) Violation of any provision of this Chapter will follow remedy procedure as set forth in this code.
- (2) Any occurrence at a Short-Term Rental unit that constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, such as excessive noise or traffic, obstruction of public streets by crowds or vehicles, public intoxication, the service to or consumption of alcohol by minors, fights, disturbances of the peace, litter or other similar conditions, constitutes a nuisance and shall follow the remedy procedure and penalty outlined therein.

- (3) Furthermore, it shall be a nuisance for any STR Transient of a Short-Term Rental unit where an event is taking place to refuse access to, or interfere with access by, Fire Department or other City personnel responding to an emergency call or investigating a situation.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.05 HALFWAY HOUSE STANDARDS - APPLICABLE ANYWHERE PERMITTED.

A. A halfway house is a facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release, and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

B. Halfway House may operate as a conditional use in any single or multiple-family residential district as long as said house meets the requirements set forth herein.

- (1) Submission Requirements: The operator or agency applying for a conditional use permit to operate a halfway house shall submit the following information to aid the Board of Zoning Appeals (BZA) in its review of the requested facility.
- i. Identification of similar facilities presently existing within the City of Clayton and contiguous jurisdictions and confirmation that the siting of the facility is compatible with the Residential Care Opportunities Guide for Montgomery County.
 - ii. A license or evidence of ability to obtain a license, if such is required, from the pertinent governmental unit prior to operation. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. If licensing is not required, an affidavit from the applicant so stating shall be presented.
 - iii. A copy of the sponsoring agency's operational and occupancy standards and a detailed plan for services and programs.
 - iv. A site plan for the proposed home indicating structured floor plan, off-street parking provisions, driveway access, landscaping and screening provisions, recreational and open space facilities as well as other pertinent information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.
- (2) Facility Requirements.
- i. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable room area for one occupant, and when occupied by more than one person shall contain at least sixty (60) square feet of habitable room area for each occupant.
 - ii. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority and/or the sponsoring agency. If no such standards exist, then the following minimum standards shall apply:

- (a) Common indoor area shall consist of at least twenty-five (25) square feet per individual.
 - (b) Common outdoor area shall consist of at least sixty (60) square feet per individual. If a public park or other common open space is available in the immediate vicinity of the facility, the Board may waive the outdoor space requirement.
 - iii. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures proposed shall be compatible with the surrounding neighborhood.
 - iv. All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining residential properties.
 - v. Off-street parking requirements: one space for each three (3) persons residing in a care facility or halfway house except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on street parking is accepted practice, on street space directly abutting the subject lot may be substituted for a portion of the required off-street spaces if approved by the BZA.
 - vi. No facility shall be permitted within two-thousand five hundred (2,500) feet of another care facility or Halfway House and the siting of the facility complies with the Residential Care Opportunities Guide for Montgomery County. The BZA may reduce this standard if the applicant can show that unique conditions exist such that a reduction of the separation requirement or deviation from the Residential Care Opportunities Guide will not contribute to the concentration of such facilities (e.g., the proposed site is located in a distinctly different neighborhood which is separated from an existing site by an interstate highway or the site is in an area that does not constitute a typical residential neighborhood due to a diversity of land uses.)
 - vii. The facility must be inspected by the Fire Department or a certified Fire Safety Inspector for compliance with applicable fire codes and regulations.
- (3) Findings By The Board of Zoning Appeals. In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Upon finding all such facts to be true, the BZA shall grant the Conditional Use. The proposed facility:
- i. Complies with all the applicable facility requirements specified herein.
 - ii. Is in fact a community based halfway house licensed by an agency of the State of Ohio and any other applicable agency or jurisdiction, if any.
 - iii. Is approved by the local agency responsible for providing support services and/or programs to the facility.

- iv. Will be designed, constructed, and maintained so that such use will not change the general character of the area and operated in compliance with all relevant licensing or certification standards.
- v. Will not be within two-thousand five hundred (2,500) feet of another Halfway House unless this standard is reduced by the BZA.
- vi. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person or agency responsible for the establishment of the proposed use shall be able to adequately provide any such services.
- vii. Will have vehicular approaches to the property which shall be designed to prevent any undue interference with traffic on surrounding public streets.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.06 STANDARDS GENERALLY APPLICABLE TO NON- SINGLE-FAMILY USES.

A. Parking.

- (1) The following provides for the calculation of required off-street parking spaces, the dimensional standards of required off-street parking spaces, loading areas, driveways and drive aisles. This section also regulates permitted materials for parking and loading areas. Requirements for the landscaping and of parking areas are set forth below in this Title. These provisions further provide for parking space reductions under certain circumstances as described herein. The minimum or maximum number of required off-street parking spaces and the location of parking areas are based on the use and district as set forth herein.
 - i. The requirements set forth under this section shall apply under the following circumstances:
 - (a) The construction of any new structure;
 - (b) Any cumulative increase in gross floor area in excess of twenty-five percent (25%); or
 - (c) Upon a change from one use to another in accordance with the provisions of this Code.
 - ii. Calculation of Required Parking Spaces.
 - (a) The number of required off-street parking spaces or total loading area for a property shall be calculated in accordance with the following general standards:
 - 1) When the product of the applicable formula for determining the number of required off-street parking spaces or the total loading area results in a fraction, the nearest higher whole number shall represent the number of required off-street parking spaces or the total loading area; and
 - 2) Except as otherwise expressly provided herein, when multiple uses are proposed to be conducted upon a single property, the number of required off-street parking spaces for such property shall be the sum of the required off-street parking spaces for each use to be conducted upon the subject property.

iii. Parking Space Reductions.

(a) The Zoning Administrator shall have the right to grant a reduction in the number of required off-street parking spaces if an applicant can satisfy any of the following:

- 1) Up to a maximum fifty percent (50%) reduction if the uses proposed to be conducted on the property shall each have different peak hours upon a credible showing that such reduction is warranted based on the size and type of the proposed development, the mix of uses (if applicable), the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Any reserved parking spaces for a specific tenant or dwelling unit may not be included in the shared parking calculation;
- 2) Up to a maximum fifty percent (50%) reduction if the property is within 1,000 feet of public parking that has capacity for at least the amount of required parking being reduced and, such public parking is accessible to the subject property via safe public walkway(s);
- 3) Up to a maximum ten percent (10%) reduction if the property includes a designated parking area for bicycles within 100 feet of the primary building entrance; and
- 4) Up to a maximum ten percent (10%) reduction if the property is within 600 feet of a transit stop that is accessible to the property via safe public walkway(s);

iv. Parking Location and Layout.

(a) Off-street parking and loading areas provided in accordance with this Code shall comply with all of the following requirements:

- 1) All off-street parking and loading areas must have access to a publicly dedicated street or alley or right of way easement;
- 2) Unless otherwise permitted in this Code, required off-street parking spaces must be located on the same property they are required to serve;
- 3) All off-street parking shall be configured so that all circulation between parking aisles is confined to the property and does not require entering upon the public right-of-way and to prevent motor vehicles from backing onto public rights-of-way (excepting single-or- two-unit residential dwellings); and
- 4) Off-street parking shall only be permitted in the locations on the property determined for each district as set forth in this Code.

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

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

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

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

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

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

B. Loading Facilities.

- (1) Any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall have adequate loading facilities on the property subject to the following conditions:
 - i. The following requirements shall pertain to the location of loading berths:
 - (a) All required loading berths shall be located on the same lot as the use served;
 - (b) Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front façade of a building;
 - (c) In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into or maneuver within a public right-of-way or overhang adjacent property;
 - (d) A plan shall be submitted and approved during the review process that shows how the loading will occur;
 - (e) No permitted or required loading berth shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets;
 - (f) Loading or unloading may not interfere with or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas;
 - (g) With the exception of properties within the MSD, loading areas are not permitted within 100 feet of a district that allows residential uses;
 - (h) Within the MSD, loading facilities shall be screened from adjacent properties by a hedge, bushes, or other landscaping that provides full screening no less than six (6) feet tall; and
 - (i) Loading areas may not block required parking, or the associated circulation for required parking.
 - ii. Unless otherwise specified, a required off-street loading berth shall be as follows:
 - (a) For local pickup and delivery trucks: twelve (12) feet in width by thirty (30) feet in length with a forty-five (45)-foot maneuvering apron and shall have a vertical clearance of at least twelve (12) feet. Maneuvering apron shall be at least twenty (20) feet from the centerline of the street;
 - (b) For over-the-road tractor-trailers: Twelve feet, six inches (12' 6") in width by sixty (60) feet in length with a seventy (70)-foot maneuvering apron and shall have a vertical clearance of at least fifteen (15) feet. In no case, shall the loading berth be less than 145 feet from the centerline of the street;
 - (c) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Zoning Administrator;

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

C. Drive-Thru Facilities.

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

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

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

D. Outdoor Dining for Eating Establishments.

- (1) Outdoor dining areas shall be immediately adjacent to the eating establishment space.

- (2) Outdoor dining shall be accessed through the primary tenant space.
- (3) The dining area shall be enclosed by a fence or wall enclosure that is complementary to the architecture of the primary structure and shall be no less than 30 inches and no more than four (4) feet tall.
- (4) A five-foot (5') wide sidewalk shall be maintained.

E. Entertainment as Accessory to a Primary Use.

- (1) Entertainment may include live entertainment such as a live band, choirs or performers such as DJs, comedians, celebrity appearances etc. and exclusive of adult-oriented entertainment businesses.
Entertainment may be conducted in conjunction with a primary use such as a restaurant, bar, or other business so long as it complies to the following standards:
 - i. May not occur on a property without the property owner's permission;
 - ii. Any sound generated may not be audible beyond the lot lines of the property; and
 - iii. May not occur within 300 feet of a residential lot.

F. Signage.

(1) Purpose and Intent.

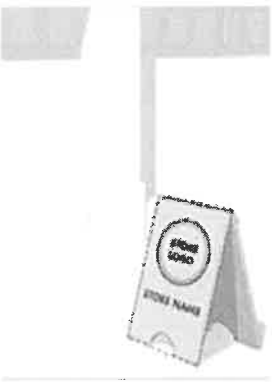
- i. This Chapter regulates all signs in the City in furtherance of the goals and objectives of the Comprehensive Plan. Specifically, the purpose of these sign regulations is to implement the following City policies:
 - (a) Preserve the noncommercial character of residential neighborhoods, and to provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts;
 - (b) Reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/ or motion, which exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
 - (c) Promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs;
 - (d) Preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism;
 - (e) Require signs to be constructed and maintained in a structurally sound and attractive condition;
 - (f) Maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
 - (g) Encourage aesthetic quality in the design, location, and size of all signs;
 - (h) Protect the public peace, general health, safety and welfare, convenience, and comfort; and
 - (i) Protect and encourage a more attractive economic, business, and overall physical appearance of the community.

- (j) Furthermore, this Section is intended to encourage signs that are all of the following:
 - 1) Safe, legible and effective for communication in the circumstances in which they are viewed from public rights-of-way;
 - 2) Appropriate to the activity that displays them;
 - 3) Expressive of both the individual activity and the community as a whole; and
 - 4) A balance of the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
- (2) General Limitations.
 - i. The following are the general limitations applicable to all signs in the City:
 - (a) All temporary and permanent signs to be erected, placed, constructed or modified within the City limits, except those specifically excluded herein, shall require a Zoning Certificate before work is initiated;
 - (b) All signs and sign structures shall be kept in good repair, and safe, neat, clean condition. Signs and sign structures may be inspected periodically by the Zoning Administrator for compliance with this Code and other applicable laws of the City;
 - (c) The Zoning Administrator may order the removal of any sign or sign structure erected or maintained in violation of this Code upon the provision of a minimum of fourteen (14) days' notice in writing to the owner of a permanent sign or upon placement of a notice of such violation on the building, structure, property or sign in violation. The Zoning Administrator shall provide a minimum of three (3) days' written notice for temporary or portable signs. The Zoning Administrator may remove a sign or sign structure immediately, and without notice if, in their opinion, the condition is such as to present an imminent threat to public safety;
 - (d) Developments on five (5) or more acres in total area shall submit an overall sign plan to the Zoning Administrator so that all signs may be approved as part of a single permit that adequately and specifically indicates the location of all signs, and their dimensions, design and materials;
 - (e) All commercial signs must relate to a business located on the property;
 - (f) Registered or copyrighted logos or trademarks are allowed on a sign;
 - (g) No sign shall be within five (5) feet of the edge of the right-of-way or utility easement, whichever is closer; and
 - (h) The following signs and/or sign structures are not permitted anywhere in the City:
 - 1) Abandoned signs;
 - 2) Banner (freestanding) or feather flag signs;

- 3) Bench signs, except for sponsorship emblems or memorial plaques, located on benches or on other similar structures;
 - 4) Signs located on trees, utility poles, or any other form of public property or within any public right-of-way unless explicitly permitted by these regulations;
 - 5) Signs or sign structures, other than traffic control signs, in the intersection visibility triangle;
 - 6) Moving or rotating signs or signs or that are designed to move or rotate;
 - 7) Signs interfering with traffic safety or adversely affecting vehicular traffic and pedestrian safety;
 - 8) Animated signs;
 - 9) Human signs;
 - 10) Pole signs;
 - 11) Snipe signs;
 - 12) Trailer signs;
 - 13) Signs containing lights which fluctuate, flash, blink, or which give the appearance of movement, except as otherwise permitted herein;
 - 14) Signs containing video or scrolling text;
 - 15) Inflatable signs;
 - 16) Signs placed or located on the roof of a building or that extend above the roof line of any structure;
 - 17) Damaged signs or sign structures that have not been returned to original condition within ninety (90) days;
 - 18) Signs placed or displayed on vehicles or trailers parked primarily for the purpose of displaying the sign;
 - 19) Off premise signs except as otherwise specifically provided for in this Zoning Code; and
 - 20) Neon signs unless the neon proposed is for the rehabilitation of a historic sign or at the discretion of the Zoning Administrator is deemed to be an artistic expression of the business' operation.
- (3) Sign, Area and Height Calculations.
- i. The following is how to calculate sign area and height for purposes of this Chapter:
 - (a) The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form a single unit. For wall signs containing individual letters, figures, or elements, the area and dimensions of the sign shall encompass a rectangular geometric shape. Multiple geometric shapes may be utilized to encompass the related elements of a sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

- (b) The calculation for double-faced sign, when the faces are parallel and not more than twenty-four (24) inches apart, so that only one face may be seen at any one time, shall be computed by the measurement of a single face.
 - (c) The supports, uprights, bracing, and framework for the sign shall not be included in the area calculations, except as they contribute to the height of the sign.
 - (d) In the case of a sign structure consisting of two (2) or more sides where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
 - (e) The height of a freestanding sign even with the street grade at the edge of pavement shall be measured from the base of the sign, or supportive structure, or at its point of attachment to the ground, from the grade of the nearest street to which the sign is oriented, to the highest point of the sign. When below the edge of pavement, the height shall be measured from the grade of the nearest street to which the sign is oriented.
 - (f) In the case of a corner lot or other situation where a building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.
- (4) Sign Types Not Requiring A Permit.
- i. The following are sign types that are allowed for non-residential uses without a permit so long as the sign meets all of the standards set forth herein (graphics are for illustrative purposes only and unless otherwise provided are not regulatory):
 - (a) Signs erected and maintained by the Federal government or the State of Ohio;
 - (b) Any sign required to be posted by the Federal government, the State of Ohio, or a court of competent jurisdiction;
 - (c) Signs erected and maintained by the City;
 - (d) Signs required to be posted by the City;
 - (e) Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration;
 - (f) Address Signs if conforming to the applicable requirements in this Chapter;
 - (g) Building Identification Signs; and
 - (h) Directional Signs, subject to the following restrictions:
 - 1) Can be ground signs or pavement markings;
 - 2) Ground signs limited to max. height of three (3) feet;
 - 3) Ground signs limited to max. sign area of four (4) sq. ft.; and
 - 4) Non-illuminated.

- (i) The temporary sign types listed in the table below do not require a permit, so long as they comply with the standards listed within the table below for each sign type:

TEMPORARY SIGNS	
Temporary Window and Wall Temporary window and wall signs are permitted for commercial properties for a duration of thirty (30) days and may not be larger than twenty percent (20%) of the window or wall face where it is erected. • Permitted Zones/Districts: RMX, CMX, MSD, HCD, NCD • Max. Sign Face: twenty percent (20%) of window or wall • Materials: A window sign must be made from a material that is easily removed and does not require an adhesive material. A wall sign may be made of treated wood, metal, or vinyl • Lighting: Not permitted • Count: Two (2) per storefront	
Temporary Yard Sign Temporary yard signs are allowed on private property without a permit if they comply with the following standards: • Permitted Zones/Districts: All Districts • Max. Duration: ninety (90) consecutive days • Max. Sign Face Each Side: eight (8) square feet • Location: At least three (3) feet from the front or corner lot line. • Materials: Plastic; Metal; and Treated, Painted Wood • Lighting: Not permitted	
Sandwich Board Sign • Sandwich board signs shall not exceed six (6) square feet in area per face and shall not exceed forty-two (42) inches in height. • Sandwich board signs shall be constructed of wood or material that is equally durable and is comparable aesthetically to wall signage. • Only tenants with entrances from the sidewalk shall be permitted sandwich board signs. • One sandwich board sign is permitted per tenant and may only be used during business hours and must be secured indoors during non-business hours. • Sandwich board signs may not have any electronics or illumination. • Five (5) feet of clear space shall be maintained on the sidewalk. • Sandwich board signs shall be located within eight feet of the main entry of the tenant.	

(5) Signs Permitted by District.

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

DISTRICTS	GROUND SIGN			BUILDING SIGN			ACCESSORY SIGN	
	MONUMENT	INTEGRATED CENTER	INTERSTATE POLE	PROJECTING	AWNING	WALL	BLADE	WINDOW
RCD-1, RCD-2	P - AG*							
RMX				P	P	P	P	P
CMX	P	P	P	P	P	P	P	P
CMI	P	P				P		
MSD	P	P		P	P	P	P	P
HCD				P	P	P	P	P
*There is a separate monument sign type for agricultural businesses. Signs pertaining to residential subdivisions are addressed within Chapter 1161, Subdivisions.								

(6) Number of Signs Permitted.

- i. Signs have been divided into three classifications of sign types based on where they are generally placed on a property:
 - (a) Ground Signs are fixed to the ground,
 - (b) Building Signs are affixed to a building, and
 - (c) Accessory Pedestrian Signs are small-scale signs affixed to a building oriented toward pedestrians.
- ii. Within the categories of Ground signs, Building signs, and Accessory signs, there are multiple types of signs that a property owner may want to erect on the property. The number of signs permitted per property is as follows:
 - (a) Property containing space for a Single Tenant may have one (1) Ground sign type, one (1) Building sign type per street frontage, and one (1) Accessory sign type; and
 - (b) For property containing Multiple Storefronts/Tenants on the same property; each tenant may have one (1) Building sign type per street frontage and one (1) Accessory sign type per storefront/tenant. The entire property is permitted one (1) Ground sign type per street frontage separated by a minimum of one hundred (100) feet.

(7) Sign Standards.

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

SIGN TYPE	SIGN TYPE SITING ON PROPERTY	DIMENSIONS	MATERIALS/ LIGHTING	ADDITIONAL STANDARDS
GROUND SIGN TYPES				
Monument with or without changeable copy	1 per street frontage	Max. Area: 24 sq.ft. Max. Total Sign Height: 6 ft. Min. Base Height: 2 ft. Min. Setback from ROW or Recorded Easement: 5'	Sign Face: Metal, treated wood, polycarbonate, acrylic, or similar material as may be approved by the Zoning Administrator Sign Base: Brick, stone, or similar masonry material as may be approved by the Zoning Administrator Lighting: External or internal illumination	1. Also permitted for an institutional use such as a school, community center or religious assembly located in any zoning district. 2. Changeable copy or a digital sign display is permitted for this sign type, with the following standards: a. Area of changeable copy, or digital sign display is restricted to fifty percent (50%) of the maximum sign area. b. Digital sign display must be programmed to display each message, graphic, display or part thereof for a minimum of ten (10) seconds before changing (1). During such interval, the entire message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visibly changing in any other manner c. The display change interval shall be 0.3 seconds or less, as defined in Chapter 1181 d. Digital sign display must be equipped with a dimmer control and a photo cell to monitor ambient light conditions (1). Digital sign display to adjust brightness accordingly to maintain a maximum brightness of 0.2 foot candles as measured at 150 feet from the light source

SIGN TYPE	SIGN TYPE SITING ON PROPERTY	DIMENSIONS	MATERIALS/ LIGHTING	ADDITIONAL STANDARDS
GROUND SIGN TYPES				
Agricultural Monument * specifically for agriculture use permitted within the RCD-1 and RCD-2 and SCD (electronic changeable copy not permitted)	1 at entrance to agricultural business	Max. area: 40 sq. ft. Max. Total Sign Height: 6 ft.	Sign Face: Wood, carved and painted, stone, metal Sign Face Surround: Brick, stone, wood Lighting: External or internal illumination. Base: Stone, Brick, masonry, wood or metal	A permitted agricultural monument sign that complies with the standards within this section and is not externally lit does not require a building permit.
Integrated Center Monument	1 per property	Max. Sign Area: 40 sq. ft. Max. Sign Height; 8 ft.	Materials: Stone, Brick; Metal; Treated Wood Lighting: Internal or external illumination.	
Interstate Pole	1 per property	Max. Area: 80 sq. ft. Max. Total Sign Height: 40 ft.	Materials: Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials Lighting: Internal illumination Changeable copy is permitted but may not exceed 50% of the sign face.	Interstate Pole Signs are permitted in the CMX only within 2,000 ft. of an I-70 interchange as measured from the closest part of the interchange or interchange off-ramp.

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

(8) Signs Permitted for Retail Gasoline Sales.

SIGNS PERMITTED SOLELY FOR THE USE "RETAIL, GASOLINE AND CONVENIENCE"				
SIGN TYPE	NUMBER OF SIGNS	DIMENSIONS	MATERIALS/ LIGHTING	MIN. SETBACK FROM RIGHT-OF- WAY (FT.)
BUILDING SIGN TYPES (ONE OF EACH OF THE FOLLOWING IS PERMITTED)				
Wall	1 sign per street frontage	Max. Sign Face: 1 sq. ft. per lineal foot of building frontage. Max. Sign Height: Three quarters (3/4) of the facade height.	Mounted on a raceway; sign cabinet; painted directly on wall; supports and wiring components concealed from public view; Flush with wall not protruding more than 12 inches from wall. Lighting: Internal or External illumination	
Canopy	1 sign per street frontage	Max. Sign Face: 18 sq. ft., the canopy sign may not extend above the top of the canopy	Lighting: External or internal illumination	
GROUND SIGN TYPES (ONE OF THE FOLLOWING SIGN TYPES IS PERMITTED)				
Monument (Static or Changeable Copy)	1 per property	Max. Area: 24 sq. ft. Max. Total Sign Height: 6 ft. Min. Base Height: 2 ft. Min. Sign Face Surround Width: 1 ft.	Materials, Any Combination of Stone; Brick; Metal; Treated Wood; Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials Lighting: Internal or External Illumination	5
Interstate Pole	1 per property	Max. Sign Face: 80 sq. ft. Max. Total Sign Height: 40 ft.	Materials; Polycarbonate; Acrylic; Metal; and Aluminum Composite Materials	40
FUEL PUMP SIGNAGE (ONE SIGN IS PERMITTED PER FUEL PUMP)				
Fuel Pump	1 per fuel pump	Max. Sign Face: 2 sq. ft.	Lighting: Not illuminated	

ADDITIONAL STANDARDS	1. Changeable copy or a digital sign display is permitted with the following standards: a. Area of changeable copy or digital sign display is restricted to fifty percent (50%) of the maximum sign area b. Digital sign display must be programmed to display each message, graphic, display or part thereof for a minimum of ten (10) seconds before changing (1). During such interval, the entire message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visibly changing in any other manner c. The display change interval shall be 0.3 seconds or less, as defined in Chapter 1181 d. Digital sign display must be equipped with a dimmer control and a photo cell to monitor ambient light conditions (1). Digital sign display to adjust brightness accordingly to maintain a maximum brightness of 0.2 foot candles as measured at 150 feet from the light source 2. Interstate pole Signs are permitted only within 2,000 ft. of an I-70 interchange as measured from the closest part of the interchange or interchange off-ramp. Changeable copy or digital sign display is permitted but may not exceed fifty percent (50%) of the sign face. 3. Fuel pump signage does not require a permit but must comply with the standards set forth above.
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(9) Portable Sign Standards.

1. In an effort to support the business community, the City will permit the limited use of portable signs to help promote the location and existence of business to the motoring public in compliance with the following restrictions:
 - (a) A Zoning Certificate is required to place a portable sign.
 - (b) Portable signs cannot exceed thirty-two (32) square feet in area.
 - (c) Portable signs cannot exceed a maximum height of six (6) feet.
 - (d) Portable signs must be located a minimum of twenty-five (25) feet from the pavement edge of the road.
 - (e) Portable signs cannot be electrified nor have any illumination.
 - (f) Portable signs shall not be located on a property more than two times annually for more than sixty (60) days within a one (1) year timeframe, unless the business is located in a shopping center that complies with the following subsection.
 - (g) Portable signs may be permitted at shopping centers and/or multi-tenant buildings with the following additional restrictions:
 - 1) Shopping center or building is located on a property of two (2) or more acres;
 - 2) Shopping center or building has at least five (5) separate commercial tenants (office or retail);

- 3) Portable signs are allowed on the property for thirty (30) days and then no portable signs are permitted for the next sixty (60) days; after which a new Zoning Certificate application can be submitted (this permits a maximum of four (4) portable signs per year to be installed at a given shopping center or multi-tenant building if the above standards are met).

(10) Sign Illumination.

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

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

- ii. The following standards apply to any illuminated sign to limit light pollution and ensure the health, safety and welfare of the community:
- (a) All illuminated signs must meet the standards as specified in the National Electrical Code.

- (b) No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized that has a changing light intensity, brightness or color or gives such illusion.
 - (c) The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced.
 - (d) Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
 - (e) Neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - (f) The light from any illuminated sign in any zoning district shall be so shaded, shielded, or directed that the light intensity or brightness shall not exceed three-tenths (0.3) foot-candle at the property line upon any adjoining property located in a residentially zoned district.
 - (g) Channel letters shall be halo lit.
 - (h) For signs on a background, the background must be opaque or a darker color than the message of the sign.
 - (i) Exposed neon may not be used for lettering or as an accent.
 - (j) One exposed neon window sign stating "open" not greater than three (3) square feet is allowed permitted per establishment.
- (11) Sign Permit Procedures.
- i. All signs identified by this Section as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Zoning Administrator.
 - ii. Criteria for all signs requiring a permit. A permit application for a sign otherwise in compliance with this Section shall be approved if said sign complies with the following criteria:
 - (a) All administrative fees have been paid as per the fee schedule.;
 - (b) In instances where commercial centers, business or industrial parks submit an overall sign plan, all signs may be approved as part of a single permit which adequately and specifically indicates the location of all signs, as well as their dimensions, design and materials;
 - (c) Applicants are required to apply for permits prior to undertaking any construction;
 - (d) Only one sign permit shall be required for each sign plan. Applicants shall provide a sign plan as opposed to obtaining single permits for commercial centers, groups of businesses, professional offices, or industrial complexes;

- (e) Application shall be made on an application form provided by the Administrator. Applicant shall provide clear and legible drawings with descriptions and location of the sign and all other signs whose construction requires permits or counts towards the allowable sign area of signs on the premises. Drawings shall show dimensions of all signs, wall elevations, and street frontages, supports, sizes, wiring components, materials, method of attachment, and character of structural members to which attachment is made;
 - (f) All permits are good in perpetuity unless the sign is abandoned or left unused for more than ninety (90) days or the sign is legal non-conforming, and it loses its lawful status. For those signs which are expressly specified as temporary signs pursuant to this Section are temporary permits;
 - (g) An approval shall become null and void if the sign or sign program for which the approval was issued has not been installed within twelve (12) months of issuance of said permit;
 - (h) For any zoning approval issued, the sign and sign structure must conform to the requirements of this code, unless the sign and/or sign structure is legally established non-conforming as defined in Chapter 1131 below; and
 - (i) The Administrator may determine that a substantial change has been made to an existing sign or sign structure. Except as otherwise provided for changeable copy signs, such substantial change shall be considered a violation of this Section, if a new permit is not obtained.
- (12) Non-Conforming Signs.
- i. Any lawful sign located within the City as of the effective date of this Zoning Ordinance that does not conform to the provisions of this Section may continue provided:
 - (a) The sign is authorized and lawfully existing in accordance with a sign permit or variance under a preceding ordinance, title, code, or law, or lawfully exists because no sign permit was required thereunder;
 - (b) The sign is regularly maintained, repainted, cleaned and repaired ordinary maintenance; and
 - (c) The sign is continually operational and continues to display business or service identification.
 - ii. Signs and sign structures that comply with the provisions of this Zoning Ordinance that convey no message, or that have not been used for their immediately preceding purpose for a period exceeding ninety (90) days, shall be considered a legally conforming, unused sign and the sign face shall be replaced with an opaque mono-color panel within ninety (90) days of becoming unused or the sign shall be deemed abandoned and removed.

- iii. Upon the removal of a wall sign, the building façade upon which the sign was affixed shall be restored to as close as possible to its original condition.
- iv. Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign, or sign structure as ordered by any public official charged with protecting public safety, and who declares such sign to be unsafe, and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed signs.
- v. Legal nonconforming status of signs and/or sign structures shall be deemed abandoned and may terminate under the following conditions:
 - (a) If the use of a sign is discontinued for a period of ninety (90) consecutive days and there is no evidence of intent to reestablish a business thereon;
 - (b) If a sign is structurally altered such that the nonconformities are expanded, enlarged or increased;
 - (c) If a sign is relocated, replaced, or moved in any way; or the sign is damaged, and the cost of repair is fifty percent (50%) of its replacement value;
 - (d) For purposes of this Section, the changing of copy shall not be considered the replacement of an existing legal nonconforming sign;
 - (e) Upon the occurrence of any of the aforementioned events, the property owner shall immediately bring the sign into compliance with this Section in conjunction with a new sign permit or the sign shall be removed at the sole cost and expense of the property owner;
 - (f) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section; provided, that the size and structural shape shall not be changed or altered;
 - (g) Any sign that is altered, relocated, or replaced must be brought into compliance with all provisions of this Section within thirty (30) days;
 - (h) The repainting of existing nonconforming signs shall not be considered an alteration within the meaning of this Section;
 - (i) Refacing an existing nonconforming sign shall not be considered an alteration as long as the refacing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics, and text must match those existing. If any portion of the replacement face(s) is not a replica of the original sign face, the replacement face(s) must be brought into compliance with this subsection in so far as practicable, or otherwise replaced; and

- (j) A nonconforming sign shall be brought into compliance if it is determined that fifty percent (50%) or more of the market value of the sign has been destroyed or taken down. Nonconforming signs that are damaged, but that are not required to be brought into compliance pursuant to this Section, shall be repaired within sixty (60) days.
- (13) Enforcement; Appeals.
 - i. The Zoning Administrator or their appointee is responsible for enforcing the provisions of this Section in accordance with Chapter 1141.
 - ii. All determinations and decisions made pursuant to this Section are appealable as provided in Chapter 1141.
- G. Exterior Lighting.
 - (1) The following exterior lighting requirements are intended to minimize light pollution and light trespass in the City by:
 - i. Encouraging the use of electrical engineers or lighting professionals to design outdoor lighting systems; and
 - ii. Implementing guidelines that define the characteristics of the lighting fixtures distribution that reduces light pollution.
 - (2) This Section is not intended to prevent the use of any design, products or method of installation. The Zoning Administrator may approve an alternate design if the design meets the intent of this Section to provide high quality lighting performance, glare control, and reduced light trespass.
 - i. The following exterior lighting is exempt from the requirements of this section:
 - (a) Federal Aviation Administration mandated lighting associated with a utility tower or airport;
 - (b) Lighting for the United States flag, Ohio flag, a County or City flag, a corporate flag, or any other flag at the discretion of the Zoning Administrator;
 - (c) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
 - (d) Battery-powered emergency lighting;
 - (e) Architectural lighting of forty (40) watts, or equivalent, or less;
 - (f) Public safety lighting;
 - (g) Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward; and
 - (h) Residential garage, porch, and architectural and landscape accent lighting except for flood lights.
 - (3) General Provisions.
 - i. All exterior lighting in the City must comply with the standards herein or will be considered a violation subject to the penalties found in this Code.

- ii. Light levels are specified, calculated and measured in foot-candles. All foot-candles values are maintained foot-candles.
- iii. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
- iv. All exterior light fixtures shall satisfy the following requirements:
 - (a) The maximum light level of any light fixture cannot exceed five-tenths (0.5) foot-candles measured at the property line of any residential district, two (2.0) foot-candles measured at the property line of any non-residential district, and two and five-tenths (2.5) foot-candles at the property line of an adjacent parking lot.
 - (b) Glare lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.
 - (c) All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development.
 - (d) Service connections for all freestanding lighting fixtures must be installed underground.
 - (e) Any roof accent lighting must face downward and must be full cut-off.
 - (f) Light fixtures within parking and vehicular areas may be no higher than thirty (30) feet.
 - (g) Light fixtures within pedestrian areas may be no higher than fifteen (15) feet.
 - (h) Light fixtures located within fifty (50) feet of a property line of a district that allows single-family dwellings may be no higher than fifteen (15) feet.
 - (i) Light fixtures in parking and vehicular display areas must be full cutoff. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet all of the following:
 - 1) Decorative, non-cutoff fixtures with maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
 - 2) If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;
 - 3) All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
 - 4) All non-cutoff fixture open-bottom lights must be equipped with full cutoff fixture shields.

- (4) Parking Structure Lighting.
 - i. To the extent possible, as determined by the Zoning Administrator, internal light sources within structured parking shall not be visible from the adjacent public right-of-way.
 - ii. Rooftop lighting for parking structures shall be no more than fifteen (15) feet above the rooftop parking surface and shall be mounted a minimum of fifteen (15) feet in from the edge of the structure.
- (5) Flood Lighting.
 - i. Flood light fixtures must be either aimed down at least forty-five (45) degrees from the vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.
 - ii. Any flood light fixture located within fifty (50) feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees.
 - iii. All flood lamps emitting 1,000 or more lumens must be aimed at least sixty (60) degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.
- (6) Canopy Lighting.
 - i. Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:
 - (a) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the surface canopy;
 - (b) Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;
 - (c) Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;
 - (d) Surface mounted fixture measuring no more than two (2) feet by two (2) feet, with a lens cover that contains at least two percent (2%) white fill diffusion material; or
 - (e) Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (7) Sports and Venues Lighting.
 - i. Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:
 - (a) Sport field lights shall not exceed 100 feet in height.
 - (b) All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

- (c) The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
 - (d) Building and landscape lighting.
- ii. The following standards apply to all exterior building and landscape lighting:
 - (a) Lighting Fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
 - (b) All wall pack fixtures must be full cutoff fixtures.
 - (c) Only lighting used to accent architectural features, landscaping, or art may be directed upward, if the fixture is located, aimed or shielded to avoid light spill into the night sky.
 - (d) The primary building frontage for all single/two-story, multi-tenant commercial buildings and retail spaces shall feature pedestrian-scaled lighting.
 - (e) Decorative light fixtures shall be provided along entrance drives, public rights-of-way, buildings, and pedestrian pathways for all commercial buildings and multi-unit residential buildings. Natural areas or conservation areas are exempt from this requirement.

H. Non-Residential Structure Design Standards.

(1) Purpose and Intent.

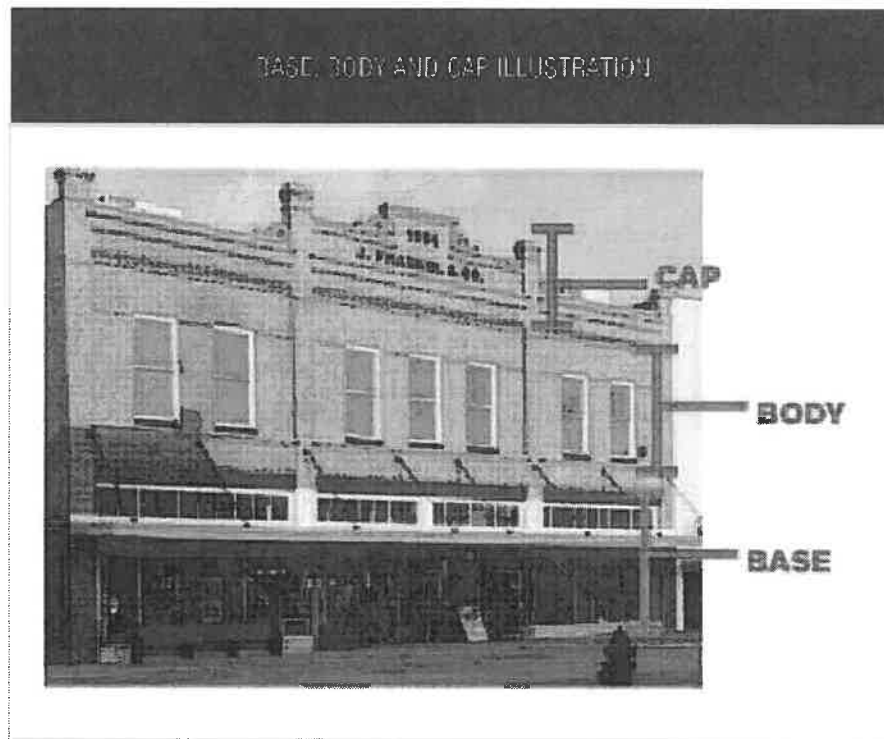
- i. The purpose and intent of these regulations is to encourage new construction and additions to all buildings in the City, other than single-family and two-family residences and agricultural buildings, that contribute to the City as a unique place, reflecting the community's physical character and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

(2) Applicability.

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

(3) Building Design and Materials.

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



- iii. The body shall occupy the middle portion of the elevation and shall consist of wood, brick, stone, or cementitious siding. The following body materials are considered less desirable than the aforementioned materials, however, they may be permitted with the specific approval of the Zoning Administrator on a case-by-case basis if the overall design meets the purpose and intent of this Section:
 - (a) Siding that imitates wood lap siding such as aluminum or vinyl siding or siding that imitates brick or stone;
 - (b) Sheet metal, corrugated metal, or other similar metal panels;
 - (c) Poured concrete, concrete block, textured concrete block, concrete panels, panels with an aggregate surface, or other similar concrete siding; or
 - (d) Applied materials such as stucco or Exterior Insulation and Finish System (E.I.F.S.).

- iv. The cap shall occupy the highest portion of the elevation, excluding the roof. The building cap shall consist of brick, stone, textured concrete block, wood, or applied materials such as exterior insulation finish system (E.I.F.S.). Materials not specifically mentioned may also be permitted with the specific approval of the Zoning Administrator on a case-by-case basis if the overall design meets the purpose and intent of this Section. The cap shall consist of at least one (1) of the following architectural features: a cornice; parapet; awning; canopy; or eaves.
- v. Buildings that are characterized by a flat roof and a continuous wall elevation of uniform height shall contain three-dimensional architectural elements that serve to break up the horizontal emphasis of the elevation. Building entrances, corners and other similar features are examples that may be characterized by a separate mass.
- vi. Architectural elements shall be distributed in a manner that limits the length of a continuous wall section of uniform height to not more than four (4) times the height of the building.
- vii. Window or through-wall air conditioning units on a front façade are prohibited.
- viii. Where E.I.F.S. is allowed it shall not cover more than fifteen percent (15%) of the exterior of the structure excluding window and door openings.
- ix. Pitched roofs, where included in the design of a structure, shall be at least 5/12 slope and roof materials for pitched roofs shall be either architectural shingles or standing seam metal.
- x. Building Mechanical Equipment.
 - (a) Building mechanical equipment may be situated on a property only as follows:
 - 1) Within the interior of the building not visible from the exterior;
 - 2) On the roof of a structure as close to the middle of the roof as possible and adequately screened with architecturally compatible screening from view from the centerline of all adjacent streets;
 - 3) In a rear or side yard if surrounded by a one hundred percent (100%) opaque fence or wall of at least six (6) feet in height and made of natural masonry or stained or painted wood. Barbed or concertina wire is not permitted on the top of any such fence or wall;
 - 4) In no circumstances shall any building mechanical equipment be located in any front yard nor shall any building mechanical equipment be placed in the same yard as the primary building entrance; and
 - 5) In no circumstances shall any building mechanical equipment located on the roof of a building be screened or protected by any barbed or concertina wire, or any chain link fence.

- (4) Façades.
- i. Any structure façade facing a public right-of-way (excluding alleys) shall be treated as a front facade.
 - ii. A finished elevation (four-sided architecture) is required on every side of the structure. There shall be no blank facades and each side of a structure shall be architecturally similar to the other sides.
 - iii. When using zero lot line construction, the adjoining wall shall be constructed of maintenance-free masonry and the adjoining facade is exempt from the four-sided architecture requirement provided:
 - (a) A public art installation is permitted in lieu of the four-sided architecture requirement on one of the facades. This can include, but is not limited to, murals and sculptures.
 - (b) If intended to be located on the zero-lot line wall, art installations shall be designed to be removed and/or relocated at such time as the adjacent property is developed.
 - (c) Rear facades that face alleys shall be constructed of masonry but are exempt from the requirement for four-sided architecture provided public art installation is provided.
 - (d) All structures shall be at least seventy-five percent (75%) natural masonry on frontages facing public rights-of-way, excluding window and door openings. Other sides shall be at least fifty percent (50%) natural masonry.
 - (e) Permitted projections from the structure's facade shall be balconies, awnings, signs, flags, and cornice elements; provided, however, no such projections shall project into any public right-of-way or easement.
 - (f) Projections from the front of the structure shall be self-supporting and require no street level poles or supports.
 - (g) Balconies shall be a minimum of three (3) feet in depth as measured from the closest exterior façade wall.
 - (h) Front façade windows shall have decorative headers of stone or other masonry.
 - (i) The ground floor of mixed-use structures requiring first-floor commercial uses shall be transparent storefronts consisting of a minimum of sixty percent (60%) glass on front facades and twenty percent (20%) glass on other facades. Windows on front facades shall not be covered by posters or window coverings and shall be open and transparent from the outside to the inside during business hours.
 - (j) Facades wider than ninety (90) feet shall change architectural styles at a minimum five (5) foot step backs at intervals of not more than forty (40) feet to create the appearance of multiple structures rather than one large monolithic structure of the same style.

- (k) All structures with frontages on two (2) public streets shall be required to create a corner feature that addresses the corner as a focal point.
- (l) Any facades facing a public right of way shall have a minimum of twenty-five percent (25%) transparent glass, and all facades, whether or not facing a public right of way, except adjoining or party walls, shall have a minimum of ten percent (10%) transparent glass.

I. Fences.

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

i. Material.

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

ii. Maintenance.

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

iii. Height and Location.

- (a) Fences in the side and rear yard shall be a maximum of six (6) feet in height and shall be one hundred percent (100%) opaque.
- (b) Fences in the front yard or side yard (on any corner lot) shall not exceed four (4) feet in height, shall be no more than fifty percent (50%) opaque, and shall have a decorative design.
- (c) Fences and walls shall not be installed within any recorded easements, nor shall they block or divert natural or designed stormwater flow.
- (d) No fence shall be located within any visibility triangle as determined by this Code.
- (e) Sports fields, in instances where a fence or backstop protects spectators from projectiles, may have a fence height greater than six (6) feet; provided, however, that such fence shall require a Zoning Certificate and Building Permit.

J. Walls.

(1) The following regulations shall apply generally to all decorative and retaining walls:

- i. All walls shall be made of brick, stone, stucco, concrete masonry units, or other material approved by the Zoning Administrator, and shall complement the architectural design of the principal building;
- ii. Walls shall not include barbed or concertina wire or contain any type of electrical charge;

- iii. Walls shall be maintained in good condition and repair at all times and shall be maintained at no less than an eighty-five (85)-degree angle to the ground where it is located at all times;
- iv. Walls in front yards must be placed three (3) feet away from any easements or rights-of-way adjacent to or located within the property;
- v. No wall shall be located within any visibility triangle as determined by this Code; and
- vi. Walls in the front yard or side yard on any corner lot shall not exceed three (3) feet in height.

K. Standards for Specific Non-Residential Uses.

(1) Farmer's Markets.

- i. A zoning certificate is required for the operation of a Farmer's Market. The following regulations apply to farmer's markets, as defined herein, on private property:
 - (a) All farmer's markets operating on private property must obtain a temporary zoning certificate from the Zoning Administrator each calendar year, which shall only be issued if the proposed farmer's market complies with the following:
 - 1) Shall operate no more than one (1) day per week;
 - 2) Shall provide three (3) parking spaces per vendor on the same parcel as the market;
 - 3) Parking may be provided off-site provided that there is a safe public walkway connecting the parking to the market, and provided that there is written permission from the property owner where the off-site parking is located; and
 - 4) Shall have available reasonable access to or provide adequate restroom facilities and refuse receptacles. If temporary restroom facilities are provided the facility shall only be present during operating hours;
 - (b) All participating vendors of the farmers market shall provide proof of their State of Ohio Transient Vendor License prior to the first operating day.
 - (c) All participating vendors shall file with local income tax if the minimum days with operating within the city are met.

(2) Mobile Food Trucks.

- i. A mobile food truck shall not set-up within the City without first obtaining a zoning certificate from the Zoning Administrator. The zoning certificate shall only apply to the location specified on certificate and each different location shall require a separate zoning certificate. The zoning certificate shall be conspicuously displayed at all times during the operation. A zoning certificate shall be granted only if the proposed mobile vending business satisfies the following conditions:

- (a) Food trucks may park on private property with provided written permission from the property owner;
- (b) Evidence of PHDMC approval shall be provided, and vendors shall have all applicable federal, state, and local licenses and approvals;
- (c) The owner or operator of the food truck shall provide trash receptacles, other than public receptacles;
- (d) All equipment, other than outdoor seating, shall be inside, attached to, or within three (3) feet of the food truck;
- (e) The applicant shall provide proof of their State of Ohio Transient Vendor License if taxable items are being sold;
- (f) The applicant shall file with local income tax authority if they will be operating a minimum of twenty-one (21) days within the City.
- (g) The Zoning Administrator reserves the right to limit the number of food trucks, or prohibit them outright, if there is a conflict with the surrounding or nearby restaurants;
- (h) A food truck may not park in any residential district overnight unless it is located within an accessory structure that is compliance with this ordinance;
- (i) The mobile vendor shall be located at the same location for maximum of three consecutive days for every thirty (30) days;
- (j) Mobile vendors shall not occupy more than fifteen percent (15%) of the required parking for the permanent permitted use of the property;
- (k) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws - mobile vendors are not permitted to dispose trash in public trash receptacles;
- (l) Connection to a source of electricity, water or sewer is prohibited. The mobile vendor may supply their own sources;
- (m) No mobile vendor shall operate at any location other than the approved application and permit;
- (n) A mobile vendor shall not operate between 11:00 p.m. and 8:00 a.m.;
- (o) A mobile vendor shall not operate within 500 feet of a structure that is primarily used as residential;
- (p) The mobile vendor shall submit written proof of permission from the property owner with the zoning certificate application;
- (q) Mobile vendors shall include with application any temporary shelters such as tents that may be utilized. Review and approval by the City of Clayton Fire Department and Montgomery County Building Regulations may be required; and

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

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

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

L. Landscaping.

- (1) The purpose of this chapter is to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community. These regulations are intended to:
- i. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community;
 - ii. Increase the compatibility of development with both adjacent development and the natural environment;
 - iii. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment;
 - iv. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset;
 - v. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development;
 - vi. Eradicate or control certain exotic plant species that have become nuisances because of their tendency to damage public and private works, to have a negative effect upon public health, or to disrupt or destroy native ecosystems;
 - vii. Promote innovative and cost-conscious approach to the design, installation, and maintenance of landscaping;
 - viii. Establish procedures and standards for the administration and enforcement of this Landscaping Ordinance; and
 - ix. Ensure Biodiversity and sustainability by maintaining a diversity of plant types.

(2) Applicability.

- i. The standards within this section shall apply to all new development and gross floor area (GFA) expansions greater than twenty-five percent (25%).
- ii. The following types of landscaping are required, and the standards listed in the sections below:
 - (a) Foundation Plantings
 - (b) Street Trees
 - (c) Buffer Yard
 - (d) Parking Lot Landscaping

(3) Vegetation.

- i. All proposed plant material shall be:
 - (a) Included on the Ohio Native Plants list, exclusive of invasive species, kept on file at the Ohio Department of Natural Resources;
 - (b) Not more than thirty percent (30%) of any single plant genus; and
 - (c) Living, disease free, undamaged, and free of material defects.

(4) Foundation Planting.

- i. Foundation landscaping shall be required adjacent to the foundation of all structures as follows:

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

(5) Street Trees.

- i. All new construction where the lot width at the right-of-way exceeds seventy (70) feet must provide shade or canopy trees at the right-of-way at a rate of one tree per forty (40) linear feet of frontage. Trees shall be planted in the first five (5) feet of the front yard outside of any easement or utility rights-of-way. Tree plantings shall not be placed in the visibility triangle located at an intersection. Tree planting shall not interfere with any utility poles or equipment that are either above or below ground.

(6) Mature Tree and Plant Conservation.

- i. The preservation of plants and trees that exist on a site shall count toward the requirements of this Code, provided that:
 - (a) Existing vegetation is clearly indicated on the landscaping plan;
 - (b) Existing vegetation is not an invasive species; and
 - (c) Existing vegetation is in good health.

(7) Buffer Yard.

- i. A landscaping buffer is required to mitigate the impacts of adjacent uses and districts that differ in intensity. There are three tiers or categories of buffer yards, small, medium, and large, as per the table below:

BUFFER YARD STANDARDS			
BUFFER YARDS	SMALL	MEDIUM	LARGE
WIDTH (MIN.)	10'	20'	30'
CANOPY OR EVERGREEN TREES (MIN. PER 100 LINEAL FEET OF FRONTAGE)	3	4	5
ORNAMENTAL TREES (MIN. PER 100 LINEAL FEET OF FRONTAGE)	2	3	4
SHRUBS (MIN. PER 100 LINEAL FEET OF FRONTAGE)	10	15	20
Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting zoning district or use. Undulating mounds or berms may be substituted for a perimeter buffer yard in the discretion of the Zoning Administrator. Mounds or berms shall be a minimum height of three (3) feet and a maximum height of six (6) feet, a minimum crown width of two (2) feet, and a side slope not greater than three (3) feet horizontal to one (1) foot vertical. Mounds or berms shall be planted and covered with live vegetation. For the Medium and Large buffer yards, the erection of a high-quality fence made of wood, vinyl or masonry, a minimum of eight (8) feet in height shall reduce the required buffer yard by ten (10) feet in width. Buffers shall be located along the outer perimeter of the lot, parallel to and extending along one hundred percent (100%) of the shared lot lines, except the lot line abutting the right-of-way.			

ii. Required Buffer Yard.

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

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

(8) Parking Lot Landscaping.

- i. Parking lot landscaping is required for all new or expanded parking lots greater than ten (10) spaces. When an existing parking lot is expanded, and the expansion results in ten (10) or more parking spaces, the expansion shall be required to comply with the following standards.

(a) Perimeter Parking Lot Landscaping.

- 1) A minimum five (5)-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot along a right of way. Shrubs must be a minimum of eighteen (18) inches in height when planted and must reach a minimum size of three (3) feet in height within three (3) years of planting.
- 2) The required five (5)-foot landscaped area may be reduced to three (3) feet when a three (3)-foot high masonry wall, wrought iron or wood picket fence is erected.

(b) Off-Street Parking Islands.

- 1) Within off-street parking lots, a landscaped interior island must be provided every twenty (20) parking spaces, and islands must be distributed evenly throughout the parking area.

- 2) Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
 - 3) An interior island must be a minimum of nine (9) feet in width and 320 square feet in area.
 - 4) There must be one tree planted per interior off-street parking islands.
- M. Outdoor Storage and Displays.
- (1) The permanent or temporary outdoor storage or display of bulk goods, including seasonal items such as firewood and mulch, are subject to the approval of a Zoning Certificate and the following:
 - i. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways;
 - ii. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot;
 - iii. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants;
 - iv. Outdoor storage areas shall be required to be fully screened, with the exception of a gate or opening for entrance and exit to the storage area, with a fence or wall not to exceed eight (8) feet in height; and
 - v. Temporary outdoor storage of retail goods shall be permitted for a duration no longer than twenty-one (21) consecutive days and no longer than sixty-three (63) days over an entire year. The temporary display area may not be larger than 200 square feet and may not interfere with pedestrian, bicycle or vehicular circulation. (Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1121.07 WIRELESS SERVICE FACILITIES.

A. General.

(1) Purpose.

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

(2) City Objectives.

- i. The standards found herein shall achieve the following objectives:
 - (a) To comply with the Telecommunications Act of 1996 including any follow-up rules and/or rule interpretations by the appropriate state, federal agencies and the courts;
 - (b) To work proactively with the various personal wireless service licensees to ensure rapid and reliable deployment of their services and technologies while minimizing the negative impacts on the City;
 - (c) To protect residential areas and land uses from potential adverse impacts of Wireless Service Facilities;

- (d) To encourage the location of Wireless Service Facilities in non-residential areas and public property;
 - (e) To minimize the total number of Wireless Service Facilities throughout the community;
 - (f) To require the joint use of new and existing Wireless Service Facilities sites as a primary option rather than construction of additional single use Wireless Service Facilities;
 - (g) To require the owners and operators of Wireless Service Facilities to locate them in areas with the least or most minimal adverse impact on the community;
 - (h) To require owners and operators of Wireless Service Facilities to configure them in a way that minimizes the adverse impact of the Wireless Service Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques to be sure that, to the greatest extent feasible, Wireless Service Facilities are compatible with surrounding land uses;
 - (i) To consider the public health and safety of Wireless Service Facilities;
 - (j) To avoid potential damage to adjacent properties caused by Personal Wireless;
 - (k) Service Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed; and
 - (l) To make available appropriate City owned property and structures for Wireless Service Facilities.
- (3) Applicability.
- i. All Wireless Service Facilities any portion of which are located within the City, are subject to this Section. The provisions of this Section are to be supplemented by and are required to comply with specific regulations for the zoning districts in which such Wireless Service Facilities are located.
 - ii. Except as provided in this Section, any use being made of a pre-existing Wireless Service Facilities on the effective date of this section (herein referred to as "Nonconforming Structures") shall be deemed a nonconforming use, if in conflict with this Section. All reconstruction or modifications to a Nonconforming Structure shall be required to conform to the provisions of this Section. No work, modifications, upgrades, additional use or placement of additional antenna upon a Wireless Service Facility shall be undertaken without approval by the City and no approval shall be given until the non-conforming Wireless Service Facility complies with all requirements of this Section.

B. Standards.(1) Districts Where Permitted.

- i. Wireless Service Facilities are permitted or conditional permitted by district as per the table below.

DISTRICT	RCD-1	RCD-2	SCD	RSD	RMX	CMX	CMI	MSD	HCD	NCD
PERMITTED (P) OR CONDITIONAL USE (C)	C	P	C	C	C	P	P	C	C	Not Permitted

(2) General and Design Requirements.

- i. Wireless Service Facilities are either permitted uses or conditional uses in specific zoning districts contingent upon specified requirements being met. Specifically, such facilities are permitted uses in the zoning districts as so indicated in this Section and as found on the Official Zoning Map of the City. Said facilities shall be permitted uses in all other districts on any public or institutional property owned by the City, County, State of Ohio or School District subject to all other requirements of this Section.
- ii. The following use regulations shall apply to all Wireless Service Facilities regardless of the zoning district in which they are to be located. The following requirements may be supplemented with specific regulations applicable to permitted and conditional uses or by specific regulations for nonresidential and residential districts as set forth in this Section:
- (a) General Requirements:
- 1) License or Lease: In all cases a license or lease authorizing a Wireless Service Facilities to be located on Public Property must be approved by the City Council.
 - 2) The maximum Wireless Service Facilities Height permitted within the City is two hundred (200) feet. The Board of Zoning Appeals may waive this requirement depending on the requirements of the zoning district in which the facility is to be located and the surrounding environment of the location for the facility.
 - 3) A Wireless Service Facility Antenna as defined in this Section that is mounted to an existing Tower (whether such tower is for personal wireless services uses or not), smoke stack or water tower or other tall structure, shall be a permitted use in all zoning districts in the City. A Personal Wireless Service Antenna may also be located on the top of buildings, which are themselves no less than thirty-five (35) feet in height. Such facilities may be approved by the Zoning Administrator as a conditionally permitted use to any commercial, professional, office or institutional structure provided:

- 01) The Wireless Service Facility Antenna is designed to be as unobtrusive as possible, and shall match or be compatible with, the structure on which it is located; and
 - 02) The Wireless Service Facility Antenna Tower does not extend more than twenty-five (25) feet above the highest point of the supporting structure;
 - 03) The Wireless Service Facility complies with all applicable FCC and FAA regulations;
 - 04) The Wireless Service Facility complies with all applicable building codes and any additional equipment or structure is fully screened and located in accordance with the underlying zoning district requirements;
 - 05) Any Wireless Service Facility located on the roof of a building is to be set back one (1) foot from the edge of the roof of said building for each one (1) foot in height of the Wireless Service Facility. However, this setback requirement shall not apply to antennas less than two (2) inches in diameter, which are mounted to the sides of any antenna, support structures and which do not protrude more than six (6) inches from the side of such antenna support structure; and
 - 06) The setback mentioned in this Subsection does not apply to any Wireless Service Facility that is located on an elevator penthouse of said building, provided, that such facility meets applicable FCC and FAA requirements.
- 4) Historic Structures/Downtown District/Towne Center: Any application to locate any Wireless Service Facility on a building or structure that is listed on a historic register, or is in a historic district, Towne Center or equivalent district, shall be subject to review by the Board which shall review the aesthetic or architectural impact of the proposed facility location.
 - 5) Wireless Service Facilities shall not be located in or within 1,000 feet from:
 - 01) The boundary of any single family or multifamily residential zoning district with the exception of public property, institutional property or open spaces as defined in this Section; or
 - 02) Any single family or multifamily residence regardless of the district in which the residence is located.

- 6) All other uses ancillary to the Wireless Service Facilities including, but not limited to, business offices, maintenance depots, and material and vehicle storage are prohibited from the site unless permitted under applicable zoning requirements for the specific zoning district.
 - 7) The location of the Wireless Service Facilities and appurtenant structures shall comply with all existing natural resource protection standards established in the zoning district in which the Wireless Service Facility is to be located, including any requirements for floodplains, wetlands and steep slopes.
- (b) City Use of Facilities:
- 1) As a condition of approval of the Wireless Service Facilities, the City shall have the right to install and maintain, free of charge, upon any such Wireless Service Facilities appropriate antennas and receivers solely for government use for communication and emergency services purposes, provided that such use and maintenance does not unreasonably interfere with the operation of such Wireless Service Facilities.
 - 2) Each Licensee shall cooperate with the City in the development of a facility use agreement for City use of such facilities to accommodate the City's reasonably disclosed requirements in this regard. Copies of such agreements hereunder shall be filed with the City.
- (c) Design Requirements.
- 1) All Wireless Service Facility Towers shall be of Monopole construction. Lattice towers and guyed Towers are prohibited. The lattice or guyed Tower restrictions may be waived by the Board of Zoning Appeals if the proposed facility is compatible with the existing requirements of the zoning district in which said facility is to be located.
 - 2) Wireless Service Facility Towers shall maintain a galvanized steel finish, non-contrasting gray or similar color that will minimize its visibility. The City reserves the right to require that these Towers be of an appropriate color so as to reduce visual obtrusiveness. If required by the FAA, towers may be painted pursuant to FAA or ODOT requirements. The City may require an applicant to submit a study on tower height, lighting and painting to the FAA as a condition of the application process and obtain a preliminary finding of "No Hazard" from the FAA as a condition of further action by the City in reviewing the application.

- 3) All new and replacement Wireless Service Facilities in the City shall be an approved design. If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and its Tower as unobtrusive as possible as determined by the Board of Zoning Appeals.
 - 4) Antennas mounted on utility poles or light poles: The equipment cabinet or structure associated with the Wireless Communication Facility, Tower or Antenna shall be located according to the following:
 - 01) The equipment cabinet or structure shall be designed to minimize its visual impact, no more than thirty (30) inches in any dimension and shall be screened in accordance with the zoning requirements in the district in which it is located. The maximum height of the equipment cabinet or structure will be in conformance with the zoning district in which said cabinet or structure is located and shall not exceed thirty (30) inches in any dimension.
- (d) Co-Location.
- 1) As a condition of issuing a permit to construct and operate a Wireless Service Facility within the City, the owner/operator of the facility is required to allow co-location until said Wireless Service Facility has reached full Antenna capacity, but in no event shall the tower be:
 - 01) Able to accommodate fewer than two (2) additional Antenna for two (2) additional applicants;
 - 02) Wireless Service Facility Towers or Antennas are not permitted to be built to a height which exceeds the applicant's minimum service need as substantiated by the report and/or testimony of a radio frequency engineer, provided by the applicant and/or pursuant to a report from an engineer engaged by the City to provide engineering consultation;
 - 03) If submitted design for the Wireless Service Facility indicates that its height or capacity must be extended or enlarged to accommodate future co-location, the initial facility foundation must be designed to support this co-location capacity, and the Wireless Service Facility must be designed to accommodate this extension capability; and

- 04) The Wireless Service Facility setback must be based on the ultimate co-location height planned. This ultimate height must be specified on the drawings submitted. Wireless Service Facility height shall not be extended until co-locators have applied and are approved by the City.
- (e) Landscaping.
 - 1) A landscaped buffer area compatible with the surrounding environment and the zoning district in which the facility is to be located shall be provided. If the Wireless Service Facility is to be located in close proximity to a residential district (more than 1,000 feet but less than 3,000 feet), the Zoning Director may require landscaping consistent with that adjacent area. Such landscaping may include, but not be limited to:
 - 01) A landscape buffer of not less than ten (10) feet in depth shall be placed between the Wireless Service Facility and the public rights-of-way, residential zoning districts, and any adjacent residential uses when the facility is ground based;
 - 02) The ten (10) foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height; and
 - 03) The landscaping shall be continuously maintained, and any dead material shall be promptly removed and replaced with living material of the same species. Additional landscaping buffers may be required by the Board of Zoning Appeals to meet the existing codes of the City and to be consistent with the surrounding area. Concealed Wireless Service Facilities and rooftop facilities are not subject to this requirement.
- (f) Illumination.
 - 1) Except as required by law, a Wireless Service Facility shall not be illuminated, and lighting fixtures or signs shall not be attached to the Wireless Service Facility. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless the FAA permits no other alternative. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding view. Lighting for security purposes shall be permitted at the Wireless Service Facility with prior approval of the Zoning Director.
- (g) Advertising/Signs.
 - 1) No advertising or signs shall be permitted on any Wireless Service Facility.

- (h) Security.
 - 1) No Trespassing signs shall be posted around the Wireless Service Facility with a telephone number of a person to contact in the event of an emergency.
 - (i) Certification.
 - 1) Wireless Service Facility shall be designed and sealed by a registered professional engineer in accordance with the provisions of the Ohio Building Code and the National Electric Code.
 - (j) Building Codes; Safety Standards.
 - 1) The owner of a Wireless Service Facility shall ensure that said facility is maintained in compliance with standards contained in all applicable building codes and the applicable standards for such facilities published by the Electronic Industry Association and Telecommunication Industry Association as now exists or may hereafter be amended. Upon application for modification or co-location, the applicant shall provide evidence that the Wireless Service Facility complies with current codes and standards. If the Facility fails to comply with any such codes or standards and/or constitutes a danger to persons or property, no further modification or co-location shall be permitted until the Facility is strengthened or replaced to meet the current standard.
 - (k) License to Operate: Owners and operators of Personal Wireless.
 - 1) Service Facilities shall submit copies of all franchises, certifications, licenses, and permits required by law for the design, construction, location and operation of Wireless Service Facilities within the City including any FCC tower registration numbers. Owners and operators shall be required to maintain same and to provide evidence of renewal or extension thereof when requested by the City.
 - (l) Compliance with FAA and Airport Authority.
 - 1) Prior to receiving any approvals for permits for construction of any Wireless Service Facility within the approaches to or within the zoning district of any City, regional, county or international airport facility, the applicant must obtain and furnish to the City, proper written authorization from the FAA or any such Airport authority to construct such Wireless Service Facility within the airport approaches or any airport zoning district.
- (3) Approval procedures for Wireless Service Facilities Permitted as a Conditional Use.

- i. The applicant shall demonstrate that the Wireless Service Facility must be located where it is proposed in order to service the applicant's service area and that there exists a "significant gap in coverage" under applicable legal standards and that the manner in which the applicant proposes to fill the gap is the least intrusive alternative available.
- ii. If the Wireless Service Facility is located on property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access, if provided to the facility, does not interfere with the principal parking or vehicular traffic on the site.
- iii. The applicant shall present a site/landscaping plan showing the specific location of the Wireless Service Facility on the site, location of existing trees and other significant site features and indicating the type and location of plant materials used to screen the facility and the proposed color of the facility,
- iv. The applicant must present a signed statement stating that the applicant and owner/lessor of the underlying property where the Facility is to be located, agrees to allow for co-location of additional Wireless Service Facility by other licensees on the applicant's structure or within the same site location.
- v. Board of Zoning Appeals Review:
 - (a) A Wireless Service Facility shall not be constructed or erected except upon issuance of a permit by the City after approval by the Board of Zoning Appeals. The Board shall conduct a public hearing with advanced notice of said hearing provided in accordance with this Code. The foregoing requirement of public notice and hearing may be waived by the Board of Zoning Appeals for the construction of a new Antenna on an existing structure which application does not require the construction of a new Wireless Communications Facility, Tower or Antenna or associated facilities.
 - 1) In granting conditional use approval, the Board of Zoning Appeals may impose conditions to the extent the Board concludes that such conditions are necessary to minimize any adverse effect of the proposed Wireless Service Facility on adjoining properties.
 - 2) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by an Ohio licensed professional engineer.
 - 3) An applicant for a conditional use shall submit the information described in this Section and a non-refundable fee as established by the City to reimburse the City for the costs of reviewing and providing legal notice for the application.

- (b) Notification: The Board of Zoning Appeals shall notify all of the owners of the location proposed for the Wireless Service Facility and all owners of land within the area described and in the manner described herein of the time and place of the public meeting at which such application will be considered.
- (c) Any decision to deny a request to place, construct or modify a Wireless Service Facility shall be in writing and supported by evidence contained in a written record of the Board of Zoning Appeals.
- vi. Submittal Requirements:
 - (a) Survey of Existing Conditions within a 3,000 feet radius of the proposed Wireless Service Facility which contains a survey of the entire parcel clearly indicating the portion to be leased or utilized by the applicant for the Wireless Service Facility, and also any physical features and ownership on the site and abutting sites.
 - (b) Legal Description of the parent tract and leased portion if applicable.
 - (c) A scaled site plan and specifications of the leased portion which includes at least 300 feet outside the perimeter of the leased portion of property with dimensions of no less than one- inch equals forty (40) feet, in addition to the following:
 - 1) All land uses within the 300 feet radius;
 - 2) Where the proposed Wireless Service Facility will be located as well as any existing or planned ancillary buildings;
 - 3) A list of residential properties located within 3,000 feet of the proposed Wireless Service Facility;
 - 4) Adjacent roadways, proposed means of access, on-site parking; and
 - 5) Setback dimensions between the Wireless Service Facility and any lot lines.
 - (d) Grading and Landscaping Plan, which shall include all planned materials, plantings, and land contours.
 - (e) Plans, elevation drawings and material specifications for all proposed Wireless Service Facilities.
 - (f) Equipment Shelter/Building: Building plans, elevation drawings and material specifications for all proposed ancillary buildings, structures, fences, walls and gates.
 - (g) Fence Plan: Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures. Use of barbed wire is permitted if compatible with the applicable zoning requirements and surrounding land uses where the Wireless Service Facility is to be located. Use of razor wire as part of any fencing is prohibited. The City and co-locators shall have reasonable access. No fence shall be required on the top of a building or other structure if access to the roof or top of said structure is secure.

- (h) The City reserves the right to require specific fencing consistent with Existing Zoning Codes in the district where the Wireless Service Facilities is to be located.
- (i) Certification of Compliance: A written certification from the Wireless Service Facilities' FCC licensed carrier that said facility is in compliance with all applicable federal, state, county and local laws including the National Environmental Policy Act (NEPA) and FCC regulations.
- (j) Co-Location Statement: A notarized statement by a registered professional engineer hired by the applicant that verifies that construction of the Wireless Service Facility will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.
- (k) Lease Agreement: A copy of the proposed facility site lease agreement including all easements and access rights.
- (l) Inventory of Locations and Providers:
 - 1) List of Applicant Locations; Each applicant for a Wireless Service Facility shall provide to the Board of Zoning Appeals an inventory of its existing Wireless Service Facilities, or sites approved for said facilities, that are within the jurisdiction of the City or within two (2) miles of the border thereof, including specific information about the location, height, and design of each Wireless Service Facility.
 - 2) Specification of Backhaul Providers: Identification of the entities providing the backhaul network for the Wireless Service Facilities described in the application and other Wireless Service Facilities sites owned or operated by the applicant within the City.
- (4) Standards for Wireless Service Facilities within the RCD1, RCD-2, SCD, CMI, CMX, and MSD Districts are as follows:
 - i. May be located on the site of an existing permitted use as long as the property remains compliant with setbacks and other development standards applicable to underlying zoning district;
 - ii. When the Wireless Service Facility is attached to a building or structure, no portion shall extend more than twenty-five (25) feet above that portion of the building or structure on which it is located;
 - iii. The setback requirement for the Wireless Service Facility shall be the height of the facility proposed in addition to a buffer of 1,000 feet from any occupied residential property;
 - iv. The maximum height for a standalone Personal Wireless Facility Tower in the CMI is two hundred (200) feet, and one-hundred and fifty (150) feet in the CMX and MSD Districts;
 - v. The Board of Zoning Appeals may waive this requirement if the height of the proposed Tower if the proposed tower meets FAA requirements;
 - vi. The maximize size for a on-site building is 1,000 square feet, and it must adhere to the development standards of the underlying zoning district;

- vii. The Wireless Service Facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance except in emergency situations; and
 - viii. Access to the property and the Personal Wireless Facility Tower, all interior circulation, and all parking spaces on the property must be paved;
- (5) Standards for Wireless Service Facilities within the RSD, RMX, and HCD Districts are as follows:
- i. May be located in the RS, RMX, and HCD Districts only when affixed to a non-residential structure, or a multi-family structure greater than four stories in height; and
 - ii. No portion of the Wireless Service Facility shall extend more than 15 feet above that portion of the building or structure on which it is located.
- (6) Standards for Wireless Service Facilities within Open Space, Athletic Fields, Parks, Educational Institutions, or Publicly-Owned Land are as follows:
- i. The open space, athletic field, park, or educational institution shall be owned by the Municipality, County or State government; school district; a homeowner's association; a charitable organization; or a private, nonprofit conservation organization;
 - ii. Maximum Tower height: Two hundred (200) feet;
 - iii. Shelter/Buildings shall not exceed four hundred (400) square feet in size, or if there is more than one Equipment Shelter/Building, eight hundred (800) square feet;
 - iv. The Wireless Service Facility and any associated structure or structural elements shall be set back a minimum of 1,000 feet from any residential property;
 - v. Service access to the facility shall, whenever feasible, be provided along the existing driveways and shall not interfere with the principal parking or vehicular traffic on the site. Wherever and whenever service access to the Wireless Service Facility is to be constructed and maintained at said facility, paving or use of other access construction materials for any access driveway and principal parking lot shall be in accordance with existing Zoning Codes of the district in which the Wireless Service Facility is to be located;
 - vi. The Wireless Service Facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance except during periods of construction or during an emergency; and
 - vii. Fencing and landscaping will be in accordance with this Section and any zoning requirements of the district in which the Wireless Service Facility is to be located.
- (7) Certification of Professional Registered Engineer.
- i. Prior to action by the City specified in this Section, the City may require a review/report by an independent licensed, registered professional engineer with experience in Wireless Service Facility design, construction and radio frequency propagation studies. The City will retain said engineer and the applicant shall reimburse the City for all such costs of such engineer's review and certification.

Among other things, the engineer may review and recommend changes to the written certification of the applicant's engineer filed pursuant to this Section, may review and recommend changes to the applicant's propagation studies showing the necessity for the location of the Wireless Service Facility and may review and recommend changes to the height, number, location, structural integrity, electrical integrity and electrical safety of the Wireless Service Facility in its projected uses so as to assure the protection of the health, safety and welfare of the citizens of the City.

(8) Reimbursement of Expenses.

- i. The applicant shall be responsible for all expenses incurred by the City for any technical engineering services deemed necessary by City Council, the City Attorney, and the Planning Commission and the Director to perform the reviews required by this Section.

(9) Permit.

- i. A Wireless Service Facility may not be constructed or erected except where located in compliance with this Section. The Zoning Director, or a designee, shall authorize the issuance of permits required by the Section and shall collect any applicable fees. In addition to meeting the standards of this code, all Wireless Service Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Service Facilities. Failure to maintain the Wireless Service Facility in compliance with said revised standards and regulations shall constitute grounds for the removal of the Wireless Service Facility at the FCC licensee, owner or operator's expense.
- ii. After issuance of a permit to construct a Wireless Service Facility the permit holder shall begin construction within one hundred eighty (180) days and shall complete construction within three hundred sixty (360) days or the permit and approval shall expire.

(10) Abandonment of Wireless Communication Facility Tower or Antenna.

- i. All FCC licensees utilizing Wireless Service Facilities shall present a report to the Zoning Administrator, or a designee, notifying them of any Wireless Service Facility located in the City whose use will be discontinued and the date this use will cease. If at any time the use of said facility is discontinued for one hundred eighty (180) days, the Zoning Administrator may declare the facility abandoned (excluding any dormancy period between construction and the initial use of the facility). The facility's owner/operator will receive written notice from the City or its designee and be instructed to either reactivate the facility's use within one hundred eighty (180) days or dismantle or remove the facility. In the case of a multi-use Wireless Service Facility, this provision shall not become effective until all of the users cease to use the Wireless Service Facility. However, the City may cause the abandoned portions of the systems on the multi-use Wireless Service Facility to be removed in accordance with this Section. The Wireless Service Facility licensee, or owner, shall be notified ninety (90) days in advance of the impending removal and shall be afforded the opportunity to be heard before the Board of Zoning Appeals to contest the removal.

- ii. After a public hearing is held pursuant to subsection B.(10)i. hereof, the Board of Zoning Appeals may order the demolition of the Wireless Service Facility. The City shall also exercise its rights related to any bonding requirements stated in subsection B.(10)iii. hereof.
 - iii. The owner or operator of a Wireless Service Facility shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the City Attorney of not less than one hundred dollars (\$100.00) per vertical foot from natural grade of the Wireless Service Facility. Said bond shall warrant that an abandoned, obsolete or destroyed Wireless Service Facility will be removed within one hundred eighty (180) days of cessation of use and abandonment. If the Wireless Service Facility is not removed within one hundred eighty (180) days of cessation of use or abandonment, the owner or operator shall forfeit this bond, but the obligation to remove the Wireless Service Facility and restore the site to its pre-existing condition shall remain.
 - iv. In the event that said Wireless Service Facility is not removed within one hundred eighty (180) days of cessation of operations at a site, the Wireless Service Facility may be declared a nuisance and removed by the City and the costs of removal assessed against the property or recovered by other legal means from the owner or operator. Any co-locator shall be required to additionally execute such bond, as principal, to ensure that the bond will be in place during the period of time that the co-locator occupies the Wireless Service Facility.
- (11) Sale, Transfer or Assignment of a Wireless Communication Facility, Tower or Antenna.
- i. No sale, transfer or assignment of a Wireless Service Facility by an owner/operator of a Wireless Service Facility shall take place, whether by forced or voluntary sale, lease or assignment, name change, or merger, without prior written notice thereof to the City. The written notice of such sale, transfer, name change, merger or assignment shall include full identifying particulars of the proposed transaction and must include the name, address and telephone number of the transferee, purchaser or assignees. All such actions shall be deemed modifications and require an application for a Conditional Use Permit or amendment to a Conditional Use Permit.
 - ii. This Section does not apply to a sale, transfer or assignment to any existing affiliate of the FCC Licensee, owner/operator of such facilities, or to any mortgage, hypothecation, or financing of the assets of the FCC Licensee, owner/operator of such facilities.
- (12) Foreclosure, Bankruptcy, or Receivership.
- i. In all cases where the FCC Licensee, owner/operator leases Public Property from the City for use as a Wireless Service Facility, upon foreclosure or other judicial sale of all or a substantial part of the Personal Wireless Service Facility located on Public Property within the City, the FCC Licensee, owner/operator shall notify the City, in writing, of such fact. Said foreclosure or judicial sale shall be subject to consent of the City. Such consent will not be unreasonably withheld.

- ii. The City shall have the right to cancel any agreement related to leasing or rental payments for Public Property for use as a Wireless Service Facility and related equipment one hundred and twenty (120) days after the appointment of a receiver or trustee, to take over and conduct the business of the owner/operator, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such bankruptcy/receivership or trustee appointment shall have been vacated prior to the expiration of said one hundred twenty (120) days or unless:
 - (a) Within one hundred and twenty (120) days after the election or appointment, such receiver or trustee shall have fully complied with all of the provision of any such lease agreements with the City related to leasing of such Public Property;
 - (b) Within one hundred and twenty (120) days, such receiver or trustee shall have executed an agreement duly approved by a court having competent jurisdiction whereby such receiver or trustee assumes and agrees to pay rent, abide by and be bound by all other terms and conditions of any lease agreements for Public Property with the City regarding a Personal Wireless Service Facility and related equipment; and
 - (c) The City is promptly notified, in writing, with written evidence of such appointment and an agreement of compliance is furnished to the City.
 - iii. During the pendency of such foreclosure or bankruptcy/receivership, the FCC Licensee, owner/ operator of such Personal Wireless Service Facility located on Public Property shall be responsible for the timely payment of rents as provided for in this Section or any lease agreement for such sites.
 - iv. Failure to notify the City as required in this section shall be considered to be a material breach of the provisions of this Section and shall, subject the FCC Licensee, owner/operator of any such Personal Wireless Service Facility to any penalties as may be provided for in this Section or any lease agreement and to any other remedies available to the City at law or in equity.
- (13) Civil Action.
- i. Whenever any person fails, neglects or refuses to comply with any order of the Board of Zoning Appeals Director or City Council under the provisions of this Section, or when any building or other structure is used or occupied so as to be in violation of or not in conformity with any provision of this Section, the City may, institute an appropriate action in law or in equity to prevent any violation of this Section or to prevent the occupation or use of such building or other structure.
- (14) Cumulative Remedies.
- i. The exercise of the rights and remedies granted in this Section shall in no way preclude or limit the City from exercising any other right or remedy now or hereafter granted to it under the laws of Ohio or the Ordinances of the City.

(15) Severability.

- i. If any provision of this Section or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Section, which can be given effect without the invalid provisions or application. Should any such provisions later be determined to be valid said provision shall thereupon return to full force and effect and shall thereafter be binding on the City and all owners or operators of Wireless Service Facilities within the City.

(16) Procedure for District Designation.

- i. City Council, in accordance with the procedures for amending Zoning set forth in the Codified Ordinances of the City of Clayton, may designate any additional area, after review and recommendation by the Planning Commission for a Wireless Service Facility District. Such review shall include all requirements set forth in the existing procedures for properly changing Zoning Requirements and Districts that are hereby incorporated by reference into this Section. Such review may include, but not be limited to, the following considerations:
 - (a) The area is a non-residential zone with surrounding buildings and equipment that will obscure the Wireless Communication Facility, Tower or Antenna from view.
 - (b) The area includes internal tree masses and/or buildings that will obscure a Wireless Communication Facility, Tower or Antenna from view.
 - (c) The area contains an existing building or structure that can accommodate Concealed Design for the Personal Wireless Service Facility.

(17) Liability.

- i. In the case of all leases concerning Public Property, an owner or operator of a Wireless Service Facility shall indemnify and hold harmless the City of Clayton as set forth in its lease at all times during the life of said lease and will pay all damages and penalties which the City may be required to pay as a result of granting said lease to the owner or operator of Wireless Service Facility.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.08 ADULT US CANNABIS AND MARIJUANA RELATED OPERATIONS.**1121.08.1 ADULT USE CANNABIS PROHIBITION.**

(a) For the purpose of this Chapter, certain words and terms used herein shall be interpreted as follows:

- (1) The words or terms "Adult Use Cannabis", "Adult Use Cultivator", "Adult Use Cannabis Operator", "Adult Use Dispensary", "Adult Use Cannabis Processor" and "Adult use extract" as used in this Chapter shall have the same meanings as defined or described in Chapter 3780 of the Ohio Revised Code.

- (b) Prohibition on adult use cannabis and related operation within the City.
- (1) Adult use cannabis operators, adult use cultivators, or adult use processors, including all cultivation, processing and retail dispensing of adult use cannabis or adult use extract, whether permitted under Chapter 3780 of the Ohio Revised Code or not, are prohibited in all zoning districts within the entire corporate limits of the City of Clayton, Ohio.
No zoning permit or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted to any person, entity, or other applicant desiring or intending to operate as an adult use operator within the corporate limits of the City.
 - (2) This prohibition shall not be applicable to any adult use testing laboratory having been issued a license under Chapter 3780 of the Ohio Revised Code to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.
 - (3) Nothing herein shall prohibit the legal personal use, cultivation, or possession of adult use cannabis by individuals within the City as may be provided for in Chapter 3780.29 of the Ohio Revised Code.
(Ord. O-06-25-07. Passed 6-24-05.)

CHAPTER 1131
Nonconformities

1131.01	Applicability.	1131.04	Repair and alteration.
1131.02	Continuation.	1131.05	Replacement.
1131.03	Enlargement or substitution.	1131.06	Discontinuance.

1131.01 APPLICABILITY.

A. The following sets forth the rights of a property owner to continue, enlarge, substitute, repair, alter, replace, or discontinue a nonconforming use or structure.

B. The following table summarizes the decisions relative to nonconformities and the role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviewing parties:

DETERMINATION OF:	ZONING ADMINISTRATOR	PLANNING COMMISSION	BOARD OF ZONING APPEALS (BZA)	CITY COUNCIL
ENLARGEMENT				
Application Submitted to:	X			
Decision by:			X	
Appeal to:				
SUBSTITUTION				
Application Submitted to:	X			
Decision by:			X	
Appeal to:				
REPAIR OR ALTERATION				
Application Submitted to:	X			
Decision by:	X			
Appeal to:			QJ	
REPLACEMENT				
Application Submitted to:	X			
Decision by:	X			
Appeal to:			QJ	
DISCONTINUANCE				
Application Submitted to:	X			
Decision by:	X			
Appeal to:			QJ	
KEY A Administrative Decision QJ Quasi-Judicial Decision QL Quasi-Legislative Decision LS Legislative Decision X Responsible for Determination				

(Ord. 0-05-21-02. Passed 6-17-21.)

1131.02 CONTINUATION.

Except as hereinafter specified, the lawful use of a building or premises, or the lawful existence of a structure, at the time of the effective date of this Code, which would render the use or the structure non-conforming, may be continued despite such use or structure not conforming with the provisions of this Code. A use or structure can at any time be brought into conformance with the regulations in this Code and upon bringing the use or structure into conformance with this Code, the use or structure shall be considered conforming and the terms and provisions of this chapter shall no longer apply unless the use or structure becomes non-conforming as a result of an amendment to this Code. A use or structure that is not used or constructed in accordance with this Code is not a nonconforming use or structure, but rather is a violation of this Code subject to the enforcement rights and remedies set forth in Chapter 1141 hereof.
(Ord. 0-05-21-02. Passed 6-17-21.)

1131.03 ENLARGEMENT OR SUBSTITUTION.

No non-conforming use or structure shall be enlarged, extended, reconstructed, substituted, or altered to increase its non-conformity unless the use is changed to a conforming use or the structure altered to conform with the development standards set forth in this Code.
(Ord. 0-05-21-02. Passed 6-17-21.)

1131.04 REPAIR AND ALTERATION.

A. Repairs, alterations and maintenance work as required to keep said non-conforming structure in sound condition and repair may be made to a non-conforming structure; provided that the total costs of repairs and alterations shall not exceed fifty percent (50%) of the structure's then fair market value.

B. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of a structure (other than a damaged or destroyed structure subject provided for below) in accordance with an order of a public official who is charged with protecting the public safety declaring such structure to be unsafe and ordering its restoration to a safe condition.
(Ord. 0-05-21-02. Passed 6-17-21.)

1131.05 REPLACEMENT.

Any non-conforming structure damaged to an extent of more than seventy-five percent (75%) of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to seventy-five percent (75%) or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such restoration shall begin within one year from the time of damage.
(Ord. 0-05-21-02. Passed 6-17-21.)

1131.06 DISCONTINUANCE.

Where a non-conforming use has been discontinued, meaning that the structure containing the use has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred, for a period of six (6) or more continuous months, the non-conforming use shall be permanently terminated.
(Ord. 0-05-21-02. Passed 6-17-21.)

CHAPTER 1141
Administration and Procedures

1141.01	Applicability.	1141.07	Variances.
1141.02	Zoning Administrator.	1141.08	Conditional uses.
1141.03	Planning Commission.	1141.09	Appeals.
1141.04	Board of Zoning Appeals.	1141.10	Zonng Map (rezoning) and
1141.05	Applications.		Code amendments.
1141.06	Zoning certificates.	1141.11	Violations; remedies.

1141.01 APPLICABILITY.

A. This Code sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, and the Zoning Administrator relative to the administration and enforcement of this Code.

B. The following table summarizes the applications and role of each of the administrative, quasi-judicial, quasi- legislative, and legislative reviews set forth in this chapter and the responsible reviewing party:

APPLICATION TYPE:	ZONING ADMINISTRATOR	PLANNING COMMISSION	BOARD OF ZONING APPEALS (BZA)	CITY COUNCIL
ZONING CERTIFICATES				
Application Submitted to:	X			
Decision by:	X			
Appeal to:			QJ	
VARIANCES				
Application Submitted to:	X			
Decision by:			QJ	
Appeal to:			QJ	
CONDITIONAL USES				
Application Submitted to:	X			
Decision by:			QJ	
Appeal to:			QJ	
ZONING TEXT AMENDMENTS				
Application Submitted to:	X			X
Decision by:		QL		LS
Appeal to:			QJ	
ZONING MAP AMENDMENTS				
Application Submitted to:	X			X
Decision by:		QL		LS
Appeal to:				
ZONING ENFORCEMENT				
Application Submitted to:	X			
Decision by:	A			
Appeal to:			QJ	
KEY A Administrative Decision QJ Quasi-Judicial Decision QL Quasi-Legislative Decision LS Legislative Decision X Responsible for Determination				

(Ord. 0-05-21-02. Passed 6-17-21.)

1141.02 ZONING ADMINISTRATOR.

A. Unless otherwise directed or appointed by the City Manager, the Zoning Administrator shall have the following responsibilities and powers:

- (1) Enforce the provisions of this Code and interpret the meaning and application of its provisions;
- (2) Receive, review and make determinations on applications for Zoning Certificates;
- (3) Issue Zoning Certificates as provided by this Code and keep a record of same with notations of special conditions involved;
- (4) Review and process plans pursuant to the provisions of this Code;
- (5) Make determinations on whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing pursuant to the procedures in this Code;
- (6) Conduct inspections of buildings and uses of land to determine compliance or noncompliance with this Code;
- (7) Maintain permanent and current records required by this Code, including, but not limited to, the Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and Conditional Uses, which shall be made available for use of the City Council, Planning Commission, the Board of Zoning Appeals and the public;
- (8) Determine the existence of any violations of this Code and enforce this Code;
- (9) Revoke a Zoning Certificate or approval issued contrary to this Code or based on a false statement or misrepresentation on the application; and
- (10) Such other administrative duties as specifically granted to them from time to time by the City Manager. (Ord. 0-05-21-02. Passed 6-17-21.)

1141.03 PLANNING COMMISSION.

A. The City of Clayton Planning Commission is established in accordance with Article VII Section 7.01 of the City Charter.

B. For the purpose of this Code, the Commission shall have the following responsibilities:

- (1) Initiate advisable Zoning Map changes, or changes in the text of the Code where same will promote the best interest of the public in general through recommendation to the City Council.
 - (2) Review all proposed amendments to this Code (text and/or map) and make recommendations to the City Council.
 - (3) Review all Planned Development Districts (PDD), in accordance with Section 1111.21 and make recommendations to City Council.
 - (4) Review all Subdivisions, in accordance with Chapter 1161, and make recommendations to City Council.
- (Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1141.04 BOARD OF ZONING APPEALS.

A. The Board of Zoning Appeals is hereby created in accordance with Section 7.02 of the City of Clayton, Ohio Charter.

B. For purposes of this Code, the Board of Zoning Appeals shall have the following responsibilities:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Code. Procedures for administrative appeals shall conform to this Title.
 - (2) To authorize dimensional and locational variances from the terms of this Code that are not contrary to public interest and where the property owner will experience practical difficulties as a result of the literal enforcement of this Code. Procedures for obtaining a variance shall conform to Chapter 1141 of this Code. This section shall not be construed to permit variances to allow uses that would not otherwise be permitted by this Code.
 - (3) To hear and determine applications for Conditional Use Certificates for the use of land, buildings, or other structures, as provided for in Chapter 1141 of this Code.
 - (4) To hear and determine the substitution, enlargement or extension of a non-conforming use existing at the time of enactment of this Code. Standards and procedures for non-conforming uses shall conform to Chapter 1131 of this Code.
- (Ord. 0-05-21-02. Passed 6-17-21.)

1141.05 APPLICATIONS.

A. All requests for a decision or approval under this Code begins with the property owner or agent thereof filing an application with the Zoning Administrator.

B. A complete application shall include all required submissions and the payment in full of all applicable fees.

C. The Zoning Administrator will determine whether an application is complete and is ready to be processed. In some instances, an additional application may be deemed necessary by the Zoning Administrator and, if so, an application will not be deemed to be complete unless and until all applications are submitted and reviewed and determined to be in accordance with all submittal requirements. The applicant will be notified in writing of any deficiencies in the completeness of the application and shall have twenty (20) business days from the date thereof to complete the application or the application will be deemed null and void.

D. If a decision on the application is to be made by someone other than the Zoning Administrator, then the complete application shall be forwarded to the appropriate body for review in accordance with this chapter.

(Ord. 0-05-21-02. Passed 6-17-21.)

1141.06 ZONING CERTIFICATES.

A. All departments, officials and public employees of the City and County vested with the duty and authority to issue certificates or licenses shall conform to the provisions of this Code. Any certificates or licenses issued in conflict with or in violation of the provisions of this Code shall be null and void.

B. Until a Zoning Certificate has been obtained from the Zoning Administrator;

- (1) The construction, building, moving, remodeling or reconstruction of any building or structure shall not be commenced;
- (2) The improvement of land preliminary to any use of such land shall not be commenced; and
- (3) The use of land, buildings or structures for temporary and accessory uses shall not be commenced.

C. Every application for a Zoning Certificate shall be accompanied by a site plan, in duplicate, drawn to such scale as to clearly show the following:

- (1) The actual dimensions of the subject property according to the recorded plat of such property;
- (2) The use, height, location and ground area of all present and proposed buildings and structures, the location of all vehicular entrances to and exits from the property, the location of all off-street parking areas and number of spaces provided therein; the building lines in relation to lot lines; the number, type size, and location of all present and proposed signs; and such other information as may be required by the Zoning Administrator, for the proper enforcement of this Code; and

D. One copy of the site plan shall be maintained on file by the Zoning Administrator for public inspection.

E. Zoning Certificates shall be issued, or refusal thereof provided to the applicant, within twenty (20) business days after the date of application.

F. A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12)-month period construction, building, moving, remodeling or reconstruction of a building or structure is commenced or a use is commenced. The Zoning Administrator may grant an extension for good cause shown.

G. No building, structure, or addition thereto constructed, built, moved, remodeled, or reconstructed after the effective date of this Code shall be occupied or used for any purpose; and no land vacant on that date shall be used for any purpose; and no use of any land, building or structure shall thereafter be changed to any other use unless a Zoning Certificate shall first have been obtained from the Zoning Administrator, certifying that the proposed use or occupancy complies with all the provisions of this Code.

H. Every application for a Zoning Certificate for a new or changed use of land, building, or structure shall be filed with the Zoning Administrator.

I. No certificate of completion for a new use of any building, structure or land shall be issued until the premises have been inspected and certified by the Zoning Administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. However, the Zoning Administrator may issue a certificate of completion to an applicant who has not, or whose predecessor or predecessors in interest has not obtained a Zoning Certificate for a change in use of any land, building, or structure as required by law at the time such change in use occurred, prior to the adoption of this Code and provided the Zoning Administrator determines that such applicant, or their predecessor or predecessors in interest, would have been entitled to the issuance of a Zoning Certificate if the application then required by law would have been made.

J. Pending the issuance of a Zoning Certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. A Zoning Certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within twenty (20) business days after the receipt of an application therefor, or after the Zoning Administrator is notified in writing that the structures or premises are ready for inspection. (Ord. 0-05-21-02. Passed 6-17-21.)

1141.07 VARIANCES.

A. The procedures for obtaining a dimensional or locational variance from the development standards in this Code are as follows:

- (1) The Board of Zoning Appeals may authorize variances from the terms of this Code when the Board has made written findings of fact, based upon the standards set forth herein.
- (2) The applicant may file an appeal for a variance, which shall contain the following:
 - i. Description of property and nature of variance;
 - ii. The nature of the variance i.e., including the specific provisions of the Code from which the variance is requested;
 - iii. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed;
 - iv. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zone or district;
 - v. A statement showing that the special conditions and circumstances do not result from the actions of the applicant;
 - vi. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights;
 - vii. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals;
 - viii. One (1) copy of a plot plan drawn to an appropriate scale showing the following:
 - (a) The boundaries and dimensions of the lot;
 - (b) The size and location of existing and proposed structures;
 - (c) The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces and landscaping;
 - (d) The relationship of the requested variance to the standards set by the Code; and
 - (e) The use of land and location of structures on adjacent property.
- (3) The Board shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the owners of property within 300 feet of the nearest lot line of the subject property and contiguous to and directly across the street from the applicant's property, as they shall appear on the notice of appeal. In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- (4) The Board shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that without the variance the owner would suffer practical difficulties. In determining whether a property owner seeking an area variance has encountered practical difficulties, the Board shall consider and weigh all of the following factors; provided, however, that the applicant need not satisfy all of the factors and no single factor shall be determinative:

- i. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to any other land, structure or building within the same zoning district;
 - ii. A literal interpretation of the Planning and Zoning Code would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district under the same provision of the Planning and Zoning Code;
 - iii. The special conditions and circumstances do not result from the actions of the applicant;
 - iv. Granting the variance requested will provide the minimum necessary relief to alleviate the practical difficulties the applicant is experiencing;
 - v. Granting the variance will be in harmony with the general purpose and intent of the Planning and Zoning Code, and will not cause damage or harm to the neighborhood or otherwise be detrimental to public health, safety and welfare;
 - vi. The proposed variance will not constitute a change of zoning district, including a variation in use, on the Official Zoning Map. In no case shall the Board approve a variance for a use which is not a permitted use in the zoning district in which the land, structure or building is located; and
 - vii. Other relevant factors that may assist the Board in weighing and balancing the public and private benefits and harms to determine if the requested relief is necessary; with the exception that no nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted or nonconforming use of lands; structures or buildings in any other zoning district shall be considered justification for approval of the requested variance.
- (5) In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out herein to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.
 - (6) The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the Zoning Administrator under this Code. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.
 - (7) A variance granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the variance, unless within such twelve (12)-month period the variance is acted upon by the applicant. Once the time limit pursuant to this subsection has expired, a request for a variance shall require a new application for a variance.
 - (8) There shall be no modification of variances except by further action of the Board of Zoning Appeals.
 - (9) No applications for variances from the use tables contained in this Code shall be permitted and no such application will be accepted, considered or heard.

- (10) Any application for a variance that is substantively amended by an applicant must be refiled and all applicable time periods shall start over from the date of the filing of a complete amended application.
- (11) Any application for a variance that is not acted upon by an applicant within six (6) months of the filing of a complete application shall automatically expire and be of no further force or effect.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1141.08 CONDITIONAL USES.

A. The following provisions shall apply to the issuance of Conditional Use Certificates:

- (1) Specifically listed Conditional Uses are provided within the zone or district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zone or district.
- (2) The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans of the surrounding area, conditions of development, and with regard to appropriate plans.
- (3) Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Code in the zoning district in which the property is situated.
- (4) The application for a Conditional Use shall contain the following:
 - i. Description of property and intended use;
 - ii. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed;
 - iii. The proposed use of the property;
 - iv. A statement of the necessity or desirability of the proposed use to the property and land use;
 - v. A statement of the compatibility of the proposed use to adjacent property and land use;
 - vi. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals;
 - vii. The application shall be accompanied by two (2) copies of the plot plan, drawn to an appropriate scale clearly showing the following:
 - (a) The boundaries and dimensions of the lot;
 - (b) The size and location of existing and proposed structures;
 - (c) The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping;
 - (d) The relationship of the proposed development to the development standards in the existing zone or district;
 - (e) The use of land and location of structures on adjacent property.
- (5) The Board shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to property owners within three hundred (300) feet of the applicant's property, as they shall appear on the notice of appeal. In addition, public notice of such hearings as to the

time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

- i. The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
 - 1) Adequate utility, drainage and other such necessary facilities have been or will be provided;
 - 2) Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys;
 - 3) All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property;
 - 4) All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential zone;
 - 5) The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located;
 - 6) The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures;
 - 7) Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals; and
 - 8) In granting a Conditional Use Certificate, the Board may impose such conditions, safeguards and restrictions upon the premises benefitted by the Conditional Use as may be necessary to comply with the standards set out in this Code to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.
- (6) The concurring vote of a majority of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Administrator under this Code. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within twenty (20) business days after the close of the hearing.

- (7) A Conditional Use Certificate granted by the Board shall terminate at the end of one year from the date of which the Board grants the Conditional Use, unless within one year period a Zoning Certificate is obtained and the erection or alteration of a structure and/or use is started, moreover the Conditional Use shall automatically expire if, for any reason, the use shall be abandoned for a period of more than twelve (12) months
- (8) Any application for a conditional use that is substantively amended by an applicant must be refiled and all applicable time periods shall start over from the date of the filing of a complete amended application.
- (9) Any application for a conditional use that is not acted upon by an applicant within six (6) months of the filing of a complete application shall automatically expire and be of no further force or effect.
(Ord. 0-05-21-02. Passed 6-17-21.)

1141.09 APPEALS.

A. The following provisions shall apply to the Board of Zoning Appeals for administrative appeals:

- (1) An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of this Code may be taken to the Board of Zoning Appeals by any person aggrieved, or their agent, or by any Officer of the City affected by such decision of the Zoning Administrator.
- (2) Appeals to the Board shall be filed within twenty (20) business days after the decision of the Zoning Administrator by filing a written notice of appeal with the Board of Zoning Appeals on the form specified by the Zoning Administrator. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.
- (3) The Board shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the owners of property within 300 feet of the nearest lot line of the subject property and contiguous to and directly across the street from the applicant's property, as they shall appear on the notice of appeal. In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- (4) In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- (5) The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of a majority of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Administrator under this Code. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

- (6) Decisions of the Board of Zoning Appeals may be appealed to the Montgomery County, Ohio Court of Common Pleas under Ohio Revised Code Section 2506.01, et seq.
(Ord. 0-05-21-02. Passed 6-17-21.)

1141.10 ZONING MAP (REZONING) AND CODE AMENDMENTS.

A. Before any ordinance, measure, regulation, or amendment to this Code may be passed, the Planning Commission shall hold a public hearing thereon, and shall give at least ten (10) days' notice of the time and place thereof in a newspaper of general circulation in the city.

B. If the ordinance, measure, or regulation intends to re-zone one or more parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk, by first class mail, at least ten (10) days before the date of the public hearing to the owners of property within 300 feet from such parcel of parcels of land, to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list and to such other list or lists that may be specified by the City Council. The failure of the delivery of such notice shall not invalidate any such ordinance, measure or regulation. If the ordinance, measure, or regulation intends re-districting or re-zoning more than ten (10) parcels of land, as listed on the tax duplicate, the procedure in Subsection (A) hereof shall apply.

C. During the ten (10) days prior to the hearing, the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure or regulation and the maps, and reports submitted by the Planning Commission, board, or office shall be on file, for public examination, in the office of the Clerk of Council or such other office as is designated by City Council.

D. No such ordinance, measure, or regulation which differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by an affirmative vote of at least five members of City Council.

E. No such ordinance, measure, or regulation which is in accordance with the recommendations, plan, or report submitted by the Planning Commission shall take effect unless passed or approved by an affirmative vote of a majority of the members elected to City Council.

F. Applications for amendments to the Code shall be filed in accordance with the filing procedures adopted by the Planning Commission.

G. Two (2) copies of an application form, provided by the City, shall be filed with the Planning Commission at their public office.

H. The application shall include the following statements:

- (1) A description or statement of the present and proposed provisions of this Code or the proposed change of the district boundaries of the zoning district map.
- (2) A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.
- (3) The proposed use of the property.
- (4) A statement of the necessity or desirability of the proposed use to the neighborhood or community.

- (5) A statement of the relationship of the proposed use to adjacent property and land use.
- (6) A list of owners of property within three hundred (300) feet from such area to be rezoned. Such list shall be in accordance with the Montgomery County Auditor's current tax list.
- (7) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Planning Commission or the City Council.
- (8) The application shall be accompanied by two (2) copies of a plot plan, prepared by a Registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:
 - i. The boundaries and dimensions of the proposed lot.
 - ii. The approximate size and location of existing and proposed structures on the land to be rezoned if desired by the applicant.
 - iii. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping if desired by the applicant.(Ord. 0-05-21-02. Passed 6-17-21.)

1141.11 VIOLATIONS; REMEDIES.

- A. The notice of any violation of the Code shall be as follows:
 - (1) Whenever the Zoning Administrator determines that there is a violation of any provision of this Code, a notice of such violation shall be issued and shall:
 - i. Be in writing;
 - ii. Identify the violation;
 - iii. Include a statement of the reason or reasons why it is being issued and refer to the section of this Code being violated; and
 - iv. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be one of the following, which shall be deemed complete:
 - (1) When a certified mail receipt is received, or first-class mail is not returned after ten (10) days of mailing;
 - (2) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; or
 - (3) By first class mail, addressed to the person or persons responsible at a last known address.
- C. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/or use, any building or land in violation of any regulation in or any provisions of this Code or any amendment or supplement thereto adopted by City Council under Section 713.12 of the Ohio Revised Code. Any person, firm or corporation, violating any regulation in, or any provision of this Code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor of the third degree. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance if use continues, shall be deemed a separate offense.

D. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Code or any amendments or supplements thereto, in addition to any other rights or remedies contained in this Code or elsewhere in the City's laws, the City Council, the Zoning Administrator, County Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

E. Any application under this Code for a Zoning Certificate, variance, conditional use permit, sign permit, amendment, or filing of a notice of appeal shall be accompanied by such fee as shall be specified in the Codified Ordinances. There shall be no fee, however, in the case of applications filed by the City Council, Planning Commission or Northmont City Schools.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. O-11-24-21. Passed 12-5-24.)

TITLE THREE - Subdivision Regulations
Chap. 1161. Subdivisions.

CHAPTER 1161
Subdivisions

1161.01	General information.	1161.06	Design standards.
1161.02	Procedures for a major subdivision approval.	1161.07	Flood hazard areas.
1161.03	Major subdivision preliminary plan requirements.	1161.08	Site improvement standards.
1161.04	Final plan approval procedures.	1161.09	Revisions and enforcement.
1161.05	Procedures for a minor subdivision approval.	1161.10	Engineering standards.
		1161.11	Urban soil sediment pollution control regulations.

1161.01 GENERAL INFORMATION.

- A. Title.
 (1) These regulations shall be known and may be cited and referred to as the "Subdivision Regulations for the City of Clayton, Ohio," and shall hereinafter be referred to as "these regulations."

B. Purpose.

- (1) The foregoing rules and regulations are adopted to secure and provide for:
- i. The proper arrangement of streets or highways in relation to existing or planned streets or highways, or to the Montgomery County Thoroughfare Plan.
 - ii. Adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of firefighting apparatus, recreation, light and air.
 - iii. The avoidance of population congestion.
 - iv. To facilitate the orderly and efficient layout and the appropriate use of the land.
 - v. To provide for the accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and sub dividers.

C. Administration.

- (1) These regulations shall be administered by the Zoning Administrator.

D. Relation to Other Laws.

- (1) The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances and resolutions of the City or any and all rules and regulations promulgated by authority of such law or resolutions relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

E. Separability.

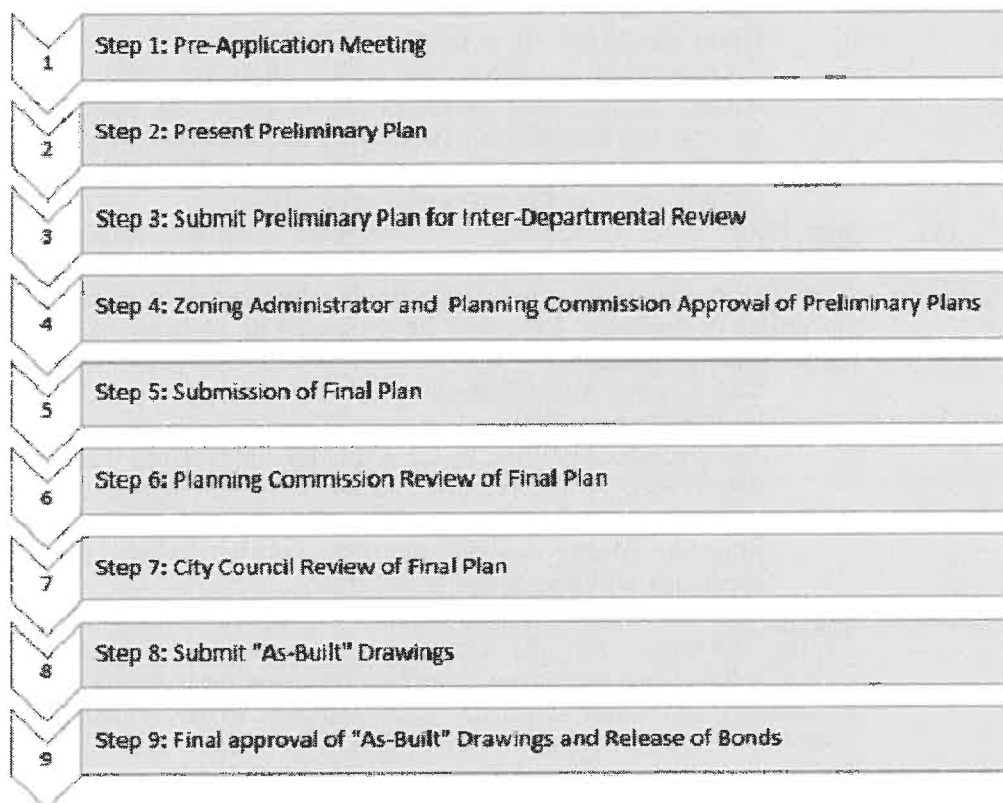
- (1) If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

F. Subdivision Types: Major Subdivisions and Minor Subdivisions.

- (1) A subdivision is a tract of land that is divided into smaller parcels called lots. All newly created lots must front a public street to meet the requirements of this ordinance. There are two types of subdivision procedures that may be executed within the City; Major Subdivisions and Minor Subdivisions.
- (2) Major Subdivision: All subdivisions not classified as minor subdivisions including, but not limited to, the division of a single lot, tract or parcel into six (6) or more lots, or the subdivision of any lot, tracts or parcels which do not front an existing public street or road.
- (3) Minor Subdivision/Lot Split: When a subdivision creates no more than five (5) new lots which already front an existing public street or road (which does not require any road widening or extensions to meet the standards for streets and roads herein), and otherwise meets the standards for a minor subdivision. (Ord. 0-05-21-02. Passed 6-17-21.)

1161.02 PROCEDURES FOR A MAJOR SUBDIVISION APPROVAL.

A. The following steps generally outline the process to receive approval for a major subdivision. Additional information is provided for each step in the subsection B. below:

**SUBDIVISION APPROVAL PROCESS**

B. Proposed developments shall be designed and developed in accordance with the following procedure as applied:

- (1) Step One: A pre-application meeting with the Zoning Administrator and/or their designee. The purpose of this meeting is for the applicant to review the City's subdivision regulations and to discuss with the City's representative, their proposal so that the City representative can become familiar with the proposal and shall aid the applicant.
- (2) Step Two: After the pre-application meeting is concluded the developer may present an initial Preliminary Plan to the Zoning Administrator. The criteria and basic requirements to be found on a Preliminary Plan.
- (3) Step Three: Preliminary Plans shall be submitted in accordance with the requirements established in this document. Filing fees may be charged as established by the individual reviewing agency. All drawings shall be prepared by a qualified registered engineer and/or surveyor as permitted by law and submitted in both paper and electronic file format as defined by these regulations.

- i. Upon receipt of the initial Preliminary Plan the Zoning Administrator shall provide documentation on the number of copies to be submitted. Upon receipt of the plans requested by the Zoning Administrator, the plans shall be distributed to the pertinent stakeholders.
 - ii. Upon submittal of a complete Preliminary Plan to the Zoning Administrator's Office, the office shall be required to respond within twenty (20) business days. After an inter-departmental review, the due date for submitting comments shall also be stamped on the plan to provide agencies with a deadline for submitting commentary on the proposed subdivision.
- (4) Step Four: After reviewing the comments from the various agencies a second meeting shall occur between the applicant and the Zoning Administrator and any other Departments deemed necessary. At that time, the initial Preliminary Plan will be reviewed along with the comments of the reviewing agencies.
 - i. The Zoning Administrator shall recommend approval or denial of all Preliminary Plans.
 - ii. The Preliminary Plan is not a formal subdivision plan submission. The Zoning Administrator will work with the applicant to formalize and accept the Preliminary Plan. This process will conclude at the time the Zoning Administrator deems the review complete or the applicant withdraws the application.
- (5) Step Five: After receiving approval of the Preliminary Plan from the Zoning Administrator, the applicant shall submit the Final Plan of the formal subdivision including construction drawings and specifications for all contemplated and required improvements to be constructed on that portion of the proposed subdivision for which the application for Preliminary Plan Approval has been submitted.
- (6) Step Six: Within thirty (30) days of the Zoning Administrator accepting the Final Plan submission, the Planning Commission will review the Final Plan and either recommend approval, approval with conditions, or disapproval to the City Council.
- (7) Step Seven: After the approval of the Final Plan by the City Council, the Applicant may proceed with construction following completion and acceptance of the Developer's Agreement as well as all other forms and applications required by the Zoning Administrator. In so proceeding, the Applicant agrees and is so cautioned that the City is not bound by the modifications to the property in question or the location or construction of infrastructure, including streets, utilities and storm water systems until such time as the designated City representatives certify the subdivision has been built in accordance with the approved Final Plan. Until the certification is given by the designated City representatives, the City may require the removal and/or relocation of all infrastructure improvements so that the development complies with the approved Final Plan.

- i. On the Construction Drawings, the Zoning Administrator will distinguish whether the subdivisions are following conditions set by the Planning Commission and City Council during the Preliminary Plan Review by stamping the drawings "APPROVED" if it is determined that they are complying. However, if the drawings are not in compliance, they will be sent back to the applicant for further revisions. If these revisions involve major alterations to the design of the subdivision, the applicant shall be required to resubmit for Preliminary Plan Review for the subdivision as determined by the Planning Commission and City Council.
 - ii. A major alteration is defined as but not limited to any revision which affects the design intent of the traffic patterns, stormwater management, lot sizes and number, as well as the size and location of proposed utility improvements. The final determination on if a major alteration has occurred will be completed by the Zoning Administrator.
 - iii. These approved copies shall be the working drawings and any changes required by field conditions or other unforeseen circumstances shall be submitted to the City of Clayton Engineering Staff for approval before incorporation into the project. One (1) copy of the approved Final Plan construction documents shall be kept on the job at all times.
 - iv. After the Final Plans have been approved, the applicant shall submit a final Mylar record plat to the Zoning Administrator for approval by City Council. A motion passed by a majority of City Council shall constitute approval. The record plat submittal shall have attached to it a completed Certificate of Title statement. Any record plat submitted for approval without the appropriate Certificate of Title shall be rejected until the applicant can demonstrate that a Certificate of Title has been completed by an attorney-at-law and submitted to the Zoning Administrator. Following City Council approval, the required signatures of approval and endorsements, the applicant shall process, transfer, and record the record plat in the Montgomery County Tax Map Office, the Montgomery County Auditor's Office, and the Montgomery County Recorder's Office, within sixty (60) days after the date of endorsement, otherwise the plat must be resubmitted for further approval. After final recording the applicant shall furnish a Mylar copy of the plat for filing to the Zoning Administrator and the Office of the City of Clayton Engineering Staff.
- (8) Step Eight: At the completion of construction, the Developer and/or Owner of the property to be subdivided shall be required to submit "As-Built" Construction Drawings. These "As-Built" Construction Drawings shall be revised as necessary to show the exact locations of critical infrastructure components in accordance with the rules and regulations of the water and sewer owner, the Zoning Administrator, the City Building Inspections Department and the rules and regulations of any other applicable reviewing agencies. "As-Built" Construction Drawings shall be verified by field

survey and shall be prepared by a professional surveyor and/or engineer, licensed in the State of Ohio and as permitted by law. "As-Built" Construction Drawings shall be submitted to all reviewing agencies requiring them within their rules and regulations prior to the acceptance of any public infrastructure improvements on the subject property.

- (9) Step Nine: Final acceptance by City Council of the subdivision shall include the release of bonds, acceptance of the "As-Built" Construction Drawings, and proof of the recorded plat. Prior to the releasing of bonds, the applicant shall have furnished assurance of completion of the required improvements and maintenance of said improvements.

C. Subdivision Naming, Sectioning, and Lot Numbering.

- (1) Names for subdivisions shall be neither duplicate nor too closely approximate, phonetically or in spelling, the name of any other subdivision in the City. The subdivision name may also require approval by Montgomery County.
- (2) The City Council reserves the right to restrict the use of historic place names or other names, which should be restricted for public use. The subdivision name recorded with a subdivision shall be its legal name and all official documents must identify that subdivision by its recorded name. Should a subdivision be recorded in separate phases, these divisions shall be called sections and shall be numbered consecutively with Roman Numerals. Sections may be recorded in phases designated as Blocks and shall be identified by using the consecutive letters of the alphabet. Lot numbers shall run consecutively for the entire subdivision. Sections, Blocks, or additions to subdivisions shall not be lot numbered separately.

D. Approval Period: Design Plan and Construction Drawings.

- (1) The approval of the plat Design Plan and Construction Plans shall be effective for a maximum of five (5) years after approval, and shall authorize the developer to commence construction in accordance with the requirements set forth herein. If the construction of all proposed improvements is not completed during the five (5) year period, the approved plans will be considered void unless an extension for five (5) years is requested by the applicant and granted in writing by the Zoning Administrator after City Council approval. At the time of applying for an extension, all improvements to the site shall be subject to all current specifications and standards.
(Ord. 0-05-21-02. Passed 6-17-21.)

1161.03 MAJOR SUBDIVISION PRELIMINARY PLAN REQUIREMENTS.

A. General.

- (1) Prior to the preparation of the Preliminary Plan, the developer should seek the assistance of the Planning Commission in order that they may become familiar with subdivision requirements and with the proposals of the Montgomery County Thoroughfare Plan, affecting the territory in which the proposed subdivision is located.

- (2) The purpose of the Preliminary Plan is to show all the facts, which may enable the Planning Commission to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest. The plan shall be prepared by a registered surveyor or engineer and shall conform to the "Minimum Standards for Boundary Surveys in the State of Ohio."

B. Application for Preliminary Plan Approval.

- (1) An application on approved forms for the approval of the Preliminary Plan, together with copies, as determined by the Planning Commission of the Preliminary Plan and the supplementary information shall be submitted to the Planning Commission.

C. Preliminary Plan Form.

- (1) The Preliminary Plans and plat shall be clearly and legibly drawn. The size of the plan shall be a minimum of twenty-four (24) by thirty-six (36) inches. The plan of a subdivision shall be drawn at a scale of one (1) inch equals fifty (50) feet.

D. Preliminary Plan Contents.

- (1) The Preliminary Plan shall contain the following information:
 - i. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City.
 - ii. Location by section, range, and township or other surveys.
 - iii. Names, addresses and phone numbers of the owner, developer, and professional engineer and registered surveyor who prepared the plat, and appropriate registration numbers and seals.
 - iv. Date of survey.
 - v. Scale of the plat, north point.
 - vi. Boundaries of the subdivision and its acreage.
 - vii. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
 - viii. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of two hundred (200) feet.
 - ix. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
 - x. Existing contours at two (2) foot intervals for predominant ground slopes within the subdivision between level and ten percent (10%) grade.
 - xi. Location and size of existing sewers, water lines, culverts, bridges and other underground structures, and power transmission poles and lines within and adjacent to the tract.
 - xii. Location, names, and widths of proposed streets (including pavement width) and easements.
 - xiii. Building setback lines with dimensions.

- xiv. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
- xv. All thoroughfares as shown on the Montgomery County Thoroughfare Plan wherever they traverse the plat.
- xvi. Layout, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety (90) degree angles, the width at the property line shall be shown.
- xvii. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.

E. Supplementary Information.

- (1) The following information shall be supplied in addition to the requirements of this Section:
 - i. Statement of the proposed use of the lots, giving type and number of dwelling units and type of business or industry.
 - ii. Location and approximate dimensions of all existing buildings.
 - iii. For office, commercial and industrial developments the points of vehicular ingress and egress to the development along any street shown on the Montgomery County Thoroughfare Plan.
 - iv. Description of proposed covenants and restrictions.
 - v. In a letter accompanying the request for approval of the Preliminary Plan, the developer shall state the type of sewage disposal they propose to use.
 - vi. A vicinity map at a scale of not less than one thousand (1,000) feet to the inch shall be shown on, or accompany, the Preliminary Plan. This map shall show all existing subdivisions, roads, and tract lines and the nearest existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.
 - vii. A supplemental sheet containing the following:
 - (a) Any anticipated exceptions to the subdivision design standards.
 - (b) Sight distance from the intersection of any new road with an existing road.
 - (c) A statement of which of the following drainage philosophies is to be used:
 - 1) The rate of post development runoff less than or equal to the rate of pre-development runoff. In this case reference shall be made as to how the drainage structures (retention pond, detention basin, etc.), if any, are to be maintained, that is, Homeowner's Association, ditch petition, park district, etc.
 - 2) The rate of post development runoff greater than the rate of predevelopment runoff. In this case a statement shall be included to indicate whether or not any downstream improvement to increase capacity, prevent erosion, etc., are anticipated.

- viii. Flood prone Areas:
 - (a) Regional flood elevations and boundaries of flood prone areas including floodways if known. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).
 - (b) Layout and elevation of proposed roads, alleys, and public crosswalks, and widths noted; road grades and cross sections.
 - (c) Preliminary Plan of on-site waste disposal systems or sanitary sewers with grade, pipe size and points of discharge.
 - (d) Proposed fill or other structure elevating techniques, levees, channel modifications, sea walls, and other methods to overcome flood or erosion-related hazards.
- F. Filing.
 - (1) The Preliminary Plan shall be considered officially filed after it is examined by the Zoning Administrator and is found to be in full compliance with the formal provisions of these regulations. Any variation from this requirement must be approved in writing by the Zoning Administrator.
- G. Planning Commission Meeting.
 - (1) The Planning Commission on its own initiative prior to acting on a Preliminary Plan of a subdivision, may hold a public hearing thereon at such time and upon such notice as the Commission may designate.
- H. Approval of Preliminary Plan.
 - (1) The Planning Commission shall forward copies of the Preliminary Plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Planning Commission shall determine whether the Preliminary Plan shall be recommended to City Council for approval or denial. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. Approval of the Preliminary Plan shall be conditional upon compliance with all other applicable resolutions and regulations of the City.
- I. Approval Period.
 - (1) The approval of the Preliminary Plan shall be effective for a maximum period of twelve (12) months unless the first section has been filed for final approval. If no subsequent sections are filed within three (3) years from the recording of the previous sections, the approval of the remainder of the Preliminary Plan is no longer effective.
- J. Preliminary Plan Review.
 - (1) The list below contains the components that are required on the Preliminary Plan. The Preliminary Plan review and submission occur within steps 2 and 3 within the approval process for a major subdivision.

REQUIRED ITEM DESCRIPTION	HAVE	NEED
PROPOSED NAME OF THE SUBDIVISION PER SECTION 1161.02C. OF THESE REGULATIONS		
VICINITY MAP SHOWING SUBDIVISION LOCATION		
LOCATION BY MILITARY SURVEY OR OTHER SURVEY		
SCALE OF THE PLAN, NORTH POINT		
NAMES, ADDRESSES, AND PHONE NUMBERS OF OWNER AND APPLICANT		
NAME, ADDRESSES, AND PHONE NUMBERS OF PROFESSIONAL ENGINEER AND REGISTERED SURVEYOR WHO PREPARED THE PLANS WITH AN ORIGINAL STAMP AND SIGNATURE		
APPROPRIATE REGISTRATION NUMBER AND SEATS, INCLUDING ONE (1) SET OF BOUNDARIES OF THE SUBDIVISION		
THE BOUNDARY OF THE PROPERTY AND THE RIGHTS-OF-WAY OF EXISTING ROADS SHALL BE SHOWN ON THE PLAN		
THE BOUNDARY OF THE PROPERTY AND THE EXISTING BUILDINGS SHALL BE SHOWN ON THE PLAN		
PRELIMINARY INVENTORY AND ANALYSIS OF SITE AND ANY ADJACENT PROPERTIES: TO THE EXTENT THAT THEY RELATE TO THE SITE, SUCH INVENTORY AND PRELIMINARY ANALYSIS SHALL ADDRESS TOPOGRAPHY, WATERWAYS, WETLANDS AND DRAINAGE, HISTORIC FEATURES, ADJACENT AND ON-SITE LAND USES AND ZONING, INCLUDING ANY OVERLAY DISTRICT AFFECTING THE SITE; UTILITIES AND RELATED EASEMENTS AND ANY OTHER EASEMENTS OF RECORD; ROADWAYS AND TRAFFIC CIRCULATION; AND OTHER INFORMATION CRITICAL TO THE CAPABILITY OF THE SITE TO ACCOMMODATE DEVELOPMENT		
THE PROPOSED LOT AND STREET CONFIGURATION AS IT RELATES TO THE BOUNDARIES OF THE PROPERTY TO BE SUBDIVIDED, AND ALL EXISTING ROADWAYS		
EXISTING CONTOURS AT TWO (2) FOOT INTERVALS FOR PREDOMINANT GROUND SLOPES WITHIN THE SUBDIVISION BETWEEN LEVEL AND TEN (10) PERCENT GRADE AND FIVE (5) FOOT INTERVALS FOR PREDOMINATE GROUND SLOPES WITHIN THE SUBDIVISION OVER TEN (10) PERCENT GRADE		
THE LOCATION OF ALL PROPOSED RETENTION AND/OR DETENTION BASINS SHALL BE SHOWN ON THE PLAN		
THE LOCATION OF ALL PROPOSED TEMPORARY SEDIMENT BASINS SHALL BE SHOWN ON THE PLAN		
THE LOCATION OF ANY PROPOSED CONSTRUCTION ENTRANCE SHALL BE SHOWN ON THE PLAN		
A STATEMENT INDICATING THE PROPOSED METHOD OF WASTEWATER DISPOSAL		

REQUIRED ITEM DESCRIPTION	HAVE	NEED
VERIFICATION THAT THE PROPOSED ENTRANCES MEET ALL APPLICABLE SIGHT DISTANCE REQUIREMENTS AS ESTABLISHED BY THE CITY OF CLAYTON ENGINEERING STAFF AND/OR THE OHIO DEPARTMENT OF TRANSPORTATION		
THE PROPOSED MEANS OF ACCESS FROM THE PUBLIC RIGHT-OF-WAY TO EACH INDIVIDUAL TRACT OF LAND WHERE A BUILDING SITE IS CREATED WITHOUT TRESPASS UPON ADJOINING PROPERTIES		
THE LOCATION OF ALL BRIDGES, CULVERTS, AND CULVERT PIPE INSTALLATIONS REQUIRED TO PROVIDE ACCESS TO A BUILDING SITE		
THE CURRENT ZONING DISTRICTS OF THE PROPERTY TO BE SUBDIVIDED		
COPIES OF CORRESPONDENCE OF THE SUBMISSION OF THE PRELIMINARY PLAN TO ALL APPLICABLE UTILITIES AND OTHER GOVERNING AGENCIES WITH THEIR COMMENTS.		
A GEOTECHNICAL INVESTIGATION OF THE SITE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER (IF DEEMED NECESSARY BY THE ZONING ADMINISTRATOR'S OFFICE)		
ROAD IMPROVEMENTS AS REQUIRED BY ODOT, MONTGOMERY COUNTY, OR THE CITY OF CLAYTON		
A PRELIMINARY PLAT MEETING THE REQUIREMENTS OF THE CITY REGULATIONS		

(Ord. 0-05-21-02. Passed 6-17-21.)

1161.04 FINAL PLAN APPROVAL PROCEDURES.

A. Final Plan Required.

- (1) The developer, having received approval of the Preliminary Plan of the proposed subdivision shall submit a Final Plan of the subdivision and drawings and specifications of the improvements required therein. The Final Plan shall have incorporated all changes in the Preliminary Plan required by the Planning Commission and City Council. Otherwise it shall conform to the Preliminary Plan and plat, and it may constitute only that portion of the approved Preliminary Plan which the developer proposes to record and develop at the time. The Final Plan and the supplementary information shall be prepared by a qualified registered engineer or surveyor and shall conform to the minimum standards for boundary surveys in the State of Ohio.

B. General.

- (1) Unless otherwise stated in these regulations, the following accepted standards will be enforced by the City of Clayton Engineering Staff during the review and inspection of all new infrastructure:
 - i. State of Ohio, Department of Transportation, Construction and Material Specifications, current edition.
 - ii. Ohio Department of Transportation, Location and Design Manual, Volumes, I and II, current edition.
 - iii. Ohio Department of Transportation, Roadway Standard Construction Drawings, current edition.

- iv. Ohio Department of Transportation, Ohio Manual of Uniform Traffic Control Devices, current edition.
 - v. Montgomery County Engineer's Office Design Standards.
 - vi. Montgomery County Water and Sewer District Rules and Regulations.
 - vii. City of Clayton Standard Construction Drawings.
 - (2) Fee Schedule. Plan review fees and construction inspection fees are required. The schedule of plan review and inspection fees may be obtained at the City Zoning Administrator's Office.
 - (3) Inspections. Representatives of the City of Clayton Engineering Staff shall make inspections during the installation of improvements to ensure conformity with the City of Clayton Standards and Specifications.
 - (4) Material Testing. Testing of materials shall be performed by an approved geotechnical firm to ensure conformity with the City of Clayton Standards and Specifications. A minimum of twenty-four (24) hour notice shall be required prior to inspection work. The Developer will be responsible for all concrete and asphalt testing unless otherwise specified. Testing and results to be completed by qualified testing agencies. The results are to be promptly sent to the City for verification.
 - (5) Soils. All soils testing is to be the responsibility of the contractor. An independent geotechnical firm will determine the maximum dry density and percent of compaction. Compaction testing must be performed by a geotechnical firm approved by the City Engineer prior to testing procedures. While embankment operations are being conducted, the geotechnical firm shall visit the site not less than twice each day (morning and afternoon) to perform necessary compaction tests. The contractor is responsible for supplying the inspector with copies of the test results weekly. From October 1 to June 15, compaction tests on subgrade are required but may be requested anytime during the year by the inspector if they have determined that the tests are needed or if subgrade is questionable.
- C. Materials.
- (1) All work and materials shall conform to the Ohio Department of Transportation Construction and Material Specifications or as otherwise stated within.
- D. Variances.
- (1) The following regulations shall govern the granting of variances:
 - i. Where the Zoning Administrator finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations.

- ii. In granting variances of modifications, the Zoning Administrator and City Council may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
 - iii. Variances to these regulations shall be considered only upon receipt by the City of Clayton Engineering Staff of a written request from the developer or authorized representative.
- E. Applications for Approval of Final Plan.
 - (1) An application for approval for the Final Plan shall be submitted on forms provided by the Zoning Administrator, together with copies of the plan and plat as specified and the supplementary information shall be submitted to the Zoning Administrator.
- F. Regulations Governing Improvements.
 - (1) The following rules apply to subdivision improvements and performance guarantees:
 - i. The Final Plan drawings and specifications of improvements shall be a set of construction drawings, general block grading plans, utility plans and drainage plans prepared by a registered professional engineer licensed to practice in the State of Ohio. Construction drawings shall be made with a substantial and distinct material from which clear and legible prints may be obtained. Freehand linear drawings will not be accepted, and principles of good surveying, engineering or draftsmanship shall be used. The sheet(s) upon which the construction drawings are made shall measure 24 inches by 36 inches with 1" = 40' horizontal and 1" = 6' vertical scales. Roadway cross sections, where appropriate shall be completed at a 1:1 scale.
 - ii. The plans shall indicate typical sections, plans and profile views, the street alignment, right of way and pavement widths, center lines, bearings, stationing curve or radius data, existing and proposed drainage and construction details. Any other significant feature or factor shall also be shown on the plans. The centerline of the street shall coincide with the centerline of the right of way, any changes from same shall be at the discretion of the Zoning Administrator and shall be in writing. The pavement design shown on the typical section shall be one of the designs shown in the Subdivision Street Design and Construction Standards for the City of Clayton. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the Zoning Administrator before completion of the plans.
 - iii. Prior to the granting of approval of the final plat, the developer shall have installed the minimum required improvements, or shall have furnished a bond, certified check or irrevocable letter of credit for the amount of the estimated construction cost of the ultimate installation.

- iv. Before the surety is accepted, it shall be approved by the proper administrative officials.
- v. The improvements shall be constructed within a reasonable time as determined by the Zoning Administrator, but not to exceed two (2) years.
- vi. All required subdivision improvements shall be maintained in a satisfactory condition by the developer during any interim period between this construction and final approval and acceptance of the subdivision by the City of Clayton.
- vii. Approval by the Zoning Administrator and/or the Planning Commission does not relieve the developer and their design engineer from full responsibility of the design.

G. Final Plat Form.

- i. The Final Plat shall be legibly printed in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn or printed at a scale of not less than one (1) inch equals one hundred (100) feet, shown both in text and graphical form, and shall be one or more sheets twenty-four (24) by thirty-six (36) inches in size (Polyester Film, Single Matte, sheet thickness three (3) mil.). If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. The minimum lettering height shall be three thirty seconds (3/32) inch and all lot dimensions shall be one-eighth (1/8) inch or larger. Lot number lettering height shall be one-fourth (1/4) inch or larger and underlined or circled.

H. Final Plat Contents.

- (1) The final plat shall contain the following information:
 - i. Name of the subdivision (shall not duplicate or closely resemble the name of any other subdivision in the City), location by section, town, range and township, or by other survey number, date, north arrow and basis of bearing, acreage to hundredths of an acre (total lot acreage and total street acreage) and deed book and page reference.
 - ii. Name and address of the developers, and the professional engineer and/or registered surveyor who prepared the plat and appropriate registration numbers and seals.
 - iii. The total area being platted shall include all perimeter courses and be outlined by a red lined border. Courses are to be listed in a clockwise direction. All dimensions, both lineal and angular shall be determined by an accurate control survey in the field. The error of closure shall conform to Rule 4733-37-04 of the Ohio Administrative Code.
 - iv. Bearings and distances to the nearest centerline of intersecting roads or the intersection of right of way lines; lot corners of recorded plat with plat reference; or Section Corner or Quarter Section Corner.

- v. Names, exact location, dimensions and right-of-way width of all streets and railroads within and adjoining the plat and building set back lines. Street names shall be approved by the Planning Commission.
- vi. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, of all applicable streets within the plat area.
- vii. The exact locations, dimensions and uses of all easements shall be illustrated on the plat.
- viii. All lots accurately dimensioned in feet and hundredths with lot numbers and acreage. The lot numbers shall be consecutive for each platted section and shall be placed in the center of the lot with acreage under the lot number. Replatted lots shall illustrate old lot numbers and lot lines dotted on the map.
- ix. Accurate location and a description of all monuments as to type, size, and whether the monument was found or set. If a monument has been omitted or offset, a notation shall appear on the plat indicating the reason for the omission; or if it has been offset, its true location in relation to the property corner or lot corner shall be noted.
- x. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- xi. Any restrictions and covenants shall be shown on the final plat.
- xii. Certification shall contain the following:
 - (a) The total acres being subdivided;
 - (b) Current ownership; and
 - (c) Deed reference.
- xiii. Acknowledgment of the owner or owners to the plat and restrictions, including dedications to public use of all public streets, alleys, parks or other open spaces shown thereon and the granting of the required easements, as shall be indicated by, the following statement on the plat tracing: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement or removal of water, gas, sewer, electric, telephone, or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purposes, and are to be maintained as such forever. "
- xiv. The names of record of all abutting parcels with deed reference, acreage and survey record reference (if applicable). Platted land shall show the name of the subdivision, lot numbers, plat book and page reference.
- xv. Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon.
- xvi. Location of permanent facilities and easements for same used for drainage control such as detention ponds, retention ponds, infiltration beds, etc., and a statement of the provisions for the maintenance of these facilities.

- xvii. Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes and bounds descriptions of the lands of the dedicators from which such plat is drawn.
- xviii. A traffic impact study (unless deemed not necessary by the Zoning Administrator). Road Improvements as required by ODOT, Montgomery County, or the City of Clayton.

I. Supplementary Information.

- (1) The following information shall be supplied in addition to all other submittal requirements herein:
 - i. If a zoning change is involved, certification from the Zoning Administrator shall be required indicating that the change has been approved and is in effect.
 - ii. Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation and initial maintenance of the required improvements.
 - iii. In flood prone areas the developer shall provide information detailing how the structures will be protected from flood hazard.
 - iv. The Zoning Administrator may require the applicant to submit additional topographic information, detailed plans for proposed uses and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The Planning Commission may consult with expert persons or agencies for technical assistance and advice.

J. Filing.

- (1) The final plat shall be filed with the Planning Commission not later than twelve (12) months after the date of approval of the preliminary plat; otherwise it will be considered void unless an extension is requested by the developer and granted in writing by the City Council.

K. Approval of Final Plan.

- (1) The final plat shall be filed with the Planning Commission not later than twelve (12) months after the date of approval of the preliminary plat; otherwise it will be considered void unless an extension is requested by the developer and granted in writing by the City Council.

L. Transmittal of Plat and Recording.

- (1) When the final plat has been approved and signed by City Council, the original tracing shall be recorded in the Montgomery County's Recorder's Office. The recording shall take place within sixty (60) days after the date of approval, otherwise the plat approval shall be void unless an extension is granted. At the request of the developer, the City Council may extend the approval period for an additional sixty (60) days beyond the original sixty

(60) day expiration date if they find that there are reasonable circumstances for the delay in recording and that the applicable Subdivision Regulations have not changed since the original approval. Plats that must be changed or plats that are not recorded within one hundred and twenty (120) days of the approval date will be kept in the active file for one (1) year after the original approval date and may be considered for reapproval by City Council at the request of the developer. Plats not recorded within one (1) year of the original approval date will be removed from the active file and must be resubmitted for approval as a new plat including appropriate fees. City Council may waive this requirement and reapprove plats not recorded within one year if the construction drawings have been approved and construction has begun within one year of the original approval.

M. Inspection Fees.

- (1) An inspection fee shall be charged for all roadway-related items. This fee shall be set by and paid to the City prior to the start of any construction or prior to the recording of the plat.
- (2) Inspection fees must also be submitted to the water and sewer utility owner for construction costs for water and sewer related items.

N. Processing and Review Fees for Final Plans.

- (1) For the processing and filing of final plats as provided herein, fees shall be set by the City Council and shall be due at the time of Final Plan submittal and shall be made payable to the City.

O. Dedication Procedures.

- (1) When submitting a final or record plat for recording, the developer and/or consultant must complete the following steps, before the plat can be forwarded to the Montgomery County Engineer's Office for the dedication of the right-of-way:
 - i. File paperwork with Montgomery County to set up a Homeowners' Association (HOA), a Property Owners' Association (POA) or petition the County for the maintenance of storm drainage system outside of the right-of-way. If a County ditch petition is chosen, all paperwork must be completed prior to the recording of the final plat.
 - ii. To ensure the City that the construction and installation of such improvements as street surfacing, curbs, gutters, sidewalks, drainage sanitary sewers, and water supply items will be built, the developer shall enter into the following agreements:
 - (a) Prior to signature on the record plat, the developer must furnish a Performance Bond. Bond amount will be determined by the City Manager's Office and based on an acceptable contractor's estimate.
 - (b) Developer must provide evidence of an acceptable performance amount for all incomplete water and sewer improvements approved by the appropriate utility owner.
 - (c) All erosion control related items must be completed prior to recording of the final plat.

- iii. Acceptance and recording of all easements not included in the subdivision plat must be submitted along with applicable platting fees.
- iv. Submit a certificate of title to the Planning Department, which shows the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. If the title is not free and unencumbered, then two requirements shall be met:
 - (a) If a mortgage exists on the property which is to be dedicated to the public, a release of mortgage must be filed with the County Recorder or the mortgagee (the bank or whoever holds title to the mortgage on the property) must sign the record plat;
 - (b) If an easement of record exists through any proposed right-of-way, which is to be dedicated to the public, that easement must be subordinated or vacated.
- v. Submit to the Planning Department the Mylar drawing of the subdivision which shall be signed and stamped by a registered surveyor. All owners and mortgage holders' signatures must be notarized and dated and have two witnesses per signature.
- vi. Pay all Review Fees outstanding with the appropriate departments.

P. As Built Construction Drawings.

- (1) At the completion of construction, the Developer and/or Owner of the property to be subdivided shall be required to submit "As-Built" Construction Drawings. "As-Built" Construction Drawings shall be drawn in such a manner as to show the exact locations of critical infrastructure components on the subject property, and shall be submitted in accordance with the rules and regulations of the water and sewer owner, the City of Clayton and Montgomery County Building Regulations and the rules and regulations of any other agency that require the submittal of "As-Built" Construction Drawings. "As-Built" Construction Drawings shall be verified by field survey and shall be clearly and legibly drawn. "As-Built" Construction Drawings shall be prepared, signed, and stamped by a professional surveyor and/or engineer licensed in the State of Ohio and as permitted by law. Consult the rules and regulations of all applicable reviewing agencies for specific format and submission requirements.

Q. Engineer's Acceptance Requirements.

- (1) The developer shall submit a written request to the Public Service Director for acceptance of the streets. The developer shall maintain, repair, or replace any structure, pavement, drainage, seeding, or any other part of the subdivision or existing facility as directed by the Public Service Director. At the time of acceptance, after all construction work is complete, the developer shall furnish a one-year maintenance bond made payable to the City of Clayton. This bond shall be for a minimum value of ten percent (10%) of the total construction costs with the exclusion of erosion control, water and sanitary sewer related items as determined by the Public Service Director. If the sidewalk is not complete at this time, a performance bond guaranteeing its completion shall be required.

R. Final Inspection.

- (1) Prior to the end of the one-year maintenance period, the Public Service Director shall conduct a final inspection of the subdivision, excluding water and sewer related items. Once the inspection passes, the Public Service Director may recommend that the City Council release the maintenance bond. If the sidewalk is not complete at this time, a performance bond guaranteeing its completion shall be required.

S. Final Plan Review.

- (1) The table below provides a checklist of the items required for the approval of the Final Plan for a major subdivision.

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
1	WRITTEN DOCUMENTATION OF APPROVAL OF PRELIMINARY PLAN FROM ALL REVIEWING AGENCIES		
2	VICINITY MAP SHOWING SUBDIVISION LOCATION		
3	PROPOSED NAME OF SUBDIVISION PER 1161.02C. OF THESE REGULATIONS		
4	SCALE OF THE PLAN, NORTH POINT		
5	LOCATION BY MILITARY SURVEY OR OTHER SURVEY		
6	NAMES, ADDRESSES, AND PHONE NUMBERS OF OWNER AND APPLICANT		
7	NAME, ADDRESSES, AND PHONE NUMBERS OF PROFESSIONAL ENGINEER AND REGISTERED SURVEYOR WHO PREPARED THE PLAN		
8	APPROPRIATE REGISTRATION NUMBER AND SEALS, INCLUDING ONE (1) SET OF PLANS WITH AN ORIGINAL STAMP AND SIGNATURE		
9	BOUNDARIES OF THE SUBDIVISION		
10	WRITTEN DOCUMENTATION OF APPROVAL OF PRELIMINARY PLAN FROM ALL REVIEWING AGENCIES		
11	TOTAL ACREAGE OF THE ENTIRE TRACT, TOTAL ACREAGE OF LAND IN LOTS, TOTAL ACREAGE OF LAND CONTAINED IN STREETS, TOTAL ACREAGE OF OPEN SPACE, PARK LAND, ETC.		
12	NAMES OF ADJACENT SUBDIVISIONS, OWNERS OF ADJOINING PARCELS OF UNDIVIDED LAND AND THE LOCATION OF BOUNDARY LINES		
13	LOCATIONS, DIMENSIONS, AND NAMES OF EXISTING STREETS, RAILROAD RIGHTS-OF-WAY, EASEMENTS, PARKS, PERMANENT BUILDINGS, CORPORATION LIMITS, AND CITY BOUNDARIES		
14	ZONING CLASSIFICATION OF THE TRACT AND ADJOINING PROPERTIES AND A DESCRIPTION OF THE PROPOSED ZONING CHANGES IF ANY		

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
15	EXISTING CONTOURS AT TWO (2) FOOT INTERVALS FOR PREDOMINANT GROUND SLOPES WITHIN THE SUBDIVISION BETWEEN LEVEL AND TEN PERCENT (10%) GRADE AND FIVE (5) FOOT INTERVALS FOR PREDOMINATE GROUND SLOPES WITHIN THE SUBDIVISION OVER TEN PERCENT (10%) GRADE		
16	LOCATIONS AND DIMENSIONS OF EXISTING SEWERS, WATER LINES, CULVERTS, AND OTHER UNDERGROUND STRUCTURES, AND POWER TRANSMISSION POLES AND LINES WITHIN AND ADJACENT TO THE TRACT		
17	LOCATION OF PROPOSED STREETS, EASEMENTS, COMMON PARKING AREAS, ALLEYS, PEDESTRIAN WALKS AND POINTS OF CIRCULATION, INGRESS, AND EGRESS		
18	NAMES AND WIDTHS OF PROPOSED STREETS AND EASEMENTS		
19	VERIFICATION THAT THE PROPOSED ENTRANCES MEET ALL APPLICABLE SIGHT DISTANCE REQUIREMENTS AS ESTABLISHED BY THE CITY OF CLAYTON ENGINEERING STAFF AND/OR THE OHIO DEPARTMENT OF TRANSPORTATION		
20	TYPICAL CROSS SECTION OF ROADS, FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE. THE TYPICAL SECTION SHALL SHOW THE LOCATION OF ALL UTILITY LINES AND STORM SEWERS. PAVEMENT DESIGN SHOWN SHALL BE IN COMPLIANCE WITH CHAPTER 1161.		
21	BUILDING SETBACK LINES AND DIMENSIONS		
22	LAYOUT, NUMBERS, AND APPROXIMATE DIMENSIONS OF EACH LOT, INCLUDING AREA OF INDIVIDUAL LOTS IN BOTH ACRES AND IN SQUARE FEET		
23	LOCATION AND DIMENSIONS OF PROPOSED UTILITY AND SEWER LINES, SHOWING THEIR CONNECTIONS TO EXISTING SYSTEMS		
24	PARCELS OF LAND IN ACRES TO BE RESERVED FOR PUBLIC USE OR TO BE RESERVED BY COVENANT FOR RESIDENTS OF THE SUBDIVISION		
25	THE LOCATION AND EXTENT OF ALL SOILS WITHIN THE PROPOSED PROJECT AREA AS QUALIFIED PROJECT SITE SHOWING THE DRAINAGE AREA OF THE PROJECT		
26	DRAINAGE AREA OF THE PROJECT		
27	THE LOCATION AND EXTENT OF FLOOD ZONES AS DEFINED IN SECTION 1181.01, SHOWING FLOOD WAY AREAS		
28	THE LOCATION OF WOODED AREAS, TOPOGRAPHIC, AND NATURAL FEATURES THAT ARE WITHIN AND ADJACENT TO THE PROPOSED PROJECT AREAS		
29	LOCATIONS AND DIMENSIONS OF RIGHTS-OF-WAY TO BE DEDICATED WITHIN THE PROPOSED SUBDIVISION AND ALONG ANY ADJACENT ROADWAYS		
30	DATE REFERENCING WHEN PLANS WERE PRINTED		
31	IF THE SUBDIVISION IS TO BE SUBMITTED IN SECTIONS, BLOCKS OR PHASES, THESE PROPOSED DIVISIONS SHALL BE INDICATED ON THE PLAN		
32	A STATEMENT INDICATING THE PROPOSED METHOD OF WASTEWATER DISPOSAL		

T. Construction Drawings.

- (1) The following items and information shall be required for the submission of construction drawings.

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
1	PROPOSED USE OF LOTS, TYPE, AND NUMBER OF DWELLING UNITS		
2	CONSTRUCTION DETAILS		
3	COMPLETE DRAINAGE DETAILS AND STORM WATER RUNOFF CALCULATIONS, STAMPED AND SIGNED BY A PROFESSIONAL ENGINEER CERTIFIED IN THE STATE OF OHIO		
4	BEARINGS AND DISTANCES TO STREET LINES, MILITARY SURVEY LINES, CORPORATION LIMITS, CITY BOUNDARIES, OR RECOGNIZED PERMANENT MONUMENTS WHICH SHALL ACCURATELY DESCRIBE THE PROPOSED PLAT		
5	RADII, INTERNAL ANGLES, POINTS OF CURVATURE, TANGENT BEARINGS, LENGTHS OF ARCS AND CURVE DATA OF ALL APPLICABLE STREETS WITHIN THE PLAT AREA		
6	A COMPLETE SOIL EROSION AND SEDIMENT CONTROL PLAN THAT ADHERES TO SECTION 1161.11.		
7	A DETAILED SITE ANALYSIS CONSISTING OF A REPORT THAT LISTS THE DEVELOPMENT SITE CHARACTERISTICS SUCH AS SITE CONTEXT, ECOLOGY, HISTORIC SITES OR STRUCTURES, FARMLAND IMPORTANT OR DISTINGUISHING FEATURES, THE LOCATIONS OF ALL WOODED AREAS, AND ANY OTHER SIGNIFICANT TOPOGRAPHIC AND NATURAL FEATURES LOCATED WITHIN OR ADJACENT TO THE PLAN		
8	ALL EASEMENTS FOR RIGHT-OF-WAY PROVIDED FOR PUBLIC SERVICES OR UTILITIES, AND ANY LIMITATIONS OF SUCH EASEMENTS		
9	LOCATION AND STATEMENT OF ADEQUATE OUTLET FOR AEROBIC SEWAGE DISCHARGE AS APPROVED BY THE PHDMC. THIS STATEMENT MAY BE MADE IN THE FORM OF A NOTATION OF REFERENCE TO A RECORDED DOCUMENT		
10	ESTIMATE OF THE COST OF CONSTRUCTION OF STREET IMPROVEMENTS		
11	APPROVAL AND ACCEPTANCE CLAUSE FOR THE SIGNATURES OF A REPRESENTATIVE OF THE CITY, THE WATER AND SEWER UTILITY OWNER, AND THE CITY COUNCIL.		
12	IF THE SUBDIVISION IS TO BE SUBMITTED IN SECTIONS, BLOCKS, AND/OR PHASES, THESE DIVISIONS SHALL BE INDICATED ON THE RECORD PLAT		
13	LOCATION OF ALL BURY PITS AND/OR DEBRIS PITS		
14	TRAFFIC IMPACT STUDY (IF DEEMED NECESSARY BY THE ZONING ADMINISTRATOR)		
15	PROPOSED CONTOURS AT 2' INTERVALS		
16	LOCATION OF BUILDING PADS W/FINISH GRADE ELEVATION AND FLOOD ROUTING		
17	SLOPE STABILITY ANALYSIS IF REQUIRED BY ENGINEER		
18	LANDSCAPING PLAN		

U. Additional Requirements within Commercial, Industrial, Multifamily (and Planned Unit Development if applicable).

- (1) In the instances that the proposed use on the property is commercial, industrial, multi-family or a PUD, then the following items shall additionally be required.

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
A	THE PROPOSED USE OF ALL BUILDINGS (INCLUDES PUD)		
B	THE HEIGHT OF ALL BUILDINGS (INCLUDES PUD)		
C	THE LOCATION, DIMENSIONS AND APPROXIMATE GRADE OF PROPOSED PARKING AND LOADING FACILITIES, ALLEYS, PEDESTRIAN WALKS STREETS AND DRIVES, AND OTHER POINTS OF CIRCULATION, INGRESS AND EGRESS TO THE DEVELOPMENT (INCLUDES PUD)		
D	THE LOCATION AND PROPOSED DEVELOPMENT OF ALL OPEN SPACE AND COMMON AREA (INCLUDES PUD)		
E	THE LOCATION OF ALL EXISTING PROPOSED SITE IMPROVEMENTS INCLUDING DRAINS, CULVERTS RETAINING WALLS AND FENCES (INCLUDES PUD)		
F	THE LOCATION AND DIMENSION OF ALL SIGNS (INCLUDES PUD)		
G	THE LOCATION AND DESIGN OF STREET AND PARKING LIGHTING (INCLUDES PUD)		
H	THE LOCATION AND DESIGN OF ALL LANDSCAPING (INCLUDES PUD)		
I	THE LOCATION OF ALL FIRE HAZARDS, AS WELL AS THE PROPOSED METHOD OF MITIGATION SHOWN ON THE PLAN		
J	THE LOCATION OF ALL RADIOACTIVITY OR ELECTRICAL DISTURBANCES AND THE PROPOSED METHOD OF MITIGATION SHOWN ON THE PLAN		
K	THE LOCATION OF ANY SOURCES OF EXCESSIVE NOISE, AND THE PROPOSED METHOD OF MITIGATION SHOWN ON THE PLAN		
L	ANY SOURCES OF AIR POLLUTION MUST BE DOCUMENTED ON THE PLANS, AND THE PROPOSED METHOD OF MITIGATION MUST BE SHOWN ON THE PLAN		
M	IN INSTANCES WHERE EXCESSIVE GLARE MAY RESULT FROM THE PROPOSED LAND USE, THE MITIGATION METHOD SHALL BE SHOWN ON THE PLAN		
N	ANY SOURCE OF POTENTIAL WATER POLLUTION AND THE PROPOSED METHOD OF MITIGATION SHALL BE INDICATED ON THE PLAN		
O	ANY RELATED, OPERATIONAL, OR PERTINENT CHARACTERISTICS OF THE PROPOSED USE SHALL BE INDICATED ON THE PLAN		

V. Record Plat Submittal.

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
1	PROPOSED NAME OF SUBDIVISION UNDER SECTION 1161.02C.		
2	VICINITY MAP SHOWING SUBDIVISION LOCATION		
3	LOCATION BY MILITARY SURVEY OR OTHER SURVEY		
4	NAME, ADDRESS, AND PHONE NUMBERS OF OWNER AND APPLICANT		
5	NAME, ADDRESSES, AND PHONE NUMBERS OF PROFESSIONAL ENGINEER AND REGISTERED SURVEYOR WHO PREPARED THE PLAN		
6	APPROPRIATE REGISTRATION NUMBER AND SEALS, INCLUDING ONE SET OF PLANS WITH ORIGINAL STAMP AND SIGNATURE		
7	SCALE OF THE PLAN, NORTH POINT		
8	BOUNDARIES OF THE SUBDIVISION		
9	TOTAL ACREAGE OF ENTIRE TRACT, TOTAL ACREAGE OF THE LAND IN LOTS, TOTAL ACREAGE OF LAND CONTAINED IN STREETS, TOTAL ACREAGE OF OPEN SPACE, PARK LAND, ETC.		
10	NAMES OF ADJACENT SUBDIVISIONS, OWNERS OF ADJOINING PARCELS OF UNDIVIDED LAND AND THE LOCATION OF BOUNDARY LINES		
11	LOCATIONS, DIMENSIONS, AND NAMES OF EXISTING STREETS, RAILROAD RIGHTS-OF-WAY, EASEMENTS, PARKS, PERMANENT BUILDINGS, CORPORATION LIMITS, AND CITY BOUNDARIES		
12	LOCATION OF PROPOSED STREETS AND EASEMENTS		
13	NAMES AND WIDTHS OF PROPOSED STREETS AND EASEMENTS		
14	BUILDING SETBACK LINES AND DIMENSIONS		
15	LAYOUT, NUMBERS, AND APPROXIMATE DIMENSIONS OF EACH LOT		
16	PARCELS OF LAND IN ACRES TO BE RESERVED FOR PUBLIC USE OR TO BE RESERVED BY COVENANT FOR RESIDENTS OF THE SUBDIVISION		
17	RESTRICTION AND COVENANTS THE APPLICANT INTENDS TO INCLUDE IN THE DEEDS TO THE LOTS OF THE SUBDIVISION		
18	BEARINGS AND DISTANCES TO STREET LINES, MILITARY SURVEY LINES, OR RECOGNIZED PERMANENT MONUMENTS WHICH SHALL ACCURATELY DESCRIBE THE PLAT		
19	MUNICIPAL, MILITARY SURVEY, OR CITY LINES TIED TO THE LINES OF THE SUBDIVISION BY DISTANCES AND BEARINGS		
20	RADII, INTERNAL ANGLES, POINTS OF CURVATURE, TANGENT BEARINGS, LENGTHS OF ARCS AND CURVE DATA OF ALL APPLICABLE STREETS WITHIN THE PLAT AREA		

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
21	ACCURATE DESCRIPTION OF PERMANENT CORNERSTONES AND CONCRETE MARKERS WHICH SHALL BE LOCATED AND SET WITH THE MINIMUM REQUIREMENTS OF THE OHIO REVISED CODE SECTION 711.03 AND SHALL IN ALL INSTANCES BE LOCATED AND SET TO ESTABLISH ALL BOUNDARY LINES OF THE SUBDIVISIONS, ALL INTERSECTIONS, AND ALL CENTERS OF CUL-DE-SACS		
22	AN ACCOMPANYING CERTIFICATE OF TITLE, COMPLETED BY AN ATTORNEY-AT-LAW WHO IS LICENSED TO PRACTICE IN THE STATE OF OHIO, CERTIFYING THAT ALL TAXES ARE CURRENT AND THERE ARE NO LIENS OR ENCUMBRANCES ON THE PROPERTY, OR THAT RECORD OWNERS AND LIEN HOLDERS OF THE PROPERTY THEREIN PLATTED DO HEREBY ACCEPT SAID PLAT AND CONSENT TO THE EXECUTION AND RECORDING OF SAME (OR SIMILAR CLAUSE SIGNED BY OWNER ON APPLICATION FOR MINOR SUBDIVISION		
23	A STATEMENT CERTIFYING THAT THE SUBDIVISION SATISFIES ALL APPLICABLE REQUIREMENTS OF THE ZONING DISTRICT GOVERNING THE USE OF THE LAND AT THE TIME OF APPROVAL		
24	CERTIFICATION BY A REGISTERED SURVEYOR TO THE EFFECT THAT THE PLAT REPRESENTS A SURVEY COMPLETED BY THE SURVEYOR AND THAT THE MONUMENTS SHOWN THEREON EXIST AS LOCATED IN ALL DIMENSIONAL DETAILS ARE CORRECT		
25	A NOTARIZED ACKNOWLEDGMENT OF ALL OWNERS AND LIEN HOLDERS TO THE PLAT AND ITS RESTRICTIONS INCLUDING DEDICATION TO THE PUBLIC USES OF STREETS, ALLEYS, PARKS AND OTHER SPACES SHOWN THEREON AND GRANTING REQUIRED EASEMENTS		
26	COPY OF THE PROPOSED HOMEOWNERS ASSOCIATION AGREEMENT (IF APPLICABLE)		
27	ALL EASEMENTS FOR RIGHT-OF-WAY PROVIDED FOR PUBLIC SERVICES OR UTILITIES, AND ANY LIMITATIONS OF SUCH EASEMENTS		
28	LOCATION AND/OR STATEMENT OF ADEQUATE OUTLET FOR AEROBIC SEWAGE DISCHARGE AS APPROVED BY THE PHDMC. THIS STATEMENT MAY BE MADE IN THE FORM OF A NOTATION OF REFERENCE TO A RECORDED DOCUMENT.		
29	PLAT BOUNDARIES BASED ON ACCURATE TRAVERSE WITH ANGULAR AND LINEAL DIMENSIONS. ALL DIMENSIONS, BOTH ANGULAR AND LINEAL SHALL BE DETERMINED BY AN ACCURATE CONTROL SURVEY IN THE FIELD WHICH MUST BALANCE AND CLOSE WITHIN THE LIMIT OF ONE (1) IN TEN THOUSAND (10,000)		
30	EXACT LOCATIONS, RIGHT-OF-WAY, AND NAMES OF ALL STREETS WITHIN AND ADJOINING PLAT		
31	ALL LOT NUMBERS AND LINES WITH ACCURATE DIMENSIONS IN FEET AND HUNDREDTHS, WITH BEARINGS OR ANGLES TO STREET LINES. WHEN LOTS ARE LOCATED ON A CURVE, THE LOTS WIDTH AT THE BUILDING SETBACK LINE SHALL BE SHOWN.		
32	AREA OF INDIVIDUAL LOTS IN ACRES		
33	AREA OF INDIVIDUAL LOTS IN SQUARE FEET		

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
34	ACCURATE OUTLINE OF AREAS TO BE DEDICATED OR RESERVED FOR PUBLIC USE, OR ANY AREA TO BE RESERVED FOR THE COMMON USE OF ALL PROPERTY OWNERS. THE USE AND ACCURATE BOUNDARY LOCATIONS SHALL BE SHOWN FOR EACH PARCEL OF LAND TO BE DEDICATED		
35	SHOULD THE RECORD PLAT INVOLVE A PLANNED UNIT DEVELOPMENT (PUD) OR A SPECIAL DEVELOPMENT, THOSE ITEMS WHICH MAY BE REQUIRED TO BE SHOWN ON THE RECORD PLAT BY THE APPROPRIATE ZONING OR PLATTING AUTHORITY.		
36	APPROVAL AND ACCEPTANCE CLAUSE FOR THE SIGNATURES OF A REPRESENTATIVE OF THE CITY, WATER AND SEWER UTILITY OWNER, AND THE CITY COUNCIL.		
37	THE FOLLOWING DRAINAGE STATEMENTS: "THE CITY COUNCIL ASSUMES NO LEGAL OBLIGATION TO MAINTAIN OR REPAIR ANY OPEN DRAINAGE DITCHES, CLOSED STORM SEWER SYSTEMS, OR CHANNELS DESIGNATED AS 'DRAINAGE EASEMENTS' ON THIS PLAT. THE EASEMENT AREA OF EACH LOT AND ALL IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED CONTINUOUSLY BY THE LOT OWNER. WITHIN THE EASEMENTS, NO STRUCTURE, PLANTING, FENCING, CULVERT OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD, OR DIVERT THE FLOW THROUGH WATER COURSE."		
38	IF THE SUBDIVISION IS TO BE SUBMITTED IN SECTIONS, BLOCKS, AND/OR PHASES, THESE DIVISIONS SHALL BE INDICATED ON THE RECORD PLAT		
39	LOCATION OF ALL BURY PITS AND/OR DEBRIS PITS		

(Ord. 0-05-21-02. Passed 6-17-21.)

1161.05 PROCEDURES FOR A MINOR SUBDIVISION APPROVAL.

A. Conditions to Qualify as a Minor Subdivision.

- (1) Approval of a plat of a minor subdivision may be granted by the Zoning Administrator if the proposed division of a parcel of land meets all of the following conditions:
 - i. The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve an easement for access to the property or properties.
 - ii. No more than five (5) lots are involved after the original parcel has been completely subdivided.
 - iii. The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
 - iv. The physical characteristics of the property are suitable for building sites.

- v. There is no division or allocation of land for parks and open spaces.
 - vi. The division of land does not require easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - vii. The proposed subdivision is not contrary to applicable platting, subdividing, or planning regulations. Administrative approval may not be granted if any variance from either zoning or subdivision regulations are required. Variances from the subdivision regulations may only be granted by the City Council and variances to zoning only by the Board of Zoning Appeals.
- B. Application for Approval of Minor Subdivision.
- (1) An application for approval of the Minor Subdivision shall be submitted on forms provided by the Zoning Administrator together with copies of the Minor Subdivision Plan and any required supplementary information.
- C. Minor Subdivision Plan.
- (1) Prior to receiving consideration for a Minor Subdivision, the developer shall prepare and submit a Minor Subdivision Plan consisting of the following elements:
 - i. A survey drawn by a registered professional surveyor; and
 - ii. Deeds, property descriptions for the proposed minor subdivision, including a legal description.
- D. Minor Subdivision Plan Contents.
- i. Name of the developer, location by section, range and township or by other survey number, date, north point, scale, and acreage to hundredths of acre.
 - ii. Abutting streets.
 - iii. Existing buildings, septic facilities and wells if applicable.
- E. Supplementary Information.
- (1) Any of the following information may be required by the Zoning Administrator on the basis of the characteristics of the subject property.
 - i. Lot grading and drainage plan, illustrating a plan for the handling of surface and subsurface drainage, showing proposed finished grade elevations, the type, size, location and outlet of all existing and proposed drainage systems, swales, easements, and the proposed ground cover.
 - ii. Spot elevations.
 - iii. Approval by the Health Department if on-site sewage disposal systems are being proposed.
 - iv. Evidence that adequate potable ground water is available if the property is not served by sewer and water. This may require a test well on each lot.
 - v. A statement from the proper authorities that a tap-in is permitted if the property is served by public sewer and water.
 - vi. 100-Year floodplain elevations and delineations.
 - vii. Other information as deemed necessary by staff in order to create building sites and promote the public health, safety and welfare.

F. Approval of a Minor Subdivision.

- (1) If approval is given under these provisions, the Zoning Administrator shall approve such proposed subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved: No Plat Required" and the authorized representative of the Zoning Administrator shall sign the Conveyance. If the proposed subdivision is disapproved the developer shall be notified in writing.

G. Minor Subdivision Approval Submittal Checklist.

- (1) The table below provides a checklist of the items required for the approval of the Final Plan for a minor subdivision.

H. Miscellaneous Items Needed.

#	REQUIRED ITEM DESCRIPTION (MYLAR ITEMS)	HAVE	NEED
1	24" X 36" MYLAR (4 MIL DOUBLE MATTED)		
2	TAX MAP DEPARTMENT BLOCK AND PARCEL I.D. NUMBER		
3	VICINITY MAP SHOWING LOCATION OF MINOR SUBDIVISION		
4	MILITARY SURVEY NAME AND NUMBER		
5	LOCATION BY CITY		
6	SCALE OF THE PLAN, NORTH POINT (IN TEXT AND GRAPHICAL FORM)		
7	ACREAGE		
8	APPROPRIATE REGISTRATION NUMBER AND SEALS		
9	TIE (TIE TO TWO CENTERLINE INTERSECTIONS, TWO MILITARY SURVEY LINES, OR COMBINATION OF MILITARY SURVEY AND CENTERLINE OR A SUBDIVISION LOT #)		
10	ROAD NAME (R/W TO BE SHOWN)		
11	NAMES, ADDRESSES, AND PHONE NUMBERS OF OWNER AND APPLICANT		
12	NAME, ADDRESSES, AND PHONE NUMBERS OF PROFESSIONAL ENGINEER AND REGISTERED SURVEYOR WHO PREPARED THE PLAN		
13	ADJACENT PROPERTY OWNERS DEED BOOK, PAGE, AND PARCEL I.D. NUMBER(S)		
14	BOUNDARIES OF THE SUBDIVISION		
15	NAMES OF ADJACENT SUBDIVISIONS, OWNERS OF ADJOINING PARCELS OF UNDIVIDED LAND AND THE LOCATION OF BOUNDARY LINES.		

#	REQUIRED ITEM DESCRIPTION (MYLAR ITEMS)	HAVE	NEED
16	MONUMENTS SET OR FOUND AND SIZE		
17	OFFSET MONUMENTS AT ROAD		
18	NOTATION OF OCCUPATION		
19	BASIS OF BEARINGS		
20	BEARINGS AND DISTANCES		
21	CITATION OF REFERENCE DOCUMENTS		
22	DATE OF SURVEY		
23	TIE TO TWO MONTGOMERY COUNTY MONUMENTS (IF TWO OR MORE ACRES)		
24	EASEMENTS		
25	MILITARY SURVEY LINES SHOWN		
26	LOCATIONS, DIMENSIONS, AND NAMES OF EXISTING STREETS, RAILROAD RIGHTS-OF-WAYS, EASEMENTS, PARKS, PERMANENT BUILDINGS, CORPORATION LIMITS AND CITY BOUNDARIES		
27	ZONING CLASSIFICATION OF THE TRACT		
28	EXISTING CONTOURS AT TWO (2) FOOT INTERVALS		
29	LOCATIONS AND DIMENSIONS OF EXISTING SEWERS, WATER LINES, CULVERTS, AND OTHER UNDERGROUND STRUCTURES, AND POWER TRANSMISSION POLES AND LINES WITHIN AND ADJACENT TO THE TRACT		
30	BUILDING SETBACK LINES AND DIMENSIONS		
31	LOCATION AND DIMENSIONS OF PROPOSED UTILITY AND SEWER LINES, SHOWING THEIR CONNECTIONS WITH EXISTING SYSTEMS		
32	STATEMENT CERTIFYING THAT THE MINOR SUBDIVISION SATISFIES ALL APPLICABLE REQUIREMENTS OF THE ZONING DISTRICT GOVERNING THE USE OF THE LAND AT THE TIME OF RECORDING		

	ITEMS NEEDED ON PAPER COPY	HAVE	NEED
1	IN ALL SITUATIONS INVOLVING THE RE-PLATTING OF ANY EXISTING PARCEL, LOT, OR TRACT OF LAND, THE IDENTITY OF THE ORIGINAL PARCEL, LOT, OR TRACT FROM WHICH THE NEWLY CREATED OR ADJUSTED LOTS WERE DERIVED SHALL BE INDICATED WITHIN THE BOUNDARY LINES OF EACH PARCEL THAT IS ADJUSTED OR CREATED AS A RESULT OF THE RE-PLAT PROCEDURE.		
2	IN ALL SITUATIONS INVOLVING THE RE-PLATTING OF ANY EXISTING PARCEL, LOT, OR TRACT OF LAND, THE LOT LINES OF THE ORIGINAL PARCEL, LOT, OR TRACT SHALL BE CLEARLY INDICATED ON THE PLAN.		

	MISCELLANEOUS ITEMS	HAVE	NEED
A	CERTIFICATE OF COMPLIANCE DRAWING SIGNED BY A REPRESENTATIVE OF THE CITY, APPROPRIATE WATER & SEWER UTILITY OWNER, BUILDING INSPECTION DEPARTMENT, AND CITY COUNCIL		
B	CERTIFICATE OF COMPLIANCE DRAWING SIGNED BY A REPRESENTATIVE OF THE CITY, APPROPRIATE WATER & SEWER UTILITY OWNER, BUILDING INSPECTION DEPARTMENT, AND CITY COUNCIL		
C	FINAL SURVEY DRAWING MUST INCLUDE SIGNATURES FROM ZONING		
D	MINOR SUBDIVISION APPLICATION		
E	APPLICATION FEE		
F	DEED(S), PROPERTY DESCRIPTIONS		

(Ord. 0-05-21-02. Passed 6-17-21.)

1161.06 DESIGN STANDARDS.

A. General Statement.

- (1) The regulations in this chapter shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.
- (2) The Zoning Administrator and the Planning Commission have the responsibility for reviewing the design of each future subdivision early in its design development. The Planning Commission shall ensure that all of the requirements of the subdivision regulations are met.

B. Conformity to Development Plans and Zoning.

- (1) The arrangement, character, width, and location of all thoroughfares or extensions thereof shall conform with the Montgomery County Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning Commission to the City Council based upon the design standards set forth in this section inclusive. In addition, no final plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with such resolution.

C. Suitability of Land.

- (1) If the Planning Commission or Zoning Administrator finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities, and other such conditions which may endanger health, life, or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall recommend City Council not approve the land for subdivision unless adequate methods are proposed by the developer for solving the problems that will be created by the development of the land.

D. Public Streets.

(1) Street Design.

- i. The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the Montgomery County Thoroughfare Plan, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The developer shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Montgomery County Thoroughfare Plan.

(2) Street Design Standards for Cul-de-sacs and Loop Type Local Streets.

- i. The design and improvement standards contained herein are suggested minimums for cul-de-sacs and loop type local streets in residential subdivisions. All such streets shall be designed and constructed in accordance with standards as specified in Table 1 in this Section.

(3) Street Design Standards for all Local Streets Except Cul-de-sacs and Loop Type Streets.

- i. The design and improvement standards contained herein are suggested minimums for all local type streets, except cul-de-sacs and loop type streets, in residential subdivisions. All such streets shall be designed and constructed in accordance with the standards as specified in Table 2 in this Section.

(4) Collector Street Design Standards.

- i. The design and improvement standards contained herein are suggested minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 3 in this Section. Minimum design speed for such streets shall be thirty-five (35) miles per hour and may be higher, if so, determined by the Public Service Director in conjunction with the City Engineer.

(5) Thoroughfare Design Standards.

- i. The design standards of and the required improvements to streets and roads, as shown on the Montgomery County Thoroughfare Plan are contained in Tables 1 through 4 in this Section. Construction design criteria on these streets are not specified in these regulations but are to be determined by the City Engineer when and if such a street abuts or crosses the proposed subdivision. Certain improvements may be waived after review and recommendation by the Planning Commission or Zoning Administrator to City Council. In all cases right-of-way dedications shall be required.
 - (a) The developer shall be responsible for all required improvements including sidewalk, curb, storm drainage, traffic control devices and the required pavement width when the streets lie within the subdivision. On divided streets, left turn lanes shall be provided at all median openings.
 - (b) When developing along one side of an existing street or roadway which is included in the Montgomery County Thoroughfare Plan, the developer shall be responsible for one sidewalk, one curb, pavement widening to thoroughfare width on the side abutting the development. Make all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the Zoning Administrator. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement.
 - (c) All roadway design shall be according to the methods outlined in the current version of the "Manual of Location and Design - Volume I", prepared by the Ohio Department of Transportation, and "A Policy on Geometric Design of Highways and Street", prepared by the American Association of State Highway and Transportation officials (AASHTO).

(6) Horizontal Alignment.

- i. When there is an angle between two (2) centerline tangent sections of a street, a curve of adequate radius and proper super elevation shall connect them. Between reverse curves, a minimum tangent of one hundred (100) feet shall be introduced for local street design. For streets other than local streets, the minimum tangent between reverse curves shall be determined by the City Engineer in accordance with the latest recommendations of the American Association of State Highway and Transportation Officials (AASHTO) in effect on the date of the approval of the preliminary plat. Adequate safe stopping sight distance shall be provided for in accordance with Table 6 in this Chapter.

- (7) Vertical Alignment.
- i. The minimum vertical sight distance shall conform to Table 6 in this section.
 - ii. No street grade shall be less than five-tenths percent (0.5%) and on stop streets, the grades shall not exceed two percent (2%) positive or three percent (3%) negative within a distance from the intersection of one hundred (100) feet plus one-half (1/2) of the intersecting street right-of-way width, unless otherwise approved by the City Engineer.
- (8) Intersections and Driveway Design Standards.
- i. Intersection Design Standards.
 - (a) The design and improvement standards for intersections are suggested minimums for all street intersections in subdivisions.
 - (b) All such intersections shall be designed and constructed in accordance with the standards as specified in Table 5 in this section. Intersection sight distance requirements shall be as specified in Table 6 in this section.
 - (c) Multiple intersections involving junctions of more than two (2) streets shall not be permitted.
 - (d) Four-way intersections of local streets shall be avoided and three-way or T-intersections should be encouraged wherever possible.
 - (e) Individual grades for each curb shall be provided on a street when the grade on the through street exceeds two percent (2%).
 - (f) Low points which would result in water ponding or poor sight distance shall not be permitted.
 - (g) Adequate intersection sight distance shall be provided according to this Chapter.
 - (h) The centerline bearing for any street must be a straight line through any intersection for a distance of one hundred (100) feet plus one-half (1/2) of the intersecting street's right-of-way on each side of the intersecting street (no angle points in an intersection).
- (9) Driveway Design Standards.
- i. All driveways shall be designed and constructed in accordance with the City's current driveway standards.
 - ii. No new subdivision shall create any parcels zoned for single-family or two-family residential uses fronting on an arterial street. Developers are encouraged to have all of these lots front on local streets. To the extent possible, lots abutting arterial street rights-of-way should have their back yards face the arterial.
- (10) Special Street Types.
- i. The following requirements shall apply to special street types:
 - (a) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan.

- (b) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
 - (c) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission and Zoning Administrator may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to such arterial streets or highways.
 - (d) If alleys are proposed, the minimum widths for alleys shall be eighteen (18) feet for the right-of-way and sixteen (16) feet for the pavement width.
- (11) Streets for Commercial Subdivisions.
 - i. Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas shall be located so as to cause the least possible interference with traffic movement on the streets and shall have a driveway throat length of at least seventy-five (75) feet. Adequate provisions shall be made for the separation of left turn traffic from other traffic. The Zoning Administrator may require marginal access streets to provide maximum safety and convenience.
- (12) Streets for Industrial Subdivisions.
 - i. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas shall be located so as to cause the least possible interference with traffic movement on the streets and shall have a driveway throat length of at least seventy-five (75) feet. Adequate provisions shall be made for the separation of left turn traffic from other traffic.
 - ii. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the City Council on recommendation from Zoning Administrator and Planning Commission finds such extension is not in accord with the approved plan of the area.
- (13) Curb and Gutter.
 - i. Single-Family Residential (placed per current City specifications)
 - (a) Curb and gutter are required in all subdivisions where the average lot frontage is equal to or less than one hundred and fifty (150) feet.
 - (b) For proposed subdivisions where the average lot frontage is greater than 150 feet, curb or curb and gutter may be required by the Public Service Director for, but not limited to, the following:
 - 1) Storm water management concerns,

- 2) Pavement edge stabilization,
 - 3) Parking area delineation,
 - 4) Storm water routing to drainage inlets,
 - 5) At intersections, corners and tight radii
 - ii. Commercial, Office, Service, Industrial (per current ODOT and/or City specifications)
 - (a) Curb and gutter are required for all lots specifications:
 - 1) Specifications.
 - 2) ODOT Type 2 Combination Curb and Gutter shall be used for all streets, unless the Public Service Director approves otherwise - see ODOT BP-5.1.
 - 3) Curb and gutter shall be poured on top of an approved six (6)-inch 304 aggregate base when using the aggregate base typical section alternative(s), however, the curb and gutter shall be poured directly on top of an approved Subgrade when using the full depth asphalt typical sections.
 - 4) The curb may be hand formed or poured using a slip form machine. When slip forming is used, the curb string must be checked for line and grade by the inspector prior to pouring.
 - 5) Use of a one (1)-inch diameter x eighteen (18)-inch dowel bars, as well as, one (1)-inch expansion material are required at the beginning and end of each radius, at all cold joints, and three (3) feet from each catch basin. Greased caps are required on the dowel bars per ODOT BP- 2.2
 - 6) A two (2)-inch deep tool joint is to be cut into the curb every five (5) feet. A broom finish running perpendicular to the curb is also required.
 - 7) Curb must cure for seven (7) days before base or backfill can be placed against it.
 - 8) When a curb and gutter street connects with a berm and ditch street, a curb transition is to be used.
 - 9) ODOT style shallow pipe underdrains (four (4) inch minimum diameter) are required on all streets unless an alternate design is approved by the Public Service Director in conjunction with the City Engineer.
 - 10) The contractor must place all concrete per the City's current specifications for driveways, sidewalks and curbs.
- (14) Temporary T-Turnaround.
 - i. A T-turnaround is required for a residential street that has five (5) lots or more fronting a roadway that may be extended in the future. The T-turnaround shall be forty (40) feet long excluding the radius. The T-turnaround must stop five (5) feet from the end of the pavement to allow room for the fire hydrant and valve. The T-turnaround shall slope one (1) inch per foot ("ft) to the curb. If a T-turnaround is required on a berm and ditch street, a 14 inch per foot ("ft) slope away from the street and a culvert placed in the ditch line shall be required.

- (15) Cul-De-Sacs.
i. The design and improvement standards for cul-de-sacs are suggested minimums for all residential subdivision streets. Top of curb elevations shall be indicated on construction plans at beginning point of the curve (P.C.), point of return curve (P.R.C.), point of tangent (P.T.), at the center, as well as, at every thirty degrees (30°) point around the cul-de-sac.
- (16) Knuckles.
i. Knuckles may be used to turn a street ninety degrees (90°) and have the same minimum radius requirements as the cul-de-sac. Even though it turns ninety degrees (90°), it is the same street and does not change street names nor does it need a stop sign.
- (17) Sidewalks and Street/Walkway Lighting.
i. Sidewalks and/or multi-use paths shall be constructed on both sides of all proposed public streets.
ii. Public sidewalks shall be required for all commercial lots unless deemed unnecessary by the Zoning Administrator.
iii. Public sidewalks may be required for industrial lots, subject to the approval of the City Council.
iv. All sidewalks must connect to existing or future developments unless waived by the City Council.
v. All sidewalks which terminate or continue through an intersection must include curb ramps which meet current ODOT and ADA requirements. The curb ramps must include truncated domes. Acceptable truncated dome materials include cast-in-place engineered plastics. All other materials must be approved by the City Engineer.
vi. Street and walkway lighting shall be provided in a subdivision in accordance with the following standards:
vii. Lighting shall be provided in the following locations:
(a) Along all streets.
(b) Street intersections.
(c) Street and walkway intersections.
(d) Street cul-de-sacs and mid-block turnarounds.
(e) Any conflict areas as determined by the Planning Commission.
viii. The design and construction of street lighting facilities and levels of illumination shall be in accordance with the standards of the City of Clayton.
- (18) Survey and Monuments.
i. Iron Pin Monuments shall be set at all outside corners of the apparent Tract. Railroad spikes or two and one-half inch (2-1/2") mag nails shall be set at all centerline intersections, center of all cul-de-sacs and the Point of Curve (PC) and Point of Tangent (PT) of all curves for all streets, alleys, private streets, and common driveways. For corners, reinforcing bars of five-eighths inch (5/8") by thirty inch (30") with caps identifying the registration number of the surveyor are acceptable.

TABLE 1									
STREET DESIGN STANDARDS FOR CUL-DE-SACS AND LOOP TYPE STREETS IN RESIDENTIAL SUBDIVISIONS									
TERRAIN CLASSIFICATION Development Density	LEVEL ($\leq 5\%$)			ROLLING ($> 5\%$ to 8%)			HILLY ($> 8\%$)		
	LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
Right-of-way Width (Ft.)	50	50	60	50	50	60	50	50	60
Pavement Width (Ft.)*	27	27	37	27	27	37	27	27	37
Sidewalk Width (ft.)	5	5	5	5	5	5	5	5	5
Maximum Grade	5%	5%	5%	8%	8%	8%	10%	10%	10%
Maximum Cul-de-Sac Length (ft.)	700	500	500	600	500	500	500	500	500
Minimum Cul-de-Sac Radius (ROW) (Ft.)	50	50	50	50	50	50	50	50	50
Minimum Cul-de-Sac Radius (Pavement) (ft.)	38 ½	38 ½	38 ½	38 ½	38 ½	38 ½	38 ½	38 ½	38 ½
Minimum Centerline Radius of Streets (ft.) with an Angle of Turn of:	90	90	90	90	90	90	90	90	90
1. Between 80 and 100									
2. Less than 80 or more than 100	200	200	200	200	200	200	150	150	150
* Pavement from front of curb to front of curb.									

TABLE 2									
STREET DESIGN STANDARDS FOR LOCAL STREETS EXCEPT CUL-DE-SACS AND LOOP TYPE STREETS IN RESIDENTIAL SUBDIVISIONS									
TERRAIN CLASSIFICATION Development Density	LEVEL ($\leq 5\%$)			ROLLING ($> 5\%$ to 8%)			HILLY ($> 8\%$)		
	LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
Right-of-way Width (Ft.)	50	50	60	50	50	60	50	50	60
Pavement Width (Ft.)*	29	29	37	29	37	37	27	27	37
Sidewalk Width (ft.)	5	5	5	5	5	5	5	5	5
Maximum Grade	5%	5%	5%	8%	8%	8%	10%	10%	10%
Minimum Centerline Radius of Streets (ft.) with an Angle of Turn of:	90	90	90	90	90	90	90	90	90
1. Between 80 and 100									
2. Less than 80 or More than 100	200	200	200	200	200	200	150	150	150
* Pavement from front of curb to front of curb.									

TABLE 3									
COLLECTOR STREET DESIGN STANDARDS									
TERRAIN CLASSIFICATION Development Density	LEVEL ($\leq 5\%$)			ROLLING ($> 5\%$ to 8%)			HILLY ($> 8\%$)		
	LOW	MED	HIGH	LOW	MED	HIGH	LOW	MED	HIGH
Right-of-way Width (Ft.)	60	60	60	60	60	60	60	60	60
Pavement Width (Ft.)*	36	36	36	36	36	36	36	36	36
Sidewalk Width (ft.)	5	5	5	5	5	5	5	5	5
Maximum Grade	5%	5%	5%	8%	8%	8%	10%	10%	10%
Minimum Centerline Radius (ft.)	350	350	350	350	350	350	350	350	350
* Pavement from front of curb to front of curb.									

TABLE 4				
THOROUGHFARE STREET DESIGN STANDARDS*				
R/W WIDTH (FT.)	SIDEWALKS (FT.)	PLANTING STRIP (FT.)	MEDIAN (FT.)	TOTAL PAVEMENT WIDTH (FT.)
70	5	3	None	40
82	5	4.5	14	63
90	5	7.5	16	65
120	5	10.5	16	89
* Pavement widths and other dimensions in this table based on front-to-front curb measurements. NOTE: (1) All medians 5 ft. or less in width must be concrete; (2) Medians must have a depression at the turnaround for mower access; and (3) Expansion joint running 100 ft. (tooling per City specifications)				

TABLE 5			
INTERSECTION DESIGN STANDARDS			
MINIMUM CENTERLINE OFFSET:	LOCAL (FT.)	BASE STREET COLLECTOR (FT.)	ARTERIAL (FT.)
Arterial to Local or M or M	200	400	500
Arterial to collector	1320	1320	1320
Arterial to arterial	2640	2640	2640
Collector to Local	200	300	500
Collector to Collector	400	500	1320
Local to Local	150	400	500
INTERSECTION DESIGN STANDARDS			
TERRAIN CLASSIFICATION	LEVEL - ALL DENSITIES (< =5%)	ROLLING - ALL DENSITIES (> 5% to 8%)	HILLY - ALL DENSITIES (> 8%)
Vertical Alignment with Intersection	Flat	2% (max)	4% (max.)
Minimum Angle of Intersection: Streets shall remain in the angle of intersection for a distance from the intersection of 100 ft. plus % of the intersecting street right-of-way	75 Degrees (90 Degrees preferred)		
MINIMUM CURB RADIUS			
LOCAL - LOCAL (FT.)	LOCAL - COLLECTOR (FT.)	COLLECTOR - COLLECTOR (FT.)	COLLECTOR, MARGINAL ACCESS - ARTERIAL (FT.)
20 - all cases	25 - all cases	30 - all cases	25 - all cases

TABLE 6				
SIGHT DISTANCE CRITERIA				
SPEED * (MPH)	MINIMUM STOPPING SIGHT DISTANCE (FT.)	MINIMUM INTERSECTION SIGHT DISTANCE (FT.)	MINIMUM RATE OF VERTICAL CURVATURE, K	
			CREST VERTICAL CURVE (FT.)	SAG VERTICAL CURVE (FT.)
25	200	375	30	40
30	225	450	40	45
35	250	500	50	50
40	325	575	80	70
45	400	625	120	90
50	475	700	160	110
55	550	750	220	130
60	650	825	310	160
65	725	875	400	180
70	850	950	540	220
* 85 TH Percentile Speed REFERENCES: American Association of State Highway and Transportation Officials Location and Design Manual - Ohio Department of Transportation				

TABLE 7			
DRIVEWAY DIMENSIONS			
	RESIDENTIAL (FT.)	COMMERCIAL (FT.)	INDUSTRIAL (FT.)
Vertical Alignment With Intersection (min. - max.)	10 - 30	15 - 35	20 - 40
Right Turn Radius (min. - max.)	5 - 15	10 - 25	15 - 35

- ii. All surveys performed in the City for new Subdivision Plats requiring the construction of new public streets, private streets or creation of new easements of access shall be required to tie into a minimum of two (2) Montgomery County Survey Monuments. At least two (2) coordinates of the survey shall be tied to the State Plane Coordinate System. The traverse of the exterior boundaries of the tract of each block, when computed from field measurements of the ground, shall close within a limit of error of one foot to ten thousand (10,000) feet of the perimeter before balancing the survey.

- iii. The corners of all lots within the development shall be pinned with iron pin monuments for each lot. Reinforcing bars of five-eighths inch (5/8") by thirty inches (30") with caps identifying the registration number of the surveyor are acceptable.
- (19) Incidental Construction.
- i. Concrete. Refer to the latest edition of the City of Clayton's specifications for driveway approaches, sidewalks, and curbs.
 - ii. Asphalt. All asphalt shall be in accordance with ODOT Items 301, 302, 441, 442, 446, and 448
 - iii. Storm Sewer. All storm sewer installed within the Public Right of Way shall meet the requirements of ODOT item 706.02 and shall be reinforced concrete pipe Class IV unless deemed otherwise by the Public Service Director.
 - iv. Entrance Islands. Entrance islands may be permitted upon approval of the Planning Commission and the Zoning Administrator. A landscaping plan must be submitted and documentation on whom is responsible for maintenance Developer or HOA must maintain. If City is to maintain, the developer will agree to maintenance assessment fee charged to each unit and payable with mortgage.
 - v. Landscaping.
 - (a) Trees, landscape rocks, shrubs, and any other item that could be considered a traffic hazard or might restrict site distance will not be permitted in the right of way unless prior written permission is obtained, and a landscaping plan is approved by the City Council and the Zoning Administrator.
 - (b) It is the developer's responsibility to keep the right of way free of obstructions during the bond period.
 - (c) When a subdivision has frontage on a City road, all trees and stumps are to be removed from the right of way.
 - (d) Developer or HOA must maintain all landscaping and hardscape. If the City is to maintain, the developer will agree to maintenance assessment fee charged to each unit and payable with mortgage.
 - vi. Utilities.
 - (a) Where possible all utilities (public and private) are to be buried. The developer is responsible to demonstrate justification if a utility must be installed aerially or above ground.
 - (b) The developer is responsible to establish and verify all required utility easements on the record plan.
- (20) Signs.
- i. Signs shall conform to and be placed in accordance with the current Ohio Manual of Uniform Traffic Control Devices.
 - ii. Stop signs and street name signs must be erected prior to any residential/commercial construction.
 - iii. The developer is responsible to install all stop signs and street name signs on newly constructed roads. Street sign must be approved by the City Council/Zoning Administrator.

(21) Blocks.

i. The following regulations shall govern the design and layout of blocks:

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in this Section, inclusive, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the zoning resolution and to provide for the required community facilities.
- (b) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- (c) No block shall be longer than fifteen hundred (1500) feet and the block width shall accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
- (d) Where blocks are over nine hundred (900) feet in length a crosswalk easement not less than ten (10) feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers, and other facilities.

(22) Lots.

i. The following regulations shall govern the design and layout of lots:

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- (b) All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- (c) Each lot shall have its full frontage on a dedicated and improved street.
- (d) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Zoning Administrator determines that a variation to this rule would provide a better layout.
- (e) Lots with double frontage shall be avoided except where the Zoning Administrator determines that it is essential to provide separation of residential development from arterial streets.
- (f) No corner lot shall have a width at the building line of less than seventy-five (75) feet.
- (g) The maximum depth of a lot shall not be greater than three times the width of the lot, except lots which contain an area of five (5) acres or more. Lots containing over five (5) acres shall not be less than three hundred (300) feet in width at any location; they should be of such shape and dimensions as to render the possible resubdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations.

- (h) Additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of way, a high pressure gas line, open drainage ditch, an arterial street, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, an appropriate additional width may also be required.
 - 1) The minimum lot size where public sewer or water is not available shall be one (1) acre with a minimum frontage of two hundred (200) feet.
 - 2) Where soil conditions are of such nature that proper operation of wells and septic systems may be impaired, the Planning Commission may increase the size of any or all lots in the subdivision.
 - 3) Where soils are classified as prime agricultural soils as defined in these regulations, or are adjacent to prime agricultural soils, the Zoning Administrator may permit the alteration of these requirements where the developer demonstrates that such alteration is necessary and desirable in order to preserve the prime agricultural soils, provided that the subdivision is not contrary to applicable zoning regulations.
- (23) Easements.
 - i. Utility Easements: Public utility easements at least ten (10) feet in total width may be required along the rear and sides of lots where needed for the accommodation of a public utility, drainage or sanitary structures or any combination of the foregoing. Where deemed necessary by the City Engineer an additional easement width shall be provided.
 - ii. Watercourses: The developer shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural water-courses, channels, streams or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream or creek. Such rights-of-way or easements shall be of a width which will provide for the maintenance needs of the channel and incidental structures per the current City specifications, or as determined by the Public Service Director in conjunction with the City Engineer.

(24) Physical Condition.

- i. Natural Land Uses: Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to protect existing field drainage systems, to reduce the amount of danger, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance and other assets which, if preserved, will add attractiveness and value to the subdivision and the community. Subdivision designers and developers should coordinate the site layout with the drainage system. The planning of a subdivision should incorporate natural waterways, artificial channels, storm sewers, runoff storage facilities and other drainage works.

(25) Floodplain.

- i. As a safety measure for the protection of the health and welfare of the residents of the City, the Planning Commission shall not approve any subdivision located in areas subject to periodic flooding. If the subdivision is located in said area or an area having other physical impairment, the Planning Commission may approve the subdivision provided the developer agrees to perform such improvements as will render the area substantially safe for development; and further, provide that in lieu of the improvements, the developer shall furnish a surety bond or a certified check covering the cost of the required improvement. Prior to acting on a proposed subdivision located in a flood hazard area, the Zoning Administrator shall secure advice from the Federal Insurance Administration, the Ohio Department of Natural Resources, the Miami Conservancy District or other appropriate agencies.
- ii. Stream Easement: If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least ten (10) feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and runoff rates are increased.
- iii. Streets: Approval shall not be given for streets within a subdivision which would be subject to flooding. All streets must be located at elevations which will make them flood-free in order that no portion of the subdivision would become isolated by floods.
- iv. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(26) Public open spaces and sites.

- i. Twelve percent (12%) of the total land shall be given to the allocation of areas suitably located and of adequate size for playgrounds, school sites and parks as indicated on the adopted comprehensive plan for parks, schools and recreational facilities, and to be made available by one of the following methods:

- (a) Dedication to the City, or other public agency duly qualified to accept ownership and maintenance of area.
 - (b) Reservation of land for the use of property owners by deed or covenants.
 - (c) Reservations for acquisition by the City or other public agency within a period of two (2) years from the approval of the Preliminary Plan. Said reservation shall be made in such a manner as to provide for a release of the land to the developer in the event the City, or other public agency duly qualified to accept ownership and maintenance does not proceed with the purchase. Due regard shall be shown for preserving outstanding natural features such as scenic spots, watercourses or exceptionally fine groves of trees. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation.
- (27) Storm drainage channels.
- i. Any storm drainage channel requiring a capacity greater than that accommodated by a seventy-two (72) inch diameter pipe shall remain as an open channel, except where conditions justify a closed channel. The cross section and profile of said channel and its banks, which shall be paved on the bottom and sides, shall be per the current City specifications, or as determined by the Public Service Director in conjunction with the City Engineer. Upon completion of the construction of said drainage channel, an easement for the channel, its banks and an area of adequate width to permit proper maintenance of the channel shall be established and recorded at the Montgomery County Recorder's Office.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1161.07 FLOOD HAZARD AREAS.

A. Statement of Purpose.

- (1) It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize flood losses resulting from periodic inundation by provisions designed to:
 - i. Restrict or prohibit subdivision of lands for uses which are dangerous to health, safety or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities.
 - ii. Require that each subdivision lot in an area vulnerable to floods be provided with a safe building site with adequate access and that public facilities which serve such uses be installed with protection against flood damage at the time of initial construction.
 - iii. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
 - iv. Ensure compliance with the Flood Damage Prevention Regulations adopted by Montgomery County and/or the City of Clayton.

B. General Provisions.

- i. Land to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard.
- ii. Basis for Establishing the Area of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for the Unincorporated Territory of Montgomery County, Ohio." This study with accompanying Flood Boundary and Floodway Maps and Flood Insurance Rate Maps dated December 15, 1981 and any revisions thereto is hereby adopted by reference and declared to be a part of these regulations.
- iii. Compliance. No land shall hereafter be subdivided or used without full compliance with the terms of these regulations and other applicable regulations, including zoning, official maps, health codes, and other regulations which apply to uses with the jurisdiction of these regulations.

C. Warning and Disclaimer of Liability.

- (1) The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Clayton, an officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

D. Land Suitability.

- (1) No land shall be subdivided which is unsuitable for its intended use for reason of flooding, inadequate drainage, susceptibility to mud slides or earth slides, or severe erosion potential. However, the subdivision may be approved if the developer improves the land consistent with the standards of this and other applicable regulations to make the area suitable for its intended use. In determining the appropriateness of the land subdivision at the site, the Zoning Administrator shall consider the objective of these regulations; and
 - i. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses.
 - ii. The danger that intended uses may be swept onto other lands or downstream to the injury of others.
 - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
 - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - v. The importance of the services provided by the proposed facility to the community.
 - vi. The requirements of the subdivision for a waterfront location.

- vii. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- viii. The relationship of the proposed subdivision to the comprehensive plan and floodplain management program for the area.
- ix. The safety of access to the property in times of flood for emergency vehicles.
- x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

E. Building or Site Improvement.

- (1) No subdivision or part thereof shall be approved if proposed subdivision development in a floodway will, individually or collectively, significantly increase flood flows, heights, or damages.
- (2) No subdivision or part thereof shall be approved for floodway or floodway fringe areas which will, substantially affect the storage capacity of the floodplain.
- (3) Building sites, residences, motels, resorts and similar uses for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites are elevated to a height at least one (1) foot above the elevation of the regional flood or provisions otherwise made for elevating or adapting structures to achieve the same result. Required fill areas must extend fifteen (15) feet beyond the limits of intended structures and, if the subdivision is not to be sewerred, must include areas for waste disposal.
- (4) Building sites for structures other than residences outside of floodway areas shall ordinarily be filled as provided herein; however, the Planning Commission may allow subdivisions of areas for commercial and industrial use at a lower elevation if the developer agrees to protect the uses through structural floodproofing as specified in Chapter 1161 herein.
- (5) When the Planning Commission determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development is consistent with its determination.
- (6) When the developer does not intend to develop the plat themselves, and the Zoning Administrator determines that limitations are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- (7) The developer and/or home builder must provide a Letter of Certification signed and sealed from a registered surveyor for all structures built in or adjacent to the Flood plain identifying the structure's minimum opening is a minimum of 1 foot above the 100-year flood elevation.

F. Drainage Facilities.

- (1) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites. Plans shall be subject to the approval of the City of Clayton. The City of Clayton may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

G. Roads.

- (1) The finished elevation of proposed streets shall be no more than one (1) foot below the regional flood elevation. The Zoning Administrator may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- (2) The Zoning Administrator may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The Zoning Administrator may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

H. Conditions Attached to Plat Approval.

- (1) The Planning Commission may recommend City Council attach conditions, including but not limited to the following, to the approval of plats for areas subject to development hazards:
 - i. Construction and modification of sewage, water supply and drainage facilities to meet the standards of this resolution and to promote the health, safety, and general welfare.
 - ii. Requirements for construction or channel modification, dikes, levees, and other protective measures.
 - iii. Installation of flood-warning systems.
 - iv. Imposition of operational controls, sureties, and restrictions enforceable by the Planning Commission to restrict the types and design of uses. Such restrictions may include flood- proofing of intended uses, subject to the individual approval of the appropriate agency at the time such uses are constructed, through:
 - (a) Anchorage to resist flotation and lateral movement.
 - (b) Installation of water tight doors, bulkheads, and shutters, or similar methods of construction.
 - (c) Reinforcement of walls to resist water pressures.
 - (d) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to structures to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - (h) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - (i) Construction to resist rupture or collapse caused by water pressure of floating debris.
 - (j) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.

- (k) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will ensure they are not subject to flooding and will provide protection from inundation by the regional floodplain.
- (2) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the flood protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
(Ord. 0-05-21-02. Passed 6-17-21.)

1161.08 SITE IMPROVEMENT STANDARDS.

A. Bond for Installation of Improvements.

(1) General.

- i. Streets and storm sewers. In order that the City has the assurance that the construction and installation of such improvements as street surfacing, curbs, gutters, storm sewers, sidewalks, and street signs will be constructed, the developer shall enter into one of the following agreements:
 - (a) To construct all improvements directly affecting the subdivision, as required by the Commission, prior to the final approval of the plat; or
 - (b) In lieu of the completion of the improvement, furnish a bond executed by a surety company, cash deposit (certified check) or Irrevocable Letter of Credit (form must be approved by the Planning Commission) equal to the cost of construction of such improvements as shown on plans, and based on an estimate approved by the Public Service Director.
 - (c) All work within the Public Right of Way must be approved by the Public Service Director. The property owner is required to acquire a permit from the Public Service Director, post or furnish a bond for the work and have all work inspected by the Public Service Director and/ or their designee. This work includes but is not limited to driveway improvements, curb and gutter, sidewalks and storm conduit improvements.
- ii. Sanitary sewer and water. In order that the City has the assurance that the construction and installation of sanitary sewers and public water supply will be completed, the developer shall enter into a developer's agreement and surety in accordance with the City's and Utility Provider's Rules and Regulations.
- iii. Flood hazard areas. Guarantee that no lot will be sold or building constructed in an area subject to flood prior to completion of all flood protective works or measures planned for such lot and necessary access facilities.

- (a) Conditions. Before the Final Plan is given final approval, the developer shall have executed the Developer's agreement and a Performance Bond, cash deposit (certified check) or Irrevocable Letter of Credit with the City covering the estimated cost of required improvements.
- (b) The performance bond, cash deposit (certified check) or Irrevocable Letter of Credit shall run with the City for a period of two (2) years from date of execution, and shall provide that the developer, their heirs, successors and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions and requirements of these regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.
- (c) Before said bond is accepted it shall be approved by the proper administrative officials.
- (d) Whenever a cash deposit (certified check) is made, the same shall be made payable to the "City of Clayton".
- (e) Extension of Time. If the construction or installation of any improvement of facility, for which guarantee has been made by the developer in the form of bond or cash deposit, is not completed within two (2) years from the date of final approval of the record map, the developer may request the City to grant an extension, provided they can show reasonable cause for inability to complete said improvements within the required two (2) years. At the expiration of the extension the City will use as much of the bond or cash deposit as necessary to complete the construction of the improvements. The same shall apply whenever construction of improvements are not performed in accordance with applicable standards and specifications.
- (f) Inspections.
 - 1) Periodic inspections during the installation of improvements shall be made by the City to ensure conformity with the approved plans and specifications as required by these regulations. The developer shall notify proper administrative officials at least twenty-four (24) hours before each phase of the improvements is ready for inspections.
 - 2) The absence of an inspector from a plat during construction shall not relieve the developer from full responsibility under this agreement. Upon acceptable completion of installation of the required improvements, other than sewer and water, the Public Service Director shall issue a letter to the developer or their agent and such letter shall be sufficient evidence for the release by the City. Notification of release by the City on sewer and water installations shall originate with the Sanitary Department.

- 3) Acceptance. When the proper administrative officials, following final inspection of a subdivision, certify to the City that all improvements have been constructed in accordance with City specifications, the City may proceed to accept the facilities for which bond has been posted.
- 4) Prior to the certification to the City, the developer shall furnish a maintenance bond in the amount of ten percent (10%) of the original bond. Said maintenance bond shall run for a period of one (1) year.
- 5) Failure to Comply. Whenever public improvements have not been constructed in accordance with the agreement and with specifications as established, the City may exercise its rights of foreclosure under the bond.

B. Construction Procedure and Materials.

- (1) The developer shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Transportation or as amended by the County Engineer and/or the City of Clayton, the requirements of the Sanitary Engineer, and the requirements of the Ohio Department of Health. All inspection costs shall be paid by the developer.

C. Survey Monuments.

- (1) A complete survey shall be made by a registered surveyor and shall conform to the minimum standards for boundary surveys in the State of Ohio. " Additionally, permanent reference monuments made of stone or concrete, at least thirty-six (36) inches in length and six (6) inches square with suitable center point, shall be located and placed within the subdivision, and their location noted on the record plan. These monuments shall be placed immediately after final grading of lots is completed and the cost of the monuments will be included in the cost of improvements. There shall be no release of performance bond until after monuments have been placed. Boundary lines shall be monumented at all points where there is a change of direction and at all lot corners by suitable monuments as specified in the "minimum standards for boundary surveys in the State of Ohio."

D. Street Improvements.

- (1) Plans and Profiles. A centerline profile of proposed streets or roads with typical cross sections indicating proposed crowns and slopes anticipated in meeting required street improvements, shall be a part of, or accompany, the construction plan. Profiles of existing roadways or streets shall be extended a sufficient distance beyond the plat boundary to determine adequate sight distance and a suitable transition with existing pavements. All drainage and drainage structures shall be indicated on the profile and all profiles shall be submitted to the City of Clayton for approval before construction begins.

- E. Street Width.
(1) Minimum street pavement widths shall conform to the standards given in herein.
- F. Street Subgrade.
(1) The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two (2) feet below the finished surface. The subgrade shall be properly rolled, shaped, compacted and drained and shall be subject to the approval of the Public Service Director. Curb underdrains are required.
- G. Street Base Course.
(1) The developer has the option of using any of the following base courses, based upon recommendations of the City Engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphaltic concrete, Portland cement concrete, or equally suitable base course. Thickness shall be determined by the City Engineer based upon the physical properties of the base course used and the physical properties of the roadbed.
- H. Street Surface Course.
(1) Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or Portland cement concrete. Specific material and thickness recommendation shall be determined by the City Engineer, based upon traffic conditions.
- I. Portland Cement Concrete Pavement.
(1) If the developer elects to construct streets totally out of Portland cement concrete or if pavement is required by the City Engineer, the thickness will be determined as per the Streets, Utilities and Public Services Code. The City Engineer may require pavement or a base of greater thickness, based upon their evaluation of the subgrade, traffic, and wheel load conditions.
- J. Full-Depth Asphalt Pavement.
(1) If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixture are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thicknesses. Thickness shall be as determined by the City Engineer.
- K. Street Curbs and Gutters.
(1) The requirements for curbs and gutters will vary according to the character of the area and the density of development. Curbs shall be required on all streets. Construction shall be per the current City specifications for driveway, sidewalks and curbs.

L. Sidewalks.

- (1) All sidewalks shall be constructed of Portland cement concrete per the current City specifications for driveway, sidewalks and curbs. All sidewalks which terminate or continue through an intersection must include curb ramps which meet current ODOT and ADA requirements. The curb ramps must include truncated domes. Acceptable truncated dome materials include cast-in-place engineered plastics. All other materials must be approved by the Public Service Director in conjunction with the City Engineer.

M. Street Name Signs and Street Naming.

- (1) Street name signs, of a type in use throughout the City, shall be erected by the developer at all intersections.
- (2) For purposes of street naming, the following is recommended:
 - i. Circle, Place or Court should be used only for cul-de-sac type streets.
 - ii. The words north, south, east or west should be avoided as part of a street name whenever possible.
 - iii. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
 - iv. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Council and the Montgomery County Engineer and Auditor Offices prior to such names being assigned or used. House numbers shall be assigned in accordance with the current house numbering system in effect in the City of Clayton.

N. Street and Walkway Lightings.

- (1) The developer shall install streetlights in all residential subdivisions. Such lights shall be located at each entrance (streets and walkways) to the subdivision and in each street intersection within the subdivision. In addition, wherever the distance between the two (2) adjacent street (walkway) lights would exceed three hundred (300) feet, then additional streetlights shall be installed in such a manner that proper light intensity shall be provided and maintained.

O. Water Supply Improvements.

- (1) The following requirements shall govern water supply improvements:
 - i. Public Water Supply. Where public water supply is within reasonable distance, as determined by the County Sanitary Engineer, City of Dayton and/or City of Clayton, the developer shall construct a system of water mains and connect with such public water supply and provide a connection for each lot. Where public water supply is not available, the developer shall provide for individual wells for each lot in the subdivision. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water in the system.

- ii. **Test Wells.** In areas where a public water supply is not available, and prior to approval of the Preliminary Plan, at least one test well shall be made in the area being platted. Prior to the approval of the final plat or minor subdivision (lot split) a test well shall be made on each building lot. Test wells shall be at least twenty-five (25) feet in depth and shall produce safe potable drinking water at a rate of not less than five (5) gallons per minute for a period of not less than six (6) continuous hours of pumping. A copy of the well log which will include the name and address of the well driller, shall be submitted with the plat to the Zoning Administrator and Public Heath Dayton & Montgomery County.
- iii. **Location and Construction of Individual Private Wells.** The location of individual private wells shall comply with the requirements of the PHDMC. A watertight seal shall be installed and properly maintained around the pump mounting. All abandoned wells shall be sealed in a manner that will render them watertight. In all cases where it has been determined that an adequate quantity of safe potable water cannot be obtained from individual wells, a public water distribution system will be required.
- iv. **Public Water Distribution Systems.** Public wells and other public water distribution systems shall meet the requirements of the State Department of Health as cited in Sections 3701.18 to 3701.21, inclusive, of the Ohio Revised Code. Private wells and other private water distribution systems may be accepted for maintenance and operation by the Montgomery County Sanitary Engineer if the ownership is vested to Montgomery County and if the water distribution system has been constructed according to specifications, and if it has been approved by the Sanitary Engineer.

P. Fire Protection.

- (1) Fire hydrants with two and one-half (2 1/2) inch outlets and one large pumping connection shall be provided by the developer in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding five hundred (500) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length in no case shall hydrants be spaced more than three hundred (300) feet apart in residential, commercial and industrial plats.
- (2) The type of hydrant and control valves and the location of the hydrant shall be approved by the Sanitary Engineer. All new fire hydrants must include a four (4) inch STORZ connection. The minimum size of any waterline serving any hydrant shall not be less than six (6) inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the Sanitary Engineer, and the Ohio Inspection Bureau for commercial and industrial subdivisions.

- (3) All new places of assembly, educational, health care, detention and correctional, business, industrial, storage or unusual structures, which are located more than 150 feet from a public street or which requires quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants.
- (4) A fire hydrant meeting the specifications of these requirements and connected to the public water supply shall be installed at a location designated by the local fire official within seventy-five (75) feet of a Fire Department suppression system connection, but no closer than forty (40) feet to the building or structure.

Q. Sanitary Sewer Improvements.

- (1) The following requirements shall govern sanitary sewer improvements:
 - i. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Planning Commission and City Council, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Department of Health and City standards. Combinations of sanitary sewers and storm sewers shall be prohibited.
 - ii. Where a public sanitary sewer system is not reasonably accessible, the developer may provide:
 - (a) A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and the PHDMC requirements; or
 - (b) Lots may be served by individual disposal systems if the following provisions are met:
 - iii. Where the installation of individual disposal systems is considered the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the Public Health Dayton & Montgomery County and the requirements of the Ohio Department of Health.
 - iv. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located. If no zoning is in effect, the standards set forth in these regulations shall be met.
 - v. At least one percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Planning Commission and the PHDMC.

- vi. Where the installation of individual disposal units is considered and where the average natural ground slope exceeds ten percent (10%), the installation of a step-up disposal system may be required subject to specifications by the PHDMC.

R. Drainage Improvements.

- (1) The developer shall construct all necessary facilities including underground pipes, inlets, catch basins, or open drainage ditches, as determined by the City Engineer, to provide for the adequate collection of surface water and maintenance of natural drainage courses.
- (2) Whichever philosophy is used to dispose of this drainage, must be approved by the City Engineer. All drainage structures built under a particular philosophy must be in conformance with the Montgomery County Engineer's Subdivision Drainage Guidelines and approved by the City Engineer.
- (3) Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility but shall connect to an adequate drainage outlet. All downspouts and sump pumps shall not be discharged through the curb.

S. Culverts and Bridges.

- (1) Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges and/or culverts constructed.
 - i. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be eighteen (18) inches. Depending on existing drainage conditions, headwalls may be required.
 - ii. This requirement shall not apply to existing bridges that comply with the term bridge as defined in these regulations.

T. Electric, Gas and Telephone Improvements.

- (1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits and cables must be constructed underground.
- (2) Overhead utility lines, where feasible, shall be located at the rear of all lots. The width of the easement per lot shall be not less than five (5) feet and the total easement width shall be not less than ten (10) feet.
- (3) The City of Clayton prefers buried utilities where feasible.

U. Oversize and Off-Site Improvements.

- (1) The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed of oversize and/or width extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage areas as determined by the City Engineer.

V. Cost of Oversize Improvements.

- (1) The developer shall be required to pay for only that part of the construction costs of major arterial streets unless otherwise determined by the Zoning Administrator. The developer shall be required to pay for all other oversize improvements that pertain to trunk sanitary sewers and water mains and storm drainage requirements inherent to the plat. Oversize reimbursement for trunk sanitary sewers and water mains may be authorized in accordance with the Utility Provider Rules and Regulations.

W. Extensions to Boundaries.

- (1) The developer may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the Planning Commission, City Engineer, and/or City Council.

X. Off-Site Extensions.

- (1) If streets or utilities are not available at the boundary of a proposed subdivision, and if the Zoning Administrator finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a City expense until some future time, the developer may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by developers of adjoining land.

Y. Final Inspection.

- (1) Upon completion of all the improvements, the developer shall request, in writing, a final inspection by the City Manager's Office as required by the Ohio Revised Code.
(Ord. 0-05-21-02. Passed 6-17-21.)

1161.09 REVISIONS AND ENFORCEMENT.

A. Recording of Plat.

- (1) No plat of any subdivision shall be recorded by the Montgomery County Recorder or have any validity until said plat has received final approval in the manner prescribed in these regulations.

B. Revision of Plat After Approval.

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by City Council, and endorsed in writing on the plat, unless said plat is first resubmitted to the City Council.

C. Sale of Land within Subdivisions.

- (1) No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

D. Schedule of Fees, Charges and Expenses.

- (1) City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the Development Department's Office. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

E. Variances.

- (1) The following regulations shall govern the granting of variances:
- i. Where the Planning Commission determines that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations.
 - ii. In granting variances or modifications, the Planning Commission and City Council may require such conditions as will, in its judgment, substantially secure the objective of the standards or requirements so varied or modified.
 - iii. Variances to these regulations shall be considered only upon receipt by the City's Engineering Staff of a written request from the developer or authorized representative.

F. Appeal.

- (1) Any person who believes they have been aggrieved by the regulations or the action of the Planning Commission, has all the rights of appeal as set forth in the Ohio Revised Code.

G. Penalty.

- (1) The following penalties shall apply to the violations of these regulations:
- i. Whoever violates any rule or regulation adopted by the City for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action of the City or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. Each day such violation continues shall be considered a separate offense. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Montgomery County.

- ii. Whoever, being the owner or agent of the owner of any land, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.
(Ord. 0-05-21-02. Passed 6-17-21.)

1161.10 ENGINEERING STANDARDS.

A. General Provisions.

- (1) Nature has carved an effective and functional drainage system from the unique topographic features of Montgomery County. The Great Miami River, its tributary rivers, creeks and streams which flow into these are the more apparent parts of this drainage system. Less obvious are the shallow gullies and sloping, rolling land features which collect, concentrate, and direct stormwater runoff to the larger watercourses.
- (2) To accommodate construction of houses and streets, subdivisions must change the surface of the land. The rolling land is graded to eliminate the high and low areas. Buildings, streets and parking areas replace meadows and forest land. Changes like these cause the storm runoff to behave differently. Where formerly water would soak into the earth or runoff slowly, the impenetrable surface of the roof or pavement area causes more water to runoff and to flow at a faster rate.
- (3) The increased water and rate of flow places a stress on the existing natural drainage system. Because the system does not have the necessary capacity for the demand placed on it, the system will flood its banks. Backups occur and water remains standing in the street or finds alternate paths into the basement of homes.
- (4) NOTE: The enclosed Subdivision Drainage Regulations are not intended to establish a rigid set of rules to be adhered to at all costs. They are intended as a tool to be used by the creative and innovative engineer in the design of the storm water system. These regulations assume that the user understands hydrology and hydraulic engineering.

B. General Drainage.

- (1) Of primary importance is the protection of existing and proposed developments from damage and/or inundation resulting from an overflowing watercourse. Provisions must be made to convey storm waters, both those originating from outside as well as inside the tract, through the development with facilities of sufficient capacity to permit the ultimate development of the upstream tributary area.

- (2) Of equal importance is the responsibility of the developer to discharge storm waters, originating within the subdivision or conveyed through the subdivision, on the downstream adjacent lands or properties and to return the flow to as near predevelopment conditions as possible. For example, a prior sheet flow condition should be returned to sheet flow condition prior to leaving the development area, or provisions made for channelization downstream to an adequate channel or watercourse. This does not imply that the developer be required to make extensive or unreasonable downstream improvements to existing inadequate drainage facilities. It does, however, require the developer to investigate the effect of their proposal on the downstream drainage system. If the work required downstream proves to be prohibitive, the developer may choose to reduce the outflow from their development by including detention and/or retention basin designs in their proposed drainage system.
- (3) The design storm with an average recurrence interval of ten (10) years should be contained within the gutter and parking lane area of the adopted street cross section.
- (4) Lot grading, in-tract drainage, and street improvements for all subdivisions should be designed so that floods having an average recurrence interval of fifty (50) years or less will not cause inundation or damage to any dwellings. A grading plan for each subdivision will be required to define the lot grading and in-tract drainage.
- (5) All drainage channels, conduits, and other structures located outside the road right-of-way should be contained in suitable public easements. Easements for open channels should include sufficient area along the channel banks to permit access for maintenance equipment. Open channels may be fenced along both sides through urban areas and where necessary to protect the public as well as preventing encroachment upon needed access area.

C. Planning and Urban Drainage.

- (1) The development of an urban drainage plan requires the consideration of three drainage elements. These are initial drainage, major drainage and storm water storage. Planning and design must consider the regular, frequently occurring storm; that is, the initial storm, and the less frequent but more extensive major storm occurrence. Planning for storage is essential to ensure water will go where it will not create a problem. Erosion controls must be considered before the earth is disturbed and significant losses and damage occur.
 - i. The Initial Drainage System. The initial drainage system collects and transports storm runoff from frequently occurring storms.
 - (a) The initial system includes street curbs and gutters, underground storm sewer pipes, manholes, culverts, and open channels or drainageways. Its purpose is to prevent health hazards associated with low areas where water might ordinarily stand.

- (b) It should be noted that the preliminary layout of the drainage system will have more effect on the cost of the storm drainage system than the combined effect of the final hydraulic design, preparation of the specifications, and choice of materials. The ideal time to undertake the layout of the storm sewer system is prior to finalization of the street layout in a new development. Once the street layout is set, the options open to the drainage engineer are greatly reduced.
 - (c) Streets serve an important and necessary drainage service, even though their primary function is for the movement of traffic. Traffic and drainage uses are compatible up to the point at which drainage must be subservient to traffic needs.
- ii. The Major Drainage System. It is not economically feasible to size a storm sewer system to collect and convey more than the frequent storm runoff. However, runoff which exceeds the capacity of the storm sewer system must have a route to follow. Essentially, the complete drainage system of an urban area contains two separate drainage elements. While the storm sewers belong to the initial system, surface drainageways must be provided for the major flows resulting from more intense storms. The intent of planning for the major drainage element is to ensure storm water runoff, which exceeds the capacity of the initial drainage system, has a route to follow which will not cause a major loss of property or any loss of life. Street right-of-way is a common choice for conveying major drainage flows as well as side and rear lot lines.
- iii. Storage. The intention of these guidelines is to control the increases of runoff resulting from development with various storage mechanisms. While considerable storage can be achieved within channels and storm sewers, special storage facilities, either single or multipurpose, may have to be established for new developments. Like the rest of the drainage system, both the location and type of storage facilities should be determined as part of the overall site layout. Parkland presents an excellent opportunity for the temporary detention of runoff from adjacent areas. In many cases, the use of parkland for this purpose allows storm drainage, which is often considered both a nuisance and a hazard, to be used productively in permanent ponds. Such detention storage areas may be established as an integral part of the open space areas of a development.
- iv. General Requirements.
 - (a) Subdivisions shall be protected from flood damage and inundation by storm water, springs and other surface waters. The design and construction of drainage facilities shall be such that watercourses passing through the subdivision and storm water originating from within the subdivision will be carried through and away from the subdivision without causing inundation or damage to any dwelling. Drainage water entering the subdivision shall be received and discharged from the subdivision at the locations and, as

nearly as possible, in the same manner that existed prior to the construction of the subdivision drainage facilities. Design of the drainage facilities within the subdivision shall be such that they will not divert drainage area from one watershed to another.

v. Design of Drainage Facilities.

(a) Hydrologic Design. All drainage ways shall be designed in accordance with the following criteria:

- 1) Major waterways: Major waterways are defined as those with a tributary area in excess of four (4) square miles. Such major waterways shall be designed for an average recurrence interval of 100 years.
- 2) Secondary Waterways: Secondary waterways are defined as those with a tributary area of between one (1) and four (4) square miles. Such secondary waterways shall be designed for an average recurrence interval of fifty (50) years.
- 3) Minor Waterways: Minor waterways are defined as those with one (1) square mile or less of tributary area. Such minor waterways shall be designed for an average recurrence interval of twenty-five (25) years for open channels. See storm sewer design criteria for closed conduits.
- 4) Design flows for major and secondary drainage facilities shall be computed by the developer's engineer by using U.S. Geological Survey (U.S.G.S.) Report 89-4126, "Techniques for Estimating Flood-Peak Discharges of Rural, Unregulated Streams in Ohio," or U.S.G.S. Report 86-4197, "Estimating Peak Discharges, Flood Volumes, and Hydrograph Shapes of Small Ungaged Urban Streams in Ohio," as defined by the limits of those reports. Basic data for determining parameter values may be found within the reports.
- 5) The peak rate of runoff for minor drainage facilities may be computed using the Rational Method for areas up to 200 acres. Basic data for the determination of rainfall intensity and runoff coefficients will be found in Exhibits A and D, respectively. U.S.G.S. Reports 89-4126 and 864197 are alternate methods for determining the runoff for stream flows with over approximately twenty (20) tributary acres. When it is necessary to know the volume of water discharged, in addition to the peak rate of discharge, the Rational Method is not adequate. The Unit Hydrograph Method, as outlined in "Urban Hydrology for Small Watersheds,"

Technical Release TR No. 55, published by the Soil Conservation Service, will provide both the peak discharge and the volume of discharge for a given drainage area. The design engineer will want to select the appropriate method depending on the information needed and the size of the area under study.

- (b) Hydraulic Design. The hydraulic design of the subdivision shall be such that after accumulating all energy losses, such as pipe friction, manhole losses, losses at bends, etc., along the various drainage transmission lines within the subdivision, the depth of flow in the streets shall not exceed the curb heights for a storm with a ten (10) year average recurrence interval. The depth of flow or ponding for a fifty (50)-year average recurrence interval storm shall not exceed a level which would cause inundation or damage to any dwelling constructed within the subdivision. The design hydraulic grade line for any closed or open waterway, bridges, or culverts (excepting curb and gutter or roadside ditch sections) shall be two (2) feet or more below ground level. In addition, a storm sewer shall be designed so that the hydraulic grade line when plotted after accumulating all energy losses, shall be no higher than the inlet grates for a design discharge (Q) of one hundred ten percent (110%) of the ten (10)-year design discharge (Q). Within the subdivision, catch basins shall be so placed along the streets that the width of flow in the gutter will not exceed eight (8) feet for a two (2)-year recurrence interval, and will not exceed the top of curb for a ten (10)-year average recurrence interval. Site grading within the subdivision shall be such that all lots will readily drain. Bridges spanning open waterways shall have minimum freeboard above water surface of two (2) feet.
 - 1) Structural Design. Insofar as practicable, catch basins, manholes, inlet structures, etc., placed within the subdivision shall conform to standard plans on file with the City of Clayton. Structural design of all drainage facilities shall be subject to the approval of the Public Service Director in conjunction with the City Engineer.
 - 2) Channels: Minimum centerline radius of constructed channels shall be five (5) times the top width of the channel. Minimum bottom width of constructed channels shall be two (2) feet. Each channel constructed within the subdivision shall have side slopes of 2:1 or flatter. Bank stabilization and stream bed stabilization, along constructed or natural channels, will be required if the channel velocities are sufficient to cause bank or invert erosion.

- The top of bank shall be so graded that side drainage will enter channels only at points where structures are provided to prevent bank erosion. Side drainage flow shall enter the channel as nearly parallel with stream flow as possible. Earth channels constructed within the subdivision shall be seeded or sodded depending on the velocity of flow within the channel.
- 3) Closed Conduits: All storm drainage within the subdivision which is capable of being transmitted in a concrete pipe seventy-two (72) inches or less in diameter, shall be carried in a closed conduit. The minimal conduit size shall be twelve (12) inches concrete pipe. Minimum clearance between top of pipe and top of surface should be two (2) feet. The alignment of closed conduits shall be as nearly straight as practicable without undue bends and angle points; manholes shall be provided at all angle points and at intervals not to exceed 300 feet along the conduit unless submitted for approval with proper documentation. Inverted siphons shall not be permitted except for temporary structures. All pipes under pavement shall be reinforced concrete pipe ODOT Item 706.02, Class IV unless other suitable pipe material is approved by the Public Service Director. Non-reinforced concrete or alternative material pipe may be used outside of road right-of-way provided the strength of such pipe is sufficient to withstand the loads imposed upon it. The pipe shall be designed in accordance with the Ohio Department of Transportation design manual. Ditch protection shall be required if the velocities of flow in a channel or waterway exceed four (4) feet per second for soil ditches or six (6) feet per second in sodded ditches. If the exit velocity from a storm sewer exceeds the allowable velocities, an energy dissipating device, i.e., stilling basing, dumped rock, may be necessary.

D. Stormwater Runoff Control Criteria for Retention/Detention Basins.

- (1) The basic premise is that land uses and developments which increase the runoff rate and volume shall be required to control the discharge rate of runoff prior to its release to its off-site outlet. Any increase in the volume of site surface drainage water resulting from accelerated runoff caused by site development shall be controlled so that the post development peak rate of runoff does not exceed that of the pre-development stage, for all 24 hour storms between a one year frequency and the critical storm frequency as determined below. The method by which an applicant shall determine changes in rates and volumes of runoff is presented in the U.S. Department of Agriculture, Engineering Division of the Soil Conservation Service, "Urban Hydrology for Small Watersheds", Technical Release No. 55, the most current edition. To find the critical storm frequency for which additional control will be needed, the applicant shall:

- i. Determine the percent increase in runoff volume for a one (1) -year frequency, twenty-four (24)-hour storm occurring on the development area.
 - ii. Determine the critical storm frequency for which additional control is needed by using the percent increase in runoff volume, derived in subsection D.(1) hereof, in Table 1.
 - iii. Control the post development storms of a frequency between one year and the critical storm determined herein, so as to be equal to or less than the pre-development peak runoff rate for a 24- hour one-year frequency storm.
 - (2) Other procedures may be used to control accelerated runoff rates provided they are acceptable to the City Engineer.
- E. Drainage Plan.
- (1) The subdivision map shall include sufficient data for the City Engineer to check the feasibility of the drainage system as proposed by the developer. The following data shall be provided:

TABLE 1		
DETERMINING STORM FREQUENCY FOR WHICH CONTROL IS NEEDED		
PERCENT INCREASE IN RUNOFF VOLUME FROM A 1 YEAR FREQUENCY 24 HOUR STORM		
EQUAL OR GREATER THAN (PERCENT)	LESS THAN (PERCENT)	STORM FREQUENCY (YEARS)
	10	1
10	20	2
20	50	2
50	100	10
100	250	25
250	500	50
500		100

- i. Hydrologic Calculation. (At all critical points within the subdivision):
 - (a) Tributary drainage areas delineated on the map.
 - (b) Times of concentration.
 - (c) Intensity.
 - (d) Runoff coefficients.
 - (e) Design flow.

- ii. Hydraulic Calculations.
 - (a) Sufficient documentation to indicate the results of the investigation into the adequacy of the downstream drainage system to handle the runoff from the proposed development. This will determine the maximum allowable release rate for the proposed development and, in turn, the amount of storm water storage that will be required.
 - (b) The plan and profile of all drainageways shall be provided, imposed upon which shall be the design energy and hydraulic grade lines.
 - (c) Sizes and types of drainage improvements, including special structures, typical sections, right-of-way width and fencing.
 - (d) Supporting calculations for upstream and downstream channel capacities as they affect overflow, erosion or backwater within the subdivision. Such calculations shall be substantiated by such additional information as is required to determine profile and cross section of the upstream and downstream channel reaches under consideration.
 - (e) Sufficient contours and grading details to indicate proposed street grades and elevations throughout the subdivision.

F. Construction Plans.

- (1) The final construction plans for drainage within the subdivision shall conform to the above provisions and to any special conditions as required by the Public Service Director in approving the tentative map. Such construction plans for drainage shall be approved by the Public Service Director prior to construction of any drainage facilities within the subdivision. A grading plan shall be submitted along with the construction plans to identify the lot grading and in-tract drainage planned for the subdivision.
- (2) Runoff coefficients shall be four-tenths (0.4) for residential use, six-tenths (0.6) for apartment and multi-family use, and nine-tenths (0.9) for commercial and industrial use. The assigning of runoff coefficients to areas tributary to the drainage area shall be based on the present use of the land, or, the present zoning of the land, whichever is the high figure.
- (3) The designer should investigate the capacity of the downstream drainage facilities to determine if they will be adequate to handle the design flow from this particular subdivision. If the downstream facilities are inadequate, it may be necessary to provide on-site retention or ponding basins to limit the flow to an amount which the downstream system can accept.

G. Storm Water Runoff Policy.

- (1) This design manual is premised on the policy that land uses and developments which increase the runoff rate or volume shall be required to control the discharge rate of runoff prior to its release of off-site land. The purposes of this policy are to:
 - i. Permit development without increasing the flooding of other lands.
 - ii. Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and rate of water discharged.

- iii. Establish a basis for design of a storm drainage system on lands below undeveloped areas which will preserve the rights of property owners and assure the long-term adequacy of storm drainage systems.
 - (a) This runoff control policy applies to all land developments not specifically exempted.
 - (b) Exemptions are appropriate for certain land use activities which clearly do not generate significant increases in storm water runoff. The following land uses and developments are within this exemption category:
 - 1) Land preparation for agricultural crops, orchards, woodlots, sod farms and nursery operations.
 - 2) Land grading or leveling for erosion control under direction of the local soil conservation district.
 - 3) Land subdivisions for residential purposes with minimum lot size of five acres or more.

H. Proposed Guidelines for Detention Basins.

- (1) Statement of Purpose. As urban development continues to transform previous watersheds into highly impervious urban areas, the problem of handling the ever-increasing storm water runoff on these watersheds is becoming more pronounced. In recent years, much attention has been focused on detention basins as a means of controlling the storm water runoff by detaining the water in the basin and releasing it at a rate compatible with downstream conditions. Some basins have a multi-purpose function, containing sport facilities, lakes and a park-like atmosphere during dry periods.
- (2) The recommendations presented in this report are intended to serve this function. By following the recommendations, the detention basin can be designed so as to obtain the maximum recreational aesthetic benefits for the surrounding community while serving as an effective flood control mechanism.
- (3) Planning Guidelines.
 - i. Detention basins serve to capture and temporarily store the surface water runoffs which result from urban development. This temporary storage allows for the release of the storm runoff at discharge rates which are acceptable to the receiving waterway.
 - (a) On-site provision for detention storage would follow these approaches:
 - (b) The release rate and volume of detention storage would be based on the City Subdivision Regulations.
 - (c) Recreational uses should be maximized where possible and feasible.
 - ii. Recommendations for Dry Detention Basins.
 - (a) Where water quality during dry weather periods in a small basin would be a potential problem due to lack of adequate dry weather flow, direct pollution from surface water runoff, or high nutrients in the flow; the basin should be designed to remain dry except when in flood use.

- (b) Dry detention basins should be designed to minimize the wetness of the bottom so that water does not remain standing in the bottom; thereby harboring insects and limiting the potential use of the basin. This shall be accomplished by means of a concrete low flow channel between inlet and outlet structures. Minimum slope shall be no less than five-tenths percent (0.5%). An acceptable alternative to a concrete low flow channel will be an underdrain. In this case, a minimum one percent (1%) slope shall exist between inlet and outlet structures and the surface above the underdrain shall be grass reinforced by a fabric mesh.
 - (c) The detention basin should be designed to have a multi-purpose function. Recreational facilities, aesthetic qualities, etc., as well as flood water storage should be considered in planning the basin.
 - (d) Side slopes shall be three (3) to one (1) or flatter.
 - (e) There shall be a minimum of a three (3)-foot berm at two percent (2%) between right-of-way and top of basin slopes.
- iii. Recommendations for Basins Containing Permanent Water.
 - (a) In order to provide better management for water quality, retention basins containing permanent lakes should have a water area of at least one-half ($\frac{1}{2}$) acre. The lake area should be an average depth of at least four (4) feet to inhibit weed and insect growth and should have no extension shallow areas. A system to augment storm flows into the lake with water from other sources should be provided to enhance the water quality, if necessary. These systems would include the use of public water supplies or wells on site.
 - (b) In excavated lakes, the underwater side slopes in the lakes should be stable.
 - (c) A safety ledge four (4) to six (6) feet in width is recommended and should be installed in all lakes approximately thirty (30) to thirty-six (36) inches below the permanent water level to provide a footing if people fall into the water. In addition, there shall be a minimum of a five (5) foot berm at two percent (2%) slope beginning at least one (1) foot above normal pond elevation. The slope between two ledges should be stable and of a material which will prevent erosion due to wave action (see sketch attached). Walkways consisting of a non-erosive material should be provided in areas where extensive population use tramples growth. One area in particular would be along the shoreline of a heavily fished lake.
 - (d) Side slopes above the berm shall be three (3) to one (1) or flatter.
 - (e) Side slopes of the pool shall be two (2) to one (1) or flatter.

- (f) To obtain maximum recreational benefits from developed water areas and provide for insect control, ponds should be stocked with fish. For best results, stocking should follow recommendations for warm water sport fishing by the Ohio Department of Conservation, Division of Fisheries, or similar organizations.
 - (g) Periodic maintenance will be required in lakes to control weed and larval growth. The basin should also be designed to provide for the easy removal of sediment which will accumulate in the lake during periods of basin operation. A means of maintaining the designed water level of the lake during prolonged periods of dry weather is also recommended. One suggested method is to have a water hydrant near the pond site.
 - (h) All ponds or lakes in residential subdivisions, used for stormwater retention or decoration, shall be designed with a fountain or aerator to provide for continuous movement of water to help prevent algae growth.
- iv. Recommendations Common to Either Dry Detention Basins or Retention Basins with Permanent Water.
- (a) All basins shall have an emergency overflow.
 - (b) All excavated spoils should be spread so as to provide for aesthetic and recreational features such as sledding hills, sports fields, etc. Slopes of six (6) horizontal to one (1) vertical are recommended except where recreation uses call for steeper slopes. Even these features should have a slope no greater than three (3) horizontals to one (1) vertical for safety, minimal erosion, stability, and ease of maintenance.
 - (c) When conduits are used for the outlet of the reservoir, they shall be protected by bar screens or other suitable provisions so that debris or similar trash will not interfere with the operation of the basin.
 - (d) Safety screens should also be provided for any pipe or opening to prevent children or large animals from crawling into the structures. For safety, a suggested maximum opening is six (6) inches.
 - (e) Danger signs should be mounted at appropriate locations to warn of deep water, possible flood conditions during storm periods, and other dangers that exist. Life preservers should also be placed at appropriate locations. Fencing as a security device may be used, but experience has shown that its ease in being scaled or underpassed tends to invalidate its purpose. Also, it may block operations when immediate access to the basin is necessary.
 - (f) Grass or other suitable vegetative cover should be maintained throughout the entire reservoir area. Grass should be cut regularly no less than five (5) times a year.

- (g) Debris and trash removal and other necessary maintenance should be performed after each storm to assure continued operation in conformance to the design.
 - v. Inspection of Basins.
 - (a) "As-built" drawings will be required for all basins to assure compliance with all applicable requirements.
- I. Street Base Course.
 - (1) The developer has the option of using any of the following base courses, based upon recommendations of the City Engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphaltic concrete, Portland cement concrete, or equally suitable base course. Thickness shall be determined by the City Engineer based upon the physical properties of the base course used and the physical properties of the roadbed.
- J. Street Surface Course.
 - (1) Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or Portland cement concrete. Specific material and thickness recommendation shall be determined by the City Engineer based upon traffic conditions.
- K. Portland Cement Concrete Payment.
 - (1) If the developer elects to construct streets totally out of Portland cement concrete or if pavement is required by the City Engineer, the thickness will be determined as per the Streets, Utilities and Public Services Code. The City Engineer may require pavement or base of greater thickness, based upon their evaluation of the subgrade, traffic, and wheel load conditions.
- L. Full-Depth Asphalt Pavement.
 - (1) If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixture are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thicknesses. Thickness shall be as determined by the City Engineer.
- M. Roadway/Storm Draining.
 - (1) All road work shall be performed in accordance with the current State of Ohio, Department of Transportation "Construction and Material Specifications."
 - (2) All storm drainage construction shall be performed in accordance with Montgomery County and/or the City of Clayton standards.
 - (3) All trench excavation within the existing and proposed street right-of-way shall be backfilled with granular fill material in accordance with Montgomery County specifications and compacted before subgrade approval.
 - (4) All underground utility service laterals are to be installed from main to right-of-way line before streets are surfaced.

- (5) All catch basins to be type "3A" unless otherwise specified.
 - (6) All catch basin laterals to be reinforced concrete A.S.T.M. Specification Number C-76, Class 4, unless otherwise noted.
 - (7) All manholes to be Type "A" unless otherwise noted. Channel bottoms of all manholes.
 - (8) Radius of back of curb at intersections shall be twenty-five (25.00) feet, unless otherwise shown.
 - (9) All field tile encountered shall be replaced or connected to the storm sewer system.
 - (10) Curb ramps to be located as indicated on plans and constructed in accordance with the Ohio Department of Transportation Standard Construction Drawing BP-12 Type 1.
 - (11) All manholes installed in pavement areas shall be installed either centered on a traveled lane or on a longitudinal pavement marking stripe, such as a lane line, channelizing line or centerline.
 - (12) All disturbed areas shall have temporary seeding and mulching. All areas that are planned to be bare for more than forty-five (45) days shall be seeded and mulched within seven (7) days.
 - (13) All street surfaces, driveways, culverts, curb and gutters, roadside drainage ditches and other structures that are disturbed or damaged in any manner as a result of construction shall be replaced or repaired in accordance with the specifications.
- (Ord. 0-05-21-02. Passed 6-17-21.)

1161.11 URBAN SOIL SEDIMENT POLLUTION CONTROL REGULATIONS.

A. Purpose.

- (1) The purpose of these regulations is to control the pollution of public waters by sediment from accelerated soil erosion and accelerated stormwater runoff caused by earth-disturbing activities and land use changes connected with developing urban areas. Control of such pollution will promote and maintain the health, safety and general welfare of the residents of the City of Clayton.

B. Scope.

- (1) This section shall apply to earth-disturbing activities on areas designated below unless otherwise excluded within this section or unless expressly excluded by state law:
 - i. Land used or being developed for commercial, industrial, residential, recreational, public service or other non-farm purposes.
- (2) This section shall not apply to:
 - i. Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code; or
 - ii. Surface mining operations regulated by Section 1514.01 of the Ohio Revised Code.

C. Disclaimer of Liability.

- (1) Neither submission of a plan under provisions of this section nor compliance with provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City or its appointed representative for damage to any person or property.

D. Severability.

- (1) If any clause, section, or provision of this section is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

E. Requirements.

- (1) No person shall cause or allow earth-disturbing activities on a development area except in compliance with the standards and criteria set out herein and the applicable item E.(1)i. or ii. below:
- i. When a proposed development area consists of one (1) or more acres and earth disturbing activities are proposed for the whole area or any part thereof, the responsible person shall develop and submit for approval a sediment control plan prior to any earth-disturbing activity. Such a plan must contain sediment pollution control practices so that compliance with other provisions of this resolution will be achieved during and after development. Such a plan shall include specific requirements established by this resolution.
 - ii. When a proposed development area involves less than one (1) acre, it is not necessary to submit a sediment control plan; however, the responsible person must comply with the other provisions of this resolution. All earth-disturbing activities shall be subject to surveillance and site investigation to determine compliance with the standards and regulations.
 - iii. All plans, except those prepared by a public entity or agency, shall be accompanied by a filing fee to help defray costs of administration.

F. Exceptions.

- (1) No sediment control plan shall be required for public road, highway, other transportation, or drainage improvement, or maintenance thereof, undertaken by a government agency or entity if such agency or entity plans to follow a statement of sediment control policy which has been submitted by the sponsoring agency or entity and approved by the approving agency.

G. Standards and Criteria.

- (1) In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established by one or more of the following standards:
- i. Timing of sediment-trapping practices. Sediment control practices shall be functional throughout earth-disturbing activity. Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading and within seven (7) days from the start of earth disturbing activities. They shall continue to function until the upslope development area is restabilized.

- ii. Stabilization of denuded areas. Denuded areas shall have soil stabilization applied within seven days if they are to remain dormant for more than forty-five (45) days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site, and shall also be applied within seven (7) days to denuded areas which may not be at final grade, but will remain dormant (undisturbed) for longer than forty-five (45) days.
 - (a) Settling facilities. Concentrated stormwater runoff from denuded areas shall pass through a sediment-settling facility. The facility's storage capacity shall be sixty-seven (67) cubic yards per acre of drainage area.
 - (b) Sediment barriers. Sheet flow runoff from denuded areas shall be filtered or diverted to a settling facility. Sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow.
 - (c) Storm sewer inlet protection. All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment-laden water from soils that are not permanently stabilized will not enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm sewer system drains to a settling facility.
 - (d) Working in or crossing streams.
 - 1) Streams including bed and banks shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion.
 - 2) If a live (wet) stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.
 - (e) Construction access routes. Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, or onto public roads.
 - (f) Sloughing and dumping.
 - 1) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving agency, and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts, and erosion control structures.

- 2) Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.
 - 3) Cut and fill slopes. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, upslope drainage area, groundwater conditions, and slope stabilization.
 - 4) Stabilization of outfalls and channels. Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post- development, ten-year frequency storm or critical year storm whichever is greater without eroding.
 - 5) Establishment of permanent vegetation. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the approving agency, provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.
 - 6) Disposition of temporary practices. All temporary erosion and sediment control practices shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the approving agency. Trapped sediment shall be permanently stabilized to prevent further erosion.
 - 7) Maintenance. All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls shall be identified to the satisfaction of the approving agency.
- iii. The standards are general guidelines and shall not limit the right of the approving agency to impose additional, more stringent requirements, nor shall the standards limit the right of the approving agency to waive individual requirements.

- iv. Erosion and sediment control practices used to satisfy the standards shall meet the specifications in the current edition of Water Management and Sediment Control for Urbanizing Areas (Soil Conservation Service, Ohio).
- v. Stream Channel and Floodplain Erosion. To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control floodplain erosion caused by accelerated stormwater runoff from development areas, the increased peak rates and volumes of runoff shall be controlled such that:
 - (a) The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same area under pre-development conditions.
 - (b) Storms of less frequent occurrence (longer return periods) than the critical storm up to the one-hundred-year storm have peak runoff rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. Consideration of the one-, two-, five-, ten-, twenty-five-, fifty-, and one hundred-year storms will be considered adequate in designing and developing to meet this standard.

IF THE PERCENTAGE OF INCREASE IN VOLUME OF RUNOFF IS		THE CRITICAL STORM FOR DISCHARGE LIMITATION WILL BE
EQUAL TO OR GREATER THAN	AND LESS THAN	
-	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	-	100 year

- (c) The critical storm for a specific development area is determined as follows:
- (d) The method for determining the peak runoff shall be in accordance with the U.S. Soil Conservation Service's "Urban Hydrology for Small Watersheds" Technical Release #55.
- (e) Methods for controlling increases in stormwater runoff peaks and volumes may include but are not limited to:

- 1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical (low density development areas, access roads, etc.); discharging roof water to vegetated areas; or grass and rock lined drainage channels;
- 2) Grading and construction of terraces and diversions to slow runoff of use of grade control structures to provide a level of control in flow paths and stream gradients;
- 3) Induced infiltration of increased stormwater runoff into the soil where practical; for example, constructing special infiltration areas where soils are suitable; retaining topsoil for all areas to be revegetated; or providing good infiltration areas with proper emergency overflow facilities; and,
- 4) Provisions for detention and retention; for example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.

H. Sediment Control Plan Contract.

- (1) In compliance with this section a sediment control plan for a proposed development area, with maps drawn to a scale of no less than one hundred (100) feet to an inch, shall be submitted containing the following information.
 - i. Location of the area and its relation to its general surroundings including but not limited to:
 - (a) Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff; and
 - (b) Off-site areas affecting potential accelerated runoff and erosion control.
 - 1) Existing topography of the development area and adjacent land within one hundred (100) feet of the boundaries. A topographic map should contain an appropriate contour interval to clearly portray the conformation and drainage pattern of the area.
 - 2) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within one hundred (100) feet of the boundaries.
 - 3) A general description of the predominant soil types, their location and their limitations for the proposed use.

- 4) Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious.
- 5) All proposed earth disturbance including:
 - 01) Areas of excavation, grading, and filling;
 - 02) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes greater than six (6) to one (1);
 - 03) Kinds of utilities and proposed areas of installation;
 - 04) Proposed paved and covered areas in approximate square feet or to scale on a plan map;
 - 05) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.;
 - 06) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, riprap, mulch, etc., and
 - 07) Provisions for temporary and permanent erosion control.
- 6) Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet.
- 7) Provisions for maintenance of control facilities including easements to ensure short as well as long term erosion and sediment pollution control and stormwater management.
- 8) Proposed construction sequence and time schedule for all earth disturbing activities and installation of provisions for erosion and stormwater management.
- 9) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets.
- 10) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- 11) Estimate of cost of erosion and sediment control and water management structures and features.

- 12) Title, scale, direction, legend, and date of all plan maps.
 - 13) Names and address of the person(s) preparing the plan, the owner, and the person responsible for the development area.
 - 14) Certification that all earth disturbance, construction, and development will be done pursuant to the plan.
 - (2) The approving agency may waive specific requirements for plan detail or may require additional information to show that work will conform to basic requirements of this resolution.
- I. Plan Review.
 - (1) The approving agency shall indicate its approval or disapproval (status of compliance or non-compliance) of a sediment control plan, to the person who filed the plan. Indication of disapproval (non-compliance) shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and approval (determination of a status of compliance) of a revised plan, earth disturbing activities shall proceed only in accordance with conditions outlined by the approving agency.
- J. Inspection to Ensure Compliance.
 - (1) The City or its approved representative may inspect development areas to determine compliance with these regulations. If it is determined that a violation of these regulations exists, the responsible person will be notified of the deficiencies or non-compliance. After a reasonable time for voluntary compliance, the inspector or inspecting agency shall report the deficiency or noncompliance to the City. The City, upon determination that a person is not complying with these regulations, may issue by certified mail an order to comply. The order shall describe the problem and the work needed and specify a date whereby the work must be completed.
- K. Maintenance.
 - (1) The property owner and/or Homeowners Association (HOA) shall assume responsibility for maintenance of structures and other facilities designed to control erosion.
- L. Permissible Velocities for Flowing Water.

TABLE OF PERMISSIBLE VELOCITIES FOR FLOW WATER			
MAXIMUM VELOCITIES FOR GRASSED WATERWAYS			
Cover	Slope Range 1 (percent)	Permissible Velocity 1 Erosion Resistant Soils (Ft. Per Sec.)	Easily Eroded Soils (Ft. per Sec.)
Kentucky bluegrass	0-5	7	5
Tall Fescue	5-10	6	4
Smooth Brome	over 10	5	3
Grass mixture	0'-5'	5	4
Reed canary	5-10	6	3
Redtop Red Fescue	0'-5	3.5	2.5

M. Drainage Field Ditches.

- (1) Drainage field ditches are shallow graded ditches with flat side slopes which do not interfere with tillage operations. Generally, the side slopes range from 8:1 to 15:1. The purpose of drainage field ditches is to collect water from depressional or nearly flat areas within a field and remove it to a stable outlet.
- (2) Generally, erosive velocities will not be a problem because of the low gradient of fields in which drainage field ditches are used and because of the shallow side slopes. Maximum velocities shall be limited to 2.5 feet per second unless on-site studies show that higher velocities will not result in erosive conditions.
 - i. Additional standards:
 - (a) Do not use slopes steeper than ten percent (10%) except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.
 - (b) Use velocities exceeding five (5) feet per second only where good cover and proper maintenance can be obtained.
 - (c) Do not use on slopes steeper than five percent (5%) except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.

N. Maximum Velocities for Vegetated Steam Channels.

- (1) Drainage Areas Less Than One Square Mile.
 - i. The Maximum permissible design velocity shall be based on site conditions and shall be such as to result in stability of the ditch bottoms and side slopes. Maximum permissible velocities will be computed using bank-full stage of ten (10)-year frequency stage whichever is lower. The following table will be used as maximum velocity for all drainage main or lateral designs. Vegetation will be established immediately after construction.

VELOCITY SUBSOIL TEXTURE	MAXIMUM FT. (FT. PER SEC.)
Sand and sandy loam (non-colloidal)	2.5
Silt loam (also high lime clay)	3.0
Sandy clay loam	3.5
Clay loam	4.0
Stiff clay, fine gravel and graded loam to gravels	5.0
Graded silt to cobbles (colloidal)	5.5
Shale, hardpan, coarse gravel	6.0

O. Drainage Areas Greater Than One Square Mile.

- (1) Channel velocities for newly constructed channels with drainage areas in excess of one (1) square mile shall meet special stability requirements contained in U.S. Soil Conservation Service Technical Guide (Technical Release 25, Planning and Design of Open Channels).
(Ord. 0-05-21-02. Passed 6-17-21.)

TITLE THREE - Glossary of Terms
Chap. 1181. Glossary of Terms.

CHAPTER 1181
Glossary of Terms

1181.01 General terms.

1181.02 Glossary of terms - uses.

1181.01 GENERAL TERMS.

A.

Access Drive. A privately owned, constructed and maintained surface providing vehicular access to and between parking areas for two or more parking spaces within a land development or any drive servicing one or more units of occupancy on a single lot.

Accessory Building or Structure. A building or structure on the same lot with, and of a nature customarily incidental and subordinate to, that of the principal building.

Adequate Capacity. Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this ordinance shall apply only to the capacity of the radio components.

Adequate Coverage. Coverage is considered to be "adequate" within that area surrounding a wireless telecommunication facility where the predicted or measured median field strength of transmittal signal is greater than or equal to -95dbm for at least seventy-five percent (75%) of the intended coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the wireless telecommunication facility. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain strength of greater than or equal to -95dbm.

Adjacent. Touching or so close that it functions as attached.

Agricultural Soils, Prime. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses, containing the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.

Aisle. That portion of the off-street parking and loading area that provides access to parking, queuing or loading spaces, exclusive of driveways and parking and loading spaces.

Alley. A dedicated public right-of-way, other than a street that affords a secondary means of access to abutting property.

Ancillary Structures. Structures, buildings, shelters and equipment enclosures, together with supporting development including, but not limited to, fence enclosures, driveways, gates and miscellaneous pavement serving and supporting the operation of a Personal Wireless Service Facility or other utility or business.

Animal, Dangerous.

- (1) Any mammal, amphibian, fish, reptile, fowl, insect or arachnid, which due to its size, vicious nature, or other characteristics would constitute a danger to the physical well-being of human life or other animals.
- (2) Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where the official records of an Animal Control Officer, City Clerk, Police Department, or Clerk of the Municipal Court indicate that an animal has bitten or attacked any person or animal, it shall be prima facie evidence that said animal is a dangerous animal.
- (3) Any animal owned or kept primarily or in part for the purpose of fighting or any animal trained or bred for fighting.
- (4) Any animal which is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack any law enforcement officer while such officer is engaged in the performance of official duty and when such animal has the apparent ability to cause injury or harm to such officer.

Animal, Household Pet. Animals that are customarily kept for the personal use or enjoyment within the home. "Household pets" includes but shall not be limited to domestic dogs, domestic cats, domestic birds, fish and rodents.

Animal, Small. Animals that are generally kept indoors as pets in an aquarium, terrarium, cages, or otherwise, and domesticated.

Antenna. Any exterior apparatus (including an antenna dish) used for transmitting and receiving, mounted on a Tower, Antenna Tower, Antenna Tower Alternative Structure, building or structure and used in Personal Wireless Services.

Antenna Support Structure. Any building or other structure other than a tower utilized as a location for Personal Wireless Service Facility.

Antenna Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for Personal Wireless Services. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also includes the structure and any support thereto.

Antenna Tower Alternative Structure. Man-made trees, clock towers, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an antenna tower.

Antenna Tower Height. When referring to a tower or other structure within the provisions of this Chapter, the distance measured from the average grade plane of the antenna tower base to the highest point on the tower or other structure, including any antenna and additional height required for co-location. Lightning rods up to six (6) feet in length and one and one-quarter (1.25) inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade plane of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.

Approving Agency. The City Manager's Office and City Council or its duly appointed representative.

Approval Authority. An official, organization, or group designated to review and approve/disapprove Storm Water Pollution Prevention Plans.

Arbor. A structure made of vines, branches, latticework or pre-manufactured material, typically covered with climbing shrubs or vines.

Arterial Street. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

As-Built Survey. A drawing, which represents the true size and location of what is being measured or has already been built in the field.

Assurance of Completion. A contract secured by a performance bond or other guarantee or security satisfactory to the City of Clayton and/or other public entity guaranteeing completion of the public improvements which are required by these regulations.

Automobile Wrecking. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, non-operating or wrecked vehicles or their parts.

Average Grade Plane. A reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

B.

Back-haul Network. The lines and/or antenna that connect a licensee's Personal Wireless Service Facilities to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Barbecue Equipment. A machine, structure or piece of equipment specifically designed and manufactured to cook food outside.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100 Year Frequency Flood.

Basement. That portion of a building located partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bikeway or Bicycle Path. An area specifically for bicycling, which is physically separate from, motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

Birdhouse. A box, typically made to resemble a house, provided for a bird to make its nest in.

Block. The property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.

Board. The Board of Zoning Appeals of the City of Clayton, Montgomery County, Ohio.

Boat and Boat Trailer. Includes boats, jet skis, canoes, kayaks, catamarans, racing shells, floats, rafts, and similar motorized and non-motorized vessels and watercraft, plus the enclosed and unenclosed trailers used to transport or store the same and related parts, accessories and equipment.

Bond. Any form of financial guaranty including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

Bridge. A structure, twenty (20) feet or greater in length (span), built over a depression, drainage way or other watercourse.

Buffer. A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

Buffer Yard. A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required, intended to eliminate or minimize conflicts and provide screening within and between land uses.

Buildable Lot Area. The portion of a lot remaining after required yards have been provided.

Building. Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the ground by means of a footer and foundation as defined in the State of Ohio Building Code.

Building Elevation. The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

Building Frontage. The side or Facade of a building closest to and most nearly parallel to an abutting street.

Building Height. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Limits. An area designated on the plat, which defines the limits within which a building may be placed.

Building Line. A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way.

Building Pad. A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Building Setback Line. See Setback Line.

Bulk. Bulk means the size of lots; the size and placement of buildings or structures, and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (3) Floor area ratio;
- (4) All open spaces allocated to buildings; and,
- (5) Amount of lot area and lot width provided per dwelling unit.

C.

Caliper. This is a standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.

Camping and Recreational Equipment. For the purposes of this Code, camping and recreational equipment shall include the following:

- (1) Boat and Boat Trailer;
- (2) Folding Tent Trailer;
- (3) Motorized Home;
- (4) Pickup Camper;
- (5) Travel Trailer; and
- (6) Utility Trailer.

Canopy. A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building Facade (e.g., structural legs, building extensions, etc.).

Carport. A shelter, constructed to be a permanent structure, for a car or other motor vehicle consisting of a roof supported on posts, built beside or behind a house.

Channel. The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Child Care Licensee. The owner of a child day-care center, Type A family day-care home or Type B family day-care home, licensed pursuant to Chapter 5104 of the Ohio Revised Code who is responsible for ensuring the center's compliance with Chapter 5104 of the Ohio Revised Code and rules adopted pursuant to that chapter.

City. The City of Clayton, Ohio.

City Council. The Council of the City of Clayton, Ohio.

City Manager's Office. An official, organization, or group designated to provide technical guidance in the development and implementation of Site Development and Storm Water Pollution Prevention Plans and to review and approve/disapprove such plans as authorized.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Collector Street. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

Co-location. The use of Personal Wireless Service Facilities by more than one Personal Wireless Service licensee.

Commercial Message. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Common Area. Any land area, and associated facilities, within a planned unit development that is held in common ownership through a Homeowners Association, Community Association or other legal entity.

Communication Transmission Structure. A tower, pole or other device, erected on the ground or roof top, for the purpose of transmitting or receiving radio, micro, cellular, or other electromagnetic waves between terrestrially and/or orbitally based uses.

Community Garden. A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use/consumption, donation or off- site sale of items grown on the site.

Comprehensive Plan. A plan, or any portion thereof, adopted by the Planning Commission and the City Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, agricultural land, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the City of Clayton, Ohio.

Concealed Design. Any Personal Wireless Service Facility that is designed to blend into the surrounding environment. Examples of concealed facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antennas and monopoles surrounded or obscured by existing and/or proposed trees and landscaping and antenna structures designed to look like light poles.

Concealed Personal Wireless Service Facility. Means a facility which is either:

- (1) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or
- (2) Camouflaged so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

Conditional Use. Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Conditional uses are permitted only following approval by the Board of Zoning Appeals.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of five (5) acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

Convalescent, Nursing or Rest Home. Any building or group of buildings providing personal assistance or nursing care for the aged or infirmed, or any other person in need of continual care from medical practitioners and support staff. In addition to providing medical and monitoring services on a daily basis, such facilities may also provide other recreational, social, educational and cultural activities, transportation and financial services.

Cornice. The uppermost section of moldings along the top of a wall or just below a roof.

Court. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Covenant. A written promise or pledge.

Covering. Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomic area beneath it.

Critical Storm. A storm which is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.

Crosswalk. Any portion of roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Cul-De-Sac. A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

Culvert. A closed conduit for the passage of surface drainage under a street, driveway, or other embankment.

Cut. An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

Cut and Fill Slopes. A portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.

D.

DBM. Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.

Dead-End Street. A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Density. A unit of measurement, the number of dwelling units per acre of land, to be used in road design and not to be confused with sanitary sewer and water design density.

Density, Gross. The number of dwelling units which are allowed on an area of land, usually an acre, which area of land shall be permitted to include dedicated streets contained within the development.

Design Exception. An alternative to previously set design criteria, which provides a logical and cost-effective engineering approach in extreme or unusual situations.

Detention / Retention. The term detention/retention basins refer to the use of a storm water storage facility, which will store storm water and release it at a given rate. The objective of a detention/retention facility is to regulate the rate of runoff and control the peak discharges to reduce the impact on the downstream drainage system. Type of Storm Water Storage Facilities:

- (1) Detention Basin or Dry Basin. Dry basins are surface storage areas created by constructing a typical excavated or embankment basin. A detention basin may be designed for multi-uses such as parks or playgrounds.
- (2) Retention Basins or Ponds. Retention basins are permanent ponds where additional storage capacity is provided above the normal water level.
- (3) Parking Lot Storage. Parking lot storage is a surface storage facility where an inlet is undersized causing shallow ponding to occur in specific graded areas of the parking lot.
- (4) Subsurface Storage. Subsurface storage is a structure constructed below grade for the specific purpose of detaining storm water runoff.

Detention facility. A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

Developer. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to affect the development of land.

Development. The division of land; also, the construction of any new building or structure, or the making of any material change in the use or appearance of any existing building or structure above or below grade through activities of construction, erection or alteration.

Development Area. Any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

Development Standards. The standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

Ditch. An excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

Dog, Pure Domestic. Any member of the canine genus - group of species *Canis familiaris* or *Canis lupus familiaris* of the family Canidae, or dog family, that has not been bred with any other group of species, species, or animal.

Dormer. A window which is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed.

Drainageway. An area of concentrated water flow other than a river, stream, ditch, or grassed waterway. Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Dumping. Grading, pushing, piling, throwing, unloading, or placing.

Dwelling. Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

Dwelling, Residential Care and Congregate Residential. An establishment operated for the purpose of providing special care or rehabilitation to the occupants, as defined in the Ohio Revised Code Sections 5119.341 and 5123.19, including the following: Assisted Living; Developmental Disability Dwelling; Elderly Care; Life Care or Continuing Care Services; Mental Health or Substance Abuse; and Nursing Care.

Dwelling Group. A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Dwelling, Halfway House. A halfway house is a facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release, and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

Dwelling Unit. One room, or a suite of two (2) or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes. A dwelling unit shall be comprised of the following components:

- (1) Kitchen or kitchenette; and
- (2) Bath/toilet facility.

Dwelling, Zero Lot line. A dwelling located on the lot in such a way that one or more of the dwelling's sides rests directly on a lot line.

E.

Earth-Disturbing Activity. Any grading, excavating, fitting or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

Earth Material. Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Eave or Eaves. Eave means the edge of a roof. Eaves usually project beyond the side of the building.

Electromagnetically Able. The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing signals from and to other Facilities located on the same Tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interferences shall be considered when making this determination.

Electronic Message Center. A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

Employee. A person who is employed to work for a wage or salary.

Employee (Adult Entertainment Business). A person who works or performs in and/or for an adult entertainment business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Engineer. Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

Equipment Shelter/Building/Box. The structure in which the electronic receiving and transmission equipment associated with a Personal Wireless Service Facility is housed.

Erosion.

- (1) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- (2) Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
- (3) Erosion includes:
 - (a) **Accelerated erosion.** Erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
 - (b) **Floodplain erosion.** Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.
 - (c) **Gully erosion.** The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.

- (d) **Natural erosion (geologic erosion).** Wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
- (e) **Normal erosion.** The gradual erosion of land used by man, which does not greatly exceed natural erosion.
- (f) **Rill erosion.** An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
- (g) **Sheet erosion.** The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

Erosion and Sediment Control. A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

Erosion and Sediment Control Plan. An erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or bypassing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of these regulations, and designed in accordance with the latest edition of the handbook "Rainwater and Land Development" as published by the Ohio Department of Natural Resources. The erosion and sediment control plan may be referred to as a sediment control plan.

Escort. A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Established Building Setback Line. The average setback distance of all structures on the side of a street between two (2) intersecting streets. Such line shall be redetermined as each successive vacant lot is proposed to be improved with a principal structure.

Exotic Animals. Wild animals/reptiles not indigenous to Ohio or recognized as part of an agricultural use (i.e., lions, tigers, elephants, alligators, crocodiles, etc.).

F.

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

Facade. That portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

Family. One or more persons living together as a single housekeeping unit in a dwelling unit.

Farm Animals (Large). Any domestic species of cattle, sheep, swine, goats, llamas or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, for improving the quality of food or fiber, or for transportation.

Farm Animals (Small). Any domestic species of poultry, fowl, rabbits, mink or chinchilla which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, for improving the quality of food or fiber, or for transportation.

Fascia. The exterior horizontal visible flat front trim board that caps the rafter tail ends.

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

Fence. An artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, or to enclose an area.

Fill. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

Final Plan. A formal subdivision plan containing all necessary information including construction documents and specifications as required in Chapter 1161 of these regulations, approved by the appropriate authorities and utility owners.

Final Plat. A plat of a subdivision containing all necessary information as required in Chapter 1161 of these regulations, signed by the appropriate authorities and recorded in the office of the Montgomery County Recorder.

Flag Pole. A pole used to fly a flag.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood, Frequency. The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Flood Protection Elevation. The elevation to which uses regulated by this Code are required to be elevated or flood-proofed.

Flood Protection Elevation, Regional. The elevation of regional flood plus one foot of freeboard to provide a safety factor.

Flood, Regional. A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.

Floodplain, Regional. The area inundated by the regional flood (100 Year Frequency Flood). This is the floodplain area which be regulated by the standards and criteria in this Code.

Floodway. The channel of the watercourse and those portions of the adjoining floodplains which are reasonable, required to carry and discharge the regional flood.

Floodway Fringe. That portion of the regional floodplain located outside of the floodway.

Floor Area, Gross. The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures..

Floor Area, Net. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Floor Area Ratio. The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Folding Tent Trailer. A canvas folding structure, mounted on wheels and designed for travel and vacation uses.

Force Majeure. A strike, acts of God, acts of public enemies; administrative, judicial or regulatory orders or regulations of any kind of the United States of America and/or the State of Ohio or any of their departments, agencies or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such force majeure.

Foundation Planting. Landscaped vegetation that is planted along the foundation of a structure in order to improve aesthetics and provide visual interest, generally along a continuous foundation wall at the base of a building.

Frequency Year Storm. A rainfall event of a magnitude with a specified average occurrence interval and is calculated with soil conservation service type II twenty-four (24) hour curves or depth-duration frequency curves.

G.

Gable. The triangle formed by a sloping roof. A building may be front- gabled or side-gabled. Porches and dormers may also be gabled.

Garage, Private. A detached accessory building or a portion of the principal building used for the storage of automobiles or trailers by only the family resident on the premises. A carport shall be construed to be a private garage.

Garage Sales. The sale or offering for sale to the general public six (6) or more items of personal property on any portion of a lot, either within or outside of a structure. Garage Sales include patio, basement, yard, or block sales.

Glare. Excessive light or excessive contrast that requires adjustment and potentially discomfort from the human eye. Glare is a safety issue, especially for road users, pedestrians, and road workers due to the presence of lights that are shielded poorly.

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

Grade of Service. A measure of percentage of calls which are able to connect to the Basic Station, during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05- which means that ninety-five percent (95%) of callers will connect on their first try. A lower number (p.04) indicates a better Grade of Service.

Grading. Earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

Grassed Waterway. A broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

Greenbelt. A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines.

Gross Vehicle Weight. The weight of the vehicle plus its manufacturer's rated load capacity. For example: One half-ton rating shall be one thousand (1,000) lbs. Three-quarter ton rating shall be fifteen hundred (1,500) lbs. One-ton rating shall be two thousand (2,000) lbs.

H.

Habitable Space. Areas within a dwelling unit that are used for living, sleeping, eating or cooking. Living or habitable space includes bathrooms, toilet compartments and other sanitary facilities and halls, but does not include closets, crawl spaces, garages and other storage and uninhabitable areas. Also referred to as Livable Space.

Halo Lighting. Halo Lit Letters or also known as Reverse Channel Lit Letters consist of aluminum faces and sides (returns) mounted onto standoffs away from the wall which project either LED's or neon illumination to the wall surface giving the sign a halo effect.

Hazard. Any danger to public health, welfare or safety, including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include, but are not limited to, flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Historical Significance. Any structure or area that provides evidence for a fact of history or the source of history.

Home Occupation. Any occupation, business, profession, activity or use which is incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.

Homeowner's Association. A private organization established for the care and maintenance of storm water and detention facilities and other common areas.

I.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Code.

Illicit Connections. An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface. Any material that prevents the infiltration of storm water into the ground. The definition includes, but is not limited to, building and structural components such as roofs, roof overhangs, eaves, decks and patios. The definition also includes structural and non-structural surfaces, materials and minerals such as roads, parking lots, sidewalks, driveways, decorative pavers, concrete, cement, asphalt, brick, crushed rock and gravel.

Impervious surface coverage is measured in square feet and as a percentage of lot area.

Impervious Surface Ratio. A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.

Improved Surface. Concrete, asphalt, aggregate base, sub-base, asphalt concrete, brick or such other unenclosed surfaces as approved by the Public Service Director and City Engineer.

Improvement. Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters.

Incidental. An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industrialized Housing Units. A factory-fabricated, transportable building consisting of one or more units designed to be assembled into a permanent structure at a building site on a permanent foundation, used for residential, office, business or industrial purposes, and which meets the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Building Code, authorized by the Board of Building Standards, State of Ohio. "Manufactured Housing Unit" shall not be included in this definition.

Institutional Property. Property owned or used by institutions such as churches, parks, libraries, municipal government, hospital and utilities.

J.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked motor vehicles or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes by an establishment having facilities for processing such materials.

K.

None

L.

Landscaped Area. An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

Landscaping. The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, or other vegetation.

Landslide. The rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

Lap Dance. Also known as a straddle dance, face dance, or flash dance. The use by an employee, whether clothed or partially or totally nude, of any part of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of any employee by a person while at the establishment. It shall be a lap dance regardless of whether the touch or touching occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a lap dance regardless of whether the touch or touching is direct or through a medium.

Lattice. A framework consisting of an ornamental design made of strips of wood or metal.
Livestock. Farm animals who are raised to generate a profit. Also, "Livestock and Farm Animals."

Loading Space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; and which abuts upon a street, alley or other appropriate means of access.

Local Street. A street primarily for providing access to residential, commercial, or other abutting property.

Location Map. See "Vicinity Map."

Loop Street. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, or portions of lots of record, provided that it is recorded as one lot; or
- (4) A parcel of land described by metes and bounds description provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Code

Lot Area. The total computed area contained within the lot lines exclusive of any portion of a public right-of-way or a private access easement.

Lot, Corner. A lot abutting on two (2) or more streets at their intersection or on two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

Lot, Coverage. That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

Lot, Depth. The average horizontal distance between the front and the rear lot lines.

Lot, Double Frontage. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, Frontage. The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

Lot, Interior. A lot other than a corner lot and with frontage on one street.

Lot, Infill. A vacant, buildable lot surrounded on at least two (2) sides by preceding structures. Generally, development on an infill lot is intended to resemble the use, height, and character of principal structures on neighboring lots.

Lot Line, Front. The front lot line shall mean a street right-of-way line forming the boundary of a lot. The front lot line of a corner lot shall be decided based upon the prevailing custom of the front lot line of other adjacent buildings on the same block; front lot line determinations will be made by the Zoning Administrator.

Lot Line, Rear. The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

Lot Lines. The property lines bounding the lot.

Lot Line, Side. A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of- way line with the greatest amount of street frontage shall be a side lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Montgomery County Recorder, or a lot described by metes and bounds, the description and deed of which has been recorded in such office.

Lot, Through. A lot having a pair of opposite lot lines along two, more or less, parallel public streets. On a through lot, both street lines shall be deemed front lot lines.

M.

Manufactured Home. A structure that is fabricated in an off-site facility, on a chassis to be towed or transported on wheels, designed as a permanent dwelling comprised of one or more sections and intended for year-round occupancy when securely anchored to the ground and connected to utilities. Such manufactured home shall contain not less than six hundred (600) square feet nor more than two thousand (2,000) square feet of gross floor area, shall be equipped with a water-flushed toilet, lavatory and bathtub or shower, and shall be no higher than twenty-two (22) feet at the highest point from the mounting pad. Any manufactured home site after January 1, 1998, shall be constructed in compliance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 42 U.S.C.A. 5401, 5403 or subsequent amendments thereto, and shall have a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. A portable camping unit or recreational vehicle is not defined as a manufactured home.

Manufactured HUD Unit. A permanently sited, occupancy-ready manufactured residential housing unit as defined under 24 CFR 3280.2 of the Department of Housing and Urban Development regulations establishing manufactured home construction and safety standards.

Marginal Access Street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called a Frontage Street).

Massage. A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

Minor Subdivision. A division of a parcel of land that does not necessarily require a plat to be approved by a planning authority according to Section 711.131, of the Ohio Revised Code and this Code. Also known as a Lot Split.

Mobile Home. See Manufactured Home.

Monitoring Protocol. An approved testing protocol as defined in the most current FCC regulations.

Monopole. A single pole with no above ground lateral support from secondary structural members in either tension or compression.

Monument. A permanent concrete or iron marker used to establish definitely all lines of the plat of a subdivision, including all lot corners, and points of change in street alignment.

Motorized Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. Also, 'Camper'.

Multi Use Path or Trail. An area physically separated from motorized vehicle traffic by open space or a barrier and either within the highway right-of-way or within an independent right-of-way.

N.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable 'on an individual, group, or general area- wide basis.

Node. The concentration of development near the intersection of major arterials, which is in contrast to linear development along transportation routes.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Non-structural Controls. Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

Nudity, State of Nudity, or Nude. Exposing to view the genitals, pubic area, vulva perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or stimulates any of these anatomical areas.

Nursing Home. An institution, residence, or facility that provides, for a period of more than twenty-four (24) hours, whether for valuable consideration or not, accommodations to three (3) or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Revised Code. Nursing homes also means both of the following:

- (1) Any facility that a person, as defined in section 3702.51 of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate of need, other than a certificate to recategorize hospital beds as described in section 3702.521 of the Revised Code or division (R)(7)(d) of the version of section 3702.51 of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;
- (2) A county home or district home that is or has been licensed as a residential care facility.

O.

Official Thoroughfare Plan. Either the Montgomery County Thoroughfare Plan or that of the City, if the City adopts its own, establishing the official right-of-way width of major streets, together with all amendments thereto subsequently adopted. Also, Thoroughfare Plan.

Open Space. Land presently devoted to, or that is later designated as, conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Orientation. The direction a building faces. Most buildings squarely face a street, with their principal facade and entrance in full view.

Outfall. Out Lot. Property shown on a subdivision plat outside of the boundaries of the land, which is to be developed and which is to be excluded from the development of the subdivision.

Overlay District. A district described on the zoning map, within which, through super-imposition of a special designation, certain regulations and requirements apply in addition to those of the underlying zoning districts to which such designation is added.

Owner's Association. An organization established for the care and maintenance of storm water and detention facilities and other common areas.

P.

Pad. A building site or parking area improvement prepared by artificial means, including, but not limited to, grading, excavation or filling or any combination thereof.

Parapet. A low wall projecting from the edge of a platform, terrace, or roof used to add architectural interest to a building facade and to screen roof-mounted mechanical equipment.

Parcel. Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

Parking Lot. A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.

Parking Space. A durable, solid surfaced area enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Parking Space, Off Street. An area adequate for parking an automobile with room for opening doors on both sides together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way.

Passenger Vehicle. A road motor vehicle, other than a motorcycle, intended for the carriage of passengers and designed to seat no more than nine persons (including the driver).

Peak Rate of Runoff. The maximum rate of runoff for any twenty-four (24)-hour storm of a given frequency.

Performance Bond or Surety Bond. A contract between a developer and the City financially guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed in the developer's agreement.

Performance Standard. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

Permitted or Licensed Premises. Any premises that requires a license and/or permit and that is classified as an adult entertainment business.

Permittee and/or Licensee. A person in whose name a permit and/or license to operate an adult entertainment business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person. Any natural person, firm, partnership, association, or corporation, but this definition does not include governmental units.

Personal Services. Activities conducted in an office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, tailor, dressmaker, doctor, attorney, architect or a photocopy duplication center.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as such term is defined in 47 U.S.C.S Section 332 of the Telecommunications Act of 1996.

Personal Wireless Service Facilities. Facilities for the provision of personal wireless services as such term is defined in 47 U.S.C.S Section 332 of the Telecommunications Act of 1996 and further includes towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes and/or 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 or antenna support structure. The term Personal Wireless Service Facilities shall not include the following, which shall be exempted from regulation under this Code:

- (1) Any satellite earth station antenna two meters or less in diameter or less that is located in an area zoned industrial or commercial;
- (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
- (3) Antennas used by amateur radio operators or those used for television reception on residential homes.

Pickup Camper. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.

Planning Commission. The Planning Commission of the City of Clayton, Ohio.

Plat. The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Commission for approval and, after such approval, to the County Recorder (final) for recording.

Plat of Survey. A land survey performed by a professional surveyor which identifies a minor subdivision or lot split.

Play Equipment. An area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

Playhouse. Any temporary building or structure made specifically for the recreational enjoyment of the tenant's children. Such structures will be under two hundred (200) square feet and can be easily removed from the property.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Ponds. An area that is designed to permanently hold water for personal enjoyment.

Pool House. A building where swimmers change clothes or other associated activities to a residential swimming pool.

Portable Storage Units. Any enclosed unit of whatever type construction or material, designed for permanent or temporary storage, which can be transported by a vehicle and left on-site.

Pre-Development Conditions. Site conditions as they existed prior to manmade alterations and/or earth disturbing activities.

Preexisting Towers and Preexisting Antenna. Any Personal Wireless Service Facilities for which a building permit has been properly issued prior to the effective date of this section, including permitted Personal Wireless Service Facilities that have not yet been constructed so long as such approval is current and not expired.

Preliminary Plan. The drawing depicting a proposed subdivision which is intended to provide the City Manager's Office and the Planning Commission with pertinent information regarding the development of a subdivision. The plan must contain all necessary information as required herein.

Preliminary Plat. The drawing depicting a proposed subdivision which is intended to provide the City Manager's Office and the Planning Commission with pertinent information regarding the development of a subdivision. The plat must contain all necessary information as required herein.

Premises. Any lot or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.

Principal Building. A building in which is conducted the principal use of the lot upon which it is situated.

Principal Use. The primary or predominant use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

Private Performance. The display or exposure of any specified anatomical area by an employee at an adult entertainment business to a person other than another employee while the person is in an area within the establishment not accessible during such display to all other persons in the establishment, or while the person is an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.

Private Street. A roadway which has not been dedicated to the City and is completely maintained by the adjoining property owners. A private street is not maintained by the City nor is it required to meet City standards. It is owned entirely by the property owners who use it.

Proportion. The relationship of the dimensions of building elements, such as windows and doors, to each other and to the elevations. Often, proportions are expressed as mathematical ratios, particularly for buildings based on Greek, Roman and Renaissance architecture.

Protected Public Water Supply. 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 one-year capture area defined through appropriate hydrologic studies.

Protected Use. For the purpose of regulating adult entertainment business, "protected uses" are those uses listed below:

- (1) Government Administration and Court;
- (2) Park;
- (3) Religious Assembly;
- (4) Residential district or use;
- (5) Schools;
- (6) Any Overnight Lodging use; or
- (7) Any establishment that sells alcoholic beverages either packaged, by the glass, or by other means.

Public Property. Real estate owned, leased, or otherwise controlled by a governmental entity.

Public Waters. Water within rivers, streams, ditches, and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

Public Way. An alley, avenue, boulevard, bridge, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Purlin. Timber used to support roofing sheets. Usually fixed on top of rafters.

Q.

None.

R.

Radiation Propagation Studies or Radial Plots. Computer generated estimates of the radiation emanating from Antennas or Repeaters sited on a specific Tower or Structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna, antenna gain energy dispersion characteristics, and topography of both the site and its surroundings are all taken into account to create these situations. They are the primary tool for determining whether a site will provide Adequate Coverage for the Personal Wireless Service Facility proposed for that site.

Raceway. The flat, horizontal portion of a building above the entrance outfitted with an electrical enclosure that may also serve as a mounting structure for a sign.

Radio Dish / Antenna. Equipment found on the exterior of a residential property and comprising of the part of the radio receiver by means of which the radio signals are received.

Radio Licensed Antenna (Non-Commercial). An antenna in any zoning district not used in conjunction with a business commercial enterprise, trade, calling, vocation, profession, occupation, or means of livelihood, including, but not limited to FCC licensed amateur radio stations and standard television receive-only parabolic antennas.

Rafter. A parallel member of a roof that support battens/purlins and roofing materials.

Rail. The top and bottom frame member of a door or window that is not the jamb.

Recreational Vehicles and Equipment. A motor home, house trailer, truck camper, boat, boat trailer, travel trailer and/or any other vehicle which is principally designated and used for recreation purposes.

Regulated Substances. Chemicals and mixtures of chemicals which are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not "regulated substances". "Regulated substances" include:

- (1) 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.
- (2) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
- (3) 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 percent (1%) 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 percent (0.1%) or greater of the composition on a weight per unit weight basis.

Replat. A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.

Reveal. The part of the side of a window or door opening that is between the outer surface of a wall and the window or door frame.

Rhythm. The spacing of repetitive Facade elements, such as projecting bays, storefronts, windows, doors, belt courses and the like.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof, Mansard. A roof with two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

Runoff. The portion of rainfall, melted snow or irrigation water that flows across the ground surface and is eventually returned to streams.

S.

Sanitary Sewers. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sanitary Waste Treatment, On-Site. A septic tank or similar installation on an individual lot which utilizes a bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish. Such device shall be used only to receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. Satellite dishes include but are not limited to TVRO's (television reception only satellite dish antennas) and satellite microwave antennas.

Savings and Loan Institute. See "Financial Institution".

Scale. The relationship of the size of a building or object to the size of a human being. Grand or large scale implies a size out of proportion to human size, while small or intimate scale implies the opposite.

Sediment. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface above or below sea level.

Sediment Basin. A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.

Sediment Control Plan. A written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area of five (5) or more contiguous acres or from erosion caused by accelerated runoff from a development area of five (5) or more contiguous acres.

Sediment Pollution. Failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes.

Semi-Nudity or Semi-Nude Condition or Semi-Nude. Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall exclude the entire lower portion of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

Setback. The required minimum horizontal distance between the building line and the related front, side or rear property line.

Setback, Average. An average of the front yard setbacks of principal structures on either side of the subject property. For corner lots, this will include the principal structure adjacent to but located across the street from the proposed structure.

Settling Pond. A runoff detention structure such as a sediment basin or sediment trap, which detain sediment- laden runoff allowing sediment to settle out.

Sewers, Sanitary, Central or Group. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, Storm. A sewer that carries storm water and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastes. Also called a storm drain.

Sheet Flow. Overland water runoff in a thin uniform layer.

Sidewalk. That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign. An outdoor advertising structure, device or visual communication designed or intended to convey information to the public in written or pictorial form.

Sign, Abandoned. A sign that is no longer intended to promote an active business or provide any message related to an active use of the property on which it is located.

Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.

Sign, Animated. A sign depicting action, motion, light or color changes through electrical or mechanical means.

Sign Area. The area of a sign shall be calculated by using a combination of parallelograms, rectangles, ellipses, and/or triangles that enclose the extreme limits of the advertising message. Any frame, material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is displayed shall also be calculated towards the area of the sign. If the writing and graphics are wholly contained on a panel or cabinet, then the entire panel or cabinet face is the sign area.

Sign, Awning, Canopy or Marquee. A sign that is mounted on, painted on, or attached to an awning, canopy or marquee.

Sign, Banner. A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a "Sign, Yard".

Sign, Building. Signs that are attached to the building including wall signs, projecting signs, awning signs, suspended signs, flag banner signs, and canopy signs.

Sign, Building Identification. A sign intended to identify a building from within the property on which the sign is located.

Sign, Bulletin Board. A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

Sign, Changeable Copy. A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."

Sign, Changeable Copy, Display Change Interval. The time period between when one message, graphic or display becomes illegible and the next message, graphic or display becomes legible.

Sign, Channel Letter. A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Sign, Construction. A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.

Sign Copy. Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign, Directional. A sign directing vehicular or pedestrian movement onto or within a premises with no identification or advertising on the sign.

Sign, Drive-Through. Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign Face. The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign, Feather. A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Flag Banner. Any rigid cloth, plastic or canvas sign with no enclosing framework that is mounted to a building at one or more edges or on a pole. Flags with noncommercial messaging shall not be considered flag banner signs.

Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

Sign, Freestanding. A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

Sign, Governmental. A sign erected at the side of or above roads to give instructions or provide information to road users.

Sign Height. The vertical distance from the uppermost point used in measuring the area of the sign to the average grade of the road on which the sign is installed.

Sign Height, Individual Letter or Graphic. The maximum height of an individual letter or graphic shall be calculated at one (1) inch per twenty-five (25) feet of setback from the road right of way, and no individual letter or graphic shall exceed three (3) feet in height.

Sign, Identification. A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.

Sign, Illuminated. A sign that is lighted by an artificial light source.

Sign, Inflatable. Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

Sign, Monument. A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure. A sign that is placed on two (2) posts, which are no more than two (2) feet in height to the base of the sign cabinet or sign face, shall be considered a monument sign for the purposes of this chapter.

Sign, Moving. Any sign which in part or total, rotates, revolves or otherwise is in motion.

Sign, Name Plate. A sign designating only the name and address or the name, professional occupation, and address of a person or persons residing in or occupying space in such building or premises.

Sign, Nonconforming. Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Painted Bulletin. An advertising structure on which advertising design is painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

Sign, Permanent. A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole. A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Sign, Portable. A sign that is attached to wheels, skids, or other forms of mounting which is not permanently affixed in or to the ground.

Sign, Poster Panel. An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

Sign, Projecting. A sign suspended from or supported by a building structure, or column and extending therefrom, more than fifteen (15) inches.

Sign, Roof. Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

Sign, Sidewalk (A-Frame). A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established herein.

Sign, Sidewalk (T-Frame). A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established herein.

Sign, Snipe. Any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located.

Sign Structure. The supports, uprights, bracing or framework for signs.

Sign, Suspended. A sign that is affixed beneath the roof of a canopy, awning, or outdoor form of a ceiling that maintains the minimum clearance requirements established in this code.

Sign, Temporary. A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

Sign, Trailer. Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity.

Sign, Wall. A sign which is affixed, painted on or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.

Sign, Warning. Any sign indicating danger or a situation which is potentially dangerous.

Sign, Window. A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

Sign, Yard. Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Sill. The framing member that forms the bottom edge of the window opening.

Site Development Plan. The written document or set of plans meeting the requirements of this Code that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.

Site Plan. A scaled drawing of a proposed development showing grade, property lines, building locations, drives, walkways, parking areas, fencing, screening, setbacks, signs and other improvements.

Slip. See "Landslide."

Slope (Related to Roofs). The incline of the roof. Amount of rise for every twelve (12) inches of run.

Slope (Related to the Ground or Topography). The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.

Sloughing. A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

Soffit. A horizontal member that fills the gap between the exterior wall and the fascia.

Soil Loss. Soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

Soil Stabilization. Vegetative or structural soil cover controlling erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.

Soil and Water Conservation District. As organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board, or its designated employee(s).

Specified Anatomical Areas.

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities.

- (1) Humans genitals in a state of sexual stimulation or arousal;
- (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts

Static/Instant Message Change. On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Steep Slope. A slope over eighteen percent (18%) grade, which is characterized by increased run-off, erosion and sediment hazards.

Storefront. The full extent of the ground floor of a business, office, or commercial enterprise building that faces and runs adjacent to the right-of-way.

Stop-work order. An order issued which requires that all work on the site must cease except work associated with bringing the site into compliance with the approved Stormwater Pollution Prevention Plan or Site Development Plan.

Storm Drainage System. Publicly owned facilities by which storm water is collected and/or conveyed including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Frequency. The average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Storm Water Management. Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

Storm Water Management Plan (SMP). The written document meeting the requirements of this Code that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

Stormwater Pollution Prevention Plan (SWPPP, Related to Sewer). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Stormwater Pollution Prevention Plan (SWPPP, Related to Storm Water). The document required by the Ohio EPA for compliance with its applicable NPDES Construction Activity General Permit. The requirements of the SWPPP are required as part of the local jurisdiction's Stormwater Management Plan as described above and in this Code.

Storm Water Runoff. See "Runoff."

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. A habitable space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Stream. A body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

Street. An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Code and provided such street has been accepted by Montgomery County or the City of Clayton. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street, Arterial. A major street that provides intra-community travel and access to the county or regional highway system. Access to an arterial should be provided at collector and local streets.

Street, Collector. A street which provides for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions.

Street Frontage. The distance for which the front boundary line of the lot and the street line are coincident.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Street, Local. A minor street primarily used for providing access to individual properties.

Street, Major. A street with a right-of-way of seventy (70) feet or greater as shown on the Montgomery County Thoroughfare Plan.

Street, Private. A street not dedicated to the City.

Street, Public. A street dedicated to the City.

Structural Alteration. Any change in the structural members of a building, such as load bearing walls, columns, beams or girders.

Structural Controls. Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

Structure. Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Temporary. A use or structure permitted for limited duration with the intent that such use will terminate, or the structure will be removed automatically upon expiration of the fixed period of time. A temporary structure is without a foundation or footing.

Subdivision.

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- (2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See also Minor Subdivision).

Surveyor. A registered land surveyor in the State of Ohio.

Swale. A low-lying stretch of vegetated land which gathers and carries surface water.

Swimming Pool. Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside a building.

T.

Television Dish/Antenna. Equipment found on the exterior of a residential property by means of which the television signals are received.

Temporary vegetation. Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

Tennis Court. A rectangular area marked with lines and enclosed by a fence, on which tennis is played.

Tent-Type Fold Out Camping Trailer. Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and which is subject to the following properties and limitations:

- (1) A minimum of twenty-five percent (25%) of the fold out portion of the top and sidewalls combined must be constructed of canvas, vinyl or other fabric, and form an integral part of the shelter.

- (2) When folded, the unit shall not exceed:
 - (a) Fifteen (15) feet in length, exclusive of bumper and tongue;
 - (b) Sixty (60) inches in height from the point of contact with the ground;
 - (c) Eight (8) feet in width; or
 - (d) One (1) ton gross weight at time of sale.

Terrain Classification. Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

- (1) "Level" is that land which has a cross slope range of four percent (4%) or less.
- (2) "Rolling" is that land which has a cross slope range of more than four percent (4%) but not more than eight percent (8%).
- (3) "Hilly" is that land which has a cross slope range of more than eight percent (8%) but not more than fifteen percent (15%).
- (4) "Hillside" is that land which has a cross slope range of more than fifteen percent (15%)."

Thoroughfare. See "Street."

Time Limits. Time limits designated within these regulations shall begin when application for review are officially accepted or as otherwise stipulated in this Code.

Topsoil. Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

Tower. A self-supporting, monopole, or guyed structure, constructed from grade, which supports Personal Wireless Facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Transfer of Ownership or Control of an Adult Entertainment Business. The transfer of ownership or control of an adult entertainment business means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death a person possessing the ownership or control.

Transparency. The amount of glass and other transparent materials used in openings such as doors and windows to promote visual interest in storefronts, especially at the pedestrian level.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.

Treehouse. A structure built in the branches of a tree for children to play in.

Treelawns. The installation of trees adjacent to the right of way to improve aesthetics, the environment, and provide a traffic calming function.

Trellises. A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.

Truck Camper. A non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

U.

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

Use. The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

Use, Accessory. A use of property on the same lot with, and of a nature customarily incidental and subordinate to, in terms of size, intent, and/or purpose, the principal use of the property, and does not alter or change the character of the property.

Use, Change of. The change of activity within a building, structure or premise.

Use, Conditional. A use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Board of Zoning Appeals.

Use, Nonconforming. Any building, structure, parking area, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

Use, Principal Permitted. A use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Director provided that the applicant meets the applicable requirements of the Code.

Use, Temporary. A use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

Utility Easement. The easement used for the maintenance of vehicle sight distances, the placement of stormwater drainage, sewer, water, natural gas, electric, telephone, cable television or other facilities or utilities, and for street maintenance.

Utility Trailer. Any single or dual axle non-motorized vehicle used for transportation of equipment, vehicles, livestock and any other materials.

V.

Variance. A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or general welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vendor. A registered person or company that offers goods or services for a fee.

Vicinity Map. A drawing located on the Plan which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City in order to better locate and orient the area in question.

Visibility Triangle. At the intersection of two or more rights-of-way, the clear visibility triangles shall be defined as the areas within the boundaries determined by measuring fifteen (15) feet along both sides of the right-of-way and thirty (30) feet along the intersecting right-of-way in both directions and diagonally connecting the ends of the two (2) lines of each to form two triangles.

W.

Walkway. A dedicated public way, for pedestrian use only, whether along the side of a road or not. **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility. **Watercourse.** Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

Water Resource. All streams, lakes, ponds, wetlands, drainage systems, and all other water bodies or accumulations of surface water, natural or artificial, which are situated wholly or partially or borders upon the jurisdiction, except those private waters which do not combine or affect or junction with natural surface waters.

Watershed. The total drainage area contributing runoff to a single point.

Wellhead. The source of a spring or stream.

Wetlands. Surface areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas (1987 Corp of Engineers Wetland Delineation Manual).

Wind Generating Antenna. Accessory equipment associated with wind turbines.

Y.

Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the closest part of a principal building.

Yard, Front (Least Depth). The average distance measured horizontally between any part of a building and the nearest front lot line. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line to the closest part of a principal building.

Yard, Rear (Least Depth). The average distance measured horizontally between any part of a building and the nearest rear lot line. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

Yard, Required. A space between a lot line and the buildable area within which no structure shall be located except as provided in this Code.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.

Yard, Side (Least Width). The shortest distance measured horizontally between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

Z.

Zoning Administrator. The City's official administrator of this Code, among other things, as set forth in Section 6.04 of the Charter.

Zoning Map. The Zoning Map or Maps of the City of Clayton, or portions thereof, together with all amendments thereto subsequently adopted.
(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

1181.02 GLOSSARY OF TERMS - USES.**A.**

Accessory Dwelling Unit. A residential dwelling unit, but not a mobile home, located on the same lot as a detached single-family dwelling, either within the same building or in a detached building, including accessory units often referred to as "in-law suites."

Adult Day Care. A licensed facility for the daytime care of an adult with a mental or cognitive impairment.

Adult Entertainment Business. Any establishment involved in the sale of services or products characterized by the exposure or presentation of specified anatomical areas or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest (as defined by the Supreme Court of Ohio) for the observation or participation in by patrons. Services or products included within the scope of an Adult Entertainment Business are photography, dancing, viewing, reading, massage, and similar functions which utilize activities as specified herein.

Agriculture. See Ohio Revised Code Section 1.61, as amended.

Agricultural Retail. A building or structure, including, but not limited to, a roadside stand, used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants incidental to the operation of a farm, which may also include the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts, and excluding commercially packaged handicrafts or commercially processed or packaged foodstuffs.

Agricultural Tourism. An establishment to support any activity incidental to the operation of a farm that brings members of the public to the farm for educational, recreational, and/or agricultural retail purposes where an admission fee may or may not be charged.

Air Transportation Services. Any area of land or use devoted to the take-off, landing storing and servicing of aircraft, and any appurtenant areas designated, set aside, used, or intended for use of related buildings and facilities located thereon.

Air Transportation Services, Heliport. A private use heliport, helipad, or helistop which provides helicopter landing area for the transport of persons or the transport of patients needing specialized medical treatment; or the emergency transport of organs, blood, medicine, or medical equipment.

Alternative Financial Services. An establishment providing loans to individuals in exchange for personal checks as collateral.

Animal Boarding and Stables (excluding Kennels). Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, sheltering or care of dogs, cats, fowl, horses, or other similar domesticated animals for profit, but exclusive of livestock and farm animals. This does not include animal welfare shelters and refuges operated by non-profits that facilitate adoption of animals (see Animal Shelter).

Animal Shelter. A licensed facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animals, Large. Livestock and farm animals, with the exception of poultry, primarily including cattle, sheep, pigs, goats, horses, donkeys, mules, and other animals, such as buffalo, oxen, llamas, or camels.

Animals, Small. Livestock and farm animals, including poultry and fowl, rabbits, chinchillas.

Animals, Pet. Non-livestock and non-farm animals, primarily including dogs, cats, rabbits, mice, rats, ferrets, sugar gliders, guinea pigs and other pets kept for personal enjoyment (see Animals, Household Pet - Glossary General Terms)

Antique Shop. Any premises used for the sale or trading of articles of which eighty percent (80%) or more are over thirty (30) years old or have collectible value. Antique shop does not include a thrift or second-hand store or any outdoor storage.

Auction Facility. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder, but not including auctions of livestock, farm animals, or vehicles.

B.

Backyard Farm. The keeping of small farm animals, as defined herein, on lots of less than five (5) acres and containing a detached single-family dwelling.

Beverage, Brewing and Distilling. An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed either by wholesale or retail, which may include incidental on-premise consumption.

Beverage, Non-Alcoholic Production. Production of non-alcoholic beverages made on premises and then sold or distributed off-site either by wholesale or retail.

Beverage, Distribution. A facility for storage and wholesale distribution of alcoholic beverages, but not including retail sales.

Beverage Sales, Liquor, Beer or Wine Store. An establishment for the sale of beer, wine and general alcoholic beverages, including the sale of distilled spirits or hard liquor, for off-premises consumption, but not including the incidental sale of convenience items such as, without limitation, pre-packaged snacks, non-alcoholic beverages, personal care items, clothing, household items and/or cigarettes.

Bar/Tavern. A venue primarily devoted to serving alcoholic beverages in which the service of food is only incidental to the sale and consumption of such beverages.

Boarding/Kennel, Indoor. Any structure used, designed, or arranged for the boarding, breeding or care of pets animals, domestic animals, fowl, or horses, for profit exclusively indoor, but exclusive of livestock or farm animals, and licensed by the State of Ohio. An ancillary outdoor space may be present, but the outdoor space may not be used to house animals.

C.

Camping. Any parcel or tract of land under the control of any person, organization, or governmental entity wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two (2) or more recreational vehicles, tents or camping units. Facilities for personal care, such as bathrooms and showers, maybe provided in common facility or hook-ups on individual sites.

Cemeteries. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries thereof.

Child Day Care Center. An establishment in which child care or publicly funded child care is provided for seven or more children at one time, where the licensee or administrator is administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours by persons other than their parents, guardians, or custodians for part of the twenty-four-(24) hour day in a place other than a child's own home, except that where an in-home aide provides child care in the child's own home, by a provider required to be licensed or approved by the Ohio Department of Job and Family Services, certified by the Montgomery County Department of Job and Family Services, or under contract with the department to provide publicly funded child care as described in Ohio Revised Code Section 5104.32, as amended.

Child Day Care, - In Home - Type A. The permanent residence of the administrator in which child care or publicly funded child care is provided by an employee or employees for seven to twelve children at one time or for four to twelve children at one time, if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" shall not include any child day camp as defined in Ohio Revised Code Section 5104.01. The provider shall be certified by the Montgomery County Department of Job and Family Services.

Child Day Care, In Home - Type B. A permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted, but not including any child day camp as defined in Ohio Revised Code Section 5104.01. The provider may or may not be certified by the Montgomery County Department of Job and Family Services.

Clothing Services, Dry Cleaning. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry.

Clothing Services, Tailor. An establishment that mends, alters, and repairs clothing for members of the general public. Does not include the manufacture of clothing for sale or distribution to other distributors or retailers or the sale of clothing directly to the general public.

Commercial Animal Sales and Feedlots. A distinct agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit farms, apiaries, and aviaries.

Community Facility, Activity Center. A facility where activities are programmed for children, adults, or seniors by a public or not-for-profit entity. Activities must be community-oriented and may be located indoors or on associated playfields.

Community Facility, Detention and Corrections. A facility that is typically but not exclusively owned by the government for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law, including adult detention centers, juvenile delinquency centers, jails, and prisons,

Community Facility, Government Administration and Court. A facility where government or judicial business is carried out by a public entity.

Community Facility, Outdoor Recreation. A public, private or non-profit facility for community athletic and active recreational activities that is open to the public and may contain incidental concession stands that serve prepared or packaged foods.

Community Facility, Park. An outdoor, public place where people may carry on passive recreation including cultural, social activities, or playgrounds and ball fields.

Community Facility, Public Health and Safety. A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

Community Facility, Trail. A public, non-commercial naturalized, gravel, dirt, or paved path intended for walking, hiking, running or cycling.

Concentrated Animal Feeding Facility. A lot, building, or structure where both of the following conditions are met:

- (1) Livestock and farm animals have been, are, or will be stabled or confined and fed or maintained there for a total of forty-five (45) days or more in any twelve (12)-month period.
- (2) Crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure.
- (3) Also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from livestock or farm animals in the lot, building, or structure or a production area is or may be applied. Two (2) or more facilities under common ownership shall be considered to be a single facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

D.

Drive-Thru Facilities. A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include, for example, the selling of fuel at a motor fuel facility, quick-change oil automotive service stations, or the accessory functions of a car wash facility such as vacuum cleaning stations.

Dumpster, Roll-off. A metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash or construction, renovation or demolition waste and which is transportable such as to be delivered by, rolled off of, and picked up by a carrying vehicle that allows for the disposal and removal of its contents to a dump site. The term does not include dumpsters which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.

Dwelling, Assisted. See Residential Care and Congregate Residential.

Dwelling, Attached Single-Family. Separate ground-level multiple-unit dwellings which share a common wall or roof but have separate and distinct entrances.

Dwelling, Care Facility. As defined by the Ohio Revised Code.

Dwelling, Detached Single-Family. A single dwelling unit located on an individual lot which is not attached to any other dwelling unit by any means and contains at least one (1) bathroom and one (1) kitchen.

Dwelling, Duplex. Separate ground-level two (2)-unit dwellings which share a common wall or roof but have separate and distinct entrances.

Dwelling, Halfway House. A residential facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release and who have been assigned by a court to a residential home in lieu of placement in correctional institution or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

Dwelling, Multi-Family Building. A structure on a single lot containing two-to-eight (2 to 8) apartment units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Multi-Family Building Complex. A structure on a single lot containing greater than eight (8) apartment units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Upper Floor Residential. One (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall be not be located on the ground floor of any building.

E.

Enterprise, Indoor. A public, private, or non-profit establishment for the provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building, including but not limited to, a bowling alley, arena, arcade, or billiard parlor.

Enterprise, Outdoor. A public, private or non-profit property for the provision of entertainment or games of skill to the general public for a fee and may contain incidental concession stands that serve prepared or packaged foods.

Typical uses include, but are not limited to, miniature golf, amphitheater, go karts, disc golf, sports arenas, motor vehicle or animal racing facilities, and amusement parks.

Equipment Repair, Heavy. An establishment that repairs commercial or personal automotive vehicles, equipment, or recreational vehicles and may have associated vehicle storage behind the front facade of building for no longer than sixty (60) days on a paved surface.

Equipment Repair, Light. An establishment primarily engaged in the provision of repair services to individuals and households rather than businesses, but excluding automotive and equipment repair use types, and typically including repair facilities for appliances, electronics, computers, or bicycles/scooters.

Event Center, Small. A facility that accommodates small-scale events, conferences, or weddings and has a capacity less than 500 people.

Event Center, Large. A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

F.

Farm Equipment Sales and Services. An establishment primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies, including the sale of large implements, such as tractors and combines, and farm machinery repair services, but excluding the sale or distribution of agricultural chemicals such as fertilizer.

Financial Services and Banking. Any building, property or activity of which the principal use or primary purpose is the provision of financial services, including, but not limited to, banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

Food Sales, Farm Market. An occasional or periodic market held in an open area or in a structure where more than one individual offers for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site. All necessary and applicable permits shall be obtained prior to operation within City boundaries, including but not limited to, transient business licenses issued by the State of Ohio and proper liability insurance coverage.

Food Sales, Large Grocery. A retail establishment which primarily sells food, but may also sell other convenience and household goods, and which occupies at least 10,000 square feet. A section for fresh fruits and vegetables no less than forty (40) square feet must be visible within the retail area of the establishment, and which may have a retail sale liquor license issued by the State of Ohio.

Food Sales, Small Grocery. A retail establishment of less than 10,000 square feet engaged in selling food stuffs containing only the incidental sale of retail home goods. A section for fresh fruits and vegetables no less than twenty (20) square feet must be visible within the retail area of the establishment, and which may have a retail sale liquor license issued by the State of Ohio.

Food Service, Commissary/ Bakery. An establishment primarily engaged in the retail sale of baked products for consumption off site that may be prepared either on or off site and may include incidental food service and shall not have a liquor license issued by the State of Ohio.

Food Service, Deli. An establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided but excludes groceries and supermarkets and shall not have a liquor license issued by the State of Ohio.

Food Service, Fast Casual Restaurant. A food service establishment whereby meals are provided at a faster rate than a full-service restaurant and food offerings are more extensive in variety than a fast food restaurant, and which may have a liquor license issued by the State of Ohio.

Food Service, Full-Service Restaurant. A food service establishment with incidental alcohol consumption whereby servers bring food and beverages that are prepared in a kitchen or at a bar on-site, and which may have a liquor license issued by the State of Ohio.

Food Service, Mobile. A person or business licensed by the State of Ohio to provide food, prepared on-site, not within a permanent structure, including, but not limited to, a vehicle, trailer, tent or canopy. All necessary and applicable permits shall be obtained prior to operation within city boundaries.

Food Service, Processing. An establishment for the processing of produce or meat for consumption off-site or for sale to consumers or other commercial producers. This use shall not produce odors, fumes or noise that is discernable from the exterior of the structure.

Food Service, Production. An establishment for the small-scale production of a finished food product for consumption off-site through retail or wholesale. The use shall not produce odors, fumes or noise that is discernable from the exterior of the structure. The use shall not have outdoor storage.

Food Service, Quick Service/Fast Food. A food service establishment devoted to the preparation and offering of food and beverage for sale to the public for consumption via a counter or drive-through on or off the premises generally in disposable containers, and which offers standardized menus, ingredients, food preparation, décor, uniforms, architecture, or similar standardized features.

Funeral Homes. A facility for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation, which may include a funeral chapel, gathering and/or event spaces.

G.

Gallery, Art. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art to the public, and not including libraries, museums, or non-commercial art galleries.

Garden Center, Indoor. An establishment where retail and wholesale products and produce are sold directly to the consumer, and which may include a nursery and/or greenhouse, and which may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils, but not including outdoor storage and sales.

Garden Center, Outdoor. An establishment where retail and wholesale products and produce are sold directly to the consumer, and which may include a nursery and/or greenhouse, and which may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils, and where outdoor storage is incidental to the sale of goods.

Golf Course. A tract of land for public, private or non-profit use laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. The golf course may also include a clubhouse, driving range, and shelters as accessory uses.

Greenhouse, Commercial. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants either for wholesale or retail purposes.

Greenhouse, Residential. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants for personal purposes only and not for wholesale or retail purposes.

H.

Health and Wellness, Clinic. An outpatient facility where patients are admitted for examination and treatment by a group of licensed physicians practicing medicine together.

Health and Wellness, Fitness Facility/Gym. A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, organized fitness class or other customary and usual recreational activities operated for profit or not-for-profit.

Health and Wellness, Massage. An establishment that provides therapeutic or medical massage of a non-sexual nature provided by a licensed practitioner.

Health and Wellness, Physical Therapy. An outpatient office establishment that provides physical rehabilitation or occupational therapy for individuals with an injury or disability provided by a licensed practitioner.

Hobby Farms. A small-scale farm that is for pleasure instead of a business venture or profit comprised of at least five (5) acres or more on a single parcel.

I.

None.

J.

Junk/ Scrap Yards. An establishment (other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

K.

None

L.

Landfill. A facility primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

Library. A public facility for the use, but not sale, of literary, musical, artistic, entertainment, electronic, or reference materials.

Live Theater. A public, private, or non-profit indoor or outdoor theater or stage used for theatrical, musical, or artistic live productions attended by an audience.

Loading Facilities. The portion of a building and site dedicated to the receipt or distribution of materials or merchandise by trucks or similar vehicles.

M.

Manufacturing, Artisan. The on-site production of goods by hand manufacturing conducted wholly within an enclosed building of less than 5,000 square feet of gross floor area which involve the use of hand tools and small- scale equipment.

Manufacturing, Heavy. The treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises. The use may produce externally perceptible noise, fumes, odors, vibrations, and outdoor storage if located behind the front facade and screened.

Manufacturing, Light. The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building, which may include research and development facilities, and may include the temporary outdoor storage of finished or semi-finished products. These products are not intended for purchase on- site with the exception of an accessory retail shop.

Medical, Emergency Services. An establishment for the provision of emergency medical care, which includes emergency ambulance services, and the subsequent inpatient medical care or outpatient services provided by an adjoining health care facility and provided by a licensed practitioner.

Medical, Full-Service Hospital. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including but not limited to a general hospital, emergency room, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions provided by a licensed practitioner.

Medical, Nursing. A facility licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five (5) or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Medical, Office. A building used exclusively by physicians, dentists, and similar personnel for the examination and treatment of patients provided by a licensed practitioner solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Medical, Outpatient and Urgent Care. An establishment for outpatient-only medical services that apply to medical issues whereby a patient requires more immediate attention or care than can be provided by an appointment with a family doctor or general licensed practitioner, but not including emergency ambulance services.

Medical, Psychiatric Therapy. An establishment where human patients receive treatment by a group of professionals licensed by the State of Ohio to treat mental health issues or addiction, which may include in-patient or outpatient treatment.

Mineral Extraction/Processing. A facility for the exploration or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

Medical Marijuana, Cultivation. A facility that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code.

Medical Marijuana, Dispensary. A building or structure licensed by the State Board of Pharmacy as a medical marijuana retail dispensary.

Medical Marijuana, Processing. A facility that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.

Mobile Vendor. A person or business licensed and permitted to provide goods and services, who offers such goods or services, not including food, for sale to the public not within a structure but out of a mobile vehicle/trailer, tent or canopy.

Movie Theater. A public, private, or non-profit enclosed structure specialized theater for showing movies or motion pictures attended by an audience.

Museum/Arts Center. Any publicly or privately owned museum or arts center used primarily for the display of art that does not produce noise audible from outside the property, and may contain ancillary gift-shop or art sales.

N.

None.

O.

Office, Corporate. An establishment primarily engaged in providing internal office administration services as opposed to customer service; for example, the headquarters, regional offices or the administrative offices for a corporation; which may include a facility containing equipment for telecommunications or data processing/storage including switches, routers, operation centers, and other infrastructure critical for telecommunication companies, internet servers, data firms, fiber-optic cable, and other technology providers. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

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

Outdoor Processing, Agriculture. An establishment for activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties, including, but not limited to, slaughterhouses, mills, canneries, silos, and milk processing plants. All operations must comply with the Ohio Revised Code, Chapter 939: Soil and Water Conservation.

Outdoor Processing, Composting. An establishment for the processing of organic waste in a controlled environment to produce a stable fertilizing product by microbiologically degrading organic matter under aerobic conditions. All operations must comply with the Ohio Revised Code, Chapter 939: Soil and Water Conservation.

Outdoor Processing, Concrete and Asphalt. A facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but not including the retail sale of finished asphalt or concrete products. All operations must comply with the Ohio Revised Code, Chapter 939: Soil and Water Conservation.

Outdoor Sales, Primary Use. The placement of goods, equipment, or materials for sale, rental, or lease in a location not enclosed by a structure consisting of walls and a roof, but not including yard sales.

Outdoor Storage. The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding seventy-two (72) consecutive hours.

Overnight Lodging, Bed & Breakfast. Any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation

Overnight Lodging, Boutique Hotel. A lodging facility with thirty (30) or fewer guest rooms or suites of rooms offered for transient sleeping accommodations for periods of thirty-one (31) days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services, and communication and fitness facilities.

Overnight Lodging, Hotel or Motel. A lodging facility with thirty-one (31) or more individual rooms, suites of rooms offered for transient sleeping accommodations for periods of thirty-one (31) days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services, and communication and fitness facilities.

Overnight Lodging, Resort. A group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffle- board, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

Overnight Lodging, Short-Term Rental. The use of any Dwelling Unit, authorized Accessory Dwelling Unit or Accessory Building, or portions thereof for dwelling, sleeping or lodging purposes by Short-Term Rental Transients. Short-Term Rental, which will require a conditional use permit, shall be accessory to a residential use and be considered neither a Tourist Hotel nor a Residential Hotel for purposes of this Title. "Short-Term Rental Transient" or "STR Transient" means any person who rents a Dwelling Unit, authorized Accessory Dwelling Unit or Accessory Building, or portion thereof, for less than thirty (30) consecutive days.

P.

Personal Care and Beauty Services. An establishment which accommodates two or more clients at one time providing nonmedically related services, including, but not limited to, beauty salons, barber shops and tanning salons by licensed professionals, which may also include accessory retail sales of products related to the services provided.

Power Generation Facility. A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, which may also perform either or both of the following functions: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

Power Substation Facility. An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

Private Club. A public, commercial, or non-profit establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and shall not include any form of adult entertainment business or retail sales.

Q.

None.

R.

Radio/ Television Broadcast Studios. Any building or space within a building used for the production and transmission of radio or television signals intended to be received by the public through radio, television or similar means as licensed by the State of Ohio.

Recycling Center. A center for the collection and/or processing of recyclable materials, but not including storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site.

Religious Assembly. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except child day care center, primary, secondary, college/university, vocational schools, Community Facility, Active and Outdoor Recreation, and Enterprise, Indoor and Outdoor.

Research Facility/ Laboratory. A building or group of buildings for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

Retail, Gasoline and Convenience. A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer, which may include the sale of hot beverages, fountain-type beverages, beer, and pastries, and shall not have a retail liquor license other than for the sale of beer.

Retail, Convenience. A small retail establishment usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods, and which shall not have a retail liquor license other than for the sale of beer.

Retail, Enclosed Shopping Center. A group of primarily commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

Retail, Large. A retail establishment containing consumer goods that exceeds 20,000 square feet.
Retail, Medium. A retail establishment containing consumer goods that is between 5,000 and 20,000 square feet.

Retail, Outdoor Shopping Center. A group of commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, whereby access to individual shops requires outdoor access from a shared sidewalk or road.

Retail, Pharmacy. An establishment substantially devoted to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Retail, Small. A retail establishment containing consumer goods that is no greater than 5,000 square feet.

S.

School, College/University. A post-secondary institution, licensed by the State of Ohio, for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant graduate and doctoral degrees, which may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

School, Primary. A public, private, or parochial school, licensed by the State of Ohio, offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

School, Secondary. A public, private, or parochial school, licensed by the State of Ohio, offering instruction at the junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools within the state.

School, Vocational. A school, licensed by the State of Ohio, established to provide for the teaching of industrial, clerical, managerial, or artistic skills, and which may be owned and operated privately for profit.

Secondary Dwelling Units. A dwelling unit designed for and occupied by one (1) family and secondary to a principal use of the property, for use as a complete, independent living facility with provision in the secondary dwelling units for cooking, eating, sanitation, and sleeping. Secondary dwelling units shall be clearly subordinate to the principal use in both size and location.

Shooting Range, Indoor. An establishment for public, private or non-profit use where the shooting of firearms is permitted completely within a building for the practice of marksmanship. Must adhere to all standards set forth in the Ohio Revised Code applicable to shooting ranges.

Shooting Range, Outdoor. An establishment for public, private or non-profit use where shooting of firearms is permitted completely outdoors for practice of marksmanship. Must adhere to all standards set forth in the Ohio Revised Code applicable to shooting ranges.

Storage, Commercial Gases. Any establishment whereby the primary activity is, or necessitates, the storage of compressed gasses.

Storage, Contractor. An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office and where it stores and maintains construction equipment and other materials customarily used in the trade carried on by the contractor.

Storage, Self-Store. A personal storage building that is subdivided by permanent partitions into individual spaces, and each space has an independent entrance within an enclosed building under the exclusive control of the tenant, with one or more exterior entrances to the building, and which is used for storage of personal belongings and not for any commercial or industrial purpose, and that may include outdoor storage of recreational vehicles.

Storage, Vehicular and Boat. An enclosed or outdoor facility used solely for the storage of land, air, or water-based vehicles and trailers, but not semi-trailers.

Storage Unit, Portable. Any enclosed unit of whatever type construction or material, designed for permanent or temporary storage, which can be transported by a vehicle and left on-site.

Studio, Art. Workspace for one or more artists or artisans, including the accessory private sale of art produced on the premises, and shall not be open to the public.

T.

Truck Terminals. Storage and distribution facilities having more than five (5) heavy trucks having a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds on the premises at any one time but excluding trucking accessory to another industrial use on site.

U.

None.

V.

Vehicle Care Services, Washes. An establishment for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment where overnight outdoor storage is prohibited.

Vehicular Care Services, Major. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Vehicular Care Services, Minor. The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting and upholstering service to automobiles and trucks not in excess of 7,000 pounds gross weight.

Vehicular Sales, Automobiles. An establishment for the storage and display for sale of more than two (2) passenger vehicles and where repair or body work is incidental to the operation of the new or used vehicle sales, which includes retail or wholesale.

Vehicular Sales, Motorcycles. An enclosed establishment for the retail sale and display of motorcycles, parts, and associated retail merchandise, which does not include outdoor sales.

Vehicular Sales, Recreational Vehicles. An establishment for the display and retail sales of more than two (2) recreational vehicles including boats, camping vehicles and trailers which shall not be connected to water and/or sewer systems.

Veterinary. An establishment for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation and recuperation provided by a licensed practitioner.

Visual Arts Center. A non-profit, public, or commercial facility for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest, which may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of public and private meetings and social events.

W.

Warehouse, Large. An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is greater than 50,000 square feet and includes cross-dock facilities.

Warehouse, Small. An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is under 50,000 square feet and does not include cross-dock facilities.

Waste Facility. Any land used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

Wedding Barn. An agricultural-style building, such as a barn or shed, that is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations, which may include the following: kitchen facilities for the preparation or catering; the sale of food and alcoholic beverages for on-premise consumption, only during scheduled events and which is not open to the general public; and/or outdoor gardens or reception. The sale of alcohol, whether to individual guests or as part of an overall venue contract, requires a liquor license issued by the State of Ohio.

Personal Wireless Service Facility. A public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless telecommunications, including commercial earth stations for satellite-based communications, which may include antennas, commercial satellite dish antennas, and equipment buildings, but do not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Y.

None.

Z.

None.

(Ord. 0-05-21-02. Passed 6-17-21; Ord. 0-02-22-04. Passed 3-3-22.)

TITLE SEVEN - Stormwater Plan

Chap. 1195. Stormwater Management Ordinance.

Chap. 1197. Storm Sewer System Illicit Discharge Detection and Elimination.

CHAPTER 1195 Stormwater Management Ordinance

1195.01	Definitions.	1195.05	Stormwater Management Plan (SMP) requirements.
1195.02	Intent and scope.	1195.06	Compliance responsibility.
1195.03	Performance standards.	Appendix A	Ohio EPA Construction Activity Permit OHC000002.
1195.04	Site Development Plan.		

CROSS REFERENCES

Illicit discharge - see P. & Z. Ch. 1197

1195.01 DEFINITIONS.

All words used in this Ordinance shall have their customary meanings as defined in Webster's New World Dictionary and/or Rainwater and Land Development¹, except those specifically defined in this Section.

- (a) Approval Authority: An official, organization, or group designated to review and approve/disapprove Storm Water Pollution Prevention Plans.
- (b) City Manager's Office: An official, organization, or group designated to provide technical guidance in the development and implementation of Site Development and Storm Water Pollution Prevention Plans and to review and approve/disapprove such plans as authorized.
- (c) Buffer: A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.
- (d) Critical Storm: A storm which is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.

¹ Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection. Second Edition, 1996. Ohio Department of Natural Resources, as amended.

- (e) Cut: An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.
- (f) Detention basin: An impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater.
- (g) Detention facility: A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.
- (h) Development Area: Any contiguous area owned by one person or operated as one development unit included within the scope of these regulations, upon which earth-disturbing activities are planned or underway.
- (i) Earth Disturbing Activity: Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- (j) Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
- (k) Non-structural controls: Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.
- (l) Parcel: Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.
- (m) Peak Rate of Runoff: The maximum rate of runoff for any 24 hour storm of a given frequency.
- (n) Pre-Development Conditions: Site conditions as they existed prior to manmade alterations and/or earth disturbing activities.
- (o) Sediment Basin: A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.
- (p) Site Development Plan: The written document or set of plans meeting the requirements of this Ordinance that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.
- (q) Steep Slope: A slope over eighteen percent (18%) grade, which is characterized by increased run-off, erosion and sediment hazards.
- (r) Stop-work order: An order issued which requires that all work on the site must cease except work associated with bring the site into compliance with the approved SWP3 or Site Development Plan.
- (s) Storm Water Management Plan (SMP): The written document meeting the requirements of this Ordinance regulation that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

- (t) Storm Water Pollution Prevention Plan (SWP3): The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000002. The requirements of the SWP3 are required as part of the local jurisdiction's Stormwater Management Plan as described above and in this regulation.
- (u) Storm Frequency: The average period of time in years within which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (v) Structural Controls: Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.
- (w) Swale: A low lying stretch of vegetated land which gathers and carries surface water.
- (x) Temporary vegetation: Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.
- (y) Watercourse: Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.
(Ord. 0-12-06-17. Passed 1-4-07; Ord. 0-02-22-04. Passed 3-3-22.)

1195.02 INTENT AND SCOPE.

- (a) The intent of this Ordinance is to protect the land and water resources of the City of Clayton by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities. In addition this regulation further intends to:
 - (1) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites.
 - (2) Preserve to the extent practicable the natural drainage characteristics of the site and minimize the need to construct, repair, and replace enclosed, subsurface storm drain systems.
 - (3) Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained.
 - (4) Prevent unnecessary stripping of vegetation and loss of soil and to promptly re-vegetate and stabilize the site following earth disturbing activities.
 - (5) Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, wetlands, and stormwater management practices.
 - (6) Encourage the construction of stormwater management practices that serve multiple purposes such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
 - (7) Preserve to the maximum extent practicable natural infiltration and groundwater recharge.

(b) Any person or persons proposing to develop or redevelop land within the City of Clayton for any of the uses listed in subsection (c) hereof shall design, develop, and submit a Site Development Plan as described in Section 1195.04. Said plan will be evaluated to determine the potential for erosion, runoff, and sedimentation impacts that may result from such development activities and the need for submission of a Stormwater Management Plan (SMP) described in Section 1195.05 to minimize these impacts.

(c) This Ordinance shall apply to both the development and redevelopment of land proposed greater than or equal to 1 acre for the following:

- (1) Residential, institutional, commercial, office and industrial purposes including subdivision and land development proposals for non-agricultural uses in rural areas.
- (2) Recreational facilities, non-agricultural water impoundments and waterway construction or improvement.
- (3) Public infrastructure uses, including transportation and utilities.
- (4) Any earth disturbing activity within critical and sensitive natural areas, including floodplains, highly erodible lands (HEL) and wetlands.

(d) This Ordinance does not apply to earth disturbing activities associated with agricultural activities.

(e) No earth disturbing activity subject to regulation under this Ordinance shall be undertaken for any land proposed for development or redevelopment for uses specified under subsection (c) hereof without an approved Site Development Plan as required under Section 1195.04, and, if appropriate, a Stormwater Management Plan (SMP) as required under Section 1195.05.

(f) Final approval of a proposed development or redevelopment shall not be given unless:

- (1) A determination is made by the City Manager's Office based on submission of a Site Development Plan as detailed in Section 1195.04 that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters, or
- (2) A SMP as detailed in Section 1195.05 has been approved by the City Manager or his designee based on the recommendation of the City Manager's Office that determines that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters.

(g) Any person or persons seeking approval for an earth disturbing activity listed below shall prepare a SMP as described in Section 1195.05 of this Ordinance.

- (1) Activities disturbing greater than or equal to one (1) acre, or less than one (1) acre, if part of a larger common plan of development or sale.
- (2) Activities that require the extension of public utilities (roadways, water mains, sanitary sewer mains, storm sewers, etc.).
- (3) Activities that will modify an existing and/or approved drainage way, drainage structure, and/or drainage easement.
- (4) Activities that will channelize, straighten, and/or modify a watercourse within the identified 100 year floodplain (studied and unstudied).

(h) Any person or persons seeking approval to construct a structure shall be exempted from having to prepare a Site Development Plan and a SMP provided they meet all of the following:

- (1) Construction takes place on one parcel.
- (2) The earth disturbing activity does not affect more than one acre of the development site at a time.
- (3) Is not located within 100 feet of a sensitive natural area as described in subsection (c)(4).
- (4) Earth disturbing activities will not modify the general existing site drainage pattern(s), drainage structure, drainage tiles, drainage easements, etc.
- (5) One or both of the following:
 - A. Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from small lot building sites set forth by the City of Clayton and the City Manager's Office.
 - B. The parcel is part of an overall development plan which has received approval of a SMP and the developer certifies that they will comply with said Plan.

(i) Exemption under subsection (h) does not exempt any person or persons from other provisions of this Ordinance or liability from their activities.
(Ord. 0-12-06-17. Passed 1-4-07; Ord. 0-02-22-04. Passed 3-3-22.)

1195.03 PERFORMANCE STANDARDS.

(a) All Erosion and Sediment Kept on Site. Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth disturbing activities shall be stabilized and confined to within the boundaries of the development site.

(b) Discharge of Untreated Stormwater. To the maximum extent practicable the site shall not discharge untreated stormwater directly into a receiving body of water.

(c) Structural and Nonstructural Best Management Practices.

- (1) Nonstructural stormwater management practices shall be used to the maximum extent practicable. Such practices may include, but not be limited to, preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.
- (2) Nonstructural and structural stormwater management practices shall be designed in accordance with requirements and standards specified in this Ordinance / and/or by the City Manager's Office.
- (3) Structural and nonstructural stormwater management practices shall be placed in easements and recorded on the property deeds on which they are located and shall remain unaltered unless first approved by the City Manager's Office.
- (4) In designing stormwater detention and retention facilities, water quality benefits shall be considered to the maximum extent practicable, per EPA Permit OH C000002 or later updates.

(d) **Stream and Wetland Riparian Buffers.** The site owner and/or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian area and wetland impacts approved by the City Manager's Office and other applicable agencies. Buffer width will be determined on a case by case basis using criteria such as floodplain, topography, vegetative cover, canopy cover, and soil types, etc.

(e) **Channel Protection.** To protect stream channels from degradation specific channel protection criteria shall be provided as prescribed in the latest edition of Rainwater and Land Development.

(f) **Temporary Stabilization of Disturbed Areas and Soil Stockpiles.**

(1) A temporary vegetative cover shall be established on disturbed areas as specified in Table 1 below.

Table 1: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one year.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to onset of winter weather.

(2) Application practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions and estimated time of use.

(3) Topsoil removed shall be stored on site and shall be stabilized with quick growing plants or other means, so that it is protected from wind and water erosion. Topsoil shall be maintained in a usable condition for sustaining vegetation and reused on the site.

(g) **Permanent Stabilization.**

(1) A permanent vegetative cover shall be established on disturbed areas as specified in Table 2 below.

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any area that will lie dormant for 6 months or more.	Within 7 days of the most recent disturbance.
Any area at final grade.	Within 7 days of reaching final grade within that area.

- (2) Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions. In the interim the owner/developer is responsible to maintain appropriate erosion control measures.

(h) Cut And Fill Slopes. Cut and fill slopes shall be designed, constructed and stabilized in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. If after final grading excessive erosion takes place, additional slope stabilizing measures by the owner, developer or builder will be required until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.

- (1) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
- (2) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
- (3) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume or slope drain structure.
- (4) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(i) Protection Of Adjacent Properties/Public Rights-of-Way. Properties, public rights of way, and thoroughfares adjacent to the site of an earth disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer at the perimeter of the site, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

(j) Sediment Control Structures.

- (1) Sediment control structures shall be used to control erosion and trap sediment on a site remaining disturbed for more than 14 days. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding runoff in order to be considered functional.

- (2) Sediment control structures shall be constructed as a first step in grading and be made functional before upslope earth disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth disturbing activity and until the site is stabilized with permanent vegetation. The owner/developer is responsible to maintain erosion control measures until the City Manager's Office determines stabilization is complete.
- (3) Sheet flow runoff from the site shall be intercepted by silt fence or diversions. Silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below.

Table 3: Maximum Drainage Area to Silt Fence

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for a particular drainage area (percent)
0.5	< 2%
0.25	> 2% but < 20%
0.125	> 20% but < 50%

- (4) Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.
 - (5) Whenever stormwater detention is required the stormwater runoff from the site shall pass through a sediment basin or other suitable sediment trapping facility before discharge to a receiving water body per the latest edition of the City of Clayton Subdivision Regulations. The City Manager's Office(s) may require sediment basins or traps for smaller disturbed areas where deemed necessary.
- (k) Stabilization Of Waterways And Outlets.
- (1) All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow without erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels.
 - (2) Land owner/developer is responsible to maintain erosion control measures and document maintenance every 7 calendar days or when rainfall exceeds ½ inch in a 24 hour period.
 - (3) All documentation to be submitted to the City Manager's Office on the first of every month.

(l) Storm Sewer Inlet Protection. All storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(m) Working in or Crossing Watercourses.

- (1) All activities shall be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall be restored to its original cross-section and all disturbed area stabilized immediately after in-channel work is completed.
- (2) Where a watercourse will be crossed regularly during construction, a temporary stream crossing shall be provided, used for the shortest period practical, removed following site construction, and restored as described in subsection (m)(1) above.

(n) Maintenance and Removal Of Temporary Measures.

- (1) All temporary erosion and sediment control practices shall be maintained and repaired to assure continued performance.
- (2) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.

(o) Control Of Construction Site Debris and Wastes. All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets and gutters clear of all sediment and debris from the site.

(p) Use, Safety, and Maintenance of Stormwater Practices.

- (1) Stormwater management practices shall be designed for the ultimate use of the site and function safely and with minimal maintenance.
- (2) If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within 10 days of the inspection.

(q) Inspection of Stormwater Controls (See Section 1195.06(g) for specific requirements).

- (1) All on-site control practices shall be periodically inspected to ensure proper function and to identify failures and repaired as necessary.
- (2) On and off-site discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.
- (3) Detailed records of inspections shall be maintained for three (3) years following the final stabilization of the site.

(r) Accessibility and Easements (See Section 1195.06(h) for specific requirements). All permanent stormwater management measures shall have easements sufficient to cover the facility and to provide access for inspection and maintenance. The minimum easement width is lost unless deemed otherwise by the City Manager's Office.

(s) Status Of Standards. The standards identified in this Section are general guidelines. Each application shall be reviewed on a case by case basis and some may require additional and more stringent requirements, while others may have individual requirements waived by the City Manager's Office in conjunction with the subdivision review process.
(Ord. 0-12-06-17. Passed 1-4-07; Ord. 0-02-22-04. Passed 3-3-22.)

1195.04 SITE DEVELOPMENT PLAN.

(a) Any person seeking approval of land development proposals for use types listed in Section 1195.02(c) shall develop and submit a Site Development Plan as detailed in subsection (c) hereof.

(b) The applicant is encouraged to have a pre-submission meeting with the City Manager's Office.

(c) Site Development Plan Requirements. Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extent of proposed earth disturbing activities. At a minimum the Plan shall include the following elements:

- (1) General location map that shows the area proposed for development and pertinent adjacent areas and features.
- (2) A description of the nature and type of the earth disturbing/construction activity (e.g. residential, commercial, highway, etc.) *
- (3) A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Montgomery County with location of site identified.
- (4) A Site Plan Map that shows the location of existing features and proposed improvements on the site including: *
 - A. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, cleaning, excavation, filling or grading, including off-site borrow areas).*
 - B. Surface water locations, including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA.*
 - C. The general directions of surface water flow and 100-year floodplain when applicable.
 - D. All improvements, including buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and stormwater basins, drainage impoundments, channels and outlets, etc.*
- (5) An estimate of the impervious area and percent imperviousness created by the earth disturbing activity.*

(d) Site Development Plan Submission, Review and Action.

- (1) Submission of a Site Development Plan by an applicant seeking approval initiates the review process.
- (2) The City Manager's Office shall review the Site Development Plan and conduct a site inspection of the proposed site.
- (3) Following its review the City Manager's Office shall:
 - A. Approve the Site Development Plan; or
 - B. Require the submission of a Stormwater Management Plan (SMP) based on written findings of the City Manager's Office .
(Ord. 0-12-06-17. Passed 1-4-07; Ord. 0-02-22-04. Passed 3-3-22.)

1195.05 STORMWATER MANAGEMENT PLAN (SMP) REQUIREMENTS.

(a) Stormwater Management Plans (SMPs) are intended to provide information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development. This information includes, but is not limited to, site grading, stormwater management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth disturbing activities that occur as a result of site development.

(b) Each SMP shall provide site designs that meet the Performance Standards presented in Section 1195.03 and provide practical treatment for both water quality and quantity of stormwater from the site as appropriate.

(c) In general, SMPs need to address:

- (1) Erosion and Sediment Control. Providing measures to insure that earth disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impacts to water quality and that meet the Performance Standards specified in Section 1195.03.
- (2) Runoff Control. Providing measures to insure that the quantity of surface water runoff from the development site during and after construction will mimic the pre-development conditions and that meet the Performance Standards specified in Section 1195.03.

(d) If a SMP is required under Section 1195.02(h) such Plan shall specifically include all the following and be included with the final construction document submission:

- (1) The minimum elements required in the Site Development Plan described in Section 1195.04(c)(1) to (4).
- (2) The contents of the Storm Water Pollution Prevention Plan (SWP3) required by the Ohio EPA's NPDES Construction Activity Permit #OHC000002 and incorporated here by reference (a copy of this permit is included in Appendix A). This Plan may be submitted as developed for the Ohio EPA, in conjunction with the other requirements of Section 1195.05(d). The contents of the Ohio EPA's SWP3 include, but are not limited to:
 - A. A description of prior land uses at the site.
 - B. Existing data describing the soils on the site and, if available, the quality of any discharge from the site.
 - C. A determination of runoff coefficients for both the pre-construction and post construction site conditions.

- D. For all large earth-disturbing activities (involving the disturbance of five or more acres of land or will disturb less than five acres, but part of a larger common plan of development or sale which will disturb five or more acres of land), a description of post construction BMP(s) chosen and designed to detain and treat a water quality volume (WQv) equivalent to the volume of runoff from a 0.75-inch rainfall (See Ohio EPA Construction Activity Permit for methodology).
- E. For all small earth-disturbing activities (which disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the development process to control pollutants in storm water discharges that will occur after construction operations have been completed.
- F. An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.
- G. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
- H. A detailed description of the stormwater controls to be incorporated and how these meet or exceed the appropriate Performance Standards presented in Section 1195.03. This shall include the identification of which entity (developer, contractor, owner) is responsible for implementation of each individual control (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).
- I. A detailed maintenance plan that describes procedures (e.g. inspections) needed to ensure the continued performance of control practices. Such plans must ensure that pollutants collected within structural post-construction practices, be disposed of in accordance with local, state, and federal regulations.
- J. A Site Map that includes:
 - 1. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas.
 - 2. Soil types on the site, including locations of unstable or highly erodible soils.
 - 3. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.
 - 4. Existing and planned locations of buildings, roads, parking facilities and utilities.

5. The location of all erosion and sediment control practices, including areas likely to require temporary stabilization during site development.
 6. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area.
 7. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed.
 8. Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, including dumpster areas, cement truck washout areas, and vehicle fueling and maintenance.
 9. The location of designated construction entrances where vehicles will access the site.
 10. The location of any in-stream activities, including stream crossings.
- (3) Copies of pertinent Notices of Intent (NOI), permits, public notices and letters of authorization must be included with SMP submissions. These may include, but are not limited to, Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity, Ohio EPA Phase II Stormwater Permits, Section 401 and 404 Clean Water Act Permits, Ohio EPA Isolated Wetland Permit, and Ohio Dam Safety Law Permits.
- (4) Supplemental requirements as provided in subsection (f) hereof.
- (e) Stormwater discharge to critical areas with sensitive resources (i.e. wetlands, steep slopes, scenic river designation, recharge areas, etc.) may be subject to additional criteria, or may need to utilize or restrict certain stormwater practices.
- (f) Supplemental Requirements.
- (1) Determination of post development runoff.
- A. Each SMP shall include an evaluation of pre-development conditions together with during, and post-development impacts that quantifies the volume and rate of runoff from the site by subdrainage areas. This evaluation shall be prepared according to methods prescribed in the latest edition of Rainwater and Land Development or other appropriate sources. The evaluation shall:
1. Show delineation and sequence of subdrainage units which comprise the area proposed for development.
 2. Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.
 3. Indicate within the legend the average percent slope, erosion factor (K) and runoff curve number (CN) per individual subdrainage unit for a 24-hour storm of a one-year frequency.

4. Include a hydrograph for a 24-hour storm of the critical frequency to be controlled and all calculations made pertinent to evaluating the effects of the proposed development on the pre-development runoff conditions of the site.
- B. Calculations for the design of stormwater management facilities shall demonstrate the following for each subdrainage unit:
 1. The peak rate of runoff from the Critical Storm and all more frequent storms occurring on the site does not exceed the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same site under pre-development conditions.
 2. Storms of less frequent occurrence than the Critical Storm, up to the 100 year storm shall have its peak runoff rates no greater than the peak runoff rates from equivalent storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100 year storms in design and construction will be considered meeting this standard.
- C. Calculation of a critical storm for each subdrainage unit of the site shall be determined as follows:
 1. Calculate by appropriate hydrologic methods, such as the NRCS Technical Release 55², the total volume of runoff from a one-year frequency, 24-hour storm occurring on the development area before, during, and after development.
 2. From the volumes determined in (f)(1)C.1. above, determine the percentage increase in volume of runoff due to the proposed development, and using this percentage, select the 24-hour critical storm from this table:

If the percentage of increase in volume of runoff is (see chart below):

% Equal To or Greater Than	% Less Than	The Critical Storm for Peak Rate Control
-	10	1 year
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	-	100 years

- D. The City Manager's Office shall approve or reject any calculation method based on its technical validity for the given situation.
- (2) Off-Site stormwater control facilities. Exceptions to requiring permanent on-site runoff control on the site may be considered by the City Manager's Office provided the applicant can prove that:
 - A. The intent and standards of this Ordinance for runoff control can be best achieved by the utilization of off-site stormwater control facilities.
 - B. Runoff from the site can be conveyed to off-site stormwater facilities in a manner and by means which satisfy or surpass the standards of this Ordinance.
 - C. The applicant has ownership of or the right to use the off-site facility in question.
- (3) Stormwater management plan submission, review and action.
 - A. The applicant is to have a pre-submission meeting with the City Manager's Office as part of the preliminary plan approval process.
 - B. Submission of two (2) sets of the SMP and other supporting data required by this regulation to the City Manager's Office completes the applicant's responsibilities and initiates the review process.
 - C. The SMP shall be reviewed by the City Manager's Office to:
 - 1. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions.
 - 2. Assess the SMP in relation to the Performance Standards and requirements of this Ordinance.
 - D. The City Manager's Office shall either:
 - 1. Approve the SMP as submitted by the applicant; or
 - 2. Disapprove the SMP with comments.
 - E. Action by the City Manager's Office approving or disapproving the SMP is a final order for purposes of judicial review.

(Ord. 0-12-06-17. Passed 1-4-07; Ord. 0-02-22-04. Passed 3-3-22.)

1195.06 COMPLIANCE RESPONSIBILITY.

(a) Performance Liability. No provision of this Ordinance shall limit, increase or otherwise limit the liabilities of the applicant nor impose any liability upon City of Clayton not otherwise imposed by law.

(b) No Release From Other Requirements. No condition of this permit shall release the applicant from any responsibility or requirements under other federal, state, or local environmental regulations. If requirements vary, the most restrictive requirement shall prevail.

(c) Proceeding with Activity. Soil-disturbing activities regulated under this regulation shall not begin until all necessary state and federal permits and appropriate approvals of Site Development Plans or Stormwater Management Plans have been granted to the site owner/applicant and presented to the City Manager's Office.

(d) Performance Responsibility. The applicant is responsible for carrying out all provisions of the approved Site Development Plan or SMP and for meeting all the standards and requirements of this regulation.

(e) Enforcement.

- (1) All development sites are subject to inspections by the City of Clayton City Manager's Office to ensure compliance with the approved Site Development Plan or SMP.
- (2) After each inspection a status report shall be prepared and distributed by the owner/developer to the City Manager's Office.
- (3) If it is found that the operations are being conducted in violation of the approved Site Development Plan and SMP, a stop-work order may be issued until the identified violations cease.
- (4) After the issuance of a temporary stop-work order provided for in subsection (e)(3) hereof, but before the imposition of any fines, the applicant shall have the opportunity to request a hearing before the City Manager's Office to show cause why work should not be stopped. A hearing shall be scheduled at the time that a request for such a hearing is made to the City Manager's Office.
- (5) Following the issuance of a temporary stop-work order, the City Manager's Office shall determine if and when the development may proceed. All work must be terminated when a temporary stop-work order is issued. A hearing will be held within 1 work week. Any determination by the City Manager's Office(s) pursuant to this section is a final order for purposes of judicial review.

(f) Penalties Subsequent To Issuance of Stop-Work Order. Subsequent to the issuance of a stop-work order, one or more of the following penalties may be imposed.

- (1) If the earth disturbing activity involves a subdivision, the applicable penalties (including fines) provided for in the Subdivision Regulations of the City of Clayton shall apply.
- (2) The City Manager's Office on behalf of the City of Clayton may enter the site and make any modifications necessary to correct the situation(s) involving excessive erosion or sedimentation, and place the cost of such corrective actions on the tax duplicate of the developer/owner.

- (3) The City Manager's Office may request the legal representative of the City of Clayton to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this Ordinance. In granting such relief, the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines as identified in Section 1195.06(l)(1) or any other relief the court determines.
- (g) Internal Inspections.
 - (1) All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The site owner and/or applicant shall assign certified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required.
 - (2) The site owner shall maintain for three (3) years following the final stabilization of the site a record summarizing inspections, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site in compliance with the SMP and identify any incidents of non-compliance.
- (h) Ownership and Maintenance of Stormwater Facilities.
 - (1) In cases where stormwater control facilities are proposed on single private properties, the City Manager's Office shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities.
 - (2) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City of Clayton accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities.
 - (3) All inspection and maintenance agreements shall do the following:
 - A. Designate the party(ies) responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair.
For subdivisions, unless otherwise approved by the City of Clayton, this shall be an entity of common ownership (e.g. Land/Homeowner's Association) within the proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association.

- B. Prohibit unauthorized alterations of all stormwater management facilities.
- C. Provide adequate access to all stormwater management facilities for inspection by the City of Clayton City Manager's Office and corrective actions by the owner.
- (4) All stormwater management facility easements shall be on the final plat, prior to approval by the City of Clayton, and a reference shall be made to the entity or individual(s) responsible for their maintenance.
- (5) The owner/developer shall submit four (4) sets of as-builts of all stormwater facilities and improvements to the City of Clayton.
- (6) The City Manager's Office may require the owner and/or the applicant to follow the maintenance procedure outlined in Ohio R.C. 6131.63. The City Manager's Office(s) may require of the owner and/or applicant any one or all of the following prerequisites:
 - A. Benefit two or more property owners.
 - B. Are designed for cost-effective maintenance.
 - C. Are determined by the City Manager's Office to be appropriate additions to this jurisdiction's existing storm drainage system.
 - D. Are not better suited for private maintenance by an individual or group of property owner(s), with ultimate responsibility for maintenance in the event of default on the part of the owner(s) remaining with jurisdiction.
- (7) The following conditions shall apply to all drainage easements:
 - A. Easements shall be approved by the City Manager's Office(s) prior to approval of the final plat and shall be recorded with said plat.
 - B. Unless otherwise required by the City Manager's Office drainage easements shall be no less than ten (10) feet wide unless deemed otherwise, plus the width of the stormwater facility(ies).
 - C. Unless otherwise required by the City Manager's Office, stormwater management facilities, including basin, ponds or other retention/detention practices, shall be on separate lots held and maintained by an entity of common ownership (Land/Homeowners Association).
 - D. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction – "Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the approval of the City Manager's Office. Maintenance of the drainage easement area, stormwater control facility(ies), and ditches shall be the responsibility of the owner(s) of the lot on which these facilities and/or ditches are located."

(i) Schedule of Fees. The City of Clayton shall establish a schedule of fees, charges, expenses, and collection procedure for same and other matters pertaining to this Ordinance. The schedule of fees shall be posted at the applicable City of Clayton offices. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(j) Complaints. The City Manager's Office shall investigate any complaint related to earth disturbing activities covered by this Ordinance.

(k) Violations. No person shall violate or cause or knowingly permit to be violated any of the provisions of this Ordinance, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this Ordinance or in violation of any approval permit granted under this Ordinance.

(l) Penalties.

- (1) Violation of any provision of this or any amendment or supplement thereto, or failure to comply with any of the requirements herein shall constitute a misdemeanor. Any person or persons violating any of the provisions herein shall upon conviction be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (2) Upon notice from the City Manager's Office, that work is being done contrary to this Ordinance, such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant, and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the City Manager's Office may require that work be stopped upon verbal order pending issuance of the written order.
- (3) The imposition of any other penalties provided herein shall not preclude the City of Clayton, by or through its Law Director and/or any of its assistants, from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City Manager's Office.
(Ord. 0-12-06-17. Passed 1-4-07.)

APPENDIX A
OHIO EPA CONSTRUCTION ACTIVITY
PERMIT OHC000002

(EDITOR'S NOTE: Please consult the City Engineer to obtain a copy of the permit referenced above.)

CHAPTER 1197
Storm Sewer System Illicit Discharge Detection and Elimination

1197.01	Purpose and intent.	1197.12	Watercourse protection.
1197.02	Definitions.	1197.13	Notification of spills.
1197.03	Applicability.	1197.14	Enforcement.
1197.04	Responsibility for administration.	1197.15	Appeal of notice of violation.
1197.05	Severability.	1197.16	Enforcement measures after appeal.
1197.06	Ultimate responsibility.	1197.17	Cost of abatement of the violation.
1197.07	Discharge prohibitions.	1197.18	Injunctive relief.
1197.08	Suspension of MS4 access.	1197.19	Alternative compensatory actions.
1197.09	Industrial or construction activity discharges.	1197.20	Violations deemed a public nuisance.
1197.10	Monitoring of discharges.	1197.21	Criminal prosecution.
1197.11	Requirements to prevent, control, and reduce storm water pollutants by the use of Best Management Practices.	1197.22	Remedies not exclusive.
		Exhibit A	Affidavit for Search Warrant
		Exhibit B	Search Warrant
		Exhibit C	Return

CROSS REFERENCES
Stormwater Management - see P. & Z. Ch. 1195

1197.01 PURPOSE AND INTENT.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Clayton through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (b) To prohibit illicit Connections and Discharges to the municipal separate storm sewer system.

- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.02 DEFINITIONS.

For purposes of this chapter, the following shall mean:

- (a) **Authorized Enforcement Agency:** Employees or designees of the director of the municipal agency designated to enforce this chapter.
- (b) **Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (c) **Clean Water Act:** The federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.
- (d) **Construction Activity:** Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (e) **Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (f) **Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 1197.07 of this ordinance.
- (g) **Illicit Connections:** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (h) **Industrial Activity:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- (i) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- (j) **Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.
- (k) **Person:** Means an individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (l) **Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (m) **Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (n) **Storm Drainage System:** Publicly-owned facilities by which storm water is collected and/or conveyed including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (o) **Storm Water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (p) **Stormwater Pollution Prevention Plan:** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- (q) **Wastewater:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.03 APPLICABILITY.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.04 RESPONSIBILITY FOR ADMINISTRATION.

The City Manager and/or his/her designee, shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.05 SEVERABILITY.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.06 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.07 DISCHARGE PROHIBITIONS.

(a) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated-typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.08 SUSPENSION OF MS4 ACCESS.

(a) Suspension Due to Illicit Discharge in Emergency Situations. The City Manager and/or his/her designee, may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(b) Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.09 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Manager and/or his/her designee prior to the allowing of discharges to the MS4.

(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.10 MONITORING OF DISCHARGES.

(a) Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(b) Access to Facilities.

- (1) The City Manager and/or his/her designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the City Manager and/or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The City Manager and/or his/her designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The City Manager and/or his/her designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City Manager and/or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the City Manager and/or his/her designee access to a permitted facility is a violation of a storm water discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
- (7) If the City Manager and/or his/her designee has been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (See Exhibits A-C appended hereto).
(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.11 REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The City Manager and/or his/her designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.12 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.13 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.14 ENFORCEMENT.

(a) Whenever the City Manager and/or his/her designee finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of charges for services in the amount of \$50.00 and payment of remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.15 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the City Manager within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.16 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.17 COST OF ABATEMENT OF THE VIOLATION.

Within forty-five (45) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest with the City Manager objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the City by reason of such violation. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.18 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.19 ALTERNATIVE COMPENSATORY ACTIONS.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.20 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.21 CRIMINAL PROSECUTION.

(a) Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution for a misdemeanor of the fourth degree, to the fullest extent of the law, and shall be subject to a criminal penalty of not more than \$100.00 per violation per day and/or imprisonment for a period of time not to exceed 30 days.

(b) The authorized enforcement agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. (Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

1197.22 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. 0-11-07-23. Passed 11-15-07; Ord. 0-02-22-04. Passed 3-3-22.)

EXHIBIT A
(AFFIDAVIT FOR SEARCH WARRANT)

IN THE MATTER OF SEARCH OF:

STATE OF OHIO, MONTGOMERY COUNTY SS:

Before me, the undersigned Judge, personally appeared _____, who being first duly cautioned and sworn on oath, deposes and says:

- I. That in the City of Clayton, Montgomery County, Ohio, the offense(s) as listed in Paragraph I of the Search Warrant in this matter have occurred, in violation of Clayton Codified Ordinance _____, and additionally states in support of the issuance of a Search Warrant that
 _____.
- II. That Affiant requests the issuance of a Search Warrant for the items of property listed in Paragraph II of the Search Warrant and pursuant to Clayton Codified Ordinance Section 1197.10(b)(7) such that Affiant can obtain duly authorized access to the premises and/or facility described in the Search Warrant in order to carry out its duties under said Ordinance to inspect for illicit stormwater discharges in violation of the law and/or which may be dangerous to the health, safety and welfare of the Citizens of Clayton, Ohio.
- III. That the said property and/or facility to be inspected is identified in Paragraph III of the Search Warrant and the said items of property are concealed upon the person(s) described and/or the place(s) described in Paragraph III of the Search Warrant.
- IV. That the facts upon which the Affiant bases said beliefs are:
 _____.

Based upon the above facts and beliefs, Affiant requests a Warrant be issued to the proper police authority authorizing a personal search of the person(s) above described for the items and things named, and for a search of the described places and things for said items of property; and if said items of property or any part thereof, are found in the places or in the things described, or upon the person(s) described, authority is requested to seize said items of property which may be found and to seize the described person(s) in the unlawful control of said items of property.

Affiant says there is no urgent necessity for a nighttime search.

Affiant says there is an urgent necessity for a nighttime search and seizures to be made in nighttime to prevent the destruction and concealment of evidence and for the further reason: _____.

Affiant

Sworn to before me and subscribed in my presence by _____ on this
_____ day of _____ 20____ at _____ AM/PM.

JUDGE

**EXHIBIT B
(SEARCH WARRANT)**

IN THE MATTER OF SEARCH OF:

STATE OF OHIO, MONTGOMERY COUNTY SS:

To: _____ and all other law enforcement officers:

Whereas, there appeared personally before me one _____ and swore to the facts set forth in an Affidavit on file with the Court in this matter.

Whereas, I find from said Affidavit that there is probable cause to believe:

- I. That in the City of Clayton, Montgomery County, Ohio, the following criminal offense(s) have occurred:

_____.

- II. That the following described items of property are connected with the commission of said offense(s):

_____.

- III. That the said items of property are concealed either:

- a. Upon the person of:
b. and/or the following place(s):

NOW, THEREFORE, you are hereby **COMMANDED**, in the name of the State of Ohio, with necessary and proper assistance, within three days, to enter into the place or places described in Paragraph III(b) above, and there diligently search for the property described in Paragraph II above and to permit inspection by the City Manager of the City of Clayton, Ohio and/or his designee pursuant to Clayton Codified Ordinance 1197.10(b)(7) of the places identified herein. I find that there is reasonable cause to justify and hereby authorize execution of this Warrant during the _____ time. Within the territorial jurisdiction of this Court, you are authorized to search the person(s) and/or places described in Paragraph III(a) above for items of property described in Paragraph II above. Of this warrant make due return to the undersigned, accompanied by an inventory of any property seized.

All property seized pursuant to this Warrant shall be forthwith delivered into the custody of the Police Department Evidence Custodian to be held as evidence or until further Order of this Court.

The facts upon which the Affiant relies and bases his/her belief that said items of property and things are so unlawfully concealed are contained in Paragraph IV of the Affidavit which is filed in support of this Warrant and is incorporated herein.

Date/Time

JUDGE

**EXHIBIT C
(RETURN)**

On _____, 20____, at _____AM/PM, I received the attached Search Warrant and

A. _____ WARRANT SERVED: On _____, 20_____.

_____ I gave to _____, the person to whom the warrant was served.

_____ I left at _____, the place where the search was made, a copy of this warrant.

Further:

_____ No property was taken

_____ Property was taken as shown on the attached Inventory and Receipt.

_____ I gave a copy of the Inventory and Receipt to the person indicated on that form.

_____ I left a copy of the Inventory and Receipt at the place indicated on that form.

B. _____ WARRANT NOT SERVED. I am returning this Warrant without executing same.

Dated: _____, 20_____

Law Enforcement Officer