



## City of Sharonville Planning and Zoning Code

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# Chapter 1101: General Provisions

## 1101.01 PURPOSE

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It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, prosperity, convenience, and general welfare of the people of the City of Sharonville through the establishment of minimum regulations governing the subdivision, development, structures, and use of land. Furthermore, the more specific purpose of this planning and zoning code is to:

- (a) Implement the City of Sharonville Comprehensive Plan and other policies or plans adopted or approved by the City as they relate to the development of land;
- (b) Encourage and facilitate orderly, efficient, and appropriate growth and development;
- (c) Protect the character and the values of the residential, business, industrial and recreational areas and to assure the orderly and beneficial development of these areas;
- (d) Provide adequate open spaces for light and air for all residents;
- (e) Establish appropriate development density and intensity in order to prevent or reduce congestion and to secure the economy in the cost of providing water supply systems, electricity, sewerage systems, streets, and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;
- (f) Manage congestion on the streets to improve the public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with traffic movements;
- (g) Provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;
- (h) Encourage interconnectivity of developments in order to provide multiple access points in and out of developments for safety purposes and traffic dispersion;
- (i) Improve the quality of life through protection of the City's total environment including, but not limited to, the prevention of air, water and noise pollution;
- (j) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and
- (k) Foster a more rational pattern of relationship between recreation, conservation, residential, business, commercial, industrial, and institutional uses for the mutual benefit of all.

## 1101.02 SCOPE AND AUTHORITY

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### (a) General Authority and Scope

- (1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the zoning and subdivision of land.
- (2) Nothing in this code shall be construed to limit City Council in the exercise of all of its powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

### (b) References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC)

Whenever any provision of this code refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

## 1101.03 TITLE

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These regulations shall be known and may be cited as the "Planning and Zoning Code of the City of Sharonville," or may be referred to as the "planning and zoning code," the "Sharonville Zoning Code (SZC)," or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of the City of Sharonville, Ohio.

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## 1101.04 EFFECTIVE DATE

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This code was originally adopted by City Council on January 11, 1983 (Ordinance 82-61), as amended. Any amendment to this code shall become effective 30 days after the adoption by City Council.

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## 1101.05 APPLICABILITY

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### (a) General Applicability

- (1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the City of Sharonville in Hamilton County and Butler County, Ohio. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section [1101.01: Purpose](#).
- (2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.
- (3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### (b) Essential Services Exempted

- (1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards or commissions of essential services shall be exempt from the regulations of this code. Provided, however, that the installation of such essential services shall conform to Federal Communications Commission and Federal Aviation Administration rules and regulations, and those of other authorities having jurisdiction.
- (2) Buildings required in conjunction with an essential service identified in Section [1101.05\(b\)\(1\)](#) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with [Chapter 1105: Base Zoning Districts and Principal Uses](#).

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## 1101.06 COMPREHENSIVE PLAN AND OTHER CITY PLANS

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The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of the City of Sharonville Comprehensive Plan, as amended and herein referred to as the "Comprehensive Plan." Such plan, or references to such plan, shall also include other adopted or approved plans within the City that relate to development including, but not limited to, a thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the Comprehensive Plan or any other adopted or approved City plans.

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## 1101.07 INTERPRETATION AND CONFLICTS

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### (a) Interpretation of Provisions

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

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

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

### (c) Repeal of Conflicting Ordinance

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

## 1101.08 RELATIONSHIP WITH THIRD-PARTY PRIVATE AGREEMENTS

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

## 1101.09 COMPLIANCE WITH BUILDING AND FLOODPLAIN REGULATIONS

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- (a) Buildings and structures may be subject to building code requirements in addition to the requirements of this code. See Part Thirteen of the Codified Ordinances of Sharonville for standards and applicability.
- (b) Buildings, structures, and uses may also be subject to flood damage reduction requirements if located in a special flood hazard area. See Chapter 1321 of the Codified Ordinances of Sharonville for standards and applicability.
- (c) Enforcement and administration of the regulations referred to in this section shall be as established in the applicable part of the Codified Ordinances and not through this planning and zoning code.

## 1101.10 SEVERABILITY

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

## 1101.11 TRANSITIONAL RULES

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- (a) **Purpose**  
The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code amendment.
- (b) **Violations Continue**
  - (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Chapter 1133: Enforcement and Penalties](#) unless the use, development, construction, or other activity complies with the provisions of this code.
  - (2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.
- (c) **Nonconformities Continue**
  - (1) Any nonconformity that was legally established and that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist. All such nonconformities shall be controlled by [Chapter 1131: Nonconformities](#).
  - (2) If a legally established nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

- (3) Any nonconformity that was not legally established in accordance with the provisions of this code shall not be protected and shall be considered a violation of this code.

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

**(1) Pending Projects**

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

**(2) Approved Projects**

- A. Approved planned unit developments, site plans, variances, certificates of appropriateness, conditional uses, certificates of zoning approval, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.
- C. If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

**(e) Vested Rights**

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

**1101.12 RESTORATION OF UNSAFE BUILDINGS**

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

**1101.13 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES**

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

**1101.14 BURDEN OF PROOF**

- (a) The burden of demonstrating that an application, development, structure, or use of land or structures subject to this code complies with applicable review and approval standards rests with, and is the responsibility of, the applicant.

- (b)** The burden of proof also rests with, and is the responsibility of, any person claiming that a nonconformity was established legally under a previous amendment of this code.
- (c)** The burden of proof is not the responsibility of the City or other parties to demonstrate that the standards have (or have not) been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this code.

# Chapter 1103: Establishment of Zoning Districts

## 1103.01 PURPOSE

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

## 1103.02 ESTABLISHMENT OF ZONING DISTRICTS

### (a) Districts Established

- (1) The City hereby establishes the zoning districts in [Table 1103-1](#) to carry out the purposes of this code and to assist in the implementation of the Comprehensive Plan. All such regulations are uniform for each class or kind of building, structure, or use throughout each individual district.

TABLE 1103-1: SHARONVILLE ZONING DISTRICTS	
Abbreviation	District Name
<b>Residential Zoning Districts</b>	
R1-A	Single-Family A District
R1-B	Single-Family B District
R2-C	Two-Family – Townhouse C District
RM-D	Multi-Family D District
<b>Nonresidential Zoning Districts</b>	
OB	Office Building District
LB	Local Business District
GB	General Business District
CBD	Central Business District
SM-D	Support Mixed-Downtown District
CS	Commercial Service District
GI	General Industrial District
ITC	Industrial Truck Center District
PF	Public Facilities District
<b>Special Zoning Districts</b>	
NLO	Northern Lights Overlay District
RRO	Reading Road Gateway North Overlay District
PUD	Planned Unit Development District

- (2) Whenever the abbreviated terms such as PF, R1-A, LB, GB, etc. are used in the code, they shall be construed as referring to their corresponding district name.

### (b) Overlay Zoning Districts

- (1) Due to unique characteristics and/or recommendations of the Sharonville Comprehensive Plan, some areas of the City may be divided into overlay zoning districts as established in [Table 1103-1](#).
- (2) As the name implies, overlay zoning districts are “overlaid” on top of base zoning districts where both districts affect the use of lots subject to those districts.
- (3) Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an expressed conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

(c) **References to Previous Zoning Districts**

Some of the district classifications and names established within this code differ from previous versions of this code. [Table 1103-2](#) identifies how each of the previous district classifications were renamed in this code. This table shall be used for comparison purposes only.

TABLE 1103-2: ZONING DISTRICT TRANSITION TABLE			
Zoning Districts in the Planning and Zoning Code Effective Prior to June 9, 2022		Zoning Districts in the Planning and Zoning Code Effective June 9, 2022	
Abbrev.	District Name	Abbrev.	District Name
<b>Residential Zoning Districts</b>			
R1-A	One Family A District	R1-A	Single-Family A District
R1-B	One Family B District	R1-B	Single-Family B District
R2-C	Two Family – Townhouse C District	R2-C	Two-Family – Townhouse C District
RM-D	Multi-Family D District	RM-D	Multi-Family D District
<b>Nonresidential Zoning Districts</b>			
OB	Office Building District	OB	Office Building District
LB	Local Business District	LB	Local Business District
GB	General Business District	GB	General Business District
GB-A	General Business - Apartments District		
CBD	Central Business District	CBD	Central Business District
SM-D	Support Mixed-Downtown District	SM-D	Support Mixed-Downtown District
CS	Commercial Service District	CS	Commercial Service District
GI	General Industrial District	GI	General Industrial District
ITC	Industrial Truck Center District	ITC	Industrial Truck Center District
PF	Public Facilities District	PF	Public Facilities District
<b>Special Zoning Districts</b>			
---	Mosteller Road Economic Development Overlay District	<b>District Eliminated</b>	
NLO	Northern Lights Overlay District	NLO	Northern Lights Overlay District
---	Reading Road Gateway North Overlay District	RRO	Reading Road Gateway North Overlay District
PUD	Planned Unit Development	PUD	Planned Unit Development District
HDR-PUD	High Density Residential PUD District		
Office-PUD	Office PUD District		
CO-PUD	Commercial/Office PUD District		
CSO-PUD	Commercial Service/Office PUD District		

**1103.03 ZONING DISTRICT MAP AND DISTRICT BOUNDARIES**

(a) **Zoning District Map**

All land within the City of Sharonville shall be placed into at least one of the zoning districts established in [Table 1103-1](#). Such zoning shall be shown on the official Zoning Map of Sharonville, Ohio, hereafter referred to as the “zoning map.” The zoning map, including any notations, shall be incorporated and made a part of this code.

(b) **Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:

- (1) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (2) Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- (3) Where zoning district boundary lines are indicated as approximately following City limits, such City limits shall be the zoning district boundary.
- (4) When the actual street, right-of-way, property line boundary, or other existing ground condition is in conflict with that shown on the zoning map, the Director of Community Development shall provide the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to submit technical evidence to illustrate the boundary.

(c) **Zoning of Vacated Properties**

Whenever any street, alley, or other public right-of-way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

(d) **Zoning of Annexed Territories**

All territory which may hereinafter be annexed to the City, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in Section [1129.03](#).

# Chapter 1105: Base Zoning Districts and Principal Uses

## 1105.01 ZONING DISTRICT PURPOSE STATEMENTS

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In addition to the overall purpose of this code, as established in Section [1101.01](#), the following are the purpose statements for the individual base zoning districts in the City of Sharonville. The purpose statements for overlay districts are established in [Chapter 1107: Overlay Zoning Districts](#) and the purpose statements for Planned Unit Developments (PUDs) are established in [Chapter 1109: Planned Unit Developments](#).

### (a) Residential Districts (R1-A, R1-B, R2-C, and RM-D)

Residential districts and their regulations are established in order to achieve, among others, the following purposes:

- (1) Provide uniform regulations for residential uses in conformance with the overall purposes of this code;
- (2) Regulate the density and distribution of population in accordance with the objectives of the Comprehensive Plan to avoid congestion and to maintain adequate services;
- (3) Provide for the proper location of residential dwellings in proximity to community and shopping facilities so as to increase the general convenience, safety, and amenities in the area;
- (4) Provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences from other incompatible land uses; and
- (5) Protect the desirable characteristics of existing residential development to promote neighborhood stability.

### (b) Commercial Districts (OB, LB, GB, CBD, and SM-D)

Commercial districts and their regulations are established in order to achieve, among others, the following purposes:

- (1) Provide uniform regulations for commercial uses in conformance with the overall purposes of this code;
- (2) Provide appropriate and conveniently located zoning districts of sufficient size for the exchange of goods and services and other business activities;
- (3) Provide Local Business Districts to serve the needs for convenience goods in proximity to the immediate neighborhood which do not generate or attract large volumes of traffic and which are easily and safely accessible by pedestrians;
- (4) Provide General Business Districts which require larger land areas that may be open in the evening and that generate large volumes of traffic serving the needs for shopping and convenience goods and services of the entire community;
- (5) Provide for the Central Business District and for the Support Mixed-Downtown District which encourage more compact and walkable development that can serve as both a central hub of shopping and entertainment as well as a community gathering space;
- (6) Provide for districts with a focus on nonretail professional services, banking and management and professional offices of commercial, industrial, public and semi-public institutions;
- (7) Provide for a mixture of residential and commercial uses in certain districts;
- (8) Protect adjacent residential neighborhoods by regulating the types and spacing of business uses, particularly at the common boundaries, that would create hazards, noises, odors or other objectionable influences; and
- (9) Promote the most desirable land use and traffic patterns in accordance with the objectives of the Comprehensive Plan.

### (c) Industrial Districts (CS, GI, and ITC)

Industrial districts and their regulations are established in order to achieve, among others, the following purposes:

- (1) Provide uniform regulations for nonretail and industrial uses in conformance with the overall purposes of this code;

- (2) Provide appropriate and convenient districts that allow for areas dedicated to research, providing commercial services, manufacturing, and distributing goods to serve the community;
- (3) Provide appropriate and convenient areas for business, contracting, storage and distribution services, and related types of minor production processes;
- (4) Provide a variety of industrial districts for those products and processes which normally require a large amount of motor vehicle trucking and rail service for the transportation of raw materials and finished products, but in which dust, smoke, fumes, glare, odors, or other objectionable influences can be controlled;
- (5) Provide Industrial Truck Center Districts intended to serve large scale truck terminals and general storage and warehouse operations involving interstate and intrastate motor carriers in which activities are generally incompatible with other uses and which shall be located strategically for efficient coordination with the City's planned street and thoroughfare systems;
- (6) Improve the general environment by prohibiting dwellings, institutions, and public facilities in the industrial districts, and by so doing, making land more readily available for industry;
- (7) Protect adjacent residential districts by restricting the types of manufacturing uses and trucking activities in the surrounding area to only those not creating objectionable influences beyond their district boundaries and by separating and insulating them from the most intensive manufacturing and trucking activities;
- (8) Protect manufacturing and related development against congestion insofar as is possible and appropriate in each area by limiting the bulk of buildings in relation to the land and by providing off-street parking and loading facilities; and
- (9) Promote the most desirable use of land in accordance with the objectives of the Comprehensive Plan.

**(d) Public Facilities District (PF)**

The purpose of the Public Facilities District is to:

- (1) Provide proper zoning classification for government, civic, welfare, and recreation facilities in the proper locations and extents so as to promote public health, safety, convenience, comfort, prosperity and general welfare;
- (2) Protect public and semi-public facilities and institutions from the encroachment of certain other uses and make such uses compatible with adjoining residential uses; and
- (3) Provide an environment for the proper functioning of public facilities in relation to the Comprehensive Plan and other plans for community facilities.

**1105.02 ALLOWED PRINCIPAL USES**

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(a) [Table 1105-1](#) lists the principal uses allowed within the various base zoning districts in the City of Sharonville. [Chapter 1109: Planned Unit Developments](#) identifies the uses that are allowed in PUDs.

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

**(1) Permitted Uses (P)**

- A. A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B. Permitted uses are approved administratively by the Planning Commission through the site plan review process (See Section [1129.07.](#)) or by the Director of Community Development through the certificate of zoning approval procedure (See Section [1129.12.](#)), unless subject to additional reviews (e.g., variance, etc.).

**(2) Permitted Uses with Standards (PS)**

- A. A "PS" in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1105-1](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process (See Section [1129.07.](#)) or by the Director of Community Development through the certificate of zoning approval procedure (See Section [1129.12.](#)), unless subject to additional reviews (e.g., variance, etc.).

**(3) Conditional Uses (C)**

- A. A “C” in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure (See Section [1129.04.](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1105-1.](#) Conditional uses are subject to all other applicable standards of this code.
- B. The existence or lack of additional use-specific standards for conditional uses in this code shall not be implied to be the only standards the conditional use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1129.04\(d\).](#)
- C. Where a use is listed as PS/C, there may be certain circumstances in which a conditional use approval may be required rather than the use being permitted with standards. The specific approval required shall be as established in the use-specific standards.

**(4) Overlay Districts**

- A. [Table 1105-1](#) includes a column for the Northern Lights Overlay District (NLO) because the NLO alters how uses allowed in underlying base zoning districts per the following:
  - i. Where a use is permitted (P), permitted with standards (PS), conditional (C), or prohibited (XX) in the NLO District under [Table 1105-1](#), then such use is permitted or prohibited, as applicable, in the NLO District regardless of how it is allowed or if it prohibited in the underlying base zoning district.
  - ii. A “UD” in a cell under the NLO District establishes that the use is permitted in the same manner as the underlying zoning district.
- B. Uses in the Reading Road Gateway North Overlay District (RRO) are allowed pursuant to underlying base zoning district.
- C. See [Chapter 1107: Overlay Zoning Districts](#) for additional standards related to all overlay zoning districts.

**(5) Prohibited Uses (XX)**

- A. An “XX” in a cell indicates that a use is specifically prohibited in the applicable zoning district.
- B. Any use not specifically listed in the table shall be considered prohibited unless approved as a similar use (See Section [1105.02\(d\).](#)) or through a code text amendment.
- C. There may be districts where a specified use is prohibited either by an overlay zoning district or by the use-specific standards referenced in the last column of [Table 1105-1.](#)
- D. The following uses are specifically prohibited in the City of Sharonville and may not be approved as a similar use in accordance with Section [1105.02\(d\)](#):
  - i. Medical marijuana dispensary;
  - ii. Medical marijuana cultivation;
  - iii. Medical marijuana processing;
  - iv. Medical marijuana business;
  - v. Battery reclamation or manufacturing, the manufacturing or processing of regulated substances as the principal activity, the manufacturing of paints, varnishes, lacquers, and enamels, or any similar type of use that could potentially create a brownfield site;
  - vi. Transfer, storage, or disposal facilities requiring a permit under the Resource Conservation and Recovery Act of 1976;
  - vii. Junk and scrap metal yards, and auto salvage and recycling yards;
  - viii. Sanitary landfills and solid waste landfills;
  - ix. Construction and demolition debris landfills;
  - x. Correctional institutions;
  - xi. Outdoor storage of goods, materials, or vehicles as the principal use of a property; and
  - xii. Any gambling activity that is not expressly allowed by state law within a building or use allowed under this code.

**(6) Use-Specific Standards**

- A. The column titled “Use-Specific Standards” includes cross-references to a section containing standards that apply specifically to the listed use.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) or is a conditional use (C) in the zoning district.
- C. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

**(c) Multiple Uses**

If multiple uses are proposed on a single lot or in a single building, then each of the individual uses shall be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

**(d) Similar Use Determination and Unlisted Uses**

- (1) The Director of Community Development shall make the determination if a proposed use is permitted, permitted with standards, conditional, or prohibited under the provisions of this chapter.
- (2) The Director of Community Development may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, conditional, or prohibited as established in [Table 1105-1](#) based on:
  - A. The proposed use activities;
  - B. The character of the proposed use as compared to other uses;
  - C. Similarity to existing uses within the City; and/or
  - D. Information on the use that may be available from third-party or governmental land use resources such as documentation from the American Planning Association, Urban Land Institute, the U.S. Census Bureau, or similar organizations.
- (3) If the Director of Community Development determines that the proposed use is substantially similar to a use established in [Table 1105-1](#), the application shall be processed in the same manner as the similar use.
- (4) In finding that a proposed use is similar to a use established in [Table 1105-1](#), the Director of Community Development shall make a note of the similar use on the application form submitted by the applicant (e.g., certificate of zoning approval, site plan review, conditional use, etc.).
- (5) If the Director of Community Development makes the determination that a use is not allowed, the application shall be denied. Such decision may be appealed to the BZA pursuant to Section [1129.13](#).

**TABLE 1105-1: PRINCIPAL USES**

Principal Land Uses	P=Permitted Use				PS=Permitted Use with Standards				C=Conditional Use				UD=Only as Allowed in Underlying District				Use-Specific Standards See Section:
	R1-A	R1-B	R2-C	RM-D	OB	LB	GB	CBD	SM-D	NLO	CS	GI	ITC	PF			
<b>Agricultural Uses</b>																	
Community Gardens	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	PS	<a href="#">1105.03(a)</a>	
<b>Residential Uses</b>																	
Dwelling, Multi-Family	XX	XX	XX	P	XX	XX	XX	C	C	UD	XX	XX	XX	XX		<a href="#">1105.03(x)</a>	
Dwelling, Single-Family	P	P	P	P	XX	XX	XX	XX	P	XX	XX	XX	XX	XX			
Dwelling, Two-Family	XX	XX	P	P	XX	XX	XX	XX	P	XX	XX	XX	XX	XX			
Dwelling, Rowhouse	XX	XX	P	P	XX	XX	XX	XX	P	UD	XX	XX	XX	XX			
Residential Facilities	PS	PS	PS/C	PS/C	XX	XX	XX	XX	XX	UD	XX	XX	XX	XX		<a href="#">1105.03(b)</a>	
Skilled Nursing or Personal Care Facilities	XX	XX	XX	XX	PS	XX	PS	XX	XX	XX	XX	XX	XX	PS		<a href="#">1105.03(c)</a>	
<b>Public and Institutional Uses</b>																	
Active Recreational Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	PS	<a href="#">1105.03(d)</a>	
Cemeteries	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P			
Cultural Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	UD	XX	XX	XX	P			
Educational Institutions (Higher Education)	XX	XX	XX	XX	XX	XX	P	XX	XX	UD	XX	XX	XX	P			
Educational Institutions (Preschool and K-12)	XX	XX	XX	XX	XX	XX	XX	XX	XX	UD	XX	XX	XX	P			
Essential Services	P	P	P	P	P	P	P	P	P	UD	P	P	P	P			
Fraternal, Charitable, and Service Oriented Clubs	XX	XX	XX	C	XX	XX	PS	XX	XX	UD	XX	XX	XX	PS		<a href="#">1105.03(e)</a>	
Government Offices and Buildings	XX	XX	XX	XX	XX	XX	XX	XX	XX	UD	XX	XX	XX	P			
Memorial and Monuments	XX	XX	XX	XX	XX	XX	XX	XX	XX	UD	XX	XX	XX	P			
Hospitals	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P			
Passive Parks, Open Space, and Natural Areas	XX	XX	XX	XX	XX	XX	XX	XX	XX	UD	XX	XX	XX	P			
Places of Worship	XX	XX	XX	XX	XX	XX	P	P	P	UD	XX	XX	XX	P		<a href="#">1105.03(f)</a>	
Public Parking Lots or Garages	XX	XX	XX	XX	XX	XX	P	P	P	P	XX	XX	XX	P			
Public Utility Buildings and Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P			
Residential Community Centers	C	C	C	C	XX	XX	XX	XX	XX	UD	XX	XX	XX	XX		<a href="#">1105.03(g)</a>	
Wireless Communications Towers and Antenna	XX	XX	XX	XX	C	C	C	C	C	C	C	C	C	C		<a href="#">1105.03(h)</a>	

TABLE 1105-1: PRINCIPAL USES																	
Principal Land Uses	P=Permitted Use				PS=Permitted Use with Standards				C=Conditional Use				UD=Only as Allowed in Underlying District				Use-Specific Standards See Section:
	R1-A	R1-B	R2-C	RM-D	OB	LB	GB	CBD	SM-D	NLO	CS	GI	ITC	PF			
XX=Prohibited Use																	
Commercial and Office Uses																	
Administrative, Business, or Professional Offices	XX	XX	XX	XX	P	P	P	P	P	UD	P	P	P	P			
Adult Entertainment Establishments	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	<a href="#">1105.03(i)</a>		
Animal Boarding Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	PS	PS	XX	XX	<a href="#">1105.03(j)</a>		
Animal Hospital/Clinics and Animal Grooming	XX	XX	XX	XX	XX	XX	C	C	XX	XX	P	XX	XX	XX			
Assembly Halls or Conference Centers	XX	XX	XX	XX	XX	XX	P	P	P	UD	XX	XX	XX	XX			
Automotive Repair and Service (Minor)	XX	XX	XX	XX	XX	C	PS	XX	XX	XX	PS	PS	XX	XX	<a href="#">1105.03(k)</a>		
Automotive Repair and Service (Major)	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	PS	PS	XX	XX	<a href="#">1105.03(l)</a>		
Commercial and Business Support Services	XX	XX	XX	XX	XX	XX	P	P	P	XX	P	XX	XX	XX			
Commercial Greenhouses	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P	XX	XX	XX			
Commercial Recreational Facilities (Indoors)	XX	XX	XX	XX	XX	C	P	XX	XX	UD	C	C	XX	XX			
Commercial Recreational Facilities (Outdoors)	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	C	C	C	XX	<a href="#">1105.03(d)</a>		
Financial Institutions – Cash Advance, Check Cashing, Short-Term Loan, and Pay Day Lending	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	XX	XX	XX	XX			
Financial Institutions - Other	XX	XX	XX	XX	C	C	P	P	P	UD	P	XX	XX	XX			
Fuel Stations	XX	XX	XX	XX	XX	C	PS	XX	XX	XX	PS	PS	PSs	XX	<a href="#">1105.03(k)</a>		
Funeral Homes and Mortuaries	XX	XX	XX	XX	PS	C	PS	PS	PS	XX	PS	PS	XX	XX	<a href="#">1105.03(m)</a>		
Hotels	XX	XX	XX	XX	XX	XX	P	P	P	UD	XX	XX	XX	XX			
Liquor Stores	XX	XX	XX	XX	XX	XX	P	C	XX	UD	XX	XX	XX	XX			
Medical/Dental Clinics and Health Centers	XX	XX	XX	XX	P	C	P	P	P	XX	XX	XX	XX	P			
Medication Maintenance Facilities or Dispensaries	XX	XX	XX	XX	XX	XX	P	XX	XX	XX	XX	XX	XX	P			

TABLE 1105-1: PRINCIPAL USES																	
Principal Land Uses	P=Permitted Use				PS=Permitted Use with Standards				C=Conditional Use				UD=Only as Allowed in Underlying District				Use-Specific Standards See Section:
	R1-A	R1-B	R2-C	RM-D	OB	LB	GB	CBD	SM-D	NLO	CS	GI	ITC	PF			
Microbrewery, Microdistillery, or Microwinery	XX	XX	XX	XX	XX	PS	PS or C	PS	PS	UD	PS	PS	XX	XX	<a href="#">1105.03(n)</a>		
Mixed-Use Buildings	XX	XX	XX	XX	XX	XX	C	C	C	P	XX	XX	XX	XX	<a href="#">1105.03(x)</a>		
Multi-Tenant Use	XX	XX	XX	XX	XX	P	P	P	P	UD	P	P	P	XX			
Nursery Schools and Day Care Centers (Adult or Child)	XX	XX	XX	XX	PS	C	PS	C	C	UD	C	XX	XX	XX	<a href="#">1105.03(o)</a>		
Personal Services	XX	XX	XX	XX	XX	P	P	P	P	UD	XX	XX	XX	XX			
Restaurants	XX	XX	XX	XX	XX	P	P	P	P	UD	P	C	XX	XX			
Restaurants, Drive-In or Drive-Through	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	XX	XX	XX	XX	<a href="#">1105.03(p)</a>		
Retail Businesses (10,000 square feet or smaller)	XX	XX	XX	XX	XX	P	P	P	P	UD	P	XX	XX	XX			
Retail Businesses (Over 10,000 square feet)	XX	XX	XX	XX	XX	XX	P	P	P	UD	P	XX	XX	XX			
Smokers Lounge	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	XX	XX	XX	XX			
Taverns or Bars	XX	XX	XX	XX	XX	C	C	C	C	UD	XX	XX	XX	XX			
Theaters	XX	XX	XX	XX	XX	C	P	P	P	UD	XX	XX	XX	XX			
Vehicle Sales and Leasing (New)	XX	XX	XX	XX	XX	XX	PS	XX	XX	XX	XX	XX	XX	XX	<a href="#">1105.03(q)</a>		
Vehicle Sales and Leasing (Used)	XX	XX	XX	XX	XX	XX	PS	XX	XX	XX	XX	XX	XX	XX	<a href="#">1105.03(r)</a>		
Vehicle Washing Establishments	XX	XX	XX	XX	XX	XX	C	XX	XX	XX	C	XX	XX	XX	<a href="#">1105.03(s)</a>		
Industrial Uses																	
Bulk Sale or Distribution of Fuels and Oils	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	C	XX			
Container Ports	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	XX	<a href="#">1105.03(t)</a>		
Contractor Equipment and Storage Yards	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	C	XX	<a href="#">1105.03(u)</a>		
Food Services	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P	P	P	XX			
Industrial Service Uses	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P	P	P	XX			
Machinery and Heavy Equipment Sales, Leasing, Storage, and Service	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P	P	XX			
Manufacturing and Production (Heavy or Outdoors)	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	XX			

TABLE 1105-1: PRINCIPAL USES																	
Principal Land Uses	P=Permitted Use				PS=Permitted Use with Standards				C=Conditional Use				UD=Only as Allowed in Underlying District				Use-Specific Standards See Section:
	R1-A	R1-B	R2-C	RM-D	OB	LB	GB	CBD	SM-D	NLO	CS	GI	ITC	PF			
Manufacturing and Production (Indoors)	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	P	P	XX			
Portable Storage Unit Sales, Rental, and Storage	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	XX			
Research and Development Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	P	P	P	XX			
Self-Storage Facilities	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	C	C	XX	<a href="#">1105.03(v)</a>		
Truck Terminals	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	PS	XX	<a href="#">1105.03(w)</a>		
Warehouses	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	C	P	P	XX			
Wholesale Establishments	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	P	P	XX			

## 1105.03 USE-SPECIFIC STANDARDS

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### (a) **Community Gardens**

- (1) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, and distribution of garden plots.
- (2) The name and telephone number of the owner and any person designated as the person in-charge of the garden coordination along with a copy of the operating rules shall be kept on file with the Director of Community Development.
- (3) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (4) There shall be no retail sales on site, except for produce grown on the site.
- (5) Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.
- (6) The community garden may include one storage shed and one farmers market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that are grown on-site.
- (7) Fences and walls shall be subject to the provisions of Section [1113.06](#).

### (b) **Residential Facilities**

- (1) Residential facilities as defined in ORC Chapter 5119 providing services for one to five people and residential facilities as defined in ORC Chapter 5123 providing services for six to eight people are allowed where single-family dwellings are permitted. Such use shall be deemed a permitted use in all residential zoning districts. Such facilities must comply with the lot and principal building regulations (See Section [1113.01](#).) and any other standards in this code that apply to single-family dwellings within the applicable district.
- (2) Residential facilities as defined in ORC Chapter 5119 providing services for six to 16 people and residential facilities as defined in ORC Chapter 5123 providing services for nine to 16 people are allowed in the R2-C and RM-D. Districts. Such use shall be deemed a conditional use in the R2-C and RM-D Districts. Such facilities must comply with the lot and principal building regulations (See Section [1113.01](#).) and any other standards in this code that apply to multi-family dwellings within the applicable district.

### (c) **Skilled Nursing or Personal Care Facilities**

- (1) The principal building shall be set back a minimum of 50 feet from any adjacent residential zoning district or lot that contains a single-family dwelling.
- (2) Skilled nursing or personal care facilities shall be located so as to provide direct access from a major or minor arterial.

### (d) **Active Recreational Facilities and Commercial Recreational Facility (Outdoors)**

- (1) The minimum lot area shall be at least one acre.
- (2) All structures, viewing areas, or seating areas shall be set back at least 100 feet from any residential zoning district.
- (3) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets. See Section [1113.03](#) for additional information on outdoor lighting.
- (4) The hours of operation may be regulated by the Planning Commission, if necessary, to mitigate adverse impacts on adjacent residential uses.
- (5) No use that involves the discharge of firearms is permitted.

### (e) **Fraternal, Charitable, and Service Oriented Clubs**

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards in Section [1111.01](#). However, such uses, where the conduct of business is the principal activity shall be prohibited, unless permitted in the applicable zoning districts.

**(f) Places of Worship**

The following standards shall apply to all places of worship in the SM-D District:

- (1) The maximum lot coverage shall be consistent with the provisions of the CBD District, or 25 percent of total area of parcel being developed. Increases may be approved by the Planning Commission as part of the site plan review process.
- (2) The maximum height shall be the same as that for uses in the CBD District. Increases may be approved by the Planning Commission as part of the site plan review process.

**(g) Residential Community Centers**

- (1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than 12 dwelling units.
- (2) Additional residential community centers may be approved as part of a development that is approved as a planned unit development.
- (3) The residential community center shall only be for the use of residents of the individual subdivision, multi-family dwelling development, or PUD, as applicable, and their guests.

**(h) Wireless Communications Towers and Antenna**

**(1) Purpose**

In recognition of the quasi-public nature of cellular and wireless personal communication systems, it is the purpose of these regulations, to the extent permitted by law, to apply the standards set forth in this section to specifically accomplish the following:

- A. Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the City;
- B. Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;
- C. Avoid potential damage to adjacent properties from communications towers and support structure failure;
- D. Encourage the joint use of any new and existing communications towers and support structures to reduce the number of such structures needed in the future; and
- E. Facilitate modifications to existing communication facilities.

**(2) Exemptions**

The following shall be exempt from the provisions of this section, but may be subject to other applicable sections of this code, as noted:

- A. A ground or building-mounted amateur radio antenna (See Section [1111.01.](#));
- B. A ground or building receive-only radio or television satellite dish antenna, for the sole use of the resident occupying a parcel on which the satellite dish is located (See Section [1111.01.](#));
- C. Mobile telecommunication services of a temporary nature providing public information coverage of a news event; and
- D. Government owned and operated receive-and/or-transmit telemetry station antennas for supervisory control and data acquisition systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems and similar uses.

**(3) Standards and Processes for New Wireless Communications Towers and Antenna**

**A. Standards of Approvals Applicable to All New Cellular or Wireless Communications Antennas and Towers as Conditional Uses**

- i. The applicant shall demonstrate that the tower and/or antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. In no case shall a tower exceed 200 feet in height.
- ii. If a cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:
  - a) Forty percent of the tower height;

- b) The minimum setback in the underlying zoning district; or
- c) 50 feet.
- iii. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antennas are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by manufacturers.
- iv. Cellular or wireless communications sites shall be set back a minimum of 1,000 feet from any lot in a residential zoning district.
- v. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be minimum of eight feet in height and shall be erected to prevent access to non-authorized personnel.
- vi. Landscaping shall be required to screen, to the greatest extent possible, the support structures, the fence surrounding the cellular or wireless communications tower, and any other ground level features and, in general, shall soften the appearance of the cellular or wireless communications site. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required. Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs and other landscaping vegetation that is subject to review and is acceptable to the Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- vii. In order to reduce the number of antenna support structures needed in the City in the future, the proposed cellular or wireless communications tower shall be required to accommodate other uses, including other cellular or wireless communications companies, personal wireless services, and the local police, fire, and ambulance departments.
- viii. The communications company must demonstrate to the City that it is licensed by the Federal Communications Commission (FCC).
- ix. If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in this code.
- x. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna shall contain any signage except safety signage, or signage required by the FAA or FCC.
- xi. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.

- xii. If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it shall be required to demonstrate that it has contacted the owners of nearby tall structures within a one-mile radius of the site proposed, asked for permission to install the cellular communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over 50 feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.
- xiii. The City may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.
- xiv. Applications for new cellular or wireless communications antennas and towers shall also be reviewed against the applicable review criteria for conditional uses under Section [1129.04](#) of this code.

**B. Process of Approvals Applicable to All New Cellular or Wireless Communications Antennas and Towers**

- i. The process for review of applications for all new cellular or wireless communications antennas and towers as conditional uses shall be as established in Section [1129.04](#), as modified in this section.
- ii. **Site Plan Required**
  - a) In addition, a full site plan shall be required for all proposed new cellular or wireless communications sites in accordance with the submittal requirements established by the Director of Community Development. See Section [1129.07](#) for the site plan review process.
  - b) Upon submission of a complete application for site plan review to the Director of Community Development, the application shall be transmitted to the Planning Commission which shall review the site plan to determine if it meets the purpose and requirements as established in this section, of the zoning district where the proposed cellular or wireless communications site is located, and of any other applicable section of the code.
  - c) Notwithstanding the deadlines and timelines established for the reviews of applications for conditional uses pursuant to Section [1129.04](#) and for site plans pursuant to Section [1129.07](#), and subject to current federal "shot clock" rules, applications for new cellular or wireless communications antennas and towers shall be processed and acted upon within 90 days for collocation applications and within 150 days for applications other than collocations. These deadlines begin to run when an application is first submitted, not when the application is deemed complete. These deadlines can be paused if the Director of Community Development notifies the applicant within 30 days that the application is incomplete. The Director of Community Development may pause the application review timeline again if he/she provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. Additionally, these review periods may be tolled by mutual agreement between the City (through the Director of Community Development) and the applicant. The timeframe for review is not tolled by a moratorium on the review of applications.

**C. Necessity to Collocate**

Any applicant for a conditional use to construct a cellular or wireless communication system shall demonstrate to the City of Sharonville that such user has made all reasonable efforts to collocate its equipment upon an existing tower owned either by the applicant or by another entity. Such efforts to collocate shall be documented by clear and convincing evidence of such attempts, and if such attempts are not feasible, the lack of feasibility shall also be documented by clear and convincing evidence that collocation is unfeasible. Collocation shall also be required on tall structures in the vicinity of that proposed by the applicant. As a guideline, all owners of tall structures and other cellular and wireless communications systems within a one-mile radius shall be contacted and permission requested to install such structure. In addition, any applicant to construct such a system must indicate its willingness to cooperate in the future to allow collocation by another user. Refusal to cooperate in collocation requests by either the applicant for a new structure or the owner and operator of a current structure shall represent grounds for denial of future requests by such users. Applicants who request the right to collocate are expected and required to bear an equitable share of capital operating and other expenses in connection with such shared use.

**(4) Standards and Processes for Modifications to Existing Towers and Base Stations**

**A. Purpose**

This section implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455), as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report & Order (29 FCC Rcd 12865), which requires a state or local government to approve Eligible Facilities Requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

**B. Application Review Process**

**i. Application**

The City shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

**ii. Type of Review**

Upon receipt of an application for an Eligible Facilities Request pursuant to this chapter, the Director of Community Development shall review such application to determine whether the application so qualifies.

**iii. Timeframe for Review**

Within 60 days of the date on which an applicant submits an application seeking approval under this chapter, the City shall approve the application unless it determines that the application is not covered by this chapter.

**iv. Tolling of the Timeframe for Review**

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the City and the applicant, or by the Director of Community Development in cases where the Director of Community Development determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- a)** To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
- b)** The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

c) Following a supplemental submission, the City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

v. **Interaction with 47 U.S.C. § 332(c)(7)**

If the City determines that the applicant's request is not covered by Section 6409(a) as delineated under this chapter, the presumptively reasonable timeframe under 47 U.S.C. § 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under 47 U.S.C. § 332(c)(7), pursuant to the limitations applicable to other reviews under that section.

vi. **Failure to Act**

In the event the City fails to approve or deny a request seeking approval under this chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

vii. **Remedies**

Applicants and the City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

(5) **Maintenance**

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of 180 continuous calendar days or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

(6) **Removal of Abandoned Facilities**

Any license renewal requires that all providers utilizing wireless communications towers present a report to the City of Sharonville of any tower and accessory facilities/structures located in the City of Sharonville whose use will be discontinued and the date this use will cease. If at any time the use of the wireless communications tower and accessory facilities/structures is discontinued for a continuous period of 180 days, the Director of Community Development may declare the wireless communications tower and accessory facilities/structures abandoned. The owner/operator of the wireless communications tower and accessory facilities/structures will receive written notice from the Director of Community Development and be instructed to either reactivate use of the wireless communications tower and accessory facilities/structures within 180 days or dismantle and remove the wireless communications tower and accessory facilities/structures.

(7) **Nonconforming Facilities**

Except as provided in this chapter, any use being made of an existing tower or antenna support structure on the effective date of this code and any amendment thereto shall be allowed to continue, even if it is in conflict with this section. Any change or improvement made to an existing wireless communications tower shall comply with this section.

**(8) Technical and Legal Consultants**

At its discretion, the City may engage outside technical and/or legal consultants to evaluate and/or verify the information used to support application or any testimony in City proceedings. The reasonable cost for the consultants shall be borne by the applicant. An advance deposit for the estimated cost of the fees for the outside consultants shall be promptly paid to the City by the applicant upon request by the City. Failure to pay such deposit shall render any pending application incomplete until paid. After the consultant's work has been completed, if the amount of the deposit was insufficient to cover the cost of the consultants' fees the applicant shall immediately reimburse the City for any shortfall. If the cost of the work is less than the estimate the amount over shall promptly be repaid to the applicant at the conclusion of the application proceedings.

**(i) Adult Entertainment Establishments**

**(1) Purpose and Findings**

- A.** It is the purpose of this section to regulate adult entertainment establishments in order to promote the public health, safety, morals, convenience, comfort, prosperity and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the City. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B.** City Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

**(2) Classification**

Adult entertainment establishments shall be classified as follows:

- A.** Adult arcades;
- B.** Adult bookstores, adult novelty stores, or adult video stores;
- C.** Adult cabarets;
- D.** Adult motion picture theaters;
- E.** Adult entertainment businesses;
- F.** Adult theaters;
- G.** Sexual device shop; and
- H.** Sexual encounter establishment.

**(3) Locational Requirements**

All adult entertainment establishments shall meet the following location requirements.

- A.** No adult entertainment establishment shall be established within 1,000 feet of any lot upon which the following uses exist:
  - i.** A use with a liquor permit issued by the State of Ohio;
  - ii.** A place of worship;
  - iii.** A hotel;
  - iv.** A publicly owned active recreational facility or a passive park, open space, or natural area;

- v. A day care center, nursery school, educational institution or cultural institution, whether public or private, governmental or commercial, which use is regularly attended by persons under 18 years of age.
  - vi. Another adult entertainment establishment; or
  - vii. A residential use of any type as established in [Table 1105-1](#).
- B.** The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment establishment is to be established to the nearest lot line of a use or zoning classification listed above or another adult entertainment establishment. The presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

**(4) Development and Operational Standards**

All adult entertainment establishments shall be subject to the following development and operational standards:

- A.** No adult entertainment establishment shall be located in any temporary or portable structure.
- B.** The applicant shall submit evidence to the City of Sharonville that all of the applicable State, County and local health district regulations have been satisfied as part of any certificate of zoning approval application.
- C.** No interior portion of the adult entertainment establishment may be visible from the outside, either through windows, doors or any other openings.
- D.** Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- E.** All entrances to an adult entertainment establishment shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- F.** The adult entertainment establishment shall not conduct or sponsor any activities which create a demand for parking spaces beyond the number of spaces required by the business.
- G.** No adult entertainment establishment shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, showcase window, or other opening.
- H.** Prior to commencing business, the applicant shall provide satisfactory information, including the following data:
  - i.** The address and legal description of the premises upon which the business is to be located;
  - ii.** The identification of the individual acting as applicant, and whether they are applying in their individual capacity, or on behalf of a business entity, including partnership (general partnership or limited partnership), corporation, limited liability company, or any other business entity;
  - iii.** The name, date of birth and social security number of all owners, partners, and limited partners, shareholders if a corporation, and owners of limited liability companies;
  - iv.** If a business entity (including corporation, limited or general partnership, or limited liability company), the address of the principal place of business of the entity and the name and address of the statutory agent in the State of Ohio upon whom service of process may be issued;
  - v.** The name, date of birth and social security number of each employee (or contemplated employee) who will be employed in the business enterprise;
  - vi.** A statement regarding each of the owners and the applicant identifying all prior Ohio or other State liquor permit violations or revocations involving such individuals;

- vii. A description of the physical layout of the structure, including the exterior signage, exterior lighting, and exterior sound system, if any, and the exterior parking requirements. The signage and parking requirements shall be as provided in [Chapter 1121: Parking, Access, and Connectivity](#) and [Chapter 1123: Signs](#);
  - viii. A statement by the applicant on behalf of their self and on behalf of all owners that the City Police Department is authorized to conduct a background check on the applicant, all owners, and employees regarding prior criminal activity, if any, and prior liquor permit violations.
- I. No adult entertainment establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that an adult entertainment establishment that holds a liquor permit pursuant to Chapter 4303 of the Ohio Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented entertainment activity in which the performers appear nude.
  - J. No individual under age 18 may be employed in an adult entertainment establishment.
  - K. No patron who is not a member of the employee's immediate family shall knowingly touch any employee while that employee is nude or semi-nude or touch the clothing of any employee while that employee is nude or semi-nude.
  - L. No employee who regularly appears nude or semi-nude on the premises of a sexually oriented business, while on the premises of that sexually oriented business and while nude or semi-nude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate.
  - M. Whoever violates paragraph [1105.03\(i\)\(4\)](#) of this section is guilty of illegally operating a sexually oriented business, a misdemeanor of the first degree.
  - N. Whoever violates paragraph [1105.03\(i\)\(4\)K](#) of this section is guilty of illegal sexually oriented activity in a sexually oriented business. If the offender touches a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division [1105.03\(i\)\(4\)K](#) of this section is a misdemeanor of the first degree. If the offender does not touch a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division [1105.03\(i\)\(4\)K](#) of this section is a misdemeanor of the fourth degree.

**(j) Animal Boarding Facilities**

- (1) All structures and outdoor run areas designed to house or accommodate animals, either permanently or temporarily, shall be set back a minimum of 200 feet from all lot lines in a residential zoning district. All other structures related to the use of the property shall be set back in accordance with the applicable zoning district.
- (2) Care and boarding of animals shall be limited to domestic animals and may not include cattle, horses, swine, or other similarly sized animals.
- (3) A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal boarding facility is located adjacent to a residential zoning district.

**(k) Automotive Repair and Service (Minor), and Fuel Stations**

- (1) Any repair work on vehicles that do not fall under Class 1, 2, or 3 vehicles, as defined by the Federal Highway Administration (FHWA), shall be defined as "automotive repair and service (major)" and subject to the applicable provisions of this chapter.
- (2) No subject facility existing on prior to February 10, 1983, shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on such date.
- (3) The minimum lot area shall be 32,000 square feet and the minimum lot frontage shall be 150 feet.
- (4) Fuel pumps shall be set back a minimum of 35 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.
- (5) Canopies and principal buildings shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.

- (6) Driveways shall be a minimum of 27 feet from street intersections. This distance shall be measured along the curb line from the point of intersection of street right-of-way lines. Driveways shall be a minimum of 10 feet from abutting properties as measured along the curb line.
- (7) Curb cuts shall not exceed 36 feet of width at curb line and 30 feet of width at lot line. The angle of driveway approaches shall not be less than forty-five degrees from lot line.
- (8) Access drives or approach aprons shall not open or extend into or across alleys.
- (9) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (10) All repair work must be performed in a fully enclosed building.
- (11) Activities shall be limited to:
  - A. The sale of automotive fuel;
  - B. The servicing of motor vehicles with minor repair work;
  - C. Hand washing of vehicles within an enclosed building;
  - D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, and windshield wipers. The storage and sales of such products shall take place entirely within an enclosed building.
- (12) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- (13) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (major)” and shall be subject to Section [1105.03\(l\)](#).
- (14) Vehicles being serviced or awaiting service shall be stored for no longer than seven calendar days on the site if in unenclosed areas or areas not screened from view.
- (15) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- (16) Outdoor solid waste, storage areas, and recyclable storage areas shall be screened in accordance with Section [1119.06](#).
- (17) Gasoline and other flammable mixtures shall not be used to wash down the premises.
- (18) Sanitary drains located on the premises without approved separators in the trap are prohibited.
- (19) In the event that an automotive repair and service facility has been abandoned or not used as a fuel station for a period of six months, any application to operate such premises as an automotive repair and service facility or fuel station shall be considered as an application for a new use.
- (20) In the event that an approved use has been abandoned or not used for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises. Upon a finding by the Director of Community Development that practical difficulties or unnecessary hardships preclude removal of gasoline storage tanks in the ground as in the case of structures above or sub-grade structures near the tank, the Director of Community Development may, upon application to them in writing, authorize that in lieu of removal of the tanks, the applicant may be permitted to fill the tank or tanks with sand, liquid concrete or other noncombustible solid material approved by the Director of Community Development.

**(l) Automotive Repair and Service (Major)**

- (1) An automotive repair and service (major) establishment shall be subject to the same requirements as an automotive service station (minor) as established in Section [1105.03\(k\)](#), above.
- (2) The principal structure shall be set back a minimum of 150 feet from any lot line of a lot in a residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot line in a residential district.
- (3) The storage of non-operational vehicles for longer than 14 days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet.

- (4) The use may be subject to additional screening requirement in accordance with [Chapter 1119: Landscaping and Screening](#).
- (5) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.
- (6) Damaged or inoperable vehicles shall not be used for storage purposes.

**(m) Funeral Homes and Mortuaries**

- (1) There shall be a minimum lot area of one acre and a minimum lot width of 150 feet.
- (2) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.
- (3) One dwelling unit may be provided within the principal building for the use by the owner or an employee of the use.
- (4) All funeral homes shall be located so as to provide direct access from an arterial or collector street.
- (5) Cremation services shall be permitted only in the CS and GI Districts and shall be set back a minimum of 500 feet from any lot line in a residential zoning district.

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

- (1) A microbrewery, microdistillery, and microwinery shall be allowed in the LB, GB, CBD, and SM-D Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (2) A microbrewery, microdistillery, and microwinery shall be allowed in the GB District when less than a majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site (production facility) provided it is approved as a conditional use and where such use does not have building frontage along any major commercial street, as determined by the Planning Commission.
- (3) A microbrewery, microdistillery, and microwinery in the CS or the GI Districts may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 50 percent of the total footprint of the use. Food service may be included within the 50 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(o) Nursery Schools and Day Care Centers**

- (1) Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
- (2) No dormitory facilities shall be permitted.

**(p) Restaurants, Drive-In or Drive-Through**

- (1) The principal use of a drive-through restaurant shall be a restaurant where a minimum of 40 percent of the gross floor area is dedicated to indoor dining.
- (2) The restaurants shall have frontage along a minor or major arterial street.
- (3) Any drive-through facility shall not be located along any building facade that faces a public street unless otherwise permitted by the Planning Commission as part of the site plan review.
- (4) The Planning Commission may establish hours of operation of the drive-through or drive-in facilities based on the proximity of those activities to adjacent residential uses.
- (5) The principal and accessory buildings shall be set back a minimum of 60 feet from any adjacent right-of-way line or lot line in a residential zoning district.
- (6) Public access to the site shall be located at least 75 feet from any intersection as measured from the nearest right-of-way line to the near edge of such access.

**(q) Vehicle Sales and Leasing (New)**

- (1) The minimum lot area shall be 32,000 square feet and the minimum lot frontage shall be 150 feet.

- (2) Display of vehicles for sale or lease outdoors shall be located on a paved surface, and within striped parking spaces, that all comply with the parking requirements of [Chapter 1121: Parking, Access, and Connectivity](#).
- (3) All work on vehicles, including, but not limited to, cleaning, servicing, and repair, shall be done only in an enclosed building and shall be subject to the same standards as an automotive repair and service establishment (minor) or automotive repair and service (major) establishment, as applicable.

(r) **Vehicle Sales and Leasing (Used)**

- (1) The minimum lot area shall be 32,000 square feet and the minimum lot frontage shall be 150 feet.
- (2) The sale or leasing of used vehicles, including the display, offering for sale and leasing of used vehicles, shall only be permitted as an accessory use to an establishment that sells new vehicles and such sale at retail, display, offering for sale and leasing of used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of, the new vehicle sales or leasing establishment. Sales may take place on a separate lot if that lot is under the same ownership as the new vehicle sales or leasing establishment.
- (3) Display of vehicles for sale or lease outdoors shall be located on a paved surface, and within striped parking spaces, that all comply with the parking requirements of [Chapter 1121: Parking, Access, and Connectivity](#).
- (4) All work on vehicles, including, but not limited to, cleaning, servicing, and repair, shall be done only in an enclosed building and shall be subject to the same standards as an automotive repair and service establishment (minor) or automotive repair and service (major) establishment, as applicable.

(s) **Vehicle Washing Establishments**

- (1) All structures shall be set back a minimum of 50 feet from any residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 150 feet from any residential zoning districts.
- (2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.
- (3) There shall be adequate provision for the disposal of waste water and the prevention of surface runoff.
- (4) Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the yard adjoining a residential zoning district.
- (5) The use shall be subject to the vehicle stacking space requirements of Section [1121.07](#).

(t) **Container Ports**

- (1) In recognition of the nature of the container port industry, it is the purpose of this section to:
  - A. Accommodate the need for container port facilities while regulating their location and number in the City;
  - B. Minimize adverse visual effects of “container port depots” through proper siting, design and screening; and
  - C. Avoid potential dangers of storing containers in such a manner that would prevent proper access by firefighting apparatus and the potential toppling of the same due to improper stacking.
- (2) The following use regulations shall apply to container port depots and other similar uses.
  - A. A new container port depot (constructed or established) is permitted when it is located more than 1,000 feet from the nearest existing container port depot, more than 1,000 feet from the nearest interstate expressway, and 1,000 feet or more from any residential or nonresidential use that would be adversely affected by the establishment of such use, as determined by Planning Commission.
  - B. A yard storage layout and the maximum height of such storage shall be submitted to the Sharonville Fire Department for approval to assure safety of and access to all parts of the facility.

- C. In no case shall containers be stacked taller than 20 feet in height measured from the adjoining grade and a maximum of a single container row 10 feet in width with a minimum aisle on either side of 18 feet. Additionally, all containers shall be stored on paved surfaces.
- D. If open yard storage of containers is proposed, the setbacks for such containers shall be as follows:
  - i. The minimum front yard setback shall be 50 feet.
  - ii. The minimum side yard setback shall be 25 feet.
  - iii. The minimum rear yard setback shall be 50 feet.

**(3) Landscaping**

- A. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other approved features instead of landscaping, if they achieve the same degree of screening as the required landscaping.
  - B. The proposed landscaping shall be required to screen the container port facility to the extent that it softens the appearance to the surrounding areas as approved by Planning Commission.
- (4) A full site plan shall be required for all proposed container port sites in accordance with the submittal requirements established by the Director of Community Development. See Section [1129.07](#) for the site plan review process.

**(u) Contractor Equipment and Storage Yards**

- (1) Outdoor storage must be associated with a principal building that contains the contracting or construction business associated with the stored materials.
- (2) All storage of equipment and materials must be located in the rear yard and screened in accordance with [Chapter 1119: Landscaping and Screening](#).

**(v) Self-Storage Facilities**

- (1) The leases for all self-storage units shall include clauses related to the following:
  - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited; and
  - B. The property may not be used for any uses other than for the storage of unused or seldom used items.
- (2) The maximum lot coverage shall be 50 percent.
- (3) All access to any self-storage facility shall be from an arterial or collector street.
- (4) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.
- (5) The maximum height of buildings for outdoor self-storage shall be one story.
- (6) The Sharonville Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox shall be provided for its use.
- (7) The outdoor storage of inventory, materials, vehicles or merchandise is prohibited.
- (8) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.
- (9) Self-storage facilities may not be used for residential purposes.
- (10) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than 10 individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.
- (11) No storage unit door opening in a self-storage facility (outdoor) shall face a residential district.

**(w) Truck Terminals**

- (1) All buildings shall be set back a minimum of 100 feet from a residential zoning district.
- (2) There shall be no outside storage of materials, goods, and products, etc.
- (3) Minimum lot size of at least two acres is required.

(X) **Dwellings, Multi-Family and Mixed-Use Buildings**

- (1) When reviewing a Conditional Use permit application for a proposed Multi-Family or Mixed-Use Development, or combination thereof, the Planning Commission shall consider the cohesiveness of the proposed development, the mixture of residential and commercial uses, how it enhances the existing urban features of the Downtown Sharonville Loop, addresses the pedestrian and walkability experience, expands economic development potential, and promotes the Downtown Sharonville Loop as both a central hub of shopping, entertainment, as well as a community gathering space.
- (2) The Planning Commission may establish maximum building heights, front, side, and rear yard setbacks, and maximum lot coverage requirements as part of the Conditional Use review process.
- (3) Principal buildings shall comply with Chapter 1117: Architectural Standards, or as otherwise approved by the Planning Commission during the Conditional Use review process.
- (4) Minimum parking requirements for principal and mixed-use buildings in the CB shall be provided in accordance with Table 1121-3 or as otherwise approved by the Planning Commission during the Conditional Use review process. The Planning Commission may consider the availability and accessibility of public parking spaces, on-site and off-site parking, on-street and within public parking lots, and private parking arrangements when determining minimum parking requirements.
- (5) Principal Buildings and Development shall comply with Section 1113.04 performance standards or as otherwise approved by the Planning Commission in the Conditional Use review process.
- (6) The Planning Commission may require the applicant to submit such additional information as deemed necessary, including carrying out special studies and the provisions of expert advice, such as Housing Study.

## Chapter 1107: Overlay Zoning Districts

### 1107.01 NORTHERN LIGHTS OVERLAY DISTRICT

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(a) **Purpose**

The purpose of the Northern Lights Overlay District (NLO) is to:

- (1) To leverage public dollars invested in the expansion of the Sharonville Convention Center, improvement of the Chester Road corridor, and investment in the Princeton City School District facilities by encouraging land uses and site design that complement the Convention Center and corridor as envisioned in the Comprehensive Plan and the Northern Lights District Master Plan;
- (2) To enhance property values, protect property rights, stabilize and improve the Chester Road corridor, and increase economic and financial benefits to Sharonville businesses and inhabitants;
- (3) To encourage innovative and creative site design, outdoor lighting, and architecture;
- (4) To promote development that emphasizes safe pedestrian connections and amenities while accommodating automobile access; and
- (5) To encourage mixed-use development that creates a vibrant hospitality, entertainment, and office district that responds to changing market demands and conditions.

(b) **Creation and Boundaries**

The boundaries of the NLO District are depicted on the zoning map.

(c) **Effect of Northern Lights Overlay District Designation**

- (1) The NLO District regulations apply in combination with underlying base zoning district regulations and all other applicable standards of this code. When the NLO District standards conflict with the underlying base zoning district regulations, or other standards of this code, the regulations of the NLO District will apply.
- (2) When the NLO District does not regulate an issue that is regulated by an underlying base zoning district, the underlying base zoning district regulations shall apply.

(d) **Site Plan Review Procedure**

- (1) All new construction, structure alterations, and site improvements in the NLO District are subject to the full site plan review procedure in Section [1129.07](#).
- (2) Applicants shall be required to meet with the Director of Community Development for a pre-application meeting unless such meeting is waived by the Director of Community Development.
- (3) The Sharonville Northern Lights Overlay District Standards and Guidelines (See Section [1107.01\(f\)](#).) contain both mandatory standards and an elective set of guidelines. Applications must meet 100 percent of the mandatory standards in order to receive any zoning approval. Applications also must meet a minimum of 50 percent of the guidelines established for the NLO District.

(e) **Permitted Uses**

[Table 1105-1](#) establishes what principal uses are permitted or prohibited in the NLO District by establishing how uses are permitted in accordance with the underlying base zoning district, permitted across the entire NLO District, regardless of the underlying base zoning district, or specifically prohibited in the NLO. See Section [1105.02\(b\)\(4\)](#).

(f) **NLO District Standards and Guidelines**

The following are the specific district standards and guidelines established for the NLO District. As noted earlier, all standards are mandatory and guidelines are elective, although all applications must meet 50 percent of the guidelines. Not all components of design have guidelines. Additionally, other sections of this code may be applicable to the NLO District including, but not limited to, Section [1113.02](#) and Section [1113.06](#).

(1) **Architecture**

**A. Overall Design Intent**

- i. Building design will create a coordinated, modern architectural style that distinguishes the NLO District, while reinforcing a pedestrian scale.
- ii. A primary objective for architectural design in the NLO District is to discourage architectural styles historically rooted in pre-1920's expression and create a distinctly modern district.
- iii. Recommended building features include, but are not limited to:
  - a) Streamlined appearance with limited ornamentation (except as needed to achieve a pedestrian scale);
  - b) Sharp and angular elements with smooth transitions to faceted and curvilinear geometries;
  - c) Curved and/or rounded corners;
  - d) Sweeping, striated thrusting lines found in horizontal, vertical and curvilinear motifs;
  - e) Ziggurat (Stepped) parapets at facades;
  - f) "Eyebrow"-shaped fixed cantilevered canopies;
  - g) Bullet shapes;
  - h) The use of lighting from within translucent walls; and
  - i) Surfaces with a glistening, shimmering or crystalline appearance.

**B. Building Materials**

**i. Intent**

Building Materials must offer a crystalline, polished appearance. Rougher textures should be utilized only as accent materials. Examples of preferred materials include metal panels, perforated metals, translucent panels, glass block, glass with etched and frosted glazing, and decorative concrete.

**ii. Standards**

- a) The use of vinyl, shingles, or shakes is prohibited.
- b) E.I.F.S. material is prohibited from being used on the first floor of any building but may be used for the facades of second or higher floors.

**C. Building Facades**

**i. Intent**

Buildings must convey a street presence that is decidedly modern and pedestrian in scale. The core of the NLO District (between Greenwood Road and Clinton Avenue) should include a more densely developed atmosphere with taller buildings than surrounding areas.

**ii. Standards**

- a) Buildings located on properties with frontage on Chester Road, between Clinton Avenue and BAPS Lane, shall be a minimum of 16 feet tall.
- b) Although taller buildings are permissible, the front portion of the building must be built at a pedestrian scale and impacts on surrounding residential areas should be minimized. Maximum heights are provided below for specific locations within the NLO District. Maximum height applies to the front facade of the building, or for parcels that are adjacent to a residential district that is outside the NLO District, and for any facade facing such a residential district.
  - 1) Properties with frontage on Chester Road between Clinton Avenue and Baps Lane: 45 feet.

- 2) All other locations in the NLO District: 35 feet. Taller building sections must be set back by one additional foot per additional foot of height.

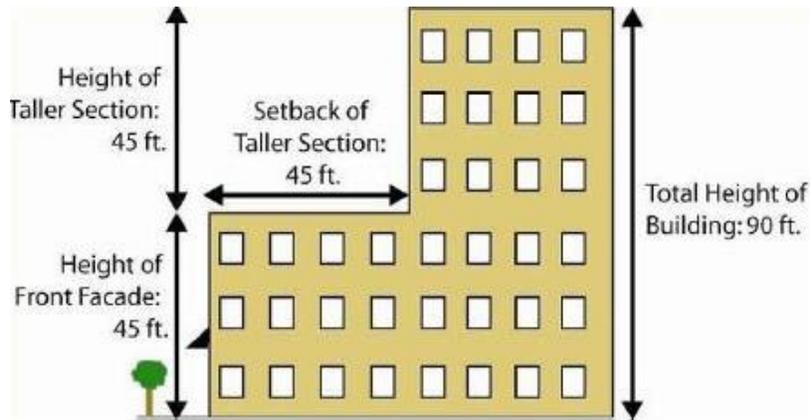


Figure 1107-A: The above is an illustration of the maximum building height requirement.

- c) Front facades must incorporate vertical piers or other vertical elements to break the plane of building facades that exceed a width of 50 feet. See also [Figure 1107-A](#).
- d) Front facades must incorporate clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet on at least 40 percent of the building facade area between a height of two feet and 10 feet above grade. This standard applies only to building facades that have frontage facing Chester Road. The pattern of window glass must continue on the side facades for a minimum of 20 percent of the length of such side facades.



Figure 1107-B: The above is an image provides an example of facade transparency with the use of windows and glass doors along the facade that provide for visibility of at least four feet into the building.

#### D. Building Placement

##### i. Intent

The Sharonville NLO District is pedestrian in scale, yet campus-like in design. Buildings should be placed close to the street to encourage pedestrian activity, while allowing space for landscaping, pedestrian plazas and outdoor dining. Building setbacks should vary, creating a meandering street wall that is visually interesting and consistent with the meandering nature of the Chester Road streetscape design.

ii. **Standards**

- a) Principal building shall be set back a minimum of 10 feet from the planned right-of-way or public roadway easement, whichever depth is greatest.
- b) New buildings shall not be set back more than 20 feet from the planned right-of-way or public roadway easement, whichever depth is greatest. The maximum front yard setback may be extended by an additional 10 feet for up to 30 percent of the facade length, as long as the supplemental front yard is used for outdoor dining, pedestrian walkways, or a formally landscaped plaza. The maximum front yard setback standard does not apply to the alteration or enlargement of existing buildings.
- c) These setbacks shall apply to all street frontages if the lot has multiple street frontages (i.e., a corner lot or through lot).

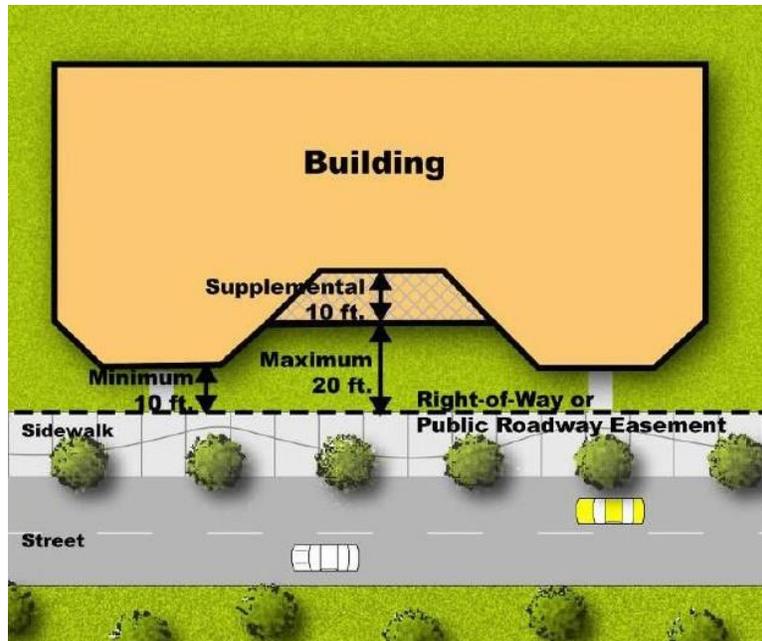


Figure 1107-C: The above is an illustration of front yard setback standards in the NLO District.

- d) The following shall be the minimum rear and side yard setbacks for buildings in the NLO District:
  - 1) No side yard setback is required, however, there shall be a minimum of 10-feet of separation between building facades when side building facades do not abut one another on adjacent properties.
  - 2) Buildings in the NLO District shall be set back a minimum of 20 feet from an adjacent residential district that is located outside the NLO District. The rear or side yard setback must incorporate screening consistent with Section [1119.06](#) of this code.

iii. **Guidelines**

- a) Buildings should have a variation of front yard setback from adjacent properties but still remain within the 10 to 20-foot set back requirement.
- b) Buildings should include projections and recesses in order to create variation in the setback within individual buildings.
- c) Buildings should be oriented so front entrance faces Chester Road.

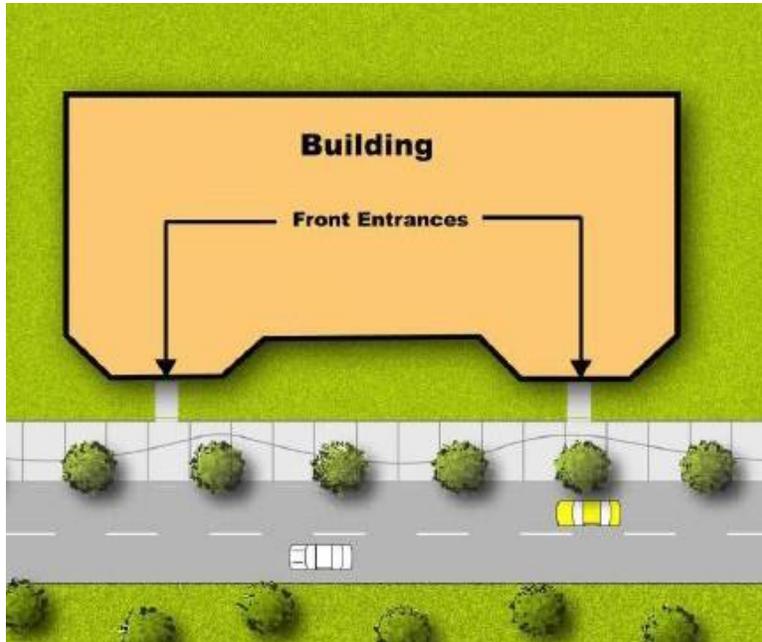


Figure 1107-D: The above is an illustration of front entrances oriented toward the street (Chester Road).

## E. Parking

### i. Intent

While adequate off-street parking must be provided, parking lots must not be a dominant visual feature. Parking lots that are concealed and minimized reinforce an attractive, pedestrian-oriented environment, reduce stormwater runoff and maximize areas devoted to landscaping and pedestrian use.

### ii. Standards

- a) Parking lots or stacking spaces located between a building and the Chester Road right-of-way are prohibited.
- b) The following shall be the minimum off-street parking setbacks in the NLO District:
  - 1) Off-street parking areas shall be set back a minimum of 10 feet from any planned right-of-way or public roadway easement, whichever distance is greatest.
  - 2) Off-street parking areas located on the side of buildings shall be set back a minimum of 10 feet from any adjacent lot line in a residential district that is located outside the NLO District. The rear or side yard setback must incorporate screening consistent with Section [1119.06](#) of this code.
  - 3) No parking setback is required for side and rear yards within the NLO District that do not abut a right-of-way or public roadway easement.
- c) A minimum of 30 percent of all parking spaces shall be located to the rear of a building.



Figure 1107-E: The above is an image showing that a minimum percentage of parking shall be located to the rear of the building.

- d) The minimum number of parking spaces shall be provided in accordance with [Chapter 1121: Parking, Access, and Connectivity](#). The Director of Community Development may reduce minimum parking requirements if parking is shared as provided for in this chapter and in Section [1121.04\(h\)](#).
- e) Parking lots that are visible from any street right-of-way shall be screened with a decorative wall or fence or a continuous row of shrubs with a height no less than 3 feet and no more than 4 feet. Decorative walls and fences must be constructed of masonry, stone, or ornamental metal. Shrubs must be a minimum of 3 feet tall at installation and provide 50 percent winter opacity within two years of planting.



Figure 1107-F: The above is an image of the Chester Road streetscape that illustrates the decorative screening of parking areas from Chester Road.

- f) Interior landscaping consists of landscaped islands that are distributed throughout the parking lot to define major circulation routes and driving lanes and provide visual and climatic relief from broad expanses of pavement. For parking lots that contain more than 20 parking spaces, interior landscaping shall cover a minimum of five percent of the parking lot.
- g) Each landscape island must measure at least five feet in any horizontal direction.

- h) The parking lot landscaping shall include at least one shade tree and two shrubs per 10 spaces within landscaped islands, provided there is no impairment to visibility of motorists or pedestrians (See Section [1113.02](#)). As an alternative to this standard, landscaped islands as stormwater infiltration islands, as described in Section [1107.01\(f\)\(1\)E.iii.b](#), may be provided. In providing this alternative, the applicant shall be in compliance with both the standard and the guideline, as required in Section [1107.01\(d\)\(3\)](#).
- i) Where a parking lot exceeds the minimum requirements established in Section [1121.04](#), the minimum interior landscaping requirement described in Section [1119.05\(d\)](#) shall be doubled.
- j) Off-street parking that is enclosed in a multilevel garage is exempt from Paragraphs [c](#)) and [e](#)) through [i](#)), above. Such garages shall maintain consistency with the standards and guidelines listed in [Chapter 1117: Architectural Standards](#) for parking garages located at building lines along Chester Road.

**iii. Guidelines**

- a) Shared parking represents an arrangement whereby two or more uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. The Planning Commission may reduce the required off-street parking spaces if the applicant provides an alternative parking solution (shared, off-site, or land banking) in accordance with Section [1121.04\(h\)](#).
- b) Stormwater infiltration islands are planted areas that are designed to accept stormwater runoff from parking areas, providing temporary storage and on-site infiltration. Applicants should utilize interior landscaped islands required in Section [1107.01\(f\)\(1\)E.ii](#) as infiltration islands. Additionally, applicants should utilize areas between parking rows and connect to landscaped islands at the ends of the row. Below are guidelines for constructing infiltration islands:
  - 1) Incorporate curb cuts or flat curbs along the edges of the island that allow water to flow into the island;
  - 2) Create a shallow depression of 6 to 18 inches to allow for ponding in the island;
  - 3) Locate ponding areas at least 10 feet away from any building foundations to ensure that the ponded water does not drain to foundations;
  - 4) Include perennial flowers, ornamental grasses, shrubs and edges created by attractive walls, pavers or a band of turf, in order to create an attractive appearance in the island;
  - 5) Include plants that tolerate snow storage and winter salt and sand; and
  - 6) Plant the tallest flowers and shrubs in the deepest part of the island.



Figure 1107-G: The above is an image of an infiltration island used in a parking area.

- c) Where there is a multi-level parking garage that has a facade that faces Chester Road, the applicant should incorporate ground-floor commercial space that is oriented toward Chester Road in parking garages built at a building line, along Chester Road, as a method of screening the parking garage.

## F. Landscape Design

### i. Intent

Site design must emphasize landscaping and pedestrian areas to the same degree as buildings. Pedestrians will walk through an environment of lush landscaping interspersed with inviting pedestrian gathering spaces.

### ii. Standards

- a) The front yard, along any street frontage, shall be planted with live vegetation, shade trees and conifers, except for paved areas expressly designed for pedestrians or approved driveways. Include one tree per 50 lineal feet of lot frontage along Chester Road.
- b) All vegetation installed to comply with these landscaping standards shall comply with Section [1119.04](#) on the minimum landscaping requirements. Where fences and walls are permitted to be a part of and landscaping or screening requirements (Section [1119.06](#)), such wall or fence shall utilize materials and colors that complement the design of the principal building.

### iii. Guidelines

- a) The applicant may include pedestrian amenities that offer attractive spaces for customer and visitor interaction and create an inviting image, as an alternative to landscaped areas. Pedestrian amenities may include outdoor pedestrian plazas, dining areas, street furniture, water features, clock towers, public art, or a combination thereof. Pedestrian amenities must be a minimum of 10 square feet in ground coverage and be located in the front or side yards of parcels adjacent to Chester Road.
- b) The applicant may plant at least 50 percent of the front yard area (not including areas designated for pedestrian use) with flowers, shrubs, trees, and ground cover other than turf.

- c) The applicant may incorporate landscape beds and pedestrian plazas in a curvilinear, meandering fashion, consistent with the Sharonville Northern Lights design theme. This may include accomplishing the meandering design element with edges of landscape beds, arrangement of vegetation within the landscape beds, edges of pedestrian plazas and/or the pavement texture of pedestrian plazas.

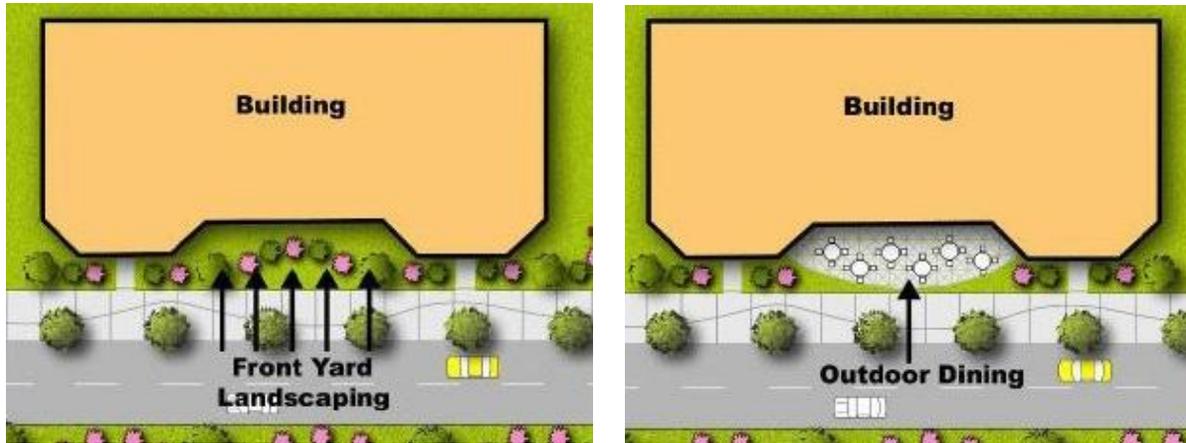


Figure 1107-H: The above images illustrate examples of meeting guidelines for landscape design.

## G. Lighting Design

### i. Intent

A central element of the Sharonville NLO District is a multi-layered lighting design that reinforces the Sharonville Northern Lights images throughout the NLO District. The use of lighting in all architectural and landscaping elements in the NLO District provides opportunity to immerse the viewer in the NLO District experience. The ambience of the lighting will encourage interaction of visitors with the surrounding environment.

### ii. Standards

Development within the NLO District shall meet the standards of Section [1113.03](#).

### iii. Guidelines

- a) Development in the NLO District should incorporate lighting of landscape elements in order to contribute to the ambience of the NLO District. Landscape lighting fixture styles shall be consistent with the lighting designs currently found in the district or compatible with the general lighting styles found in the district.
- b) Development in the NLO District should incorporate building facade lighting that enhances a building's architectural features and creates a visual effect for pedestrian and distance viewers. Building facade lighting fixture styles shall be consistent with the lighting designs currently found in the district or compatible with the general architectural style of the building.
- c) Lighting in vehicular use areas within the NLO District should utilize luminaire and pole assembly styles in parking lots and pedestrian areas that complement, in appearance, those used for lighting along Chester Road. [Figure 1107-I](#) includes illustrations of permitted luminaire and pole assembly styles.



Figure 1107-I: Illustration of luminaire and pole assembly fixtures that are allowed in the NLO District.

## H. Pedestrian Circulation

### i. Intent

Site design must provide a safe and attractive environment for pedestrians. Pedestrian connections must be separated from automobile traffic. Walkways should be designed to continue the design theme of the Chester Road streetscape.

### ii. Standards

- a) Plans shall provide pedestrian walkways between the primary entrances of multiple buildings on a site and buildings, located on adjacent properties. Such plans shall provide crosswalks where walkways cross driveways or parking lots.
- b) Plans shall include a pedestrian walkway from a parking lot to a building entrance.
- c) The minimum width of all walkways, sidewalks, or crosswalks shall be five feet.



Figure 1107-J: Illustration of pedestrian connection examples.

**I. Vehicular Circulation**

**i. Intent**

The NLO District will provide safe, efficient vehicular access by reducing vehicular conflicts, minimizing delays, and reducing congestion. These attributes will sustain the Sharonville Northern Lights revitalization effort and attract visitors. Accordingly, site design must incorporate access management standards which include but are not limited to the following: providing cross access between properties, shared driveways between properties, right-in/right-out access and full access intersections located at strategic locations only.

**ii. Standards**

- a) The minimum curb cut spacing requirements may be set on a case-by-case basis by the Director of Community Development in consultation with the City Engineer, but in no instance shall be less than the distances listed in [Table 1107-1](#). Distances are measured according to the methods described in [Table 1107-1](#).
  - 1) For sites with insufficient frontage to meet the criteria in [Table 1107-1](#), such site shall be permitted one driveway curb cut. However, the Director of Community Development, in consultation with the City Engineer, may require construction of a driveway from a side street or a shared driveway with an adjacent property.

TABLE 1107-1: MINIMUM CURB CUT SPACING			
Street	Minimum Spacing between Driveways	Minimum Spacing between a Driveway and Intersection	Minimum Spacing between a Driveway and a Roundabout
Measurement Method	Driveway edge of pavement to driveway edge of pavement	Driveway edge of pavement to intersecting street edge of pavement	Driveway edge of pavement to roundabout yield point
Chester Road	175 feet	250 feet	250 feet
Clinton Avenue, BAPS Lane, & Lippelman Road	150 feet	175 feet	175 feet

- b) Lots that have multiple driveway curb cuts that are less than required in [Table 1107-1](#) shall be required to eliminate at least one curb cut.
- c) Corner lots are encouraged to have driveway curb cuts off of secondary streets.
- d) Drive-through windows or canopies must be attached to the principal building and located to the rear of the building.

**iii. Guidelines**

- a) For any use or development proposed in the NLO District, the property owner is encouraged to grant an access easement to all properties on the same block between intersecting streets. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on Chester Road. The inter-parcel access easement shall be provided subject to the following provisions:
  - 1) Such inter-parcel access easements shall be submitted to the City for review and approval before being recorded with the applicable county recorder office. A reference to deed book and page of such recorded easement shall be provided to the Director of Community Development.
  - 2) Such inter-parcel access easement agreements shall include joint maintenance agreements including the responsibilities of the property owner and benefited parties.

- 3) The inter-parcel access easement shall grant access easement rights and permit automobile access from all properties on the same block between intersecting streets to driveways and service drives intended for customer or tenant use.
- 4) The granting of such easement shall be effective upon the granting of reciprocal easements by the remaining property owners.
- 5) The location of access easements and underlying vehicular connections across a property shall be determined by the Director of Community Development, in conjunction with the City Engineer and applicable fire/EMS authority and adjoining property owners.

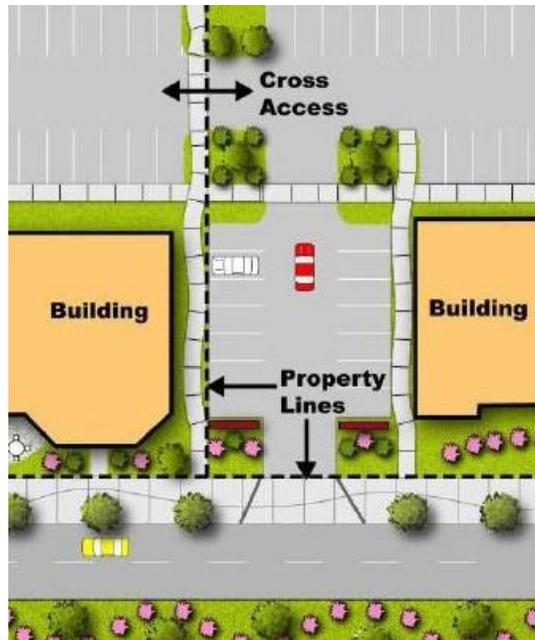


Figure 1107-K: Illustration of inter-parcel access/cross access.

- 6) Unless already in place, the pavement or other surfacing of the owner's driveways and/or service drives or parking lots shall be extended to the property line. The stub drive shall be designed and constructed to make it visually obvious that the service drive is intended to connect to adjoining properties and to provide cross access.
- 7) Service drives and access lanes needed to accommodate inter-parcel access shall be designed and constructed with:
  - A) A minimum pavement width of 24 feet measured from edge of pavement to edge of pavement;
  - B) Pavement geometrics to safely support a 10 miles per hour design speed;
  - C) Wider pavement widths at curves to accommodate delivery truck circulation; and
  - D) An eight-inch asphalt or six-inch concrete pavement.

## J. Utility Areas

### i. Intent

Utility areas include trash collection areas, grease disposal receptacles, loading and service bays, transformers, electric and gas meters, and similar uses. These areas must be screened in order to mitigate undesirable effects such as noise, odors, and an unattractive appearance.

**ii. Standards**

- a) Visible utilities shall be buried or rerouted to an unobtrusive location. All gas and electric meters, downspouts, and other appurtenances shall be incorporated into the structure or utilize a similar color and/or materials to the principal structure.
- b) Loading areas shall be located to the rear of the building. Loading areas shall be screened so that they are not visible from adjacent properties, public thoroughfares, or parking lots, with walls or landscaping to a minimum height of six feet. Landscaping must reach a minimum height of six feet and a minimum 90 percent winter opacity within two years of planting. When using walls for screening, utilize materials and colors that complement the design of the building.

**K. Signs**

**i. Intent**

- a) Businesses and uses require identification of some type, whether it is the name of the establishment or merely the street address. In constructing signs, businesses and uses must consider the broader impact on the appearance and image of the Sharonville Northern Lights District. An important component of the Northern Lights vision is an integrated graphics package that includes signs in the right-of-way as well as private property.
- b) The intent of the signage within the district is to promote the businesses and uses while aesthetically and architecturally supporting the overall brand and theme character of Sharonville Northern Lights District. The materials, scale, modularity, lighting and type of sign can be expressive of the Sharonville Northern Lights theme through a coordinated approach while showcasing the individual businesses.

**ii. Standards**

All signs within the NLO District shall meet the standards of [Chapter 1123: Signs](#).

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## 1107.02 READING ROAD GATEWAY NORTH OVERLAY DISTRICT

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(a) **Purpose**

The purpose of the Reading Road Gateway North Overlay District is to:

- (1) To improve the general environment of a major entrance into and a major thoroughfare within the City of Sharonville, that being the section of Reading Road between Parcel Number 608-0011-0092-00 (Book 608, Page 11, Parcel 92) and the Butler County Line;
- (2) To facilitate development within the RRO District by providing reduced yard and area regulations to accommodate lots that may otherwise be too small for those uses which are permitted within the Sharonville industrial zoning categories;
- (3) To maintain the applicability of the underlying industrial land uses (CS, GI, and ITC Districts);
- (4) To provide for the applicability of the underlying yard and area regulations and any other regulations that are not otherwise regulated by the provisions of the overlay district; and
- (5) To promote the most desirable use of land in accordance with the objectives of the Sharonville Comprehensive Plan.

(b) **Allowed Uses**

The uses allowed in the RRO District shall be those allowed in the underlying base zoning districts. Such uses shall be allowed in the same manner as allowed in those underlying base zoning districts. See Section [1105.02](#).

(c) **Minimum Development Regulations for Lots 185 Feet or Less in Depth**

- (1) All development in the RRO District on lots that are 185 feet or less in depth as measured from the public right-of-way shall comply with the following:
  - A. The minimum lot frontage at street right-of-way shall be 100 feet.
  - B. The minimum lot width shall be 100 feet.
  - C. The minimum front yard setback shall be 14 feet. This setback shall apply to all buildings, uses, and vehicular use areas, excluding driveways.
  - D. The minimum side yard setback shall be five feet. This setback shall apply to all buildings, uses, and vehicular use areas, excluding driveways.
  - E. There shall be no minimum rear yard setback for buildings, uses, or vehicular use areas.
  - F. The minimum lot area shall be 5,000 square feet.
  - G. The maximum lot coverage of all buildings shall be 50 percent.
  - H. The maximum building height shall be two stories, and in no case taller than 25 feet.
- (2) See Section [1113.01](#) for the measurement methods of lot area, lot width, setbacks, lot coverage, and building height.

(d) **Applicability of Underlying Zoning**

Where the RRO District provisions are silent on a zoning regulation, then the requirements of the underlying zoning district shall apply.

# Chapter 1109: Planned Unit Developments

## 1109.01 PURPOSE

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The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of medium and large-scale developments where traditional base zoning districts may be too restrictive for the range of proposed uses or design. The PUD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments that possess greater amenities and/or provide greater environmental protection than standard zoning district requirements. It is not the intent of the PUD to allow applications to circumvent the intent of this code or to permit residential density, uses, housing types, or street and utility layouts which conflict with the Comprehensive Plan, other adopted plans and policies, or the character of the area. It is furthermore the purpose of the PUD regulations to:

- (a) To provide more desirable living, shopping, and working environments by helping to achieve the goals of the Comprehensive Plan in a manner that allows for the comprehensive review of a medium to large-scale development;
- (b) To encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Sharonville;
- (c) To provide for a flexible arrangement of buildings, densities and a variety of housing types to meet the needs of the residential market;
- (d) To encourage the creation of open space and the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of any residential components of the development;
- (e) To promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties;
- (f) To allow phased construction with the knowledge that subsequent phases shall be approved as originally planned and approved by the City;
- (g) To ensure that there are adequate services and infrastructure to serve the proposed development; and
- (h) To reserve adequate land areas for schools, parks and other public uses.

## 1109.02 SCOPE AND APPLICABILITY

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- (a) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PUD project or plan shall be five acres. PUD proposals should not be applied to small areas as a means of bypassing traditional district regulations.
- (b) A PUD of less than five acres may be considered for medium or high-density residential areas as defined by the Comprehensive Land Use Plan. The Planning Commission and City Council must approve such reduction in size.
- (c) Any PUD approved and constructed prior to the effective date of this amendment shall carry forward with the approved plans. All future construction or changes in previously approved PUDs shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this chapter.

## 1109.03 PUD REVIEW PROCESS

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### (a) Ownership

In order to submit an application for PUD review, the tract or tracts of land included within the proposed PUD shall be in one ownership or control, or shall be subject to a joint application by the owners of all properties included within the proposal.

**(b) PUD Submission and Review Procedure**

**(1) Step 1 – Pre-Application Meeting (Required)**

An applicant shall be required to have a pre-application meeting with the Director of Community Development, and additional staff, to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).

**(2) Step 2 – Application**

The applicant shall submit an application in accordance with Section [1129.02](#) and the provisions of this section.

**(3) Step 3 – Preliminary Development Plan and Zoning Map Amendment**

- A.** The PUD Preliminary Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PUD with an approved PUD Preliminary Development Plan.
- B.** The procedure for this stage shall comply with the requirements of Section [1129.03](#).
- C.** In accordance with the zoning map amendment review procedure, the Planning Commission shall hold a public hearing to review the PUD Preliminary Development Plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section [1109.04](#). The Planning Commission may, in its recommendation to City Council, require that the PUD Final Development Plan be submitted in stages upon evidence assuring completion of the entire development in accordance with the PUD Preliminary Development Plan and phased development schedule.
- D.** In accordance with the zoning map amendment review procedure, City Council shall hold a public hearing on the PUD Preliminary Development Plan and PUD zoning map amendment and decide to approve, approve with modifications, or deny the recommendation of the Planning Commission using the criteria contained in Section [1109.04](#), of this chapter.
  - i.** If City Council moves to adopt the recommendation of Planning Commission, such action shall only require concurring vote of four members of City Council.
  - ii.** If City Council moves to adopt the recommendation of Planning Commission with modification, or deny the recommendation, such action shall require a favorable vote of six members of City Council.
- E.** In making its recommendations or decisions, the Planning Commission and/or City Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards of this zoning code and to the Comprehensive Plan. In so doing, the Planning Commission and/or City Council may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Development Plan within 60 days of such action.

**(4) Step 4 – PUD Final Development Plan Review**

- A.** Within one year after the approval of the PUD Preliminary Development Plan, the applicant shall file a PUD Final Development Plan for the entire development, or when submitting in stages, as authorized by the Planning Commission during the PUD Preliminary Development Plan review, for the first phase of the development.
- B.** If more than one year passes from the date of approval of the PUD Preliminary Development Plan and the PUD Final Development Plan has not been submitted for approval, or a request for an extension not to exceed one year has been filed with the Planning Commission, then the PUD Preliminary Development Plan shall be deemed expired and the applicant must resubmit such plan.
- C.** In no case shall a PUD Preliminary Development Plan be valid for more than two years, including an approved extension.
- D.** After the PUD Preliminary Development Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Development Plan for review pursuant to this chapter, or submits an application for a zoning map amendment to another zoning district.

- E. Once an applicant submits a PUD Final Development Plan for review, upon determination by the Director of Community Development that the PUD Final Development Plan submissions are complete, such plans shall be submitted to the Planning Commission for review at its next regularly scheduled meeting, or at a special meeting. The Planning Commission will review the PUD Final Development Plan to determine whether it conforms in all substantial respects to the previously approved PUD Preliminary Development Plan and to all other applicable standards of this code.
- F. Preliminary subdivision plat approval may occur concurrently with the PUD Final Development Plan approval if permitted by the Director of Community Development. If submitting plats for subdivision review simultaneously with the PUD Final Development Plan, the plats shall be subject to all applicable subdivision standards and requirements including the applicable review process.
- G. The Planning Commission shall hold a public meeting on the PUD Final Development Plan and decide to approve, approve with modifications, or deny the application using the criteria contained in Section [1109.04](#) of this chapter.
- H. In its decision, the Planning Commission may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards of this code and with the Comprehensive Plan. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a PUD Final Development Plan within 60 days of such action. Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this chapter and no certificate of zoning approval will be issued.

**(5) Step 5 - Certificate of Zoning Approval Issuance**

Certificates of zoning approval shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Hamilton or Butler County Recorder's Office, as applicable, and public improvements have been installed in accordance with the applicable subdivision regulations.

**(c) Time Limit**

- (1) Any PUD Final Development Plan shall be valid for a period of two years after the date of approval by the Planning Commission. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PUD Final Development Plan for one or more phases of the project) within two years from the date of approval, such approval shall lapse and be of no force and effect.
- (2) Two one-year extensions of the time limit set forth in section [1109.03\(c\)\(1\)](#), above, may be granted by the Planning Commission if such extension is not in conflict with the most current comprehensive land use plan and if such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.
- (3) If an approved PUD Final Development Plan lapses as provided in this section, the originally approved PUD Preliminary Development Plan shall also be considered void. Notice of such lapse shall be filed by the Planning Commission and forwarded to the City Council.
- (4) Voiding of the PUD preliminary and Final Development Plans shall not rezone the property. After such plans are voided, the Planning Commission, City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section [1129.03](#), or the property owner, or their agent, may resubmit a PUD Preliminary Development Plan in accordance with the procedures of this chapter.

**(d) Changes to Approved PUDs**

- (1) A PUD shall be constructed and completed in accordance with the approved PUD Final Development Plan including all supporting data and conditions. The PUD Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PUD as set forth therein.
- (2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section [1129.11](#).

- (3) Any request to change or otherwise modify the approved PUD Final Development Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

**A. Major Change**

- i. Major changes to a PUD require the prior approval of the Planning Commission and the City Council in the same process, and with the same hearings, as was used to review of the PUD Preliminary Development Plan. The Director of Community Development shall have the authority to determine if a proposed change is a major change. Major changes include, but are not limited to:
  - a) Expansion of the PUD project beyond the original tract coverage;
  - b) Removal or subtraction of land from the original tract coverage; and
  - c) Proposed changes that will result in an increase in residential dwelling units of more than five percent of the total dwelling units proposed or an aggregate increase of more than 10 percent in nonresidential square footage.
- ii. Changes that require the approval of only the Planning Commission at a public hearing include, but are not limited to, the following:
  - a) Changes in the site plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and
  - b) Amendments to the conditions that were attached to the PUD Preliminary Development Plan or PUD Final Development Plan approval.

**B. Minor Changes**

- i. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Preliminary Development Plan, and which are essentially technical in nature, as determined by the Director of Community Development.
- ii. Examples of minor changes include, but are not limited to, changes in the intensity of lighting, changes in the size or location of water and sewer lines within approved easements, and changes in the location or number of fire hydrants.
- iii. Additionally, the Director of Community Development shall have the authority to approve structural dimensional changes that do not increase density, that do not change building height by more than 10 feet, or that do not change building or perimeter setbacks by more than 15 feet when necessary to accommodate minor shifts in the location of improvements or infrastructure.
- iv. The Director of Community Development shall notify the Planning Commission of all such approved minor changes.

**(e) Revocation**

- (1) In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Planning Commission may, after notice and hearing, revoke the approval of the PUD Preliminary Development Plan or Final Development Plan. The Planning Commission shall at the same time recommend whether to maintain the PUD zoning district or to rezone the properties to another zoning district.
- (2) The revocation shall become final 30 days after City Council passes an ordinance to rezone the property to a base zoning district, other than a PUD, or a decision by the Planning Commission to revoke the approved plans but retain the PUD zoning.
- (3) Where the PUD zoning remains without an approved PUD Preliminary Development Plan or a PUD Final Development Plan, the property owner or agent shall be required to submit a new PUD Preliminary Development Plan in accordance with the review procedures of this chapter.

**(f) Recording**

The recording of the subdivision related to the PUD approval shall be done in the same manner as outlined in Section [1129.06](#).

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## 1109.04 REVIEW CRITERIA

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### (a) General Review Criteria

All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of its specific findings when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Preliminary Development Plan:

- (1) The proposed development is in conformity with the goals, policies, and any applicable recommendations of the Sharonville Comprehensive Plan;
- (2) The proposed development meets the intent and spirit of this code and all other applicable City ordinances or adopted plans;
- (3) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate screening where necessary;
- (4) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (5) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (6) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this code;
- (7) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal due to excessive population densities;
- (8) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (9) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;
- (10) The internal connectivity will assist in creating safe traffic patterns for pedestrians and cars while also minimizing the need for multiple curb cuts;
- (11) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;
- (12) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;
- (13) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, convenience, comfort, prosperity and general welfare;
- (14) The proposed development is designed in such a way that each individual section of the development as well as the total development can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;
- (15) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and
- (16) The PUD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

### (b) Review Criteria for the PUD Final Development Plan

In addition to the General Review Criteria in section [1109.04](#), the following criteria shall serve as conditions that should be satisfied before the approval of the PUD Final Development Plan:

- (1) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as identified on the PUD Preliminary Development Plan and PUD Final Development Plan. Furthermore, the PUD Final Development Plan shall demonstrate how the open spaces shall be duly transferred and maintained by a legally established homeowners' association or another public or quasi-public agency for preservation and maintenance;
- (2) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with the requirements of this code;
- (3) The proposed PUD Final Development Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Development Plan;
- (4) Each individual phase of the development can exist as an independent unit that can create an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;
- (5) That any exception from the design standards provided in the PUD Preliminary Development Plan is warranted by the design and amenities incorporated in the detailed PUD Final Development Plan;
- (6) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development; and
- (7) The PUD Final Development Plan has been transmitted to all other agencies and departments charged with responsibility of review.

## **1109.05 PERMITTED USES**

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

- (1) Only those uses listed in this code (See Section [1105.02](#).), as a permitted use, whether permitted as-of-right, permitted with standards, or permitted as a conditional use, may be considered in the application of a PUD.
- (2) In general, any standards that apply to a specific use in this code shall also apply to those same uses in a PUD. However, the Planning Commission and City Council may adjust or waive any of those use-specific standards (See Section [1105.03](#).) based on unique circumstances specific to the applicable development.
- (3) As part of any approval, the Planning Commission and/or City Council may restrict the uses permitted within an individual PUD by adopting a list of uses permitted within the PUD.
- (4) Any changes in uses within an approved PUD shall be required to be reviewed as part of a major PUD amendment.

### **(b) Accessory Uses**

- (1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PUD shall be allowed in accordance with the following:
  - A. Accessory uses permitted in the R1-A District shall be allowed on lots with any single-family dwelling.
  - B. Accessory uses allowed in the R-M District shall be allowed on lots with any two-family or multi-family dwelling.
  - C. Accessory uses allowed in the GB or GI Districts shall be allowed on lots with nonresidential uses.
  - D. Any allowed accessory uses shall still comply with the applicable accessory use-specific standards established in this code in Section [1111.01](#).
- (2) As part of any approval, the Planning Commission and/or City Council may restrict the accessory uses permitted within an individual PUD.

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## 1109.06 DEVELOPMENT STANDARDS

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### (a) Lot and Density Regulations

- (1) The Planning Commission and City Council shall have the authority to restrict densities based on the compatibility of the development with surrounding development, the scale of the overall project, traffic impacts, and recommendations from the Comprehensive Plan
- (2) Each principal building shall have its own private yard.
- (3) Residential uses shall have minimum lot sizes as follows:
  - A. Single-family dwellings shall have a minimum lot area of 6,500 square feet.
  - B. Two-family dwellings shall have a minimum lot area of 8,500 square feet.
  - C. Multi-family dwellings shall have a minimum lot area of 6,500 square feet for the first dwelling unit and 2,000 square feet for each additional dwelling unit.
- (4) The maximum gross density of a PUD with only residential uses shall be 12 units per acre.
- (5) The PUD Preliminary Development Plan shall illustrate lot areas and setbacks (e.g., building area for each lot) for each lot.
- (6) Every building in a PUD shall have access either to a street, walkway, or other area dedicated to common use.
- (7) In PUDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements. At a minimum, residential dwellings shall meet the following standards in a PUD:
  - A. There shall be a minimum front yard setback of 20 feet and a minimum rear yard setback of 25 feet for all residential dwelling units.
  - B. The minimum side yard setback shall be 10 feet for single-family and two-family dwellings.
  - C. The minimum distance between principal buildings other than single-family and two-family dwellings shall not be less than 15 feet or one-half the height of the higher structure, whichever is greater.
  - D. For multi-family dwellings, principal buildings should be oriented in a manner that will provide the most privacy to individual dwellings through creative placement, building orientation, and increased separation.

### (b) Design and Development Standards

Where this code provides for design and development standards (e.g., parking, landscaping, architectural standards, etc.) not specifically addressed in this chapter, development within a PUD shall comply with the applicable standard found elsewhere in the code.

#### (1) Illumination

All development shall comply with the outdoor lighting standards of Section [1113.03](#) unless the Planning Commission and City Council allows for modification of the standards.

#### (2) Off-Street Parking and Loading

All development shall comply with the requirements of [Chapter 1121: Parking, Access, and Connectivity](#) unless otherwise approved by the Planning Commission and City Council where shared parking, on-street parking, or other arrangements will not necessitate as much parking.

#### (3) Landscaping and Screening

- A. All uses in a PUD shall comply with the applicable landscaping and screening requirements of [Chapter 1119: Landscaping and Screening](#), which shall be established as the minimum landscaping and screening requirements.
- B. All development and common open space shall be landscaped according to an overall coordinated plan, utilizing a variety of trees, including evergreen type trees whenever possible to maximize screening potential year-round. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.

- C. The amount of landscaping shall be comparable to the intensity of the development proposed to soften the developed areas. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas that are sustainable given the proximity to large expanses of pavement.
  - D. Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in accordance with this code and shall include a decorative gate for access.
  - E. **Project Buffer**
    - i. PUDs that contain nonresidential uses or residential uses of a higher density or intensity than of adjacent residential uses shall be required to provide a permanent open space buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of 35 feet in width unless otherwise approved by the Planning Commission and City Council.
    - ii. The buffer area shall be maintained by the land owner or owners' association in such a manner as to insure its effectiveness.
    - iii. The project buffer area shall not be included in the calculation for the lot area of any private lot.
- (4) **Common Open Space**
- A. Common open space shall be required in all applications where there is a proposed PUD that contains any residential uses.
  - B. The common open space requirements for a PUD shall be based on the proposed residential density and shall be in accordance with [Table 1109-1](#).
  - C. In the case of phased developments, open space shall be provided in proportion with each developed phase.

TABLE 1109-1: PUD COMMON OPEN SPACE REQUIREMENTS	
Proposed Residential Density (Gross Density)	Common Open Space Requirements
Under 4 Dwelling Units per Acre	10 Percent
4 to 8 Dwelling Units per Acre	15 Percent
Over 8 Dwelling Units per Acre	20 Percent

- D. The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.
- E. When open space is required, such space should be designed in a manner that is beneficial to the entire development and is not solely land that is not developable or that appears to be an extension of proposed lots. Such design shall be as approved by the Planning Commission and City Council during the PUD Preliminary Development Plan review.
- F. Retention or naturalized stormwater management areas that are designed to be an amenity (e.g., improved ponds, decorative features, etc.), may be considered as open space if approved by the Planning Commission and City Council during the PUD Preliminary Plan review.
- G. The following areas shall not be counted toward compliance with open space requirements:
  - i. Private and public roads, and associated rights-of-way;
  - ii. Public or private parking spaces, access ways, and driveways related to any residential use;
  - iii. Required minimum spacing between buildings and required yard setbacks;
  - iv. Vehicular use areas;
  - v. Land that is subject to pre-existing conservation easements or other similar protected open spaces;

- vi. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
  - vii. Stormwater areas that are not designed as an amenity pursuant to Paragraph [1109.06\(b\)\(4\)F](#), above.
  - viii. Substations and public utility easements;
  - ix. Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission, the City Council or the Director of Community Development, as may be applicable based on the review procedure.
- H. All common open space shall be designed in accordance with the following:
- i. The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PUD.
  - ii. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PUD in relation to its size, density, expected population, topography and the type of dwellings.
  - iii. The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.
  - iv. Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

**(5) Protection and Maintenance of Common Open Space**

Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

**A. Reclamation of Disturbed Open Space**

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in their natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

**B. Future Subdivision and Development of Open Space**

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Sharonville and duly recorded in the office of the Hamilton or Butler County Recorder, as applicable. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, a land trust or other conservation organization, or by a similar entity recognized by the City of Sharonville. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

**C. Conservation Easements**

With the permission of the City of Sharonville, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to the City of Sharonville. When a conservation easement is proposed as the method of restricting further subdivision of land designated as open space, the City of Sharonville shall be named as a party to such conservation easement with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**D. Homeowners' Associations**

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

- i. A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space unless such open space is preserved in another manner allowed by this chapter.
- ii. All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, planned unit development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.
- iii. All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the City may do any of the following:
  - a) If the open space or common area is owned by the City, a City-approved land trust or other qualified organization, county, state or park district, the City may remedy the failure to maintain at its own cost and seek reimbursement from the homeowners' association, or seek to enforce the homeowners' association's duty to maintain through an injunction or any other civil remedy.
  - b) If the open space or common area exists pursuant to a conservation easement to which the City is a party, the City may seek to enforce the terms of the conservation easement as provided in [Section 1109.06\(b\)\(5\)C.](#)
- iv. If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the City may seek to enforce the association's nonperformance of its obligations and duties through an injunction or any other civil remedy.

**(6) Signs**

- A. Signs shall be integrated into the building and landscaping plans to enhance the overall appearance while providing adequate identification of the development.
- B. The requirements of [Chapter 1123: Signs](#), may only be waived as part of the approval of the preliminary PUD plan when the applicant submits a master sign plan for the entire PUD. In such cases, the master sign plan shall not allow for more than a 10 percent increase in the total sign area allowed in [Chapter 1123: Signs](#).

**(7) Development Layout**

Dwelling units shall be grouped or clustered to provide interest and diversity in the arrangement, maximize privacy, collect and maximize the common open space and promote the individual character and coordinated layout of each lot, cluster and grouping. Streets and cul-de-sacs shall be laid out so as to discourage through and high-speed traffic unless such through street is needed to be in compliance with the approved City plans.

**(8) Vehicular Access Points**

- A. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- B. Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide screening between areas of substantially different character.
- C. The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development.
- D. A minimum of two ingress and egress points shall be provided for any PUD. If a PUD is phased, each phase shall have a minimum of two ingress and egress points at the time of construction.
- E. Where a PUD is located adjacent to a vacant lot, connections shall be planned for the future connection to the future development of the vacant lot unless otherwise approved by the Planning Commission and City Council. Where such connections are made, a temporary turnaround may be established and the future connection shall be noted on the PUD Final Development Plan and the final subdivision plat. An easement shall be provided on the final plat of the subdivision to keep the land open in perpetuity for the connection.

**(9) Circulation Plan**

- A. The circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity and flow of the existing streets.
- B. An interconnecting walkway system shall be designed to promote easy and direct barrier-free access, using accepted criteria, to all areas of the development in a carefully conceived total service plan while also considering the security of the residents in the design. Wherever possible, the vehicular and pedestrian circulation patterns shall be completely separate and independent of one another.
- C. A PUD shall consider bicycle plans adopted by the City and/or a regional agency, where applicable, on or adjacent to the site. A component of the bike plan which is proposed within a planned unit development shall be assured for public access by easements, agreements or covenants as may be appropriate after review by appropriate departments and approval by Council.

**(c) Improvement Standards**

**(1) Subdivision Compliance**

Unless alternative standards are approved as part of a subdivision modification, all PUDs shall comply with the applicable subdivision improvement and design standards established in [Chapter 1125: Subdivision Design](#).

**(2) Streets**

All streets proposed within a PUD shall be public streets, dedicated to the City of Sharonville in accordance with the applicable subdivision regulations, unless otherwise approved by the Planning Commission and City Council as part of the PUD Preliminary Development Plan approval.

# Chapter 1111: Accessory and Temporary Uses

## 1111.01 ACCESSORY USES AND STRUCTURES

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### (a) Purpose

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

### (b) General Provisions

- (1) An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.
- (4) In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory on the following conditions:
  - A. Up to 12 months consistent with that allowed by [Chapter 1131: Nonconformities](#).
  - B. A certificate of zoning approval and building permit is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Director of Community Development may approve an extension of up to 12 months.
- (5) Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, barbeque equipment, etc. that are not otherwise addressed in this chapter, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet and shall not exceed six feet in height.
- (6) Residential underground irrigation systems and other underground installations and devices, including, but not limited to, electric fences, shall be set back a minimum of one foot from any public right-of-way line.
- (7) An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (8) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Butler or Hamilton Counties, or the State of Ohio.

### (c) Height, Setback, and Size Requirements

#### (1) Residential Zoning Districts

- A. The maximum height of any detached accessory structure shall be 14 feet, measured to the peak, unless otherwise provided for in this code.
- B. No detached accessory structure that is 200 square feet in floor area or larger shall be located less than 10 feet from the principal building, if approved. If the separation of the accessory and main structure is less than 10 feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building. Detached accessory structures that are less than 200 square feet in floor area shall be set back a minimum of five feet from the principal building.
- C. Detached accessory buildings and structures shall be set back a minimum of 20 feet from the street right-of-way line and a minimum of five feet from any side or rear lot line, except where the rear lot line is coterminous with an alley, in which case, the setback may be reduced to one foot.

D. No detached accessory building shall exceed 600 square feet in floor area.

(2) **Nonresidential Zoning Districts**

A. The maximum height of accessory buildings and structure shall not exceed the height of the principal building.

B. The maximum floor area of a detached accessory building or structure shall not exceed that of the floor area of the principal building.

(3) The floor area of all detached accessory buildings shall count toward the maximum lot coverage as established in Section [1113.01\(g\)](#).

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

(1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable garages or storage structures shall also be prohibited

(2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any residential or the OB, LB, GB, CBD, or SM-D zoning districts. Temporary storage in portable storage units is permitted in accordance with Section [1111.02\(c\)\(7\)](#).

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

(1) The types of accessory uses allowed in a PUD shall be considered as part of the PUD review. Generally:

A. Accessory uses for single-family residential dwellings shall be those allowed in the R1-A District.

B. Accessory uses for multi-family residential dwellings shall be those allowed in the R-M District.

C. Accessory uses for nonresidential uses shall be those allowed in the GB District.

(2) The Planning Commission and City Council may approve alternative accessory uses and structures within a PUD if allowed as part of the PUD preliminary development plan approval process.

(f) **Permitted Accessory Uses**

The following is an explanation of [Table 1111-1](#).

(1) The symbols for permitted uses (P), permitted uses with standards (PS), conditional uses (C), and prohibited (XX) are defined in the same manner as Section [1105.02\(b\)](#).

(2) A blank cell indicates that a use is prohibited in the respective zoning district.

(3) Accessory uses in the Northern Lights Overlay District shall be controlled by the underlying zoning district.

(4) **Yards Permitted**

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

(5) **Lot Coverage Calculation**

This column identifies when the accessory structure is “included” in the calculation of maximum lot coverage requirements in Section [1113.01\(g\)](#).

(6) **Certificate of Zoning Approval Required**

A “Yes” in the “Certificate of Zoning Approval Required” column shall mean that the applicable accessory structure or use requires a certificate of zoning approval in order to be constructed.

(7) **Use-Specific Standards**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(8) Similar Use Determination and Unlisted Uses**

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section [1105.02\(d\)](#).

TABLE 1111-1: ACCESSORY USES AND STRUCTURES						
P=Permitted Use	PS=Permitted Use with Standards	C=Conditional Use	XX=Prohibited Use			
Accessory Use or Structure	R1-A, R1-B, R2-C, & R-M	OB, LB, GB, CBD, SM-D, CS, GI, ITC, & PF	Lot Coverage	Certificate of Zoning Approval Required	Yards Permitted F=Front S=Side R=Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	No	No	F, S, or R	<a href="#">1111.01(g)(1)</a>
Agricultural Uses	PS	XX	No	No	F, S, or R	<a href="#">1111.01(g)(2)</a>
Amateur Radio Antennas	PS	PS	No	Yes	S or R	<a href="#">1111.01(g)(3)</a>
Community Gardens	XX	PS	No	Yes	F, S, or R	<a href="#">1111.01(g)(4)</a>
Detached Accessory Buildings	PS	PS	Yes	Yes	R	<a href="#">1111.01(g)(5)</a>
Drive-Through Facilities and Pick-Up Windows	XX	PS or C	No	Yes	S or R	<a href="#">1111.01(g)(6)</a>
Food Trucks	XX	C	No	Yes	F, S, or R	<a href="#">1111.01(g)(7)</a>
Home Occupations	PS or C	XX	Yes	See Section <a href="#">1111.01(g)(8)</a>	Interior Use	<a href="#">1111.01(g)(8)</a>
Nursery Schools or Day Care Centers	PS	PS	Yes	Yes	Interior Use	<a href="#">1111.01(g)(9)</a>
Outdoor Dining	XX	PS	No	Yes	F, S, or R	<a href="#">1111.01(g)(10)</a>
Outdoor Display or Sales	XX	PS	No	Yes	F, S, or R	<a href="#">1111.01(g)(11)</a>
Outdoor Storage and Bulk Sales	XX	PS	No	Yes	S or R	<a href="#">1111.01(g)(12)</a>
Outdoor Vending Machines and Drop-Off Boxes	XX	PS	No	No	See Section <a href="#">1111.01(g)(13)</a> .	
Patios, Porches, and Decks	PS	PS	No	See Section <a href="#">1111.01(g)(14)</a> .		
Playsets, Treehouses and Trampolines	PS	XX	See Section <a href="#">1111.01(g)(15)</a> .			
Raising of Domestic Animals	PS	XX	No	No	F, S, or R	<a href="#">1111.01(g)(16)</a>
Retail Commercial Uses	XX	PS	Yes	Yes	Interior Use	<a href="#">1111.01(g)(17)</a>
Satellite Dishes	PS	PS or C	No	See Section <a href="#">1111.01(g)(18)</a> .		
Solar Panels	PS	PS	No	See Section <a href="#">1111.01(g)(19)</a> .		
Swimming Pools	PS	PS	No	Yes	R	<a href="#">1111.01(g)(20)</a>
Tennis or Other Recreational Courts	PS	PS	No	Yes	R	<a href="#">1111.01(g)(21)</a>
Type-B Day Care Homes	PS	XX	Yes	Yes	Interior Use	<a href="#">1111.01(g)(22)</a>

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

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [1111.01\(b\)](#).

**(1) Accessibility Ramps**

- A. Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.
- B. Such ramps shall be an open structure, without a roof.

**(2) Agricultural Uses**

The raising of fruits, vegetables, and nursery stock for private use, including cultivated plots, tracts of land, or raised beds containing single variety or multiple varieties of vegetables, fruits, berries, or any other edible or otherwise consumable agricultural product or produce, provided that such areas shall be permitted in accordance with the following:

- A. Such uses may take place in the rear yard or any side yard, without any limitation on setback or total area of land occupied by agricultural uses.
- B. Such uses may be located in a front yard provided that square footage of all agricultural areas in the front yard does not exceed 100 square feet and shall not encroach into the front yard any more than 10 feet from the front building line.

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

- A. No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- G. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section [1129.04](#)). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to them by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

**(4) Community Gardens**

- A. Community gardens may be allowed as an accessory use when associated with a public or institutional principal use (e.g., religious institution or educational facility).
- B. Community gardens may be located in an open space area of a PUD if the space is maintained by a homeowners' association.
- C. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden, with hours of operation, maintenance and security requirements and responsibilities, and provisions for the distribution of garden plots.
- D. The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file in the offices of the Community Development Department.
- E. The site shall be designed and maintained so that water, pesticides, and fertilizer will not drain onto adjacent properties.
- F. There shall be no retail sales on site, except for produce grown on the site.
- G. Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- H. Fences and walls shall be subject to the provisions of Section [1113.06](#).

**(5) Detached Accessory Buildings**

- A. The provisions of this section shall apply to any accessory building not identified elsewhere in [Table 1111-1](#) that may include detached garages and carports, detached storage or utility sheds, gazebos, pergolas, pool houses, and other similar buildings, as determined by the Director of Community Development.
- B. Detached garages and carports shall be served by a paved driveway extending completely from the detached garage or carport to the street.
- C. Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, screen porches, hoop houses, and greenhouses.
- D. Portable carports and sheds shall be considered accessory buildings and subject to these requirements.

**(6) Drive-Through Facilities and Pick-Up Windows**

- A. The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).
  - i. Drive-through facilities may only be permitted if approved as a conditional use by the Planning Commission.
  - ii. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit.
  - iii. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
  - iv. If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for stacking spaces that are located in a front yard.
  - v. Drive-through facilities shall be required to include vehicle stacking spaces as established in [Section 1121.07](#).
- B. The following standards shall apply to pick-up windows where there is no vehicular access to the window.
  - i. Pick-up windows are a permitted accessory use in connection with any restaurant, microbrewery, microdistillery, or microwinery. Such use will require a certificate of zoning approval.
  - ii. Pick-up windows, and other objects associated with the pick-up window, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- C. Drive-through facilities and pick-up windows may only be considered in the CBD when accessory to a restaurant, financial institution, or other use where the majority of services are provided to customers indoors (e.g., no stand-alone ATMs, coffee kiosks with no seating, etc.).

**(7) Food Trucks**

Food trucks are permitted in the OB, LB, GB, CS, GI, and ITC Districts as an accessory use in accordance with the following:

- A. A maximum of one food truck is permitted to routinely park on the same lot as the use it will serve or is associated with, at any one time.

- B. A certificate of zoning approval shall be required in order to demonstrate the location of the food truck and compliance with these standards. The certificate of zoning approval shall apply to the property and is not intended to limit the use of only one food truck operator/provider to the lot (i.e., different food trucks may rotate operation on the lot provided all the food trucks comply with the certificate of zoning approval conditions.).
- C. Such certificate of zoning approval application shall include a statement from the property owner indicating agreement to the location of the food truck on such lot.
- D. Food trucks shall only be permitted on private property and shall be parked and operate in an off-street, paved parking space.
- E. Food trucks cannot be in operation from 11:00 p.m. to 7:00 a.m.
- F. Food trucks cannot be located within the required building setback (See applicable zoning districts.).
- G. Food trucks cannot block access drives or walkways.
- H. All other required permits must be obtained, such as permits from the applicable county health department.
- I. Food trucks that are in operation as part of an event or on a temporary basis shall be subject to the temporary use regulations.

**(8) Home Occupations**

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

**A. General Standards**

- i. The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- ii. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- iii. All home occupation activities shall take place in the dwelling and there shall be no use of an outdoor area or accessory structures for the home occupation, including for storage of materials, goods, supplies, or equipment. A home occupation may be permitted in an accessory building if approved by the Planning Commission through a conditional use approval.
- iv. The sale of goods or services shall be limited to:
  - a) Products that are produced or processed on the premises; or,
  - b) The sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.
- v. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- vi. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- vii. Only residents of the dwelling shall operate the home occupation.
- viii. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.
- ix. No more than 25 percent of the floor area of the dwelling unit shall be devoted to such home occupations.

- x. There shall be no signs other than the wall signs allowed on a dwelling in Section [1123.02\(h\)](#).
- xi. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- xii. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- xiii. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- xiv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Director of Community Development.

**B. Prohibited Home Occupations**

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

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

**C. Home Occupations Permitted with a Certificate of Zoning Approval**

The following home occupations are examples of those that may be allowed with a certificate of zoning approval provided they comply with this code:

- i. Handcrafts as well as arts and craft work including, but not limited to baking, ceramics, soap making, candy or snack making, jewelry making, pottery, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer provided no clients meet at the dwelling;
- iii. Other similar uses as determined by the Director of Community Development.

**D. Home Occupations Permitted with a Conditional Permit**

The following home occupations are examples of those that may be allowed with a conditional use approval provided they comply with this code:

- i. Any home occupation that provides services where members of the public visit or enter the premises if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;
- ii. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and

iii. Other similar uses as determined by the Director of Community Development.

**(9) Nursery Schools or Day Care Centers**

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

**(10) Outdoor Dining**

- A. Outdoor dining areas shall be located either along a sidewalk adjacent to the principal building to which the outdoor dining is connected, or between the principal building and an adjacent parking area.
- B. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- C. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mailboxes, or traffic signal stanchions.
- D. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- E. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of such outside entertainment to an existing use shall require approval through site plan review.
- F. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- G. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- H. Enclosing outdoor dining areas, either by a permanent roof or by expanding the existing structure, shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new certificate of zoning approval.
- I. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the City of Sharonville from and against any and all injuries, deaths, losses, damages (consequential and otherwise), claims, suits, liabilities, judgments, costs and expenses, and reasonable attorneys' fees, which may in any way arise out of or be connected with such outdoor dining, and which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees. The applicant shall be required to sign an indemnification statement on the application for a certificate of zoning approval.
- J. The City shall have the right and power, acting through the Director of Community Development to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

**(11) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to a principal use may be permitted upon compliance with the following:

- A. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.

- B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- C. Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
- D. Outdoor displays and sales areas shall be shown on the site plan.
- E. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- F. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- G. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots in residential zoning districts.
- H. The outdoor display and sales areas shall be maintained in good order and appearance.
- I. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can typically pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [1111.01\(g\)\(12\)](#).
- J. The maximum length of time for outdoor displays and sales shall be 90 days unless the Planning Commission approves an alternative time limit as part of the site plan review.

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

- A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.
- B. Outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as part of a temporary event.
- C. Outdoor storage and bulk sales are prohibited in the NLO District.
- D. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 50 percent of the ground floor area of the principal building.
- E. Outdoor storage and bulk sales areas shall be shown on the site plan.
- F. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 200 feet from any adjacent lot lines of lots in residential zoning districts.
- G. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- H. Areas devoted to outdoor storage or bulk sales shall be located in a side or rear yard so that it is behind the principal building and not visible from any public street, unless the storage is located on a corner lot. The enclosed area shall be setback 25 feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet. On corner and through lots, the enclosed area shall be setback 20 feet from any street right-of-way.
- I. The maximum length of time for outdoor storage and bulk sales shall be 90 days unless the Planning Commission approves an alternative time limit as part of the site plan review.
- J. **Screening**
  - i. All aspects of outdoor storage and bulks sales of goods and materials shall be screened in accordance with Section [1119.06](#).

- ii. If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
- iii. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

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

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

- A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required intersection visibility requirements in Section [1113.02](#).
- B. The facility or equipment shall be maintained in good operating order and appearance.
- C. Vending machines and drop-off boxes shall only be permitted in the nonresidential zoning districts. They may be permitted in residential districts only when accessory to a permitted nonresidential use.
- D. Vending machines shall only be placed along the facade of the principal building with a maximum of one machine for every 50 feet of building frontage. See [Figure 1111-A](#).



*Figure 1111-A: The above is an image of one vending machine that is appropriately located along the facade of the building.*

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

**(14) Patios, Porches, and Decks**

- A. Patios without a roof, building, or structure are permitted in any yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where those buildings or structures are permitted.
- B. Patios shall meet the front, side, and rear yard setbacks for accessory uses and shall not cover any easements. Patios in the front yard shall not cover more than 50 percent of the front yard and shall not allow for vehicular parking.
- C. Patios, decks, and porches may have built-in grills, kitchen areas, or living areas but such activities shall be permitted in the rear yard only provided such use complies with any applicable building code requirements.

- D. Patios, decks, and porches may have seating in any yard in which the patio, deck, or porch is permitted and located.
- E. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

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

- A. If a playset or treehouse has more than 100 square feet of enclosed play area, the use shall require a certificate of zoning approval and shall be reviewed in the same manner as a “detached accessory building.” As such, any playset or treehouse that has more than 100 square feet of enclosed play area shall also count toward the maximum floor area and lot coverage standards in this code. Such area shall be measured by the smallest square or rectangle around the bottom of the playset or treehouse.
- B. Treehouses, trampolines, enclosed play areas, and permanently sited playsets shall be located in the rear yard only. Portable playsets may be located in the side or rear yard.

**(16) Raising of Domestic Animals**

- A. Fowl, rabbits or fur-bearing animals may be raised or kept for an owner's use on a lot of not less than 20,000 square feet in area, provided the structure containing such use shall be located not less than 50 feet from all adjoining residential lot lines or any residence; and
- B. One horse or pony may be kept on a lot of not less than one and one-half acres, providing the structure containing such use is located not less than 100 feet from all adjoining residential lot lines or any residence. An additional one-half acre shall be provided for each additional horse or pony.

**(17) Retail Commercial Uses**

Retail commercial uses are permitted in the GI, ITC, or PF Districts provided:

- A. Such uses are an accessory use to an approved principal use;
- B. The uses are located completely within a principal building of a nonresidential use;
- C. In the GI, or ITC Districts, the retail use shall be for the sale of goods and products manufactured on site; and
- D. The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the principal building.

**(18) Satellite Dishes**

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a certificate of zoning approval.
- B. To the maximum extent feasible, the dish should be located in the side or rear yard.
- C. Mounting brackets shall be removed whenever a satellite dish is removed.
- D. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use in any nonresidential zoning district. A certificate of zoning approval shall be required if the conditional use is permitted. Such dishes shall be set back 10 feet from all lot lines.

**(19) Solar Panels**

- A. Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- B. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- C. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.
- D. Roof-mounted solar panels shall require a certificate of zoning approval or may be reviewed as part of the certificate of zoning approval for the principal building if constructed at the same time.

**(20) Swimming Pools**

- A.** The following standards shall apply to all types of pools permitted in the City of Sharonville:
- i.** A swimming pool shall not exceed 54 inches in height, above ground. Slides associated with pools shall be exempt from this height requirement.
  - ii.** All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the City, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
  - iii.** Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:
    - a)** Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
    - b)** Access gates into such enclosure shall be self-closing and have a self-latching device.
    - c)** Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked, or removed to prevent access.
    - d)** The required barrier must be installed prior to filling the pool with water.
    - e)** Automatic pool covers are permitted but the barrier requirements of this section shall still apply.
    - f)** A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
  - iv.** Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
  - v.** Lighting shall be shaded so as not to be a disturbance to adjacent properties.
  - vi.** Any sound of motor or pumps shall be shielded in such a manner to prevent disturbances of the peace, quiet and comfort of neighboring inhabitants.
  - vii.** All pool equipment and pumps shall be set back a minimum of 10 feet from all lot lines. Patios that surround a pool shall only be required to comply with a minimum setback of five feet from all lot lines.
- B.** For the purpose of this code, swimming pools shall be further classified and regulated as follows:
- i. **Private Pools****
    - a)** Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection.
    - b)** Private pools shall be set back a minimum of 10 feet from all lot lines as measured from the edge of the water.
  - ii. **Club or Community Pools and Commercial Pools****
    - a)** Club or community pools may be located in a residential district provided the lot on which it is located is not less than three acres and access to it is provided only from a major arterial or collector street.

- b) Commercial pools are pools open for paying members that are part of a nonresidential use, or are otherwise located in any nonresidential zoning district.
- c) The club or community pool and a commercial pool, accessory buildings, structures or other equipment shall be located not less than 75 feet from any adjacent residential lot line. This setback shall be measured from the edge of the water.
- d) At least one-half of an off-street parking space shall be provided for each member or resident of the development where a club or community pool is to be located. Such spaces shall be located not less than 20 feet from any adjoining residential lot line and constructed as required in Section [1121.03](#).

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

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

- A. Tennis courts or other recreational courts that exceed 900 square feet shall only be permitted on lots with a minimum lot area of one acre. Any court that is 900 square feet or less may be permitted on any lot size provided it complies with all other applicable provisions of this code.
- B. The court shall be set back a minimum of 10 feet from all lot lines.
- C. All fencing shall be subject to the fence regulations in Section [1113.06](#) except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.
- D. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1113.03](#).

**(22) Type B Family Day Care Home (1-6 Children)**

Type B family day care homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

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## **1111.02 TEMPORARY USES AND STRUCTURES**

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**(a) Purpose**

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

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

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, convenience, comfort, prosperity or general welfare;
- (2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Not include permanent alterations to the site;
- (4) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (5) Not interfere with the normal operations of any permanent use located on the property; and
- (6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

**(c) Permitted Temporary Uses and Structures**

**(1) Construction Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.

- B. Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission except that all construction dumpsters shall be located only a paved surface.
- C. All temporary construction structures shall be set back a minimum of 100 feet from the nearest occupied residential dwelling except for those dwellings located on the same lot. Such setback may be reduced to 10 feet for construction dumpsters.
- D. A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the certificate of zoning approval unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- E. In residential zoning districts, the hours of operation or use of the structure shall be restricted to the hours between 7:00 a.m. to 6:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in a residential district that is being developed.
- F. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- G. The structure shall not block or prevent access to any fire hydrant.
- H. All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the certificate of zoning approval has been issued for the final dwelling.
- I. Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

(2) **Food Trucks**

Food trucks are permitted as a temporary use in the OB, LB, GB, CS, GI, and ITC Districts in accordance with the following:

- A. A certificate of zoning approval is required indicating dates and locations the food truck will be in the City and containing a site plan showing the location of the food truck on the lot.
- B. Such certificate of zoning approval application shall include a statement from the property owner indicating agreement to the location of the food truck on such lot.
- C. Food trucks shall only be permitted on private property and shall operate in an off-street, paved parking space.
- D. A food truck operating on a temporary basis shall only be permitted to operate for 30 days in one calendar year.
- E. Food trucks cannot be in operation from 11:00 p.m. to 7:00 a.m.
- F. Food trucks cannot be located within the required building setback (See applicable zoning districts.).
- G. Food trucks cannot block access drives or walkways.
- H. All other required permits must be obtained, such as permits from the applicable county health department.
- I. These regulations are not applicable to food truck operations that occur during City sponsored events.

(3) **Gravel Surface Parking Lot**

- A. All parking lots and vehicular use areas shall be paved in accordance with Section [1121.03](#).
- B. A temporary gravel surface parking lot may be permitted in areas where solid pavement is otherwise required while a site is under construction but shall only be permitted in areas for parking as established in the approved site plans associated with the certificate of zoning approval.

- C. The temporary gravel parking area must be paved in accordance with Section [1121.03\(f\)](#) prior to final occupancy of the building.
- D. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previous state or planted as a landscaped area.
- E. A solid surface driveway shall be provided for vehicles accessing the parking lot from a public street in order to minimize the spread of dirt, dust, and gravel onto a street.

**(4) Garage or Estate Sales**

- A. Garage or estate sales are permitted up to four times per calendar year on any single lot with a maximum of four consecutive days per each occurrence.
- B. A certificate of zoning approval shall not be required for a garage or estate sale, but the sales shall be subject to the general standards applicable to all temporary uses and the time restrictions.

**(5) Temporary Sales Office and Model Homes**

If a temporary sales office/model home is to be located in a subdivision or multi-family residential development, its location shall be indicated on the subdivision plats or site plans, as applicable, and approved by the Planning Commission. The following provisions shall be met:

- A. One temporary real estate sales office or model dwelling unit per builder or developer shall be permitted in a section or phase of a new residential subdivision or in any one multi-family residential development.
- B. The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
- C. The sales office/model homes shall be operated by a developer, builder, or sales agent active in the same phase or section where the use is located.
- D. The sales office/model home shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling or for a period of time approved by the Planning Commission for multi-family residential developments.

**(6) Temporary Tents**

Temporary tents are allowed in all zoning districts subject to the following:

- A. In a residential zoning district, one tent is permitted for a maximum of seven days, two times per year, on any lot.
- B. Tents that are approved as part of a temporary event in a nonresidential zoning district shall be permitted for a period of up to 30 days. The Planning Commission may approve an extended period of time if approved as a conditional use.
- C. A certificate of zoning approval shall be required and the approval shall include an install date and date of removal.

**(7) Portable Storage Units**

- A. Portable storage units may be permitted in any zoning district as follows:
  - i. Such units may be used on construction sites, as construction structures, in accordance with Section [1111.02\(c\)\(1\)](#).
  - ii. When the occupant of a property is relocating or renovating, a portable storage unit shall be located on a paved surface, on a private property for a period not to exceed seven consecutive days or 14 total days in any 180-day period.
  - iii. When necessary to facilitate general temporary uses not described above, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or 14 total days in any 180-day period.
  - iv. The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.
- B. A certificate of zoning approval shall be required for the placement of any portable storage unit.

- C.** Portable storage units shall not be used to store hazardous or explosive materials.
- D.** Portable storage units shall not be occupied or used for any housing use.
- E.** Electric cords or power lines shall not be extended to any portable storage unit.

# Chapter 1113: General Development Standards

## 1113.01 LOT AND PRINCIPAL BUILDING REGULATIONS

### (a) Number of Principal Buildings Per Lot

- (1) In the R1-A and R1-B Districts, only one dwelling shall be permitted on any single lot unless approved as a condominium.
- (2) There can be more than one principal building on an individual lot in the R2-C and R-M Districts as well as on an individual lot in all nonresidential districts.
- (3) The number of principal buildings per lot in a PUD shall be as approved by City Council.

### (b) Minimum Lot Area

#### (1) Measurements

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).
- B. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a PUD or variance approval.

#### (4) Lot Area Requirements

- A. [Table 1113-1](#) establishes the minimum lot area requirements for individual zoning districts.
- B. There are no minimum lot area requirements for the OB, LB, GB, CBD, SM-D, or PF Districts unless they are residential uses, in which case, the minimum lot area requirement in [Table 1113-1](#) shall apply. In all other instances, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, loading, and stacking spaces, and all landscaping and screening requirements established in this code.
- C. Minimum lot areas in a PUD District shall be as established in the PUD approval process.

TABLE 1113-1: MINIMUM LOT AREA REQUIREMENTS	
District	Minimum Lot Area (Square Feet)
R1-A	12,000
R1-B	9,600
R2-C	9,600 per each single-family dwelling
	8,500 per each dwelling unit in a two-family dwelling
	5,445 per each dwelling unit in a rowhouse dwelling
R-M	9,600 per each single-family dwelling
	8,500 per each dwelling unit in a two-family dwelling
	4,000 per each dwelling unit in a rowhouse or multi-family dwelling
SM-D	4,356 per each dwelling unit in a rowhouse dwelling
	2,178 per each dwelling unit in a multi-family dwelling
CS, GI, and ITC	43,560

### (c) Minimum Lot Width

#### (1) Measurements

Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.

#### (2) Lot Width Requirements

- A. [Table 1113-2](#) establishes the minimum lot area requirements for all zoning districts.

- B. There are no minimum lot width requirements for the OB, LB, GB, CBD, SM-D, or PF Districts. In all other instances, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, loading, and stacking spaces, and all landscaping and screening requirements established in this code.

TABLE 1113-2: MINIMUM LOT WIDTH REQUIREMENTS	
District	Minimum Width (Feet)
R1-A	100
R1-B	80
R2-C	80 for lots with a single-family dwelling
	100 for lots with a two-family dwelling
	150 for lots with a rowhouse dwelling
R-M	80 for lots with a single-family dwelling
	100 for lots with a two-family dwelling
	200 for lots with a rowhouse dwelling
CS and GI	100
ITC	100 unless the lot is used for a trucking terminal, in which case, the minimum lot width is 350 feet.

(d) **Minimum Setbacks and Yards**

(1) **Setbacks and Yards Required for Buildings**

- A. A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.
- C. Where the term “required” is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See [Figure 1113-A](#).

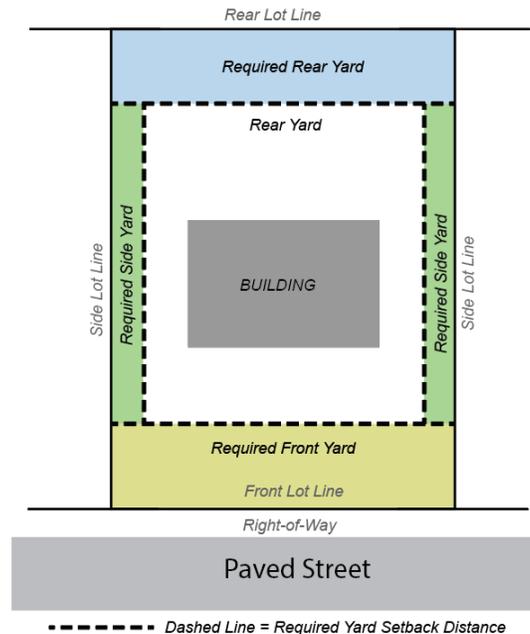


Figure 1113-A: The above image illustrates the use of the term “required yards” on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this code.

(2) **Measurements and Exceptions**

- A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).
- C. **Front Yard Exception for Partially Built-Up Blocks**

Where 50 percent or more of the block face on which a principal building is to be constructed, is occupied by buildings of the type and use permitted in the district before the effective date of this code, with a front yard setback of less than required by this code, the minimum front yard for new buildings shall be no less than the average setback distance of existing buildings located within 100 feet on either side of the applicable lot. However, front yard setback resulting therefrom shall not be less than one-half of the dimensions specified in the schedule in [Table 1113-3](#). See [Figure 1113-B](#).

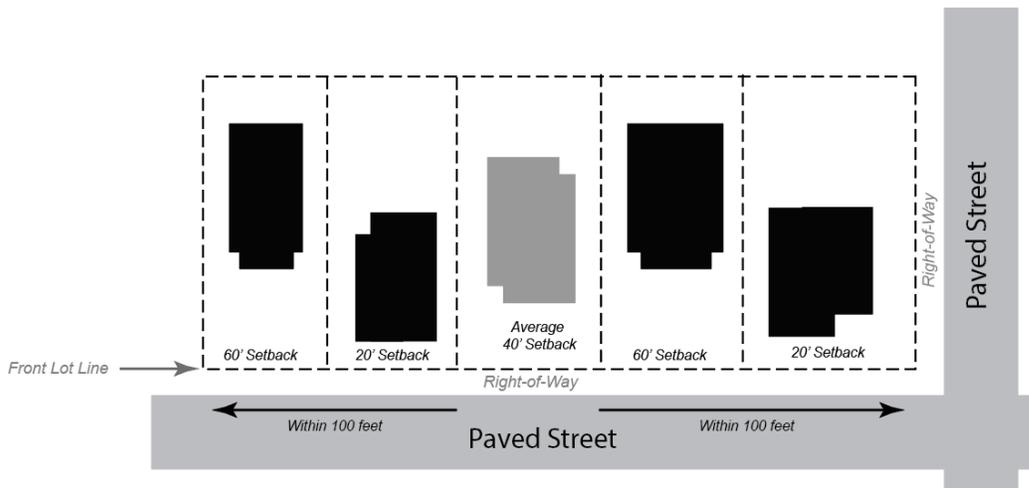


Figure 1113-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

D. **Projections into Required Yards**

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

- i. As otherwise provided in this chapter;
- ii. For accessory and temporary uses as allowed in [Chapter 1111: Accessory and Temporary Uses](#);
- iii. For landscaping as allowed in this code;
- iv. For parking and circulation as allowed in this code;
- v. For signage as allowed in this code;
- vi. Walls and fences as permitted in accordance with [Section 1113.06](#);
- vii. For the ordinary projections that are a part or feature of a building which extends or projects outside of the exterior, enclosing facades. It is intended that certain features may project into required yards, but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:
  - a) Architectural features such as a belt course, balcony, cornice, gutter or chimney may project into a front and side yard for a distance of two feet;

- b) Entrance features such as an open platform, landing, steps, terrace, or other feature not extending above the first-floor level of a building may extend six feet into a front yard and three feet into a side yard.
- c) An unenclosed shelter (e.g., entrance hood or open, but roofed porch), open deck, porch, platform, landing, steps, terrace or other feature that is not fully enclosed and does not extend above the first-floor level of a building may extend:
  - 1) Ten feet into the front yard provided such encroachment does not exceed 50 percent of the width of the front building facade;
  - 2) Six feet into a front yard along the entire width of the front building facade; and
  - 3) Three feet into a side yard.
- d) An enclosed entry or porch shall not project into any required yard area. See also Section [1113.01\(d\)\(2\)D](#).

**(3) Lot Configurations and Rules for Setbacks and Yards**

**A. Interior Lots**

- i. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1113-C](#).
- ii. The lot line located directly behind the rear of the structure, as determined by the Director of Community Development, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1113-C](#).
- iii. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1113-C](#).

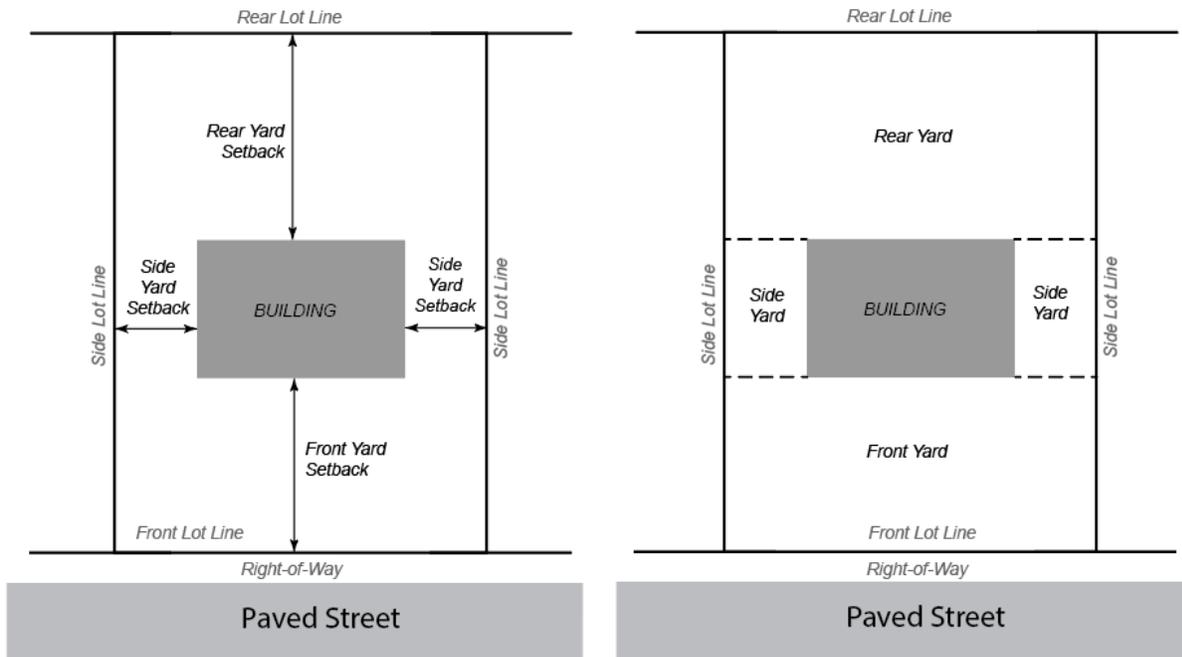


Figure 1113-C: Typical setback and yard locations for an interior lot.

**B. Corner Lots**

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

- i. The lot line that runs parallel with the front facade of the building on the rear of the lot shall be the rear lot line, and the minimum rear yard setback shall be applied from such lot line. See [Figure 1113-D](#).
- ii. All other lot lines shall be a side lot line, and the minimum side yard setback shall be applied from such lot lines. See [Figure 1113-D](#).
- iii. In residential districts, the required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1113-D](#). Where the rear yard of the corner lot abuts the rear yard of the adjacent lot, the front yard along the side street (parallel with the side of the building) may be reduced to 20 feet. See [Figure 1113-E](#).
- iv. In the OB, LB, GB, and SM-D Districts, the front yard requirement on the side street may be reduced to 10 feet.
- v. An alley shall not be considered a street for the purposes of determining a corner lot.
- vi. Such setbacks and yard locations shall apply, regardless of the orientation of the building.
- vii. Buildings on corner lots should be oriented to face the street on which the lot has the narrowest frontage but may also be oriented toward the corner of the lot, in which case, the setbacks and yard locations shall be as illustrated in [Figure 1113-F](#).



Figure 1113-D: Typical setback and yard locations for a corner lot.

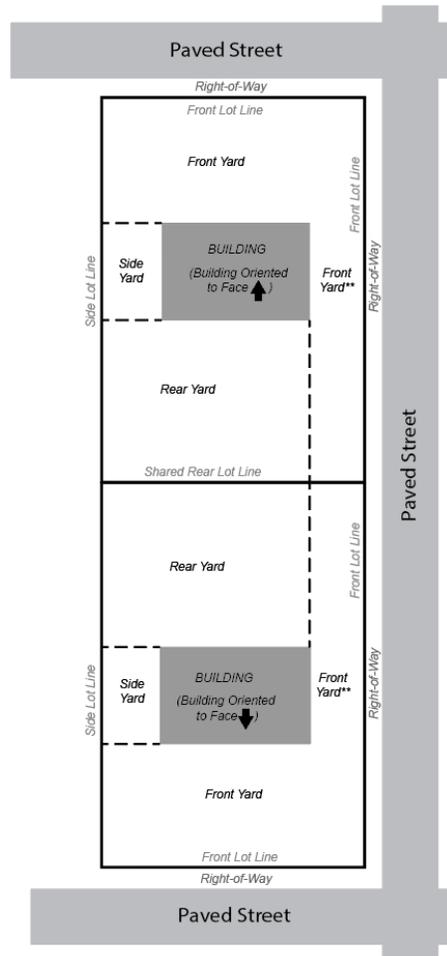


Figure 1113-E: Illustration showing where the secondary front yard setback (identified in the illustration as "Front Yard\*\*") can be reduced to 20 feet when the rear yard of one corner lot is adjacent to the rear yard of another lot.



Figure 1113-F: Typical setback and yard locations for a corner lot where the building is oriented toward the corner of the lot.

**C. Double Frontage (Through) Lots**

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

- i. Where a lot is considered a double frontage (through) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1113-G](#).

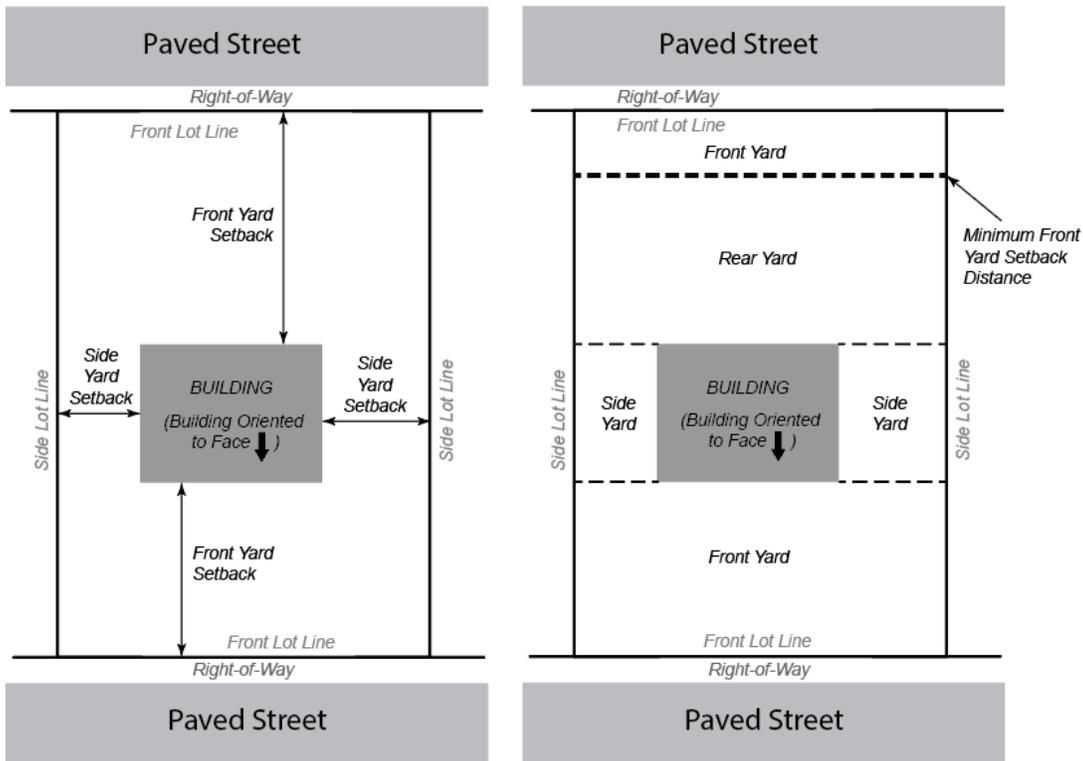


Figure 1113-G: Typical setback and yard locations for a double frontage (through) lot.

- ii. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1113-G](#).
- iii. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section [1113.01\(d\)](#) shall apply to all accessory uses or structures. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.
- iv. Where alleys exist in the City, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

**D. Panhandle (Flag) Lots**

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

- i. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- ii. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- iii. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1113-H](#).

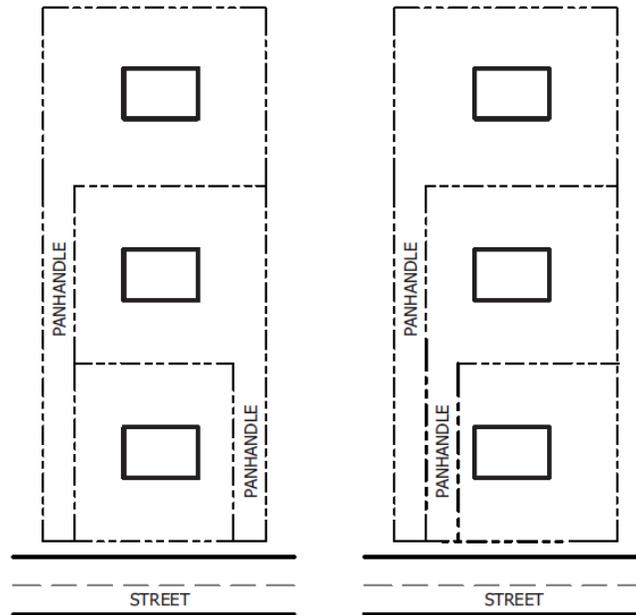


Figure 1113-H: The above illustration shows the stacking of panhandle lots, which is prohibited.

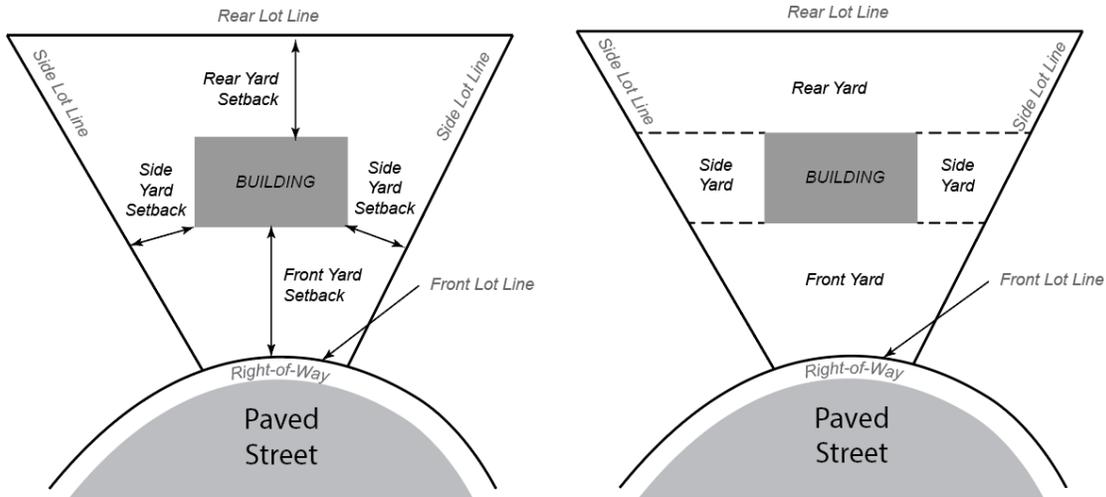
- iv. The panhandle shall have a minimum width of 10 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.
- v. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- vi. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1113-I](#).



Figure 1113-I: Typical setback and yard locations for a panhandle lot.

**E. Cul-de-Sac or Curved-Street Lot**

- i. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1113-J](#).
- ii. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.



*Figure 1113-J: Typical setback and yard locations for a curved street or cul-de-sac.*

**F. Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Director of Community Development shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

**(4) Minimum Setback Requirements**

- A. Setbacks required for accessory uses are established in Section [1111.01](#).
- B. [Table 1113-3](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

**TABLE 1113-3: MINIMUM SETBACK REQUIREMENTS**

District	Setback Requirements (Feet)		
	Front Yard	Side Yard (Each Side)	Rear Yard
<b>Residential Zoning Districts</b>			
R1-A	40	15	35
R1-B	30	10	35
R2-C	30	10 for single-family dwellings 12 for all other dwellings	35
R-M	30	10 for single-family dwellings 12 for all other dwellings that are 2 stories in height or shorter 15 for all other dwellings	35
<b>Commercial Zoning Districts</b>			
OB and LB	50	No side yard setback is required unless adjacent buildings are to be separated, then a 10-foot separation between buildings is required. <b>[1]</b>	10 <b>[1]</b>
GB	50	There shall be a minimum separation of 10-feet between adjacent buildings in the same district <b>[2]</b>	10 <b>[2]</b>
CBD	0-5	No side yard setback is required unless adjacent buildings are to be separated, then a 5-foot separation between buildings is required (or a 0-foot setback when a common wall is proposed)	10-15
SM-D	14 from the back of the street curb <b>(3)</b>	No side yard setback is required unless adjacent buildings are to be separated, then a 10-foot separation between buildings is required <b>(4)</b>	45 <b>(4)</b>
<b>Industrial Zoning Districts</b>			
CS	50	15 from adjacent lots in nonresidential districts and 50 feet from adjacent lots in residential districts	
GI	50	15 from adjacent lots in nonresidential districts and 25 feet from adjacent lots in residential districts	
ITC	50 <b>[5]</b>	25 from adjacent lots in nonresidential districts and 100 feet from adjacent lots in residential districts	
<b>Special Zoning Districts</b>			
PF	Equal to the front yard setback of the nearest, adjacent district.	50 for all side and rear yard setbacks.	
NLO	See Section <a href="#">1107.01</a> .		
<b>NOTES:</b>			
<p><b>[1]</b> When the lot is adjacent to a lot in a residential zoning district, the minimum set back shall be increased to 20 feet from the lot line in the residential district.</p> <p><b>[2]</b> When the lot is adjacent to a lot in a residential zoning district, the minimum set back shall be increased to 30 feet from the lot line in the residential district.</p> <p><b>[3]</b> In the CBD and SM-D District, there shall be a maximum front yard setback of 25 feet from the back of the street curb.</p> <p><b>[4]</b> When the lot is adjacent to a lot in a residential zoning district, the minimum side yard setback shall be increased to 15 feet from the lot line in the residential district. If the rear yard of a lot in the CBD District is adjacent to a lot in a residential district, the rear yard setback shall be increased to 30 feet.</p> <p><b>[5]</b> Buildings shall be set back a minimum of 400 feet from any adjacent lot line in a residential district if the building or applicable lot is used for a truck terminal.</p>			

(e) **Maximum Building Height**

(1) **Measurement**

Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to the mid-point between the eaves and the peak line for any sloped roof or to the highest point of a flat roof, excluding architectural features (e.g., vents, cupolas, weather vanes, chimneys, etc.), roof embellishments, or chimney extensions. See [Figure 1113-K](#).

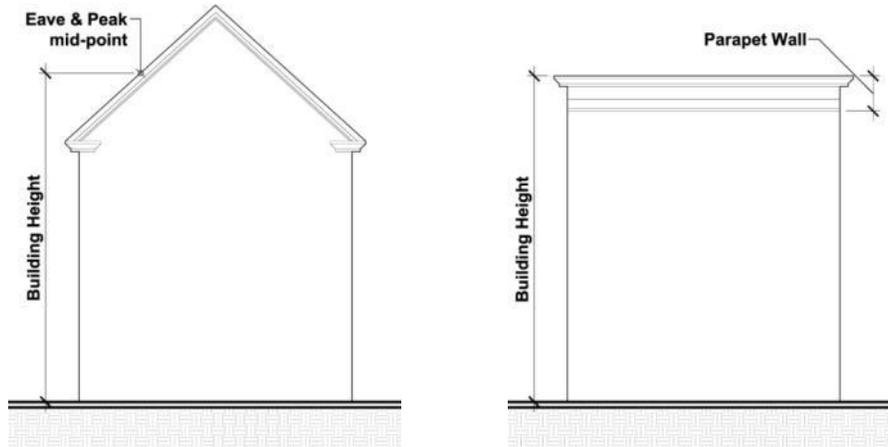


Figure 1113-K: Example of building height measurement for a sloped roof (left) and a flat roof (right).

(5) **Exceptions to Height Limits**

The maximum height limits established in this code shall not apply to:

- A. Educational facilities, places of worship, hospitals, and other public and institutional uses, may have a maximum height of 60 feet provided that all yard setbacks shall be equal to or more than the height of the building wall adjacent to such lot line.
- B. Spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, towers, water tanks or other tanks for liquids, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses provided the height of the feature does not exceed two times the lot width; and
- C. Governmentally-owned freestanding water tanks, towers, radio or television antennae, and flag poles.

(6) **Maximum Height Standards**

- A. [Table 1113-4](#) establishes the maximum building height for principal buildings.
- B. The maximum height of accessory structures is established in Section [1111.01\(c\)](#).

TABLE 1113-4: MAXIMUM HEIGHT OF PRINCIPAL BUILDING	
District	Maximum Height (Feet)
R1-A	35
R1-B	35
R2-C	35
R-M	40
CBD	60
OB, LB, GB, and SM-D	35
CS, GI, and ITC	50
PF	40

**(f) Minimum Floor Area for Dwelling Units**

**(1) Calculation**

- A. The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B. Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.
- C. Such requirements shall only apply to single-family dwellings, two-family dwellings, rowhouse dwellings, multi-family dwellings, and dwelling units located in mixed-use buildings. These requirements shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

**(2) Minimum Floor Area Requirements**

- A. The minimum floor area for single-family dwellings shall be 1,000 square feet.
- B. The minimum floor area for all other dwelling units shall be 600 square feet.
- C. There shall be no minimum floor area requirement for dwelling units in the CBD District.

**(g) Maximum Lot Coverage**

**(1) Measurement**

Where used, lot coverage is that portion of a lot, or a specified yard, which when viewed directly from above, would be covered by principal and accessory buildings. Decks, pervious paver blocks, driveways, patios, parking lots, and structures that are not buildings shall not count as impervious surfaces. The Director of Community Development shall have the final determination of what are considered buildings and the total coverage that is considered impervious surfaces.

**(2) Maximum Lot Coverage Standards**

[Table 1113-5](#) establishes the maximum lot coverage for all buildings on an individual lot within the applicable district.

TABLE 1113-5: MAXIMUM LOT COVERAGE	
District	Maximum Lot Coverage
R1-A, R1-B, R2-C, and R-M	35 percent
OB, LB, and GB	30 percent
CBD	At discretion of Planning Commission
SM-D	75 percent
CS and GI	50 percent
ITC	40 percent
PF	40 percent

**1113.02 INTERSECTION VISIBILITY**

No fence, wall, sign, structure, vehicle, or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway or curb cut. Fences, walls, signs, structures, vehicles or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and five feet above the lowest point of the intersecting roads. The unobstructed triangular area is described as follows:

- (a) At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of 10 feet along the driveway to a point and a distance of 20 feet along the street curb to a point and connecting these points.

- (b) At street intersections, the sight triangle shall be formed by measuring at least 35 feet along curb lines and connecting these points. Within the first 20 feet of the street intersection sight triangles, no structure or landscaping material is permitted except required ground cover. Within the portion of sight triangle that is located between 20 feet 35, feet signs and trees shall be permitted only when the pole or trunk is the only part of a sign or tree that is visible between the ground and five feet above the ground, or otherwise does not present a traffic visibility hazard.

### 1113.03 OUTDOOR LIGHTING

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(a) **Purpose**

- (1) The overall purpose of this section is to control the installation of outdoor lighting fixtures to prevent light pollution in the forms of light trespass and glare, and to preserve, protect, and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility and security, and to control light trespass and glare on adjacent properties and public roadways.
- (2) In addition to the overall purpose above, outdoor lighting is a central element of the Sharonville NLO District where development is encouraged to have a multi-layered lighting design that reinforces the Sharonville Northern Lights vision throughout the district. The use of lighting in all architectural and landscaping elements in the district provides opportunity to immerse the viewer in the district experience. The ambience of the lighting will encourage interaction of visitors with the surrounding environment.

(b) **Applicability**

The standards of this section shall apply to all development activities, subject to review under this code, with the following exceptions:

- (1) Lighting related to single-family dwellings are exempt; however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties.
- (2) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.
- (3) Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be exempt from the requirements of this section, provided direct light emissions are not intended to be visible above the building's roof line. This exception shall not include decorative lighting used to illuminate a sign, which is regulated by [Chapter 1123: Signs](#).
- (4) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this section, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.
- (5) Lighting for certain outdoor recreational uses, because of their unique requirements for nighttime visibility and their limited hours of operation, are exempt from this section. However, such uses, including but not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses, shall be required to meet the following standards:
- A. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.
  - B. The maximum permitted illumination at the lot lines shall be two footcandles.
  - C. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.
- (6) Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- (7) Nothing in this chapter shall apply to lighting required by the FAA or any other federal regulatory authority.

**(c) Applicability and Exterior Lighting Plan**

- (1) A lighting plan is required for all uses that are required to file for site plan review and shall be approved according to the procedures set forth in Section [1129.07](#). Such lighting plan shall not be required to include a photometric study unless the proposed use is a multi-family dwelling with 10 or more units or a nonresidential use is proposed to be located adjacent to a lot in a residential district or that is occupied by an existing residential use.
- (2) All existing uses on which outdoor lighting is installed or changed shall conform to these standards, regardless if a lighting plan is required.
- (3) The lighting plan shall demonstrate compliance with the outdoor lighting standards of this section.

**(d) General Requirements**

- (1) All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempted per Section [1113.03\(b\)](#).
  - A. Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.
  - B. Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding 40 watts shall not require shielding.
  - C. Non-cutoff luminaires may be used when the maximum initial lumens generated by each luminaire shall not exceed 9500 initial lamp lumens per luminaire.
  - D. All metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium, and color improved high pressure sodium lamps used in non-cutoff luminaires shall be coated with an internal white frosting inside the outer lamp envelope.
  - E. The luminaire shall utilize an internal refractive lens or a wide-body refractive globe for all metal halide luminaires equipped with a medium base socket.
  - F. All non-cutoff open-bottom luminaires shall be equipped with full cutoff luminaire shields that reduce glare and limit uplight.
- (2) All on-site lighting of buildings, lawns, landscaping, parking areas, and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.
- (3) Illumination that is required consistently across the site shall be designed so as not to create dark spots that may create safety issues in such areas as vehicular use areas and connecting pedestrian paths.
- (4) For all nonresidential uses in any residential district, all outdoor lighting fixtures, including parking, display, and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
- (5) The lighting under vehicular canopies shall be designed so as not to create glare off-site, with a maximum point of horizontal illuminance of 24.0 maintained footcandles. Acceptable lighting methods include one or more of the following:
  - A. Recessed luminaire incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy;
  - B. Luminaire incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane;
  - C. Surface mounted luminaire incorporating a flat glass that provides a cutoff optic or shielded light distribution;
  - D. Surface mounted luminaire, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material; or
  - E. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such luminaires shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

- (6) There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
- (7) There shall be a maximum illumination level of 0.2 footcandles along any street right-of-way.
- (8) Beyond the maximum illumination levels above, the outdoor lighting shall produce an average light level along pedestrian walkways of at least 0.6 maintained footcandles.
- (9) Service connections for all freestanding lighting pole assemblies shall be located underground.
- (10) **Measurement**
  - A. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
  - B. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.

(11) **Maximum Height of Light Poles**

The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

TABLE 1113-6: MAXIMUM HEIGHT OF LIGHT POLES	
District	Maximum height
R1-A, R1-B, R2-C, and R-M	14 feet
OB, LB, CBD, and SM-D	14 feet along any pedestrian sidewalk or walkway and 20 feet in vehicular use areas
GB, CS, GI, and ITC	14 feet along any pedestrian sidewalk or walkway and 30 feet in vehicular use areas
Planned Unit Developments	As determined during the approval process.

**1113.04 PERFORMANCE STANDARDS**

Any use established in a nonresidential zoning district shall comply with the performance standards set forth in this section as a precedence to occupancy and use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with or further conflict with the performance standards set forth hereinafter for the district in which such use is located as a precedence to further use. Statements in writing may be required by the Planning Commission from the owner that such uses comply or shall comply. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for the services shall be paid by the owner.

(a) **Enclosure**

All permitted main and accessory uses and operations except off-street parking and loading of trucks shall be performed wholly within an enclosed building or buildings in any OB, LB, GB, CBD, SM-D, and CS District. All raw materials, finished products, mobile and other equipment shall be stored within enclosed buildings in any CS District.

(b) **Fire and Explosive Hazards**

The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved.

(c) **Dust and Smoke**

The emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity shall not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity, or general welfare, or adversely affect property values and shall not exceed the amount permitted by other codes of the State, County or City.

(d) **Odorous Matter**

The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.

(e) **Toxic or Noxious Matter**

The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

(f) **Noise**

The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the point of complaint and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

(g) **Vibration**

Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.

(h) **Radioactive or Electrical Disturbances**

Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.

(i) **Incineration Facilities**

Incineration facilities emitting neither smoke nor odor shall be provided and located within the main or accessory building. No garbage, rubbish, waste matter or empty containers shall be permitted outside of buildings, except in approved containers awaiting pickup.

(j) **Waste Materials**

Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water or a sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines, and other chemicals shall not exceed the amount permitted by other codes of the State, County or City.

(k) **Maintenance**

All lots shall be maintained in a manner that includes removal of trash and litter, maintenance of paved areas, maintenance of landscaping, and general upkeep of the property.

### **1113.05 REMOVAL OF SOIL PROTECTION AND DRAINAGE COURSE**

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- (a) Soil, sand or gravel shall not be stripped or removed in a residential district except excess soil, sand or gravel resulting from excavations or grading operations in connection with the construction or alteration of a building for which a permit has been issued.
- (b) No building or structure shall be erected within any area described by the City Engineer as a drainage course. For the purpose of this code, a drainage course includes any area such as drainageways, channels, streams and creeks, designated as such on geodetic or City topographic maps, and further includes any area designed or intended for use in drainage purposes as shown on a recorded subdivision.
- (c) No filling of land or excavation of land shall be permitted within a drainage course, or on any lands within 100 feet or more than 100 feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such filling shall not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.

### **1113.06 FENCES AND WALLS**

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(a) **Certificate of Zoning Approval Required**

- (1) The installation of any fence or wall shall require the approval of a certificate of zoning approval, unless specifically exempted from the permit requirement in this code.

- (2) Certificates of zoning approval are not required for repairs of existing fences or walls. However, such work or structures are still subject to the applicable standards of this section. The replacement of an existing fence or wall shall not require a certificate of zoning approval if the replacement is for a conforming fence or wall and where the materials and height of the fence or wall are the same as the one being replaced.
- (3) Replacement of nonconforming fences or walls shall be subject to Section [1113.06\(c\)](#).
- (4) A certificate of zoning approval is not required for fence or wall structures that are less than two feet in height.
- (5) A certificate of zoning approval shall not be required for short sections of fencing or walls that are designed as an architectural feature or utilized for decorative purposes and are not intended to enclose an area of land. Such sections shall not exceed 25 feet in length and shall comply with the vision clearance requirements of this code.
- (6) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to the intersection visibility requirements of this code. See Section [1113.02](#).

**(b) General Requirements**

- (1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.
- (2) All fences and walls shall be subject to the intersection visibility requirements of Section [1113.02](#).
- (3) All fences and walls, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.
- (4) A certificate of zoning approval shall be required for each property when a connection of existing fences or walls is proposed on two or more different properties. Such applications shall also include signatures of all property owners to document the agreement of such connection.
- (5) Fences or walls are permitted along property lines provided only one fence is located on the lot line. Where separate fences or walls are proposed for adjacent properties, such fences and walls shall be separated by two and one-half feet for maintenance.
- (6) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (7) Posts, poles, or other mechanisms used to secure the fence to the ground or support the fence shall be located on the inside of the fence (i.e., located on the property of the applicant).
- (8) All diagonal or supporting members shall face the property on which the fence or wall is constructed.
- (9) All fences and walls shall be maintained in a neat and orderly manner. This shall include keeping fences and walls clear of vegetation and growth unless such fence or wall is being used for a living fence (e.g., ivy walls), in which case, such fence or wall shall be maintained in a manner as to prevent such vegetative growth from encroaching onto the side of the fence or wall facing a neighboring lot.
- (10) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility company. Without such permission, fences are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Fences shall not be placed in any City easement unless the plat specifically permits the placement of such fence. The City of Sharonville is not responsible for the determination of easements on private properties.
- (11) Replacement of fences removed by the City or utility company shall be at the property owner's expense.
- (12) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Solid fences shall be designed to have a minimum clearance of four inches above ground to allow for the natural drainage of water under the fence. Walls shall be designed to direct water to drainage channels or other outlets to eliminate the possibility of the accumulation of water behind the wall.

- (13) Fences and walls for conditional uses shall comply with the standards of this section unless otherwise approved by the Planning Commission as part of the conditional use review procedure.
- (14) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Director of Community Development issuing the certificate of zoning approval, and that the fence does not encroach on another lot or existing easement. The issuance of the certificate of zoning approval and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on them herein.

(c) **Nonconforming Fences and Walls**

- (1) Where a nonconforming fence or wall is to be maintained or repaired, such nonconforming fence or wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or wall while still in place or a portion of a fence or wall may be removed temporarily for repair or maintenance work provided the same fence or wall is replaced in the same position.
- (2) If 50 percent or more of the length of a nonconforming fence or wall is to be removed and replaced, even as part of maintenance, such replacement shall conform with the requirements of this code and shall require the issuance of a new certificate of zoning approval. Such 50 percent shall be the aggregate over the course of time, following the effective date of this code so that full, conforming replacement shall be required once 50 percent of the length has been removed, no matter if done as a whole or partially over time.

(d) **Materials**

- (1) The following standards shall apply to the materials of all fences and walls:
  - A. Materials shall be weatherproof or weather resistant.
  - B. All sides of a decorative wall shall have a similar finish on both sides.
  - C. Fences made of rope, string, fabric, netting, or similar materials are prohibited unless an approved temporary construction fence (See Section [1113.06\(h\)](#)).
  - D. Snow fencing and deer fencing are prohibited.
  - E. Non-decorative concrete walls or masonry walls are prohibited.
  - F. Chicken, hog, rabbit, mesh, or woven wire fences are prohibited unless mounted on the interior of another approved form of fencing. See [Figure 1113-L](#).



Figure 1113-L: Example of where wire fencing has been mounted on the interior of an approved three-rail fence.

- G. Chain link fencing is allowed. Slats or other materials shall not be permitted to be woven into the chain link fencing to create privacy fencing or otherwise obstruct the wires.
- H. Plywood, particle board, fiberglass, corrugated or galvanized sheet metal panels, and non-traditional fence materials deemed unacceptable by the Director of Community Development shall be prohibited. This may include, but is not limited to, fences or walls made from discarded materials such as shipping crates or pallets, or of tires, stacked tires or automobile parts, or stacked building materials, salvaged doors or garage doors, or similar new or used materials.

- I. Dangerous fences installed above ground such as electrified wire, barbed wire, unfinished non-durable, sharp edge, cut or broken glass, rusted or other such fences designed to inflict pain or cause injury shall be prohibited with the exception of sharp-edged fencing allowed in Paragraph [J](#), below.
- J. In the CS, GI, and ITC Districts, fences may be topped with barbed wire. Such barbed wire shall only be located along the top of a fence and shall not extend below the top of the fence more than 12 inches.

**(e) Measurement**

- (1) The maximum fence or wall height shall be measured from the grade at the base of the fence or wall to the topmost portion of the fence between posts. The structure posts or finials may exceed the maximum height allowed in this section by up to six inches.
- (2) Fencing or walls should follow the natural contour of the land on which it is located.
- (3) A fence may be erected on top of a wall, but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

**(f) Fences and Walls in Residential Districts**

The following standards apply to fences and walls in residential districts.

- (1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.
- (2) Where the side lot line of one residential property is also the rear lot line of another property, that portion of the fence along the side lot line that abuts the adjoining property's rear lot line, and that is installed at such property line, shall be permitted per rear yard regulations of this section.
- (3) The maximum height of any chain link fence shall be four feet in a side or rear yard.
- (4) The maximum height of all other fences in a side or rear yard shall be six feet.

**(g) Fences and Walls in Nonresidential Districts**

The following standards apply to fences and walls in nonresidential districts.

- (1) No fence or wall shall exceed 8 feet in height in any rear or side yard. Such fence or wall may be built up to the minimum front yard setback line in the CS, GI, and ITC Districts.
- (2) Any proposed fence shall be approved as part of the site plan review in accordance with this code.

**(h) Temporary Construction Fences**

- (1) Temporary constructing fencing is permitted to enclose active construction for the duration of any construction.
- (2) Temporary construction fences shall be maintained in good condition and shall not require a certificate of zoning approval.
- (3) No temporary construction fencing material shall be used for permanent fencing.

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**1113.07 DUMPSTERS**

- (a) All dumpsters shall be located to the rear of the principal building, to the maximum extent feasible, in order to minimize views from the street and neighboring properties.
- (b) Dumpsters shall be screened in accordance with Section [1119.06](#).

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**1113.08 RAIN BARREL SYSTEMS**

The installation and use of a rain barrel system shall be subject to the following development and design standards:

- (a) For the purposes of this section, a rain barrel system shall include any container that is designed and used to collect rainwater from a collecting structure (e.g., any house, garage, building, or canopy from which rainwater is diverted for collection in the rain barrel).
- (b) Rain barrel systems are permitted in any zoning district except in the CBD and SM-D Districts.

- (c) The maximum size of any individual rain barrel container shall not exceed 65 gallons in any residential zoning district or 100 gallons in any nonresidential zoning district.
- (d) A rain barrel shall not extend more 36 inches from the building face of the primary or accessory structure that serves as the collection structure.
- (e) Rain barrels shall be placed on the ground or on a structure provided the top of a rain barrel shall not exceed six feet in height above the grade underneath the rain barrel.
- (f) A rain barrel may be located in any yard subject to the following standards:
  - (1) **Front Yard Standards**  
The following standards apply to rain barrels placed in the front yard of a lot:
    - A. No more than two rain barrels shall be placed in any front yard.
    - B. Corner lots maintaining two front yards shall contain no more than two rain barrels total for both front yard areas.
    - C. Any rain barrel proposed to be located in a front yard shall only be permitted if approved as a conditional use where the Planning Commission shall take into consideration adequate controls for placement and screening.
  - (2) **Side Yard Standards**  
The following standards apply to rain barrels placed in the front yard of a lot:
    - A. No more than two rain barrels shall be placed in any side yard.
    - B. Rain barrels located in any side yard shall be screened from view from a public street utilizing solid screening. The solid screening may include screening through by placement behind an architectural feature of the building (e.g., wing wall or building offset) or through the use of an approved opaque fence, wall, hedge, or other form of landscaping. The Director of Community Development shall have the authority to approve the screening.
  - (3) **Rear Yard Standards**  
The following standards apply to rain barrels placed in the rear yard of a lot:
    - A. The number of rain barrels located in a rear yard shall be unlimited.
    - B. Rain barrels located in any rear yard shall be screened from view from a public street utilizing solid screening. The solid screening may include screening through by placement behind an architectural feature of the building (e.g., wing wall or building offset) or through the use of an approved opaque fence, wall, hedge, or other form of landscaping. The Director of Community Development shall have the authority to approve the screening.

### **1113.09 PARKING, OPEN STORAGE OF SUPPLIES, MATERIAL & EQUIPMENT, AND ACCUMULATION OF WASTE PROHIBITED.**

- (a) No person, being the owner, occupant or any person having the care of any building or lot of land within the City shall allow a boat, truck, trailer or recreation vehicle or other equipment and supplies to be parked and/or stored on any residential lot unless they are parked and/or stored in an enclosed structure; however, boats, trailers and recreational vehicles twenty-four feet or less in length may be parked and/or stored in accordance with Section 1121.05 Parking and Storage of Vehicles in Residential Districts.
- (b) No person, being the owner, occupant or any person having the care of any building or lot of land within the City shall allow for the open storage of materials and equipment such as building and construction materials, or lawn equipment.
- (c) No person, being the owner, occupant or any person having the care of any building or lot of land within the City shall cause or allow trash, junk, or any scrap materials such as automobile, trailer or vehicle chassis, parts, tires or sections, household appliances, lumber, scrap iron, old metal, rope, plastic, bottles, pipe, conduit, paper/paperboard, Styrofoam, rags, stoves, furniture or other waste materials to remain or accumulate on, in or about such building or lot. (Ord. 22-76, Passed 01-31-2023)



# Chapter 1115: Historic Preservation

## 1115.01 PURPOSE AND INTENT

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- (a) The purpose of this chapter is to preserve and protect historic properties in the City of Sharonville, and any subsequently designated local landmarks, historic district(s), contributing buildings, and historic sites. In order to preserve and protect the historic character of existing and future historic districts and/or landmarks, the regulations of this chapter are imposed in addition to other regulations in this code.
- (b) The character of the City is directly linked to the economic, social, historical, and cultural health and well-being of the community. Therefore, this chapter establishes procedures to maintain the historic character of select landmarks and/or districts within the City in order to obtain the following objectives:
  - (1) To enhance the Sharonville Comprehensive Plan and safeguard the City's attractions to prospective residents, businesses and visitors by preserving the distinctive character of historic landmarks and/or districts;
  - (2) To safeguard the architectural integrity of the City's landmark buildings and allow for future addition of landmarks and/or districts to the list contained herein;
  - (3) To safeguard the heritage of the City by preserving sites, buildings, objects, landscapes and works of art that reflect elements of the City's cultural, social, economic, political or architectural heritage;
  - (4) To seek alternatives to demolition or incompatible alterations of landmarks and/or districts within the City before such acts are performed;
  - (5) To afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards;
  - (6) To encourage the use or appropriate development of vacant properties, as applicable, in accordance with the character of landmarks and/or districts;
  - (7) To combat urban blight caused by neglect of aging buildings, sites and districts and their setting;
  - (8) To encourage investment in historic resources and strengthening of the City's economy;
  - (9) To enhance the environmental and aesthetic quality of the City;
  - (10) To stabilize and improve property values;
  - (11) To promote preservation and continued use of historic public buildings; and
  - (12) To protect public health, safety, convenience, comfort, prosperity, and general welfare.
- (c) It is the further intent of this chapter to discourage the construction of major new buildings on lots containing historic landmarks and the subdivision of lots containing historic landmarks for the construction of new buildings in close proximity to any landmark buildings.

## 1115.02 LIMITATIONS ON ISSUANCE OF BUILDING, ZONING, AND DEMOLITION PERMITS

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No construction, reconstruction, addition, demolition or removal of any building or significant exterior architectural feature thereof to any listed landmark, contributing building, or any other structure within an historic district shall be undertaken prior to obtaining a Certificate of Appropriateness (COA) from the Planning Commission and a certificate of zoning approval, where applicable. No certificate of zoning approval shall be issued for the construction, addition, demolition or removal of a listed landmark, contributing building or noncontributing building and historic sites, in or outside of a historic district, except in cases falling within the exclusion set forth in this code, unless the application for such work is approved by the Planning Commission through the issuance of a COA in the manner prescribed in Section [1129.08](#).

## 1115.03 HISTORIC PRESERVATION STANDARDS

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### (a) Design Requirements and Guidelines for Existing Landmarks or Contributing Buildings

#### (1) Alterations

- A. The historic character of a property shall be retained and preserved.
- B. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

- C. Deteriorated historic features shall be repaired rather than replaced, to the maximum extent practicable.
- D. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.
- E. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(2) **Additions**

New additions, exterior alterations, or related new construction should be compatible in character with the original building. They should be sympathetic but not duplicative in design. In general, additions should avoid changing significant elevations that are visible from public rights-of-way and should not overpower the original building.

(3) **Materials**

Buildings shall have exterior materials of painted wood, brick, stucco, stone masonry, or other materials deemed appropriate by the Planning Commission. Vinyl, aluminum and synthetic stucco are not appropriate.

(4) **Window and Door Openings**

- A. Window and door openings are a major character-defining feature of a building and usually occupy 20 to 50 percent of the front elevation. They are typically vertically aligned and proportioned with a 2:1 ratio of height to width and defined by elements such as lintels and sills. The original openings should be maintained.
- B. New windows should have a configuration that is historically appropriate such as one-over-one, two-over-two or six-over-six double-hung sashes.
- C. Tinted or reflective glass is not appropriate.

(5) **Scale and Massing**

Overall building height to width ratios, chimney construction, roof pitch, footprint size, both absolute footprint size and size relative to lot size, placement and orientation, and other pertinent data, as deemed important to the overall building appearance shall be considered in the design of any addition, alteration or replacement of existing structures.

(6) **Accessory Buildings**

Accessory buildings exceeding 300 square feet of floor area shall be of the same architectural style and same exterior material as the main building unless the accessory building is a reconstruction of an accessory building that previously existed on the lot, in which case substantial freedom shall be afforded the applicant to replicate the structure as it previously existed.

(b) **Design Requirements for New Buildings in Historic Districts**

(1) **Scale and Massing**

New buildings shall be similar in size, scale, mass and architectural style as the surrounding contributing buildings. Overall building height-to-width ratios, roof pitch, size, placement, orientation, and other pertinent data, as deemed important to the overall building appearance shall be considered in the design of any new or replacement structures.

(2) **Materials**

New buildings shall have exterior materials of painted wood, brick, stucco, or stone masonry, or other material deemed appropriate by the Planning Commission. Vinyl, aluminum and synthetic stucco are not appropriate.

(3) **Window and Door Openings**

Window and door openings are a major character-defining feature of a building and usually occupy 20 percent to 50 percent of the front elevation. They are typically aligned vertically with a 2:1 ratio of height to width and defined by elements such as lintels and sills. New windows should have a configuration that is historically appropriate such as one-over-one, two-over-two or six-over-six double-hung sashes. In all cases, glass should be clear; tinted or reflective glass is not appropriate.

(4) **Site Location of New Buildings**

In order to maintain historic landscapes around landmarks and contributing buildings, no new buildings shall be built on lots in front of landmarks or contributing buildings. New lots can be next to or behind landmarks and contributing buildings. New buildings shall have front yard setbacks similar to surrounding contributing buildings, provided that no new front yard of greater than 50 feet shall be required.

(5) **Garages**

In order to maintain the characteristics of a historic district, no new house may be built with garage doors on the front elevation of said house facing the street. For corner lots, garage doors may face the street on the side elevation. Detached garages built behind the rear elevation of new or existing houses may have garage doors facing the front or side of the lot.

(6) **Accessory Buildings**

Accessory buildings exceeding 300 square feet of floor area shall be of the same architectural style and same exterior material as the main building unless the accessory building is a reconstruction of an accessory building that previously existed on the lot, in which case substantial freedom shall be afforded the applicant to replicate the structure as it previously existed.

(c) **Design Guidelines for Site Improvements to Landmarks and Historic Sites**

(1) **Building Signage**

Any sign requiring a permit from the City, which is proposed to be attached to a landmark or contributing building shall be of material and style harmonious with the building and its surroundings. All such signs shall be presented to the Planning Commission for a Certificate of Appropriateness approval prior to initiation or erection of such sign.

(2) **Parking and Paving**

Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. New driveways and parking areas shall respect existing contours and natural features and be set back from adjoining property lines at least five feet.

(d) **Demolition**

The demolition of existing buildings shall not be unreasonably denied. The Planning Commission shall consider the following criteria in evaluating applications for demolition.

(1) **Public Safety**

Demolition has been ordered by the Building Official for public safety because of an unsafe or dangerous condition that constitutes an emergency.

(2) **Commercial Property**

The owner can demonstrate to the satisfaction of the Planning Commission that the building cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition.

(3) **Dwellings and Accessory Buildings**

The owner can demonstrate to the satisfaction of the Planning Commission that the building cannot be economically restored and will not adversely affect the character of the City.

**(4) Nonsignificant Items**

The demolition request is for an inappropriate addition or a nonsignificant portion of building and the demolition will not adversely affect those parts of the building that are significant as determined by the Planning Commission.

**(5) Noncontributing Buildings**

Noncontributing buildings may be demolished if the demolition will not adversely affect the character of the district. Any new construction on the cleared site will be subject to the guidelines for new construction and site improvements.

**(6) Demolition by Neglect**

No owner of a building or structure in the historic district shall by action(s) or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's or structure's perpetuation and to prevent destruction of such building or structure by deterioration.

**(e) Subdivision of Lots Containing Landmark Buildings**

**(1)** The subdivision of any lot containing a landmark shall be accomplished in such way that both the new lot and reduced lot conform to the minimum lot size in the zoning district and shall provide sufficient space so that a minimum 30-foot distance is maintained between any landmark building and any structure proposed on the new lot.

**(2)** Any new lot created from the subdivision of a lot containing a landmark must be at least one-half the size of the remaining portion of the lot containing the landmark.

## Chapter 1117: Architectural Standards

### 1117.01 PURPOSE

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The purpose of this section is to establish architectural and building design standards that encourage higher quality development and function in order to protect property values, and protect real estate from impairment or destruction of value. These architectural and building design criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development.

### 1117.02 APPLICABILITY

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The following buildings shall be subject to the standards of this chapter, unless otherwise stated, which shall be reviewed as part of a site plan review process:

- (a) New multi-family dwellings and rowhouse dwellings in all RM-D, SM-D, NLO, and PUD Districts;
- (b) New principal buildings in the OB, LB, GB, CBD, SM-D, and PF Districts;
- (c) New nonresidential, principal buildings in any PUD District, including mixed-use buildings that contain residential uses;
- (d) Expansion of any principal buildings that are subject to the provision of this chapter; and
- (e) Any accessory building that has more than 500 square feet in floor area located within the LB, GB, or OB zoning district.

### 1117.03 GENERAL GUIDELINES

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Any buildings subject to the requirements of this chapter shall be designed with the following guidelines in mind:

- (a) Materials should be appropriate for the use of building, for weathering and for relationship to other materials, including those used on adjacent buildings.
- (b) Colors and textures should be appropriate for the size and scale of the building, for weathering and for relationship to the site and adjacent buildings.
- (c) Architectural details and ornaments should be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.
- (d) Mechanical equipment should be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates to overhead wires, gas and electric meter stations, and any other visible appurtenances.

### 1117.04 ARCHITECTURAL STANDARDS FOR MULTI-FAMILY AND ROWHOUSE DWELLINGS

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The standards of this subsection shall apply to all multi-family dwellings and to rowhouse dwellings.

- (a) All siding shall be either horizontal or vertical in placement.
- (b) A minimum of 75 percent of all facades shall be constructed of brick, stone, wood, or other natural materials. The use of cultured stone, brick veneer, cementitious materials, or other fabricated materials that resemble natural materials is also permitted, excluding vinyl siding. The remaining 25 percent of facades may be constructed with any sturdy building material, including vinyl.
- (c) Front facades shall incorporate variation in mass through one or more of the following methods every 50 feet of facade frontage:
  - (1) Wall offsets in the form of projections and/or recesses in the facade plane; wall offsets shall have a minimum depth of two feet;
  - (2) Bay windows;
  - (3) Facade color changes;
  - (4) Use of pilasters, columns, or other detailing to articulate the facades; or
  - (5) Roofline changes when coupled with correspondingly aligned facade material changes.

- (b) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential dwelling unit fronting onto the street:
- (1) One or more dormer windows or cupolas;
  - (2) A recessed entrance;
  - (3) A covered porch;
  - (4) Pillars, posts, or pilasters;
  - (5) One or more bay windows with a minimum of 12-inch projection from the facade plane;
  - (6) Eaves with a minimum of six-inch projection from the facade plane;
  - (7) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
  - (8) Multiple windows with a minimum of four-inch-wide trim.



Figure 1117-A: Illustrative example of acceptable architectural design for multi-family dwellings



Figure 1117-B: Illustrative example of unacceptable architectural design for multi-family dwellings

- (c) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section [1117.05\(i\)](#) and Section [1119.06](#).

## 1117.05 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS

### (a) Building Orientation

- (1) Buildings should generally be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development and is approved by the Planning Commission during site plan review.
- (2) The primary entrances of buildings should be oriented:

- A. Towards a street along the perimeter of the development or towards a public space, if located adjacent to the proposed project; or
- B. Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
- C. As approved by the Planning Commission during site plan review process.

**(b) Building Facades**

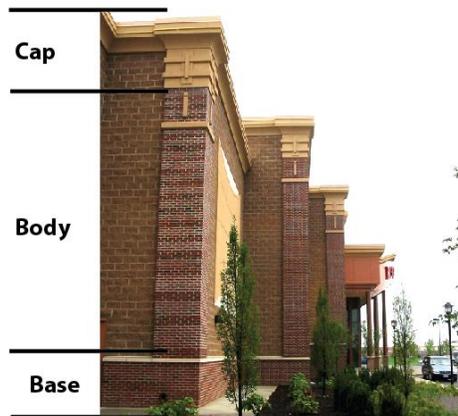
Blank building walls visible from public streets (including alleys adjacent to nonresidential or mixed-use buildings) are prohibited. These requirements shall not generally apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.

**(c) Building Materials**

- (1) A combination of materials, textures, colors, and finishes should be utilized to create visual interest. Vinyl siding and corrugated metal or steel siding material shall be prohibited unless specially approved by the Planning Commission during site plan review.
- (2) Exposed metal panels (such as copper, bronze, or other decorative metal) may be permitted on building elevations as an accent or as a minor exterior material.
- (3) Exterior Insulation Finishing Systems (EIFS) shall be prohibited from use on the first floor of any nonresidential building. The Planning Commission shall have the authority to approve the use of EIFS on the first floor during the site plan review process if the applicant can demonstrate that the area coated in EIFS will be protected from damage and maintained to prevent deterioration.

**(d) Building Design and Mass**

- (1) All architectural elevations of principal buildings shall consist of a base, a body, and a cap. See [Figure 1117-C](#).



*Figure 1117-C: Illustration of the cap, body, and base of a building.*

- (2) The base shall occupy the lowest portion of the elevation, and should have a height no less than eight percent of the average wall height. The base shall be composed of brick, tile, stone or cast or cultured stone, concrete or pre-fab concrete panels, split-face block, or other material if specially approved by the Planning Commission during site plan review.
- (3) The body shall occupy the middle portion of the elevation, and should have a height no less than 60 percent of the average wall height. The body may be composed of brick, stone, cast or cultured stone, stucco (EIFS), or other material if specially approved by the Planning Commission during site plan review.
- (4) The cap shall occupy the highest portion of the elevation, excluding the roof, and should have a height no less than eight percent of the average wall height, not to exceed the height of the base. The cap may be composed of brick, tile stone or cast or cultured stone, concrete or pre-fab concrete panels stucco (EIFS), or other material if specially approved by the Planning Commission during site plan review.

- (5) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.
- (6) The cap shall consist of at least one of the following architectural features: (See [Figure 1117-D](#) and [Figure 1117-E](#))
  - A. A cornice;
  - B. A parapet;
  - C. An awning;
  - D. A canopy; or
  - E. Eaves.



Figure 1117-D: Example of a cornice (left image) and parapet (right image), both highlighted in the red rectangles.



Figure 1117-E: Example of an awning (left image) and canopy (center image – highlighted in red rectangle).



Figure 1117-F: Example the use of eaves, highlighted in red rectangles.

- (7) This section shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding applications such as copper, bronze, or other decorative metal.
- (8) Architectural elevations for all new buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises.

(e) **Facade Massing**

(1) **Offset Required**

Front facades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 1117-G](#).

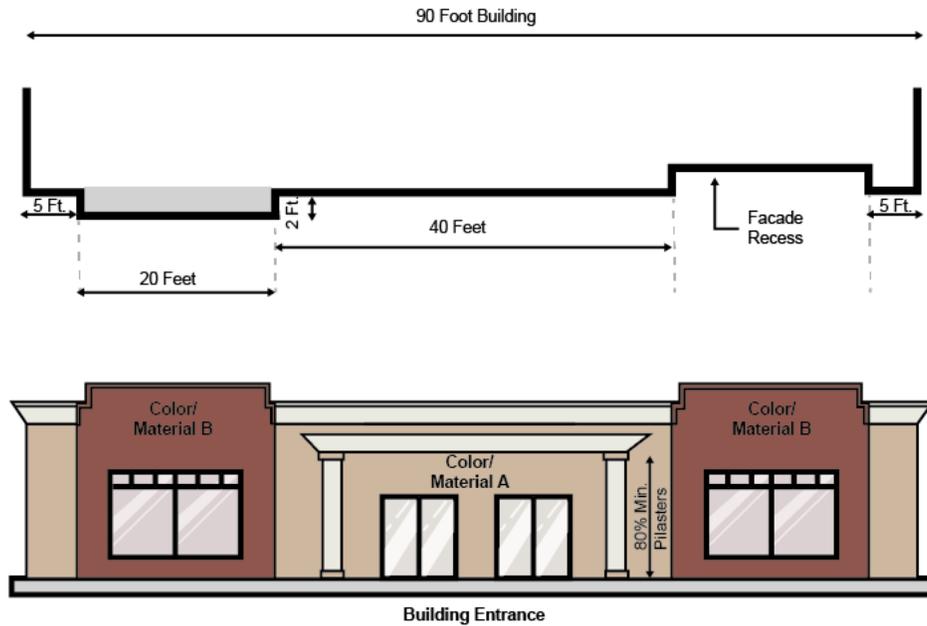


Figure 1117-G: Illustration of how the facade offset provisions may be applied.

(2) **Offset Alternative**

The following alternatives can be used in place of the required front facade offsets as shown in [Figure 1117-H](#):

- A. Facade color or material changes following the same dimensional standards as the offset requirements;
- B. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the facade's height; and/or
- C. Roofline changes when coupled with correspondingly aligned facade material changes.



Figure 1117-H: The above image illustrates material changes, pilasters, and other architectural features break up the appearance of a single facade.

**(f) Wall Openings (Doors and Windows)**

- (1) Blank walls (i.e., those devoid of openings such as windows and transparent doors) shall be prohibited on the front facade of any building. In no case shall a building have blank walls parallel to a public street or to its tangent, if the street is curved.
- (2) Building elevations that are visible from a public street should contain window and door openings that occupy at least 30 percent of the total wall surface area. The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.
- (3) Doors and windows should be positioned to create a uniform pattern or visual rhythm along the building elevation.
- (4) All doors and windows shall be articulated through the use of lintels, sills, and thresholds.
- (5) Doors and windows shall be rectangular in shape and vertical in orientation.
- (6) The pattern of architectural features, such as windows and doors, shall be placed upon the facade of a building in a pattern that creates a building fenestration that has a constant rhythm, is harmonious in appearance, and is proportional to one another and surrounding buildings.
- (7) These requirements shall apply to all street facing building facades and the first 20 percent of any non-street facing facade located perpendicular to any street.

**(g) Roof Styles**

- (1) The height of any pitched roof shall not exceed one-half of the overall building height.
- (2) **Roof Line Changes**
  - A. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
  - B. When roofline changes are included on a facade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See [Figure 1117-I](#).



Figure 1117-I: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.

(3) **Flat Roofs**

- A. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet facade plane.
- B. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the facade surface, are prohibited.



Figure 1117-J: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.

(4) **Asymmetric or Dynamic Roofs**

- A. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.
- B. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in Section [1117.05\(g\)\(3\)](#), above, are met.



Figure 1117-K: Examples of dynamic or asymmetric roof lines

(h) **Refuse Facilities**

Refuse facilities shall be enclosed by fences or walls that are compatible with the architectural materials and patterns of the principal building, or they may be screened in a manner allowed in Section [1119.06](#).

(i) **Mechanical Equipment**

- (1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view. All rooftop mechanical equipment, unless screened from view, should match the color of the structure or be visually compatible with the structure.
- (2) Mechanical equipment such as transformers and HVAC units should not be located in front yards, unless appropriately screened from view.
- (3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public rights-of-way, as well as from all property zoned or used for residential purposes.
- (4) Screening elements may include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during site plan review. See [Figure 1117-L](#).

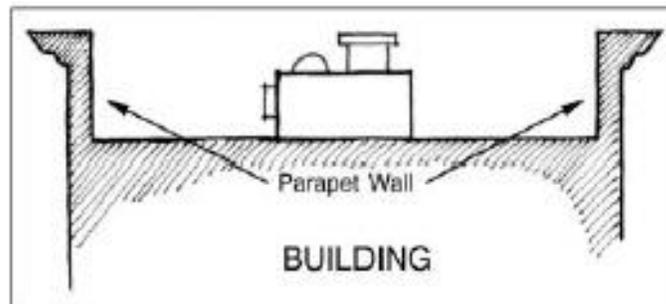


Figure 1117-L: Illustration of the use of walls for the screening of mechanical equipment.

(j) **Modification or Waiver of this Section**

The requirements of this section may be modified or waived upon specific review and approval by the Planning Commission as part of an alternative equivalency review during the site plan review process. See Section [1129.10 Alternative Equivalency Review](#).

# Chapter 1119: Landscaping and Screening

## 1119.01 PURPOSE

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The purpose of landscaping and screening regulations is to:

- (a) Promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping;
- (b) Promote the preservation and replacement of major trees;
- (c) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots using a suitable combination of setbacks, visual buffers and physical barriers;
- (d) Prescribe standards for the installation and maintenance of trees, plantings, and walls and fences; and
- (e) Encourage the enhancement of the visual environment, ensure public safety, and moderate the micro-climate.

## 1119.02 APPLICABILITY

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### (a) Additions and Enlargement

- (1) The requirements of this chapter shall apply to new development and any collective, substantial expansion or change in land use (except for single-family dwellings and two-family dwellings), and expansion of vehicular use areas. Substantial expansion or modification of the existing structures shall be defined based on the criteria established in [Table 1119-1](#).

TABLE 1119-1: LANDSCAPING AND SCREENING APPLICABILITY	
When the Existing Structure is:	A Substantial Expansion is:
0-2,500 sq. ft.	50% or greater
2,501-10,000 sq. ft.	40% or greater
10,001-25,000 sq. ft.	30% or greater
25,001-100,000 sq. ft.	20% or greater
100,001 sq. ft. and larger	10% or greater

- (2) Any collective expansion of 500 square feet or less shall be exempt from the applicability section of this chapter. Collective expansion shall include the sum of all expansions of the original structure or building, as existed on the effective date of this code, regardless of when they occur.
- (3) If a building or structure covers the entire lot, landscaping and screening alternatives must be proposed to the Director of Community Development for review and approval that meet the purpose and intent of this chapter.

### (b) Expansion of Vehicular Use Areas

- (1) When a vehicular use area is expanded, the landscaping requirements of Section [1119.05: Landscaping Requirements for Vehicular Use Areas](#) shall apply to the expanded vehicular use area.
- (2) If a vehicular use area is demolished and replaced or redesigned, the landscaping requirements of Section [1119.05: Landscaping Requirements for Vehicular Use Areas](#) shall apply to the entire vehicular use area.

## 1119.03 MODIFICATIONS

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The standards of this chapter may be modified either through approval of a variance or an alternative equivalency review. See Section [1129.10](#) and Section [1129.11](#).

## 1119.04 MINIMUM MATERIALS AND STANDARDS

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The following identifies the minimum landscape and screening standard requirements for all developments.

**(a) Installation Timing**

- (1) If plantings cannot be completed prior to building occupancy due to weather or other conditions that prevent planting, the Director of Community Development has the authority to grant a six-month extension for installation of plantings. Failure to install by such timeline shall be considered a violation of this code.
- (2) For large-scale projects, the Planning Commission may require a financial guarantee in the amount of 120 percent of the estimated cost of landscaping and/or screening required. The financial guarantee shall comply with the requirements of Section [1125.07](#).

**(b) Plant Materials**

- (1) All plant material shall be sound, healthy, live plants installed and maintained in accordance with acceptable nursery industry procedures.
- (2) All plant materials shall be installed prior to a certificate of occupancy being issued by the City of Sharonville.
- (3) Shrubs shall be installed at a minimum height of two feet.
- (4) **Trees**
  - A. Evergreen trees shall be installed at a minimum height of six feet.
  - B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two inches as measured at the diameter at breast height (DBH).
  - C. Ornamental trees shall be installed at a minimum caliper of one and one-half (1½) inches at DBH.
  - D. Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over a vehicular use areas, sidewalks, or other paved areas.
  - E. Invasive species identified in OAC 901:5-30-01 shall be prohibited.
  - F. Trees should be pollution resistant.
  - G. To curtail the spread of disease or insect infestation in a plant species, if a new development contains over 20 trees, the application should include diversity in plant choices.
- (5) Any trees, shrubs, or landscaping materials used to meet the standards of this chapter shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this chapter may be of any size.

**(c) Accessways**

Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

**(d) Fencing and Walls**

- (1) All fencing or walls used for screening purposes shall not exceed eight feet in height and shall be 100 percent in opacity. See Section [1113.06](#).
- (2) Placement of fencing and walls shall comply with Section [1113.06\(f\)](#) and [1113.06\(g\)](#).
- (3) All fences used to meet the landscaping requirements of this chapter shall have a minimum two-inch open space below the fencing material, not including support structures, to provide for the natural flow of storm water.
- (4) Materials and colors used for walls shall be similar or complementary to the principal building on the lot.

**(e) Mounds and Berms**

- (1) Earthen mounds and berms shall have a maximum slope of 3:1 (three feet of horizontal space is required for each one-foot vertical change in elevation).
- (2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.

- (3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.
- (4) Mounds and berms shall be designed to comply with all applicable storm water regulations to prevent the redirection of stormwater onto an adjacent lot.

(f) **Location**

- (1) No trees shall be planted directly over any storm or sanitary sewers.
- (2) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.
- (3) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five feet.

**1119.05 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS**

- (a) This section establishes the minimum standards by which vehicular use areas will be landscaped and screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of parking areas.
- (b) Whenever required landscaping is adjacent to vehicular use areas, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.
- (c) **Perimeter Landscaping Required**
  - (1) The perimeter landscaping requirements of this section shall apply to all off-street vehicular use areas adjacent to a public street or to a lot line where the parking area contains five or more parking spaces.
  - (2) **Areas Adjacent to Public Streets**
    - A. Vehicular use areas adjacent to public streets in all nonresidential districts shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than five feet in width.
    - B. The landscape strip shall be planted with one tree for each 50 linear feet or fraction thereof.
    - C. In all nonresidential zoning districts except the CS, GI, and ITC, the landscape strip shall also include a hedge, wall, or other opaque durable landscape barrier, which will be at least two feet in height at maturity, along the entire length of the landscape strip. See [Figure 1119-A](#).
    - D. The landscape strip shall be covered with ground cover where not planted with trees or shrubs.



Figure 1119-A: The above image illustrates an example of the provision of a two-foot-high landscape barrier along the street right-of-way, adjacent to the sidewalk.

- E. If the above two-foot landscape barrier is constructed of non-living materials, one shrub or vine shall be planted every 10 feet along the barrier.
- F. Perimeter landscape strips shall be continuous and unbroken except for driveways to access the parking area, sidewalks, or paved trails.

**(d) Interior Parking Area Landscaping Required**

- (1) The interior parking area landscaping requirements of this section shall apply to all vehicular use areas where the area contains 20 parking spaces or more. Vehicular use areas in the CS, GI, and ITC Districts shall be exempt from these interior parking area landscaping requirements.
- (2) Such landscaping shall be in addition to landscaping adjacent to public streets and screening requirements as specified in this chapter.
- (3) The parking lot landscaping shall include at least one shade tree and two shrubs per 10 parking spaces that shall be located within landscaped islands, provided there is no impairment to visibility of motorists or pedestrians (See Section [1113.02](#)). As an alternative to this standard, design landscaped islands as stormwater infiltration islands, as described in Section 1107.01(f)(1)E.iii.b), may be permitted. In providing this alternative, the applicant shall be in compliance with both the standard and the guideline, as required in Section [1107.01\(d\)\(3\)](#).
- (4) Where a parking lot exceeds the minimum requirements established in Section [1121.04\(b\)](#), the minimum interior landscaping requirement described in Paragraphs (3), above, shall be doubled.
- (5) The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in Section [1119.05\(c\)](#) and shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area. See [Figure 1119-B](#).



*Figure 1119-B: The above images show different options for landscaped islands with the left image illustrating landscaped islands that run the full length of parking spaces. The right image illustrates a smaller landscaped island at the end of a parking bay.*

- (6) Landscape islands shall have a minimum size of 100 square feet with a minimum dimension of five feet in any direction to provide a suitable living environment for the landscaping.
- (7) If an existing tree is to be used to meet the requirements of this subsection, the landscape island shall be equal in size to the tree's drip line area to protect the root system of the existing tree.

**1119.06 SCREENING**

**(a) Screening of Service Areas**

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

- (1) The following areas shall be screened in accordance with this section:
  - A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
  - B. Accessory outdoor storage and bulk sales;
  - C. Pipes, conduit, and cables associated with the building or use;
  - D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
  - E. Ground-level or facade-mounted mechanical equipment; and

- F. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in residential zoning districts.
- (3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.
- (4) **Screening Methods**
  - A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
    - i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 1119-C.](#)); or
    - ii. An opaque fence or wall consistent with the standards of Section [1113.06](#); or
    - iii. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.



*Figure 1119-C: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*

- B. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.
- C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.
- D. In all cases, fences and walls are limited to the heights allowed by Section [1113.06](#) unless the wall used for screening is an extension of the principal building, in which case, the wall may be the same height as the principal building wall that from which it is extended. See [Figure 1119-D.](#)



Figure 1119-D: The above image illustrates a wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

**(b) Screening between Land Uses**

This section shall provide for the screening of land uses that may be of a different intensity, or are otherwise incompatible, for the purposes of mitigating impacts such as parking areas, noises, and other potential effects. Screening of land use shall be established in the following manner:

- (1) In [Table 1119-2](#), identify the required screen type by locating the district in which the proposed use is in along the left-hand column. The required screen type will be in the right two columns based on the adjacent residential uses.
- (2) Screen types are identified by a letter. Where nonresidential districts are adjacent to other nonresidential zoning districts, screening between land uses will not be required.
- (3) Find the screen type in [Table 1119-3](#), which identifies the minimum screen to be established as required in this chapter. An alternative screening type may be proposed in accordance with Section [1129.10](#).

TABLE 1119-2: SCREENING TYPE REQUIRED		
District Where Proposed Development Will Occur:	Adjacent Zoning	
	R1-A, R1-B, R1-C, or R2-C	RM-D
R1-A, R1-B, R1-C, or R2-C	None	None
RM-D	A	None
OB or LB	B	A
CBD or SM-D	None	None
CS or GB	C	B
LI, GI, or ITC	D	C
PF	B	A

TABLE 1119-3: SCREENING TYPE STANDARDS					
Screen Type	Minimum Width with Fence or Mound	Minimum Width Without 6-Foot Fence or Wall	Number of Landscaping Elements per 50 Linear Feet of Screening		
			Shrubs	Shade or Evergreen Tree	Ornamental Tree
A	5	10	6	2	2
B	10	15	8	4	3
C	10	20	10	6	4
D	10	25	15	6	4

## 1119.07 MAINTENANCE

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- (a) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (b) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (c) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.
- (d) Any changes to an approved landscaping plan shall require approval in the same manner as the landscaping plan was original approved.
- (e) Violation of these provisions shall be subject to the enforcement provisions of [Chapter 1133: Enforcement and Penalties](#).

# Chapter 1121: Parking, Access, and Connectivity

## 1121.01 PURPOSE

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The purpose of this chapter is to protect the public health, safety, convenience, comfort, prosperity and general welfare, and to:

- (a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
- (b) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (c) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
- (d) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;
- (e) Protect the light, air, visual amenities, and property values of residential areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas;
- (f) Reduce surface water run-off by considering the use of pervious surfaces, where applicable;
- (g) Promote the public health, safety, convenience, comfort, general welfare and prosperity of business, service, research, production, manufacturing and distribution developments which depend upon off-street parking facilities; and
- (h) Provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with the objectives of the Comprehensive Plan.

## 1121.02 APPLICABILITY

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- (a) Compliance with this section shall be reviewed as part of an application for a site plan review or certificate of zoning approval, whichever is reviewed first, unless otherwise stated in this chapter.
- (b) Unless otherwise stated, the requirements of this chapter shall apply to all new development where there is the construction of a new structure or establishment of a new use.
- (c) Where a change in use based on [Table 1105-1](#), an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this chapter and as identified in this subsection.
- (d) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 1111: Accessory and Temporary Uses](#).
- (e) All development in a PUD District shall be subject to the standards of this chapter unless otherwise modified through the PUD review and approval process.

## 1121.03 GENERAL REQUIREMENTS

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The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.

### (a) Location

Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this chapter.

### (b) Modification to Existing Vehicular Use Areas

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications related to maintenance and upkeep, including, but not limited to, repaving of the existing paved area, restriping, remarking, or other similar maintenance work, are permitted without a certificate of zoning approval.
- (2) All other modifications, including, but not limited to, the removal or expansion of existing paved areas, shall be reviewed through the certificate of zoning approval process,.

(c) **Setback Requirements**

(1) **Front Yards**

- A. Unless otherwise stated, all vehicular use areas shall be setback a minimum of 10 feet from any street or alley right-of-way except for permitted driveways.
- B. In the CBD and SM-D Districts, no vehicular use areas are permitted in the front yard except for permitted driveways.
- C. This area shall be landscaped pursuant to [Chapter 1119: Landscaping and Screening](#).

(2) **Side and Rear Yards**

All vehicular use areas in any district except the R1-A, R1-B, and R1-C Districts shall be set back the minimum distance from side and rear lot lines as established in [Table 1121-1](#) based on adjacent zoning districts.

TABLE 1121-1: SIDE AND REAR YARD PARKING SETBACKS		
District	Side and Rear Yard Setbacks from Adjacent Zoning (Feet)	
	R1-A, R1-B, R1-C, R2-C, or RM-D	OB, LB, GB, CBD, SM-D, CS, GI, ITC, or PF
RM-D	5	0
OB, LB, GB, and PF	10	5
CBD or SM-D	5	5
CS	10	5
GI	30	5
ITC	30	10

(d) **Driveways**

- (1) Driveways in R1-A, R1-B, R1-C, and R2-C districts shall be set back a minimum of one foot from all lot lines except from the street lot line. Such driveways shall maintain proper drainage and shall be a minimum of eight feet wide.
- (2) Driveways in all other districts shall be subject to the following:
  - A. The location, width and number of entrance and exit driveways serving private vehicular use areas shall be planned in such a manner as to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect.
  - B. Vehicular use areas that contain up to 20 parking spaces shall have at least one, two-lane driveway located at least 50 feet from the right-of-way line of the nearest intersecting street, except as modified by the Planning Commission.
  - C. Vehicular use areas that contain 20 or more parking spaces should, if possible, have two, two-lane driveways located not less than 50 feet from the right-of-way line of the nearest intersecting street, except as modified by the Planning Commission.
  - D. The angle of intersection between the driveway and the street shall be between 70 degrees and 90 degrees. The radii of the edge of the driveway apron shall be at least 20 feet.
  - E. Entrance or exit driveways shall not exceed three lanes in width and shall be designed so that all vehicles can be driven forward into the street. The width of such driveways, measured at the street right-of-way line, shall conform with [Table 1121-2](#), except as modified by the Planning Commission.

TABLE 1121-2: WIDTH OF DRIVEWAYS		
Number of Lanes	Width (Feet)	
	Minimum	Maximum
One	10	12
Two	18	24
Three	27	36

(e) **Striping, Marking, and Maintenance**

- (1) All parking spaces shall be striped and maintained in good condition.
- (2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
- (3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.
- (4) The owner of property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

(f) **Surface and Grading**

- (1) The surface of any parking area, aisle, driveway or maneuvering area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the Director of Community Development.
- (2) Gravel parking is permitted for the parking or storage of equipment if located in the rear yard only in the CS, GI, and ITC Districts. Such parking shall not be made available to customers and shall have gated or otherwise restricted access. Gravel parking may also be permitted as a temporary use in accordance with Section [1111.02](#).
- (3) Porous asphalt or pervious concrete, used to reduce surface water run-off, may be used for the pavement of parking spaces (no drive aisles, driveways, or other areas) if reviewed and approved by the Director of Community Development. An applicant shall be required to submit a maintenance plan for upkeep of any permitted porous asphalt or pervious concrete. Failure to adhere to the maintenance plan shall be considered a violation of this code.
- (4) All vehicular use areas shall be graded and drained so that surface water shall not flow onto adjacent property and shall be improved with asphalt concrete or Portland cement pavement.

(g) **Wheel Stops and Curbing**

- (1) Wheel stop devices consisting of parking blocks, permanent curbs, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk or damaging any structure or landscaping.
- (2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
- (3) Wheel stops shall be adequately anchored to the ground to prevent any movement.
- (4) Continuous curbing is discouraged, but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 1121-A](#).



Figure 1121-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

(h) **Lighting**

Any lighting of vehicle use areas shall be subject to Section [1113.03](#).

(i) **Landscaping and Screening**

Landscape and screening shall be pursuant to [Chapter 1119: Landscaping and Screening](#).

**(j) Prohibited Activities**

- (1) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation, and loading unless approved as part of an accessory or temporary use, or if approved as part of a site plan.
- (2) No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation and loading, unless as part of an approved accessory or temporary use, or if approved as part of a site plan.

**(k) Casual Sale of Vehicles**

- (1) For the purposes of this section, the term "casual sale of vehicles" means a sale of an automobile, by an individual who is not a licensed motor vehicle dealer.
- (2) In all residentially zoning districts, there shall not be displayed for casual sale any more than one used motor vehicle at any one time per residential dwelling unit. A licensed motor vehicle dealer is not permitted to make any casual sale of automobiles in residentially zoning districts.
- (3) In any area of the City not residentially zoned, there shall not be displayed any more than two used motor vehicles for casual sale at any one time.

**(l) Bicycle and e-Scooter Parking**

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

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**1121.04 OFF-STREET PARKING STANDARDS**

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**(a) Number of Parking Spaces Required**

**(1) Computation**

In computing the number of parking spaces required by this code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be as defined by this code but is not intended to mean gross floor area.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed, and where individual seats are not provided (bench, pew, etc.), one seat shall be for each 24 lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking spaces shall be provided according to the schedule of uses in this subsection. In residential use areas, garages or carports may be counted as a part of the required parking.

**(2) Mixed Use Occupancy**

In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking may be reduced as follows:

- A. The reduction shall be based on the sum of the minimum parking spaces required in the table in this subsection, computed separately, and reduced by not more than 25 percent. Any reduction in spaces shall be reviewed and approved by the Director of Community Development.
- B. The remaining spaces shall not be reserved for any one use and shall be available to all patrons or residents of that development.

**(b) Number of Parking Spaces Required**

The number of off-street parking spaces required shall be based on the requirements of Section [1121.04\(b\)\(1\)](#) below, or an alternative parking space plan may be provided in accordance with Section [1121.04\(b\)\(2\)](#).

(1) **Minimum Parking Spaces Table**

- A. [Table 1121-3](#) establishes the minimum number of parking spaces required for individual uses. For uses that are not specifically stated, the Director of Community Development may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Section [1121.04\(b\)\(2\)](#).
- B. In order to prevent excessive lot coverage, the artificial increase in ambient air temperature, and an unnecessary increase in surface water run-off, no application shall propose more than 25 percent of the spaces required in [Table 1121-3](#) unless good cause can be shown by the applicant and approved by the BZA through the variance process. Single-family dwellings and two-family dwellings shall be exempt from this provision.
- C. An alternative parking space plan is not permitted for uses marked with an asterisk (\*) in [Table 1121-3](#). An alternative parking space plan shall only be permitted when the applicant wants to propose less than the number required by [Table 1121-3](#).
- D. The required spaces as determined by the schedule and standards in this section may be modified by the Planning Commission in the CBD District where free parking areas or publicly owned parking areas are readily accessible and where land is not available for development of accessory off-street parking as required herein.

TABLE 1121-3: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Use	Parking Spaces Required
<b>Agricultural Uses</b>	
Community Gardens	One space per 10 garden plots
<b>Residential Uses</b>	
Single-Family or Two-Family Dwellings*	Two spaces per dwelling unit
Rowhouse and Multi-Family Dwellings*	One space per dwelling unit
Residential Facilities	Two spaces per facility if located in a single-family dwelling or four spaces for all other residential facilities
Skilled Nursing or Personal Care Facilities	One space per four beds at maximum capacity
<b>Public and Institutional Uses</b>	
Active Parks and Recreation	One space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided
Cemeteries	One space per four seats in a chapel or place of assembly at maximum building capacity
Churches and Places of Worship	One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
Educational Institutions (Preschool and K-12)	One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom
Educational Institutions (Higher Education)	One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus one space per five seats for every classroom
Government Offices and Buildings	One space per 500 square feet of floor area
Hospitals	One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies and other similar uses
All Other Public and Institutional Uses	One space per 500 square feet of floor area or one space per five permanent seats at maximum capacity, whichever is greater
<b>Commercial and Offices Uses</b>	
Administrative, Business, or Professional Offices	One space per 400 square feet of floor area
Animal Boarding Facilities	One space per 400 square feet of floor area
Assembly Halls and Conference Centers	One space for each four persons at maximum building capacity
Automotive Repair and Service	One space per service bay plus one space per 400 square feet of retail space
Commercial Recreational Facilities (Indoors)	One space per 400 square feet of floor area; or

**TABLE 1121-3: MINIMUM NUMBER OF OFF-STREET PARKING SPACES**

Use		Parking Spaces Required
		One space per five seats if stadium/arena seating provided
Commercial Recreational Facilities (Outdoors)		One space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided
Financial Institutions		One space per 300 square feet of floor area
Funeral Homes or Mortuaries		Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater
Hotels		One space per guest room
Medical/Dental Clinics and Health Centers and Medication Maintenance Facilities or Dispensaries		One space per 300 square feet of floor area
Restaurant, Microbrewery, Microdistillery, or Microwinery		One space per 150 square feet of floor area
Theaters		One space for each four persons at maximum building capacity
All Other Commercial and Office Uses	Building footprint less than 5,000 square feet of floor area	One space per 300 square feet of floor area
	Building footprint of 5,001 to 50,000 square feet of floor area	One space per 350 square feet of floor area
	Building footprint of 50,001 square feet or more of floor area	One space per 400 square feet of floor area
<b>Industrial Uses The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below</b>		
Offices or Administrative Areas		One space per 300 square feet of floor area
Indoor Sales Area and Displays of Goods Manufactured on Site		One space per 400 square feet of indoor floor area
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities	1-3,000 square feet of floor area	One space per 300 square feet of floor area
	3,001-5,000 square feet of floor area	One space per 500 square feet of floor area
	5,001-10,000 square feet of floor area	One space per 1,000 square feet of floor area
	10,001 or more square feet of floor area	One space per 1,500 square feet of floor area
Outdoor Storage Area (3,000 square feet or less)		1 space per 1,500 square feet of gross outdoor area
Outdoor Storage Area (more than 3,000 square feet)		1 space per 2,500 square feet of gross outdoor area

**(2) Alternative Parking Space Requirements**

- A.** An applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:
- i.** Availability of on-street parking near the use and the distances to those spaces;
  - ii.** Building square footage for each specific use to be served by off-street parking;
  - iii.** Intensity of the proposed use;
  - iv.** Hours of operation;
  - v.** Estimated number of patrons/customers at peak hours of operation;

- vi. Maximum numbers of employees present on one shift;
- vii. Availability of joint parking areas;
- viii. Building occupancy loads;
- ix. Proposed number of spaces and their locations on the lot; and
- x. Any additional information as requested by the Director of Community Development.

**B.** The Planning Commission shall have the authority to approve or deny the application. The Planning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar resources in making its determination. If the Planning Commission denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by [Table 1121-3](#) above or seek approval of a variance.

**(c) Garage or Carport Required**

- (1) A garage or carport of not less than 200 square feet of floor space is hereby required for all new single-family and two-family dwellings subject to applicable setbacks in Section [1111.01](#).
- (2) For rowhouse dwellings and multi-family dwellings, all parking facilities shall be within a walking distance of 200 feet of the building entrance of the unit to be served. Additionally, a minimum of one-half of all required spaces shall be provided in an enclosed garage or roofed carport.
- (3) No existing garage or carport area in or on any residential property shall be eliminated unless replaced with a garage or carport located on the same property.

**(d) Dimensional Requirements for Parking Spaces and Drive Aisles**

- (1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in [Table 1121-4](#) and illustrated in [Figure 1121-B](#).
- (2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in [Table 1121-4](#).

TABLE 1121-4: PARKING SPACE DIMENSIONS				
Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	9 feet	22 feet	12 feet	20 feet
30°	9 feet	20 feet	12 feet	24 feet
45°	9 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	18 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	20 feet	24 feet

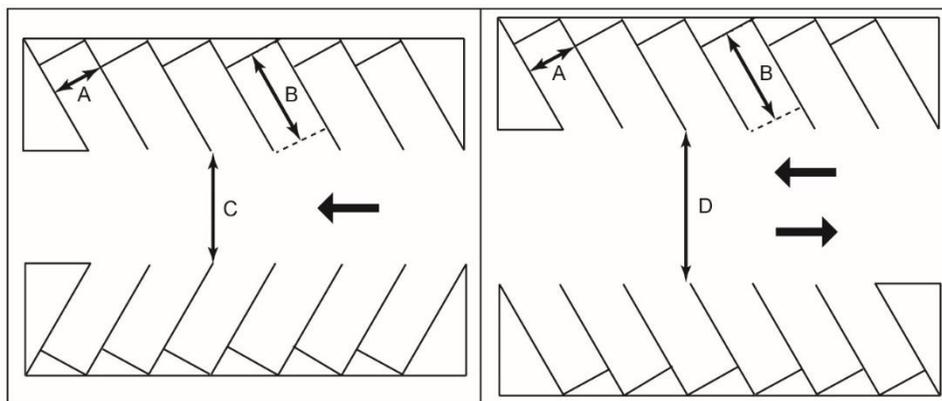


Figure 1121-B: Parking area dimensions

**(3) Compact Spaces**

- A. All compact car spaces must be a minimum of eight feet wide by 16 feet long.
- B. The design and placement of all compact spaces are subject to the review of the Director of Community Development.
- C. The location of all compact spaces shall be readily identified and grouped in one or a series of locations.
- D. For nonresidential uses, up to 10 percent of the total parking spaces may be compact spaces.

**(e) Parking for Handicapped Persons**

- (1) Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.
- (2) Each handicap space may be included in the computation of spaces required by this chapter.

**(f) Electric Charging Stations**

Electric charging stations are permitted to be located in any approved off-street parking space, in any zoning district.

**(g) Ride Share Waiting Zone**

Ride share waiting zones are permitted in the GB District.

**(h) Alternative Parking Solutions**

**(1) Shared or Off-Site Parking**

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- A. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- C. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- D. Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a conditional use review.
- E. Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- F. In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the Director of Community Development.
- G. No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- H. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:
  - i. A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
  - ii. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Director of Community Development, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.
  - iii. Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [1121.04\(a\)](#).

- iv. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require review and approval by the Director of Community Development.
- v. All shared or off-site parking plans and agreements shall be provided to the Director of Community Development prior to any certificate of zoning approval being issued. Such plans and agreements continue to apply to the land, regardless of future ownership.

(2) **Land Banked Parking**

Up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas comply with the following standards and are authorized in accordance with this section. See [Figure 1121-C](#), below.

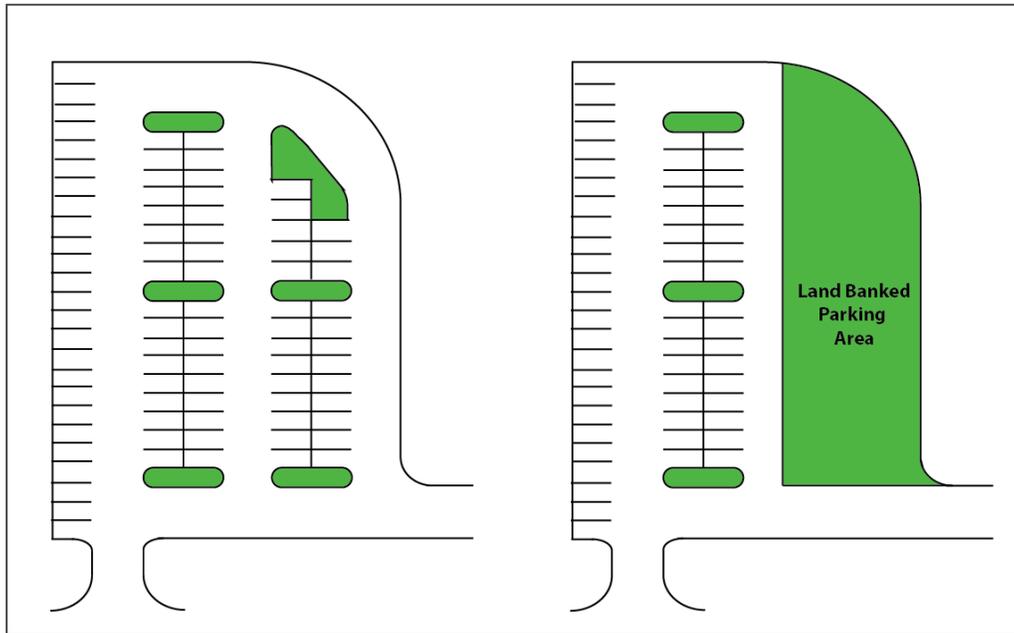


Figure 1121-C: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

- A. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations if the Director of Community Development determines at any time that all or any portion of this parking is necessary.
- B. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.
- C. Any conditions required by the City, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the certificate of zoning approval application and maintained as part of the City’s official records.
- D. At no time shall any portion of the land banked parking area that is designated for future development be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking, provided that the pavers allow for grass and other vegetation to grow through the material.
- E. At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.

- F. The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Director of Community Development, identifying that such parking is determined to be necessary. Such determination may be made when the Director of Community Development:
  - i. Is reviewing an application related to a change of use or activity; or
  - ii. Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- G. Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

**1121.05 PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL DISTRICTS**

- (a) [Table 1121-5](#) establishes the locations where personal, recreational, and other types of vehicles are allowed to be stored or parking on lots in residential districts.
- (b) No temporary or permanent human occupancy shall occur within a vehicle except for loading, unloading, effecting minor repairs or maintenance, or when in the process of actual transportation. Temporary occupancy may only occur within a recreational vehicle and may not occur while the vehicle is being stored on a residential lot.
- (c) All parked or stored vehicles shall be parked or stored on an approved paved surface per Section [1121.03\(f\)](#). Those wishing to store or park their vehicles on an unpaved surface can only obtain permission through a conditional use permit approval.
- (d) Recreational vehicles stored on a designed transport trailer shall be considered one unit. More than one recreational vehicle per residential lot shall require a conditional use permit issued by Planning Commission.
- (e) Recreational vehicle types are defined by size, as follows:
  - (1) Recreational Vehicle A: Recreational vehicles that do not exceed 24 feet in length.
  - (2) Recreational Vehicle B: Recreational vehicles that are greater than 24 feet in length but do not exceed 35 feet in length.
  - (3) Recreational Vehicle C: Recreational vehicles that exceed 35 feet in length but are less than or equal to 40 feet in length.

TABLE 1121-5: PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL DISTRICTS										
Location	Vehicle Types									
	Residential Vehicle		Recreational Vehicle A [1] [2]		Recreational Vehicle B [1] [2]		Recreational Vehicle C [1] [2]		Other Vehicles	
	Park	Store	Park	Store	Park	Store	Park	Store	Park	Store
Front Yard: Driveway or Other Paved Surface	P	P	P	XX	XX	XX	XX	XX	XX	XX
Side Yard: Driveway or Other Paved Surface	P	P	P	P	C	C	C	C	XX	XX
Rear Yard: Driveway or Other Paved Surface	P	P	P	P	C	C	C	C	XX	XX
Enclosed Structure	P	P	P	P	P	P	C	C	XX	XX
P = Permitted      C = Permitted if Approved as a Conditional Use      XX = Prohibited										
NOTES: [1] Recreational vehicle stored on a designed transport trailer shall be considered one unit. More than one recreational vehicle per residential lot shall require a conditional use permit issued by Planning Commission. [2] No vehicle shall exceed 14 feet in height or 40 feet in length.										

- (f) Other vehicles that are not specifically listed in this code are not permitted on residential lots.

- (g) The Planning Commission shall establish setbacks as part of a conditional use permit when such permit is required.
- (h) Enclosed structures must comply with all zoning regulations.
- (i) No vehicle shall exceed 14 feet in height or 40 feet in length.
- (j) Vehicles used in conjunction with providing a service to a residence or residential district and that otherwise would not be permitted by this code, shall be permitted to be parked in a residential district for the duration of the service.

## **1121.06 OFF-STREET LOADING**

A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

### **(a) Number of Spaces**

This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

### **(b) Size**

Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:

- (1) Clearance height: 14 feet
- (2) Minimum width: 12 feet
- (3) Minimum length: 55 feet

### **(c) Location and Activities**

- (1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2) A required loading space shall not face, or be visible from the street on which the lot fronts, except in ITC Districts, and shall not be located in a required front yard unless modified by the Planning Commission with a minimum setback of 200 feet from the public right-of way and adequate screening as may be required. If a loading space is entirely enclosed, it may be located in such side or rear yard if approved by the Planning Commission.
- (3) In ITC Districts, a yard or apron for maneuvering that is a minimum of 135 feet in length shall be provided between the loading dock and entrance or exit drive, and shall not include truck or passenger car parking, maintenance facilities, or "piggyback" assembly operations.
- (4) Off-street loading spaces shall be so arranged that they may be used without blocking, and they shall not obstruct or occupy, any parking space, circulation or drive aisles, sidewalks, or vehicle stacking spaces for drive through lanes.
- (5) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use, unless located completely within an enclosed building.
- (6) An off-street loading space shall not be used for repairing or servicing motor vehicles.

### **(d) Access**

- (1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.
- (2) Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall not be less than 50 feet from the nearest intersecting street right-of-way line.

(e) **Improvements**

All off-street loading spaces shall be improved as required for all vehicular use areas as set forth in Section [1121.03](#).

**1121.07 STACKING SPACE REQUIREMENTS**

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this chapter.
- (b) The number of required stacking spaces shall be as provided for in [Table 1121-6](#). See [Figure 1121-D](#) for an illustration of stacking spaces:

TABLE 1121-6: STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Vehicle Washing Establishment	5	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Director of Community Development	

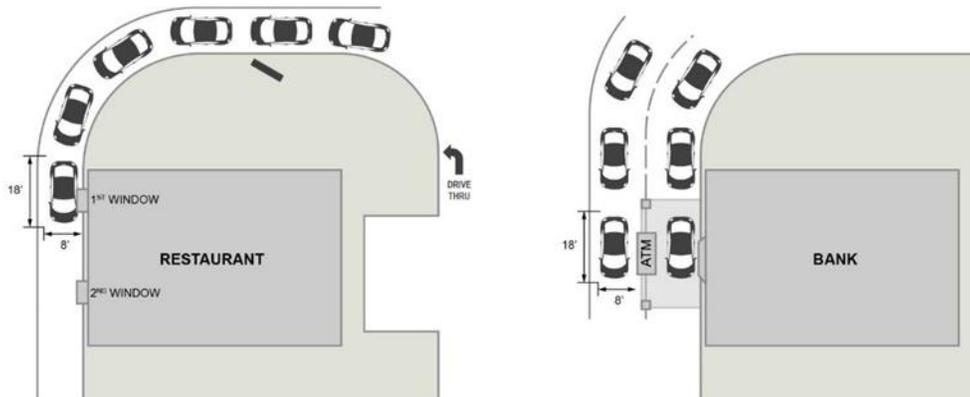


Figure 1121-D: Illustrative example of stacking space requirements for a bank and a restaurant.

- (c) Stacking lanes and spaces shall be provided for any use having a drive-through facility and shall comply with the following standards:
  - (1) Drive-through stacking lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of stacking spaces required by [Table 1121-6](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 1121-6](#) with the spaces located after the convergence point counting toward both stacking lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

- (d) The Planning Commission may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

## 1121.08 SIDEWALKS AND SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY

### (a) Public Sidewalks

- (1) New public sidewalks, constructed to meet Sharonville standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
- A. The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
  - B. There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot; and
  - C. There is adequate existing right-of-way for the public sidewalk.
- (2) New sidewalks shall also be required when proposed sidewalks or paths are identified in the Sharonville Comprehensive Plan for the lot or lots that are part of the applicable development or application.

### (b) Internal Pedestrian Access

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, is required to be constructed as part of the development approval, or where a public transit stop is located along any of the applicable site's frontages, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of five feet.
- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Director of Community Development or Planning Commission, as applicable. See [Figure 1121-E](#).



Figure 1121-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

## Chapter 1123: Signs

### 1123.01 PURPOSE AND INTENT

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It is the purpose and intent of this chapter to establish reasonable regulations which preserve the public health, safety, convenience, comfort, prosperity and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

- (a) To prohibit signs which pose an unreasonable risk to the public safety;
- (b) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;
- (c) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;
- (d) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;
- (e) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;
- (f) To promote the most desirable developments and economic activity in accordance with the objectives of the Comprehensive Plan; and
- (g) To promote the public right to receive religious, political, economic, social, philosophical and other First Amendment protected messages.

The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

### 1123.02 APPLICABILITY

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- (a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain or otherwise alter a sign in the City except in accordance with the provisions of this chapter.
- (b) The construction, erection, safety and maintenance of all signs shall be in accordance with the applicable building code.
- (c) Unless otherwise provided, this chapter shall apply to any sign over which the City has authority to regulate. Additionally, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (d) Unless otherwise specifically stated, a certificate of zoning approval shall be required for all permanent signs.
- (e) A certificate of zoning approval is required for sign face changes including where the sign structure is designed with interchangeable panels and one of the panels is replaced even if such sign panel change does not alter the total sign structure,
- (f) Any sign already established on the effective date of this chapter or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1123.11](#).
- (g) All signs shall require the issuance of a certificate of zoning approval, as established in Section [1129.12](#), unless otherwise noted below or as specifically stated in other sections of this chapter.
- (h) **Certificate of Zoning Approval Exemptions**

The following signs are subject to the requirements of this chapter and are allowed in all districts but do not require a certificate of zoning approval. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this chapter for all other permitted signs. Permit-exempt signs, or the structures they are attached to, may still be subject to building code or other applicable code requirements.

- (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (3) Any sign that is located completely inside a building and that is not visible from the exterior (See also the definition of “window sign”.);
- (4) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (5) Certain temporary signs as established in Section [1123.09](#);
- (6) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
  - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
  - B. For wall-mounted flags, the maximum projection of the post is six feet and a maximum sign area is 15 square feet per flag.
  - C. There shall be a maximum of one flag pole and two-wall mounted posts permitted on each lot.
  - D. Flag poles may be subject to building permit regulations.
- (7) A single wall sign, mounted flush on the facade of an individual dwelling unit, that is not illuminated and does not exceed two square feet in area;
- (8) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Butler or Hamilton Counties, or the City of Sharonville;
- (9) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way and comply with any other applicable standards of this chapter;
- (10) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors), for transportation (See also Section [1123.03](#).), or signage required by the State or Federal government;
- (11) Signs installed or required by a governmental agency including the City of Sharonville, Butler or Hamilton Counties, the State of Ohio, and the United States, including local and regional transit agencies;
- (12) Any warning signs or traffic safety signs required by public utility providers;
- (13) Hand-held signs not set on or affixed to the ground;
- (14) Any address numbers required by the City of Sharonville or the U.S. Post Office;
- (15) Changes of copy on signs with changeable copy;
- (16) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (17) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

### **1123.03 PROHIBITED SIGN TYPES**

The following types of signs are specifically prohibited within the City:

- (a) Unless otherwise specifically allowed, signs that are applied to trees, utility poles, benches, trash receptacles, fences or walls, newspaper vending machines or boxes, or any other unapproved supporting structure, or that are otherwise placed in the public right-of-way;

- (b) Any sign or sign structure which, in the opinion of the Director of Community Development after consultation with the Building Official, is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (c) No sign shall be installed, erected, or attached in any shape, manner, or form to block any fire escape or any door or window that is required ingress and egress for fire safety;
- (d) Pennants, streamers and other similar type devices;
- (e) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, except for electronic message centers permitted in accordance with this chapter;
- (f) Balloon signs and air-activated graphics;
- (g) Laser lights, beacons and searchlights, except for emergency purposes;
- (h) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, supported by, or otherwise affixed to the vehicle shall not be parked or stored for a time period exceed 48 hours;
- (i) Any signs that utilize illumination by means of bare bulbs, flames, or both;
- (j) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (k) Any sign that violates the intersection visibility requirements of Section [1113.02](#);
- (l) Any sign located in a public right-of-way, except as specifically provided for in the chapter;
- (m) Blade or feather signs;
- (n) Roof signs;
- (o) Any other sign type that is not specifically allowed by this chapter.

#### **1123.04 GENERAL REGULATIONS**

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

- (a) All signs shall be professionally manufactured, or of equivalent quality. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (b) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes. In the event there is a conflict between the provisions of this section and the provisions of any applicable building or electrical codes, the provisions of the more restrictive code shall govern.
- (c) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.
- (d) The lowest component of all signs that project (or are supported on posts that project) shall not be less than eight feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edges of such pavement, the lowest component of the sign shall not be less than 15 feet above the finished pavement.
- (e) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (f) All signs shall be subject to the intersection visibility standards established in Section [1113.02](#).
- (g) Permitted permanent signs should be designed so as to be similar in character with regard to materials, color and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract, and to produce an overall unified effect, and shall also be designed in accordance with the standards set forth in this section.
- (h) The back side of all permanent signs that do not contain a second sign face or structural supports shall be completely enclosed.
- (i) **Signs in Rights-of-Way**
  - (1) Signs shall be prohibited in the right-of-way with the exception of:
    - A. Signs installed by the City of Sharonville, Butler or Hamilton Counties, the State of Ohio, federal government, or public transit agencies;
    - B. Any warning signs or traffic safety signs required by public utility providers; or
    - C. Portable signs as allowed in Section [1123.09](#).

- (2) The Director of Community Development or Public Works may remove or cause to be removed any unlawful sign in the public right-of-way.

(j) **Illumination**

In all zoning districts except residential districts, signs shall be permitted to be illuminated in compliance with the following:

- (1) Where illuminated signs are permitted, such illumination may be through internal or external lighting sources.
- (2) Light sources shall be shielded from all adjacent buildings and streets and shall be focused exclusively on the sign.
- (3) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or will cause reasonable objection from adjacent residential districts.
- (4) An illuminated sign or lighting device shall employ only light of constant intensity.
- (5) In the NLO District, internally illuminated signs that have a translucent background shall be avoided. Applicants shall utilize an opaque background with translucent text.
- (6) Electronic message centers are a permitted form of illuminated signs that are allowed as part of permitted signs. See Section [1123.08\(a\)\(4\)J](#) for specific standards related to electronic message centers.

## 1123.05 CALCULATION AND MEASUREMENTS

(a) **Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

(b) **Sign Height**

- (1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.
- (2) The filling of a hole or depression to create an average grade the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.
- (3) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See [Figure 1123-A](#).

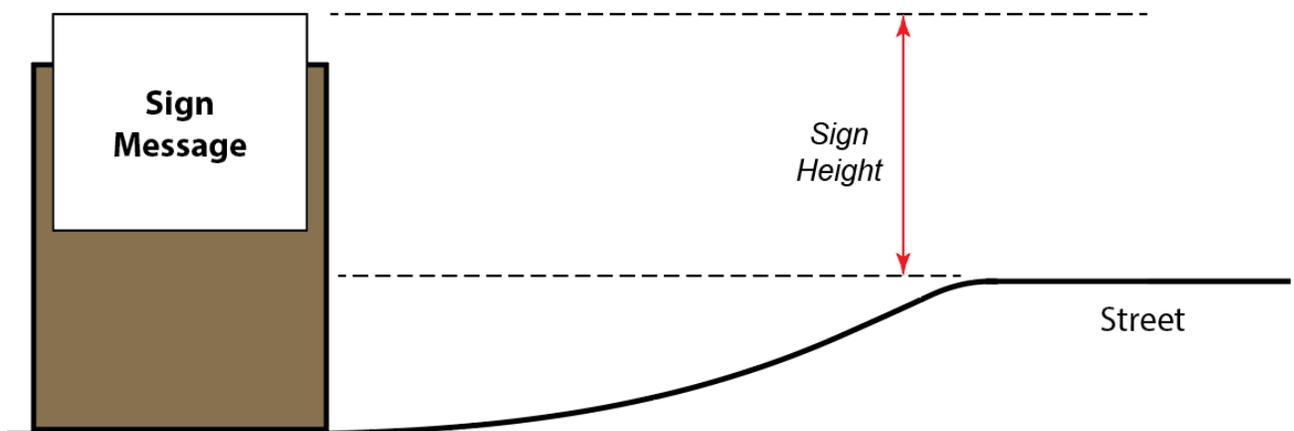


Figure 1123-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

(c) **Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section. For the purposes of calculating sign area, one of the following shapes may be used: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon or hexagon.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Director of Community Development. See [Figure 1123-B](#).
- (2) For sign copy mounted or painted on a background panel, cabinet or surface that is distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the single smallest permitted shape that encompasses the extreme limits of the background panel, cabinet or surface. See [Figure 1123-B](#) and [Figure 1123-C](#).

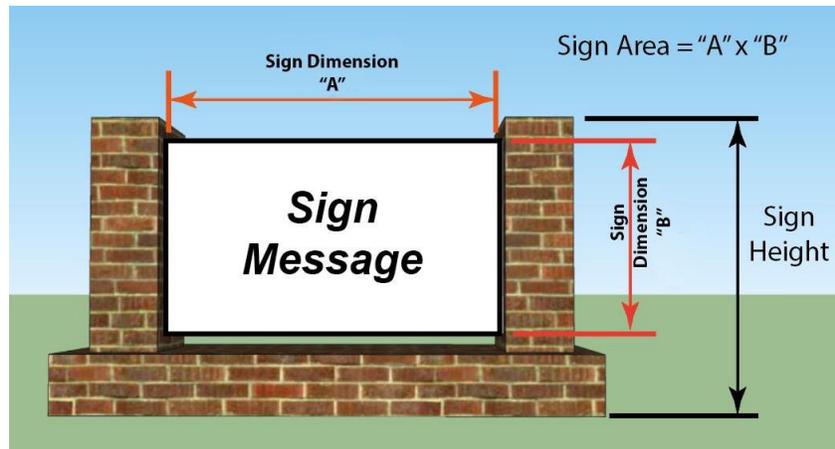


Figure 1123-B: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1123-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building facade or window where there is no background panel, cabinet or surface that is distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the single smallest permitted shape that encloses all of the letters or elements associated with the sign. See [Figure 1123-D](#).

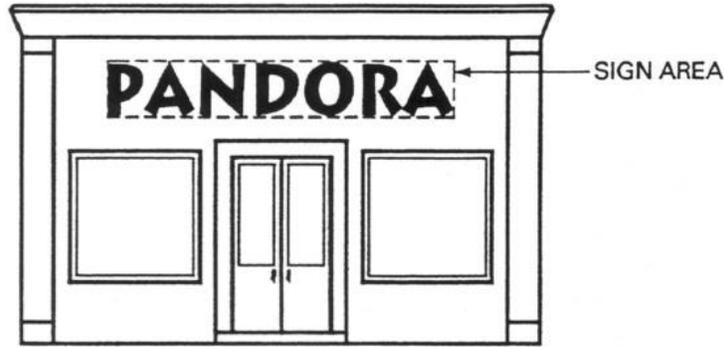


Figure 1123-D: Illustration of sign area calculation for wall signs with individual letters.

- (4) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See [Figure 1123-E](#).

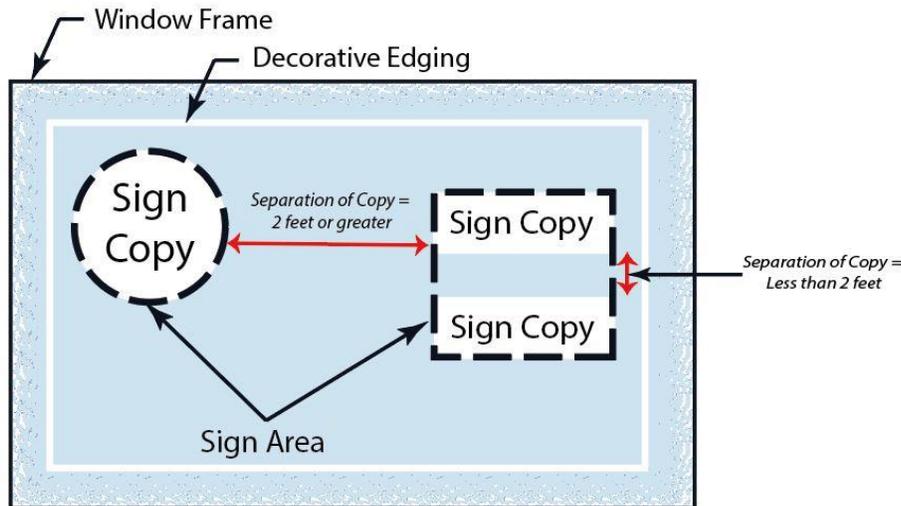


Figure 1123-E: Illustration of sign area calculations for multiple sign areas on a window sign.

- (5) When two identically sized, flat sign faces are placed back-to-back with no more than 12 inches in separation, so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. The 12-inch separation distance shall not apply in cases where the two faces are part of a single sign cabinet or structure that is fully enclosed. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (6) In the case of a three-dimensional sign, where the sign faces are not mounted back-to-back, the sign area shall be calculated by the single smallest permitted shape that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point.

## 1123.06 SIGNS PERMITTED IN PUD DISTRICTS

- (a) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process. In general:
- (1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the R-1A District.
  - (2) Multi-family residential uses in a PUD shall comply with the sign requirements of the RM-D District.

- (3) Commercial and office uses in a PUD shall comply with the sign requirements of the GB District.
- (4) Industrial uses in a PUD shall comply with the sign requirements of the GI District.
- (b) This section shall apply to both permanent and temporary signs.

### **1123.07 PERMANENT SIGNS IN RESIDENTIAL DISTRICTS**

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Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 25 units/lots or more provided that the signs meet the following requirements:

(a) **General Standards**

- (1) Each sign may have a maximum sign area of 30 square feet.
- (2) No such sign or any portion of the structure shall exceed six feet in height.
- (3) The sign may only be illuminated through an external light source.

(b) **Monument Sign**

- (1) A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a public collector or arterial street, as determined by the Director of Community Development.
- (2) In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.
- (3) The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- (4) If an applicant proposes to use a monument sign, no wall signs, as allowed in Section [1123.07\(c\)](#), below, shall be permitted.
- (5) For entrances to multi-family dwelling developments, a post and panel sign may be permitted instead of the monument sign.

(c) **Wall Signs on Entry Fences or Walls**

- (1) A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a public collector or arterial street, as determined by the Director of Community Development.
- (2) If two wall signs are utilized, the signs shall be separated by a minimum of 50 feet.
- (3) The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- (4) If an applicant proposes to use wall signs, no monument sign, as allowed in Section [1123.07\(b\)](#), above, shall be permitted.

### **1123.08 PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS**

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The following standards apply to signs on lots in nonresidential zoning districts:

(a) **Building and Freestanding Signs**

(1) **Maximum Sign Area for All Building and Freestanding Signs**

- A. [Table 1123-1](#) establishes the total maximum sign area allowed for the aggregate sign area of all building and freestanding signs on a lot as established in this section.
- B. The maximum sign area in [Table 1123-1](#) does not include the sign areas of the following sign types that might also be located on the lot including:
  - i. Temporary signs;
  - ii. Window signs;
  - iii. Drive-through facility signs; and
  - iv. Driveway signs.
- C. Building signs and freestanding signs shall be subject to the sign type standards of this section.
- D. Where a building has a primary and secondary facade as determined in Section [1123.08\(a\)\(2\)](#), the signage allowed on the primary facade may not be placed on the secondary facade and vice versa.

TABLE 1123-1: MAXIMUM BUILDING AND FREESTANDING SIGN AREA	
District	Maximum Sign Area Allowance
PF	50 square feet of freestanding sign and 0.50 square feet of building signage for each lineal foot of primary and secondary facade width
LB	Primary Facade Signage: 1.20 square feet of signage for each lineal foot of primary facade width + 30 square feet. Secondary Facade Signage: 0.45 square feet of signage for each lineal foot of secondary facade width.
OB, GB, CBD, and SM-D	Primary Facade Signage: 1.50 square feet of signage for each lineal foot of primary facade width + 40 square feet. Secondary Facade Signage: 0.60 square feet of signage for each lineal foot of secondary facade width.
CS	Primary Facade Signage: 1.25 square feet of signage for each lineal foot of primary facade width. Secondary Facade Signage: 0.50 square feet of signage for each lineal foot of secondary facade width.
GI and ITC	Primary Facade Signage: 1.50 square feet of signage for each lineal foot of primary facade width. Secondary Facade Signage: 0.60 square feet of signage for each lineal foot of secondary facade width.

**E. Standards for Building and Freestanding Signs in the NLO District:**

- i. For signs in the NLO District, where the sign requirements for the NLO District are more restrictive than the underlying base zoning district standards above, the NLO District standards shall apply.
- ii. Signs shall utilize a style, materials, and colors that complement the building facade.
- iii. Building signs consisting of wall signs, canopy signs, and projecting signs shall be permitted at a ratio of one and one-half square feet per lineal foot of the primary facade length, not to exceed the following:
  - a) 150 square feet on buildings that do not have individual, separate building units, including office buildings where all access to the individual office spaces is located internally;
  - b) 75 square feet per building unit on multi-tenant buildings. See also [Figure 1123-G](#).
- iv. In addition to the building signs allowed above, awning signs shall be permitted provided that the sign copy is limited to a maximum of 25 percent of the total exterior surface of the awning. The awning shall be attached to the building so that no part of the awning or awning support structure is located within eight feet or more than 12 feet from the surface of the established grade under the sign. Such awning signs shall not project more than five feet from the wall on which it is attached.
- v. For buildings in the NLO District that are taller than 45 feet in height, one signature wall sign shall be permitted in addition to all other signs allowed above, in accordance with the following:
  - a) The signature wall signs shall be located on a building wall that is visible from Interstate 75.
  - b) The signature wall sign shall not exceed one square foot per lineal foot of lot frontage along Chester Road, with a total sign area not to exceed 220 square feet.
  - c) The signature wall signs shall be mounted within 15 feet of the roofline of the building on which it is attached and shall not extend above the said roofline.
- vi. Freestanding signs are permitted in the NLO District in accordance with the following:

- a) The freestanding sign shall be a monument sign that will consist of a decorative mounting structure and one or more message panels. The mounting structures will complement the design of existing or proposed buildings and development themes in the NLO District. The freestanding signs shall be designed to be modular, updateable and removable as the district uses evolve.
- b) The maximum sign area of the freestanding monument sign shall be equal to 0.75 square feet for every one lineal foot of lot frontage along Chester Road, up to a maximum of 150 square feet.
- c) The freestanding monument signs shall have a maximum height of 10 feet and shall be set back a minimum of five feet from the front lot line. Such signs are only permitted in the front yard, along Chester Road.
- d) There shall be a maximum of two freestanding monument signs on any lot, regardless of the number of street frontages. Such freestanding monument signs shall be separated by 150 feet.
- e) The freestanding monument signs shall be subject to all other general standards applicable to freestanding signs in Section [1123.08\(a\)\(4\)](#).

(2) **Facade Measurements**

- A. When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets or angles. See [Figure 1123-F](#).

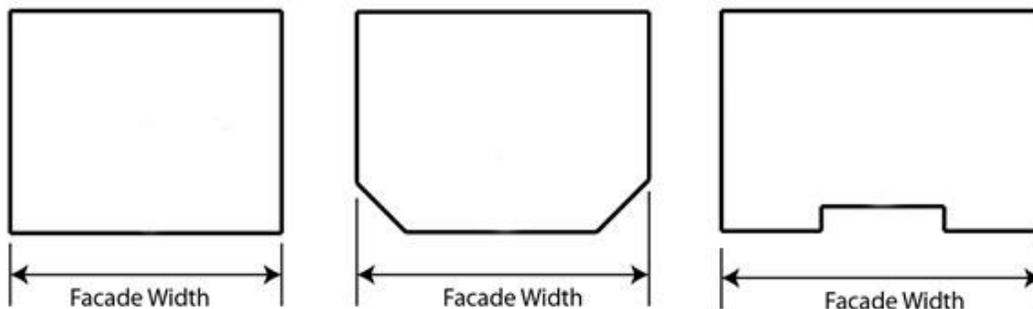


Figure 1123-F: Illustration of facade width measurement on varied facade shapes.

- B. For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. See [Figure 1123-G](#).



Figure 1123-G: The above image shows independent buildings (1 and 4) as well as a multi-tenant building in between. The multi-tenant building has two building units as identified as 2 and 4 in the image.

- C. The primary facade shall include any facade that has frontage along a street and any facade that serves as the main access point to a building or building unit. All other facades shall be considered to be secondary facades for the purposes of this chapter provided such facades do not face a residential zoning district. See [Figure 1123-H](#).

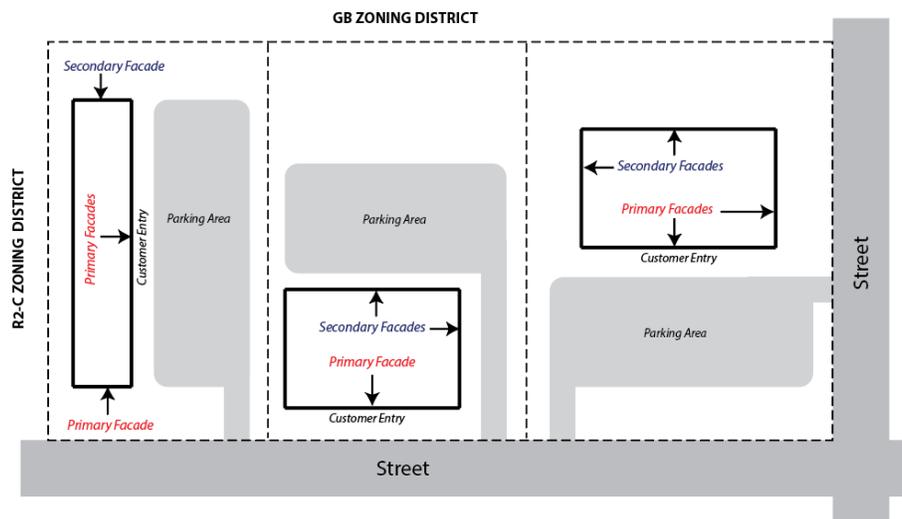


Figure 1123-H: Examples of the location of primary and secondary facades.

- D. When a site has primary and secondary facades as defined herein, the Director of Community Development shall determine which facades shall be the primary building facades and which facades shall be the secondary building facades, as may be applicable.

### (3) **Building Signs**

- A. There is no maximum number of permitted building signs.
- B. Building signs shall include the total amount of all wall, awning, canopy, and projecting signs attached to the building. Standards for each individual building sign type are established in this section.
- C. Building signs may not be attached to mechanical equipment, roof screening, or detached accessory structures.
- D. Building signs shall not include electronic message centers unless approved as a conditional use and in compliance with the standards of Section [1123.08\(a\)\(4\)J](#). Messages can only change once every 24 hours for electronic message centers on building signs.

### E. **Wall Sign Standards**

Any wall sign shall comply with the following standards:

- i. Wall signs shall be mounted on or flush with a wall and shall not project more than 18 inches from the wall or face of the building to which it is attached.
- ii. A wall sign may be mounted on the facade wall or mounted on a raceway or wireway.
- iii. No wall sign shall cover or obscure any wall opening.
- iv. Wall signs shall be set back a minimum of three feet from the end of the building or party wall.
- v. Wall signs shall not project above the parapet, coping, or eaves of any building.
- vi. Wall signs shall not exceed 150 square feet in the PF, LB, OB, GB, CBD, or SM-D Districts.
- vii. Wall signs shall not exceed 20 percent of the total gross area of signage allowed in [Table 1123-1](#) or 200 square feet, whichever is smaller, in the CS, LI, GI, or ITC Districts.
- viii. Wall signs shall not be painted directly onto a building in the NLO District.

**F. Awning or Canopy Sign Standards**

Any canopy sign shall comply with the following standards:

- i. Signage shall not cover more than 16 square feet of any individual awning or canopy.
- ii. Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign. Signage may also be mounted below the canopy provided the maximum height of the sign copy shall not exceed 12 inches and the clearance requirements of Section [1123.07\(a\)](#) are maintained to the bottom of the sign copy.
- iii. Only the area of the sign may be illuminated internally on an awning or canopy. The remainder of any awning canopy shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

**G. Projecting Sign Standards**

Any projecting sign shall comply with the following standards:

- i. Only one projecting sign shall be permitted for each tenant.
- ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the facade wall to which it is attached.
- iii. Projecting signs shall be set back a minimum of three feet from the end of the building or party wall.
- iv. In the CBD and SM-D Districts, projecting signs shall not project more than seven feet from the lot line and in no case shall it be closer than three feet to the inside of the curb line.
- v. In the CBD District, the minimum clearance from the grade to the bottom of the sign shall be 10 feet and the maximum height of the sign shall be 14 feet.
- vi. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of sign area allowed, however, in no case shall the supporting structure exceed six square feet in area.
- vii. The maximum sign area for a projecting sign shall be 24 square feet.
- viii. Projecting signs shall not be internally illuminated.
- ix. Projecting signs may encroach into the right-of-way provided they comply with the clearance standards of Section [1123.07\(a\)](#) and all portions of the sign are set back a minimum of two feet from the back of the curb.

**(4) Freestanding Signs**

- A. Freestanding signs include pole, ground, and monument signs.
- B. Only one freestanding sign is permitted per street frontage unless the street frontage is longer than 150 feet, in which case up to two freestanding signs are permitted on the frontage where such signs are separated by 150 feet.
- C. The maximum height of a ground or monument sign shall be 15 feet.
- D. The maximum height of a pole sign shall be 70 feet if the sign is located within 400 feet of the edge of pavement for Interstate 75 or Interstate 275. The maximum height of all other pole signs shall be 30 feet.
- E. [Table 1123-2](#) establishes the minimum setback and maximum height and sign area for freestanding signs in zoning districts.

TABLE 1123-2: FREESTANDING SIGN STANDARDS FOR NONRESIDENTIAL DISTRICTS			
Zoning Districts	Minimum Setbacks from Street R-O-W and Adjacent Lots in Nonresidential Zoning Districts	Minimum Setbacks from Lots in Residential Zoning Districts	Maximum Sign Area
CBD and SM-D	15 Feet	50 Feet	50 Square Feet
LB, OB, GB, and PF	15 Feet	50 Feet	50 Square Feet [1]
CS and LI	25 Feet	50 Feet	100 Square Feet [1]
GI and ITC	25 Feet	100 Feet	100 Square Feet [1]
NOTE: [1] A pole sign located within 400 feet of the edge of pavement for Interstate 75 or Interstate 275 may have a maximum sign area of 200 square feet.			

- F. All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code. The landscaped area shall include all points where sign structural supports attach to the ground.
- G. Freestanding signs shall not be located in a side or rear yard unless the side or rear yard is adjacent to lots in the GB, CS, LI, GI, or ITC Districts.
- H. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood.
- I. All illumination of signs shall be subject to Section [1123.04\(j\)](#).
- J. Freestanding signs may contain changeable copy (manual changes or electronic message centers). Electronic message centers shall be subject to the following:
  - i. The sign area of the electronic message center shall not exceed 90 percent of the total sign area.
  - ii. The signs shall only be allowed if approved as a conditional use.
  - iii. All electronic message centers shall be set back a minimum of 200 feet from a residential dwelling unit.
  - iv. Any message changes shall be a static, instant message change.
  - v. Messages can only change once every eight seconds or longer.
  - vi. The transition time between messages shall be less than one second.
  - vii. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
  - viii. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - ix. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
  - x. Audio emissions from electronic message center signs shall be prohibited.

**(b) Window Signs**

- (1) Window signs shall not require a certificate of zoning approval but must comply with the requirements of this section.
- (2) Window signs shall not occupy more than 50 percent of the window area in all nonresidential zoning districts.
- (3) Window signs that are attached to the exterior of a window or door are prohibited in the NLO District.
- (4) Window signs may be temporarily or permanently attached to the window surface.
- (5) The sign area of window signs shall not be counted as part of any other sign allowance in this chapter.

- (6) Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with Section [1123.09](#).
- (7) Window signs shall not be illuminated except when illuminated by an external lighting source.
- (8) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See [Figure 1123-E](#).
- (9) The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See [Figure 1123-I](#).



Figure 1123-I: The window area is illustrated within the dashed line area for the two storefronts in the above image.

**(c) Drive-Through Facility Signs**

- (1) Drive-through facility signs are only permitted as an accessory to a permitted drive-through facility.
- (2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility, provided the total aggregate sign area of all freestanding signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
- (3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- (4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if they comply with the following standards:
  - A. Any message change shall be a static, instant message change.
  - B. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
  - C. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - D. The electronic message center shall be turned off during the hours when the related business is closed.
- (6) There shall be no maximum drive-through facility sign area in instances where the signs are fully screened from view of any public street or adjacent residential use.
- (7) The sign area of drive-through facility signs shall not be counted as part of any other sign allowance in this chapter.
- (8) Drive-through facility signs attached to a wall of building shall be calculated as part of the building signage allowance in Section [1123.08\(a\)](#).

**(d) Driveway Signs**

- (1) A maximum of two signs shall be permitted for any one driveway.

- (2) Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the edge of the driveway where it intersects with the public street.
- (3) Each driveway sign shall not exceed four square feet in area and three feet in height.
- (4) Driveway signs may be internally or externally illuminated.
- (5) The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.

## **1123.09 TEMPORARY SIGNS**

The following are the types of temporary signs allowed in the City of Sharonville, including any applicable regulations for each type of sign.

### **(a) Standards Applicable to All Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this chapter.
- (7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of, or attachments to, temporary signs.
- (8) Where a temporary sign is designed to have two sign faces (portable signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame portable sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (9) For certificate of zoning approval applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a certificate of zoning approval.
- (10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such a sign is deteriorated.
- (12) Temporary signs shall not be located in the right-of-way. Where the right-of-way is unknown, the temporary sign shall be set back a minimum of 10 feet from the edge of any street pavement.

### **(b) Temporary Sign Allowances**

- (1) [Table 1123-3](#) establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

**TABLE 1123-3: TEMPORARY SIGN ALLOWANCES**

Zoning Districts	Residential	Nonresidential	Nonresidential
Time Limit	Unrestricted	Unrestricted	30 Days per Quarter [1]
Maximum Number or Area per Lot [2]	Unlimited	32 Square Feet	20% of Permanent Building Signage Allowed or 50 Square Feet, Whichever is Less
Maximum Sign Area per Sign [2]	16 Square Feet	16 Square Feet	
Maximum Height	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Portable, or Yard	Banner, Feather, or Yard
Certificate of Zoning Approval Required	No	No	Yes

NOTES:  
 [1] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).  
 [2] The provisions of this requirement are as stated in the table unless otherwise allowed for in the applicable sign type standards below.

**(2) Sign Type Standards**

**A. Banner Signs**

- i. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- ii. Banner signs can be affixed to a building but not to a fence, unless such fence is enclosing an outdoor dining area adjacent to the building.

**B. Feather Signs**

- i. Only one feather sign shall be permitted for any lot. If a lot has more than 100 feet of lot frontage along a public street, one additional feather sign shall be permitted at the same time as the initial feather sign.
- ii. The maximum height of a feather sign may exceed the maximum height in the temporary sign allowance table but in no case shall exceed 10 feet in height.

**C. Portable Signs**

- i. Only one portable sign is allowed for each building unit.
- ii. The portable sign shall be limited to an A-frame portable sign or a T-frame portable sign.
- iii. There shall be no time limitation for portable signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- iv. Portable signs shall not exceed six square feet in area with a maximum height of four feet.
- v. The sign shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
- vi. When placed on a public or private sidewalk, the width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- vii. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, or other structure.
- viii. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- ix. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.

- x. The sign shall be internally weighted so that it is stable and windproof.
- xi. The City of Sharonville shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(3) Window Signs**

Temporary window signs shall not be affixed permanently to the window.

**(4) Yard Signs**

Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of 10 feet from adjoining lot lines.

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**1123.10 MAINTENANCE OF SIGNS AND SIGN STRUCTURES**

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- (a) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign and accessory landscaping.
- (b) All signs and sign structures shall be maintained in a safe and attractive condition in accordance with the adopted version of the International Property Maintenance Code (IPMC), the Ohio Building Code (OBC), or both, as applicable.
- (c) It shall be the responsibility of the property owner, or other entity having legal control or interest of the property, to maintain all signs and sign structures in accordance with this code.
- (d) Notice to responsible party for maintenance of signs and sign structures shall be provided in accordance with Section 107 of the IPMC.
- (e) Signs shall be maintained in a manner that prevents the exposure of any internal elements through the removal of the sign face or the replacement of broken panels or elements.
- (f) Failure to maintain a sign in accordance with this section shall be a violation of this code, subject to [Chapter 1133: Enforcement and Penalties](#).

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**1123.11 NONCONFORMING SIGNS AND SIGN STRUCTURES**

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- (a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section, and the nonconforming structure regulations in [Chapter 1131: Nonconformities](#) shall not apply.
- (b) Legal nonconforming signs shall be maintained in good condition pursuant to Section [1123.10](#) and may continue until such sign is required to be removed as set forth in this chapter.
- (c) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:
  - (1) The sign is structurally altered or replaced, but not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign or electronic message center;
  - (2) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;
  - (3) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;
  - (4) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;
  - (5) The sign is not repaired within 60 days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard; or
  - (6) The sign creates a hazard to vehicular or pedestrian traffic, or to adjoining properties.
- (d) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. All nonconforming signs shall be maintained properly and shall be subject to Section [1123.11](#).

## **1123.12 REMOVAL OF SIGNS AND SIGN STRUCTURES**

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- (a)** In the event that a sign, sign structure, or both are deemed by the Building Official as a serious hazard, such hazard shall be abated in accordance with the adopted versions of the International Property Maintenance Code, the Ohio Building Code, or both, as applicable.
- (b)** The Building Official shall determine the level of risk and set deadlines for compliance accordingly. In the event of a determination of imminent threat to life-safety, the Building Official may cause such sign, sign structure, or both to be removed summarily and without notice. The person, firm, or corporation having property ownership or other legal control of the sign, sign structure, or both, shall be individually and separately liable for the expense incurred in the removal of such sign, sign structure, or both.
- (c)** The provisions of this section shall not be construed to prevent the repair or restoration to a safe condition of such hazardous conditions subject to safeguards and approvals by the Building Official in accordance with applicable codes.

# Chapter 1125: Subdivision Design

## 1125.01 PURPOSE

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The purpose of this chapter is to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities, and services are available concurrent with development;
- (e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and provide for the proper location and design of streets;
- (f) Provide adequate utility systems to support the future needs of residents and the community; and
- (g) Promote efficient and logical placement of utility structures so as to promote the public health, safety, convenience, comfort, prosperity, morals and general welfare of the City.

## 1125.02 APPLICABILITY

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The developer of a subdivision, a multi-family development, or a nonresidential development shall dedicate all land required for rights-of-way and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with the Comprehensive Plan, water and sewer plans, and any other applicable plans or policies of the City of Sharonville.

## 1125.03 CONFORMITY TO DEVELOPMENT PLANS, ZONING, AND ENGINEERING STANDARDS

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- (a) The arrangement, character, extent, width, grade and location of all streets and improvements shall conform to the Comprehensive Plan and any other adopted plans or policies related to public improvements. These plans shall be considered in their relation to existing and planned streets, topographical conditions, public convenience, and safety as well as in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on adopted plans, the arrangement and other design standards of streets shall conform to this chapter.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments.

## 1125.04 SALE OF LAND IN SUBDIVISIONS, START OF CONSTRUCTION, AND PERMITTING

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- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.
- (b) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (c) The Director of Community Development shall not issue zoning certificates for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (d) No owner, or agent of the owner, of any land shall be entitled to a permit for the installation of wells or septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in this chapter.

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## 1125.05 INSPECTION AND TESTING

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- (a) The subdivider, their engineer or contractor, shall give notice to the City Engineer at least 24 hours in advance of any construction of physical public improvements, including grading of such public improvements, in order that an inspector may be assigned. The contractor shall be billed for all inspections at the currently prevailing rate for inspectors.
- (b) All necessary testing of materials will be done by a testing laboratory at no cost to the City. The subdivider, their engineer or contractor shall be billed directly by the testing laboratory for any testing of materials incorporated in the paving.

## 1125.06 RESPONSIBILITY AND TIMING FOR PUBLIC IMPROVEMENTS

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- (a) All public improvements shown on the subdivision plats are the responsibility of the subdivider, unless otherwise expressly indicated, and shall be installed in accordance with this chapter.
- (b) Prior to construction, the subdivider shall be required to sign an application to construct the physical improvements as shown on the improvement plans. Such application shall be maintained by the Director of Community Development.
- (c) The subdivider shall be required to construct the public improvements prior to the recording of the final plat. In lieu of actual construction of the physical improvements, the subdivider may assure completion of construction by furnishing a financial guarantee in accordance with Section [1125.07](#) in an amount equal to the City Engineer's estimate of the cost of the construction of the physical improvements within the portion of the subdivision submitted for recording, which shall include outlet sewer and water supply where available. Actual construction shall be as shown on the public improvement plans and in accordance with this chapter.
- (d) The subdivider shall be required to provide a financial guarantee for the maintenance of public improvements for a period of one year after dedication. The maintenance requirement shall be in an amount equal to the City Engineer's estimate of the cost to maintain the improvements for the one-year maintenance period.
- (e) **Protection of Streets, Utilities, and Other Installations**
  - (1) The subdivider shall provide the Director of Community Development with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operation.
  - (2) The subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work, including damage created by the contractor's construction equipment and vehicles, as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.
  - (3) The subdivider and their contractors shall at all times take proper precautions for the protection of utility lines, the presence of which can be determined by contacting the Ohio Utilities Protection Service (OUPS). The subdivider shall be financially responsible for the repair of any damage to such utility lines.
- (f) **Charges For Plan Review, Field Engineering And Inspection**
  - (1) For any private improvement project plan check or review of the engineering details of water mains, drainage structures and/or sewers, and also for any field engineering and/or inspection and testing services, the developer shall reimburse the City, based on the actual time, at the then-current rates of pay or salaries and the then-current rates of actual charges for the inspection and/or testing of materials. Payment for these items shall be made by the developer or their agent upon the presentation of a bill for such services as rendered by the City.
  - (2) In the instance of plan review of water mains, draining structures or sewers, a bill shall be presented and must be paid prior to approval of the tentative approved improvement plans.

- (3) In the instance of testing services for materials used for construction of drainage structures and/or storm sewers, a bill shall be presented and paid for such services, prior to final acceptance and approval of such drainage structures and/or sewers.
- (4) At the time of completion of the improvement plan review and at the time of approval, a preliminary estimate will be made for the proposed construction work involved for water mains, sanitary sewers and appurtenances. Based upon this estimate, the developer or their agent shall, upon forms furnished by the City, make request for permission from the City to construct at their own expense the approved drainage structures, sewers and/or water lines, together with the necessary appurtenances thereto in the development. He shall describe the improvement and shall further agree that all of the work is to be performed in accordance with the plans, specifications and estimate on file in the office of the City Engineer. He further shall agree to pay for all inspection at the then-current rates of pay for inspectors, plus the inspection or testing of materials used. He shall further agree to hold the City free and harmless from any and all damages or anything which might arise from the construction of the requested improvement.
- (5) All of the foregoing charges and items shall be paid before final approval for acceptance will be made for dedication and recording of such subdivision or improvements.

### **1125.07 FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS**

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- (a) The subdivider or developer shall execute financial guarantees and shall file such financial guarantees with the City prior to approval of a certificate of zoning approval or certification of a final plat, if the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the site plan or zoning. Such financial guarantee shall take any form allowed in Section [1125.07\(g\)](#).
- (b) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the City.
- (c) When, in the judgment of the Director of Community Development, public improvements have been completed in accordance with the improvement plans as approved by City, City Council shall, at the recommendation of the Director of Community Development, accept such improvements and authorize the full or partial release of the financial guarantee.
- (d) The terms of such financial guarantees shall be determined by the City's legal counsel, with confirmation by the Director of Community Development.
- (e) Financial guarantees shall be made payable to the City of Sharonville and shall be acceptable to the Director of Community Development and the City's legal counsel.
- (f) Incomplete public improvements that the Director of Community Development determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.

**(g) Types of Financial Guarantees**

The following are the types of financial guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

**(1) Irrevocable Letter of Credit**

The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

- A.** The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual, subject to the approval of the City's legal counsel and Director of Community Development.
- B.** The letter shall be deposited with the City, and shall certify the following:
  - i.** The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with this section, for completion all required public improvements.

- ii. In the case of failure on the part of the subdivider to complete the specified public improvements within the required time period, the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.
- iii. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the Director of Community Development in accordance with this chapter.

**(2) Certified Check, Wire Transfer, Escrow, or Cash Deposit**

The following standards shall apply if cash is utilized as a financial guarantee:

- A. The subdivider shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the City of Sharonville.
- B. If a third-party escrow account is to be established, the account shall be with a bank approved by the City's legal counsel and shall be in an account set up for the sole ownership of the City.
- C. When the public improvements are complete, the City shall issue a check for the released amount based on this subsection.
- D. The City shall not be responsible for paying interest for the period of time the City retains the guarantee.

**(3) Bonds**

The following standards shall apply if a bond is utilized as a financial guarantee:

- A. A bond in the amount determined in accordance with this section shall be filed with the City of Sharonville.
- B. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- C. The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.
- D. The bond shall provide that it cannot be terminated or canceled without the approval of the City, and shall remain in force until such improvements have been accepted by City Council.

## **1125.08 GENERAL DESIGN REQUIREMENTS**

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**(a) General Suitability of Land for Development**

If the Planning Commission and the City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

**(b) Topography, Floodplain Areas, Wetlands, and Natural Areas**

- (1) Natural amenities (including views, creeks, riparian corridors, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.

- (3) Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the Planning Commission and upon advice of the Director of Community Development.
- (4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- (5) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.

(c) **Subdivision Names**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City, Butler County, or Hamilton County. The City shall have final authority to designate the name of the subdivision.

(d) **Shade Trees**

The Planning Commission is hereby authorized to require, restrict or regulate the planting of trees within a public way, street or alley in any new subdivision, prior to acceptance thereof by the Planning Commission. The Planning Commission may require any and all such restrictions or regulations to be made a part of the recorded plat for any and all new subdivision plats presented for approval to such Planning Commission.

(e) **Traffic Control Devices**

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

(f) **Debris and Waste**

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(g) **Cornerstones, Monuments, Markers and Pins**

- (1) For the purpose of this section, the term "corner" shall be considered any change in direction of a property line. Curved property lines may be exempt from placement of permanent markers at all corners as determined by the Planning Commission.
- (2) At the time of surveying and laying out a subdivision, the subdivider of a subdivision shall direct the surveyor to place and set at least four permanent markers, one such marker to be located at each corner along the perimeter of the subdivision. Additionally, one such marker shall be placed at all corners of each interior lot. All permanent markers shall be placed in a manner so that the line of sight between such markers can be observed from one marker to the other.
- (3) If the location for a permanent marker is originally determined to be in an area of solid rock, it may be relocated and offset from its original position. Such relocation must be noted on the plat.
- (4) All permanent markers shall be made of either stone or concrete at least four inches in diameter, or four inches square, and properly marked. The markings on such markers shall consist of a crosscut with the legs of the cross at least three inches long and at least one-eighth inch deep. All stone and concrete markers shall be at least 30 inches long and the bottom of such markers shall be set at least 30 inches below finished grade.
- (5) All permanent markers shall be clearly designated on the plat before it is presented to the Planning Commission for approval.
- (6) Improvements shall not be accepted until the City Engineer has verified in the field, that monuments, shown on the plat and certified by the surveyor and/or engineer, have been placed.

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## 1125.09 LOTS

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- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development.
- (b) The lots shall be generally rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (c) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (d) Lots shall be subject to the provisions of Section [1113.01\(d\)\(3\)](#) and shall be of sufficient width to permit the required building setbacks.
- (e) Excessive length in relation to width shall be avoided.
- (f) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- (g) Where compliance with the site development standards of Section [1113.01\(d\)\(3\)](#) will result in a requirement for a greater lot area or width than the standards set forth herein, the more restrictive requirement shall take precedence and shall be required.

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## 1125.10 BLOCKS

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- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [1125.13](#) and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way.
- (c) Irregularly shaped blocks, including superblocks, indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking spaces, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.
- (d) Blocks shall have a maximum length of 1,800 feet. In reviewing the subdivision plat, the Planning Commission can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features. Where a block is over 900 feet in length, the Planning Commission may require a mid-block crosswalk.
- (e) Blocks intended for business or industry shall be of such length as may be considered most suitable for their prospective use, including adequate provision for parking and deliveries.
- (f) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.
- (g) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located, and if the maintenance of interior public spaces is covered by agreements.

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## 1125.11 STREET LIGHTING

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- (a) The developer shall pay the utility company all charges associated with the installation of street lights in all subdivisions having underground utilities. Street light pole standards and fixtures shall be selected by the developer and approved by the Planning Commission during the major subdivision review process. The selection of standards and fixtures are limited to those units as listed in the street lighting contract. The rated lumens and the locations of the standards and fixtures shall be determined by the City and the utility company.
- (b) Street lights shall be located at every intersection and at the neck of every cul-de-sac. At other locations, street lights shall be located as specified by the Planning Commission.

- (c) The monthly costs for the street lighting units shall be borne by the developer until these streets are accepted and dedicated by the City. Upon acceptance and dedication, the City shall assume the monthly costs for street lighting as part of its contract with the utility company.

## **1125.12 PUBLIC OPEN SPACES AND SITES**

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- (a) Where, as indicated by the Comprehensive Plan or other adopted plans, a proposed subdivision contains, wholly or in part, a proposed public open space or a proposed site for a public building, the Planning Commission will immediately notify the public authority concerned (City Council, Park Board, Board of Education, etc.).
- (b) If within 30 days thereafter, the Planning Commission is not advised that such property has been acquired by negotiation and agreement, or within a second period of 30 days after such notification that such authority has commenced the necessary procedure to acquire such property by appropriation, then the Planning Commission will not require that such open space or site be reserved or included in the subdivision plats.

## **1125.13 STREET DESIGN**

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### **(a) General Street Design**

- (1) The arrangement, character, width, grade, construction, and location of all streets shall conform to the Comprehensive Plan, or other approved plans, for the City that are in effect at the time of final plat submission.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision.
- (3) When a proposed development is adjacent to or contains a State highway, the developer and the Planning Commission should seek information from the Ohio Department of Transportation as to the status of such highway in reference to width and direction and also to access of such highway.
- (4) If a new subdivision involves frontage on a modified highway, the street layout should be planned to avoid, as far as possible, any private residential driveways from having direct access to such modified highway. In such cases, access should be provided by means of a service roadway with motor access at suitably spaced points.
- (5) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City or ODOT has the right to define and limit access along major arterials or highways.
- (6) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Comprehensive Plan or other approved plans.
- (7) The class of streets in a new subdivision shall be not less than the minimum class established in this code. The street and alley arrangement shall not cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (8) Residential local streets shall be designed to discourage through traffic, but offset streets shall be avoided whenever possible.
- (9) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (10) Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets where street connections can be made to the adjacent land) as required by the Planning Commission.
- (11) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
- (12) All streets shall have concrete combined curbs and gutters and shall conform substantially to the Comprehensive Plan, or any other plans adopted by the City.

- (13) Whenever a tract to be subdivided includes any part of a street indicated as a thoroughfare in a plan adopted by the City, such part of the street shall be dedicated by the subdivider, except as provided in this chapter. This required dedication shall also apply to the widening of existing bordering streets except in cases where the proposed subdivision is limited to a tier of lots fronting on such bordering street and where the subdivider owns or controls no adjoining land beyond the rear line of such tier of lots. In no case shall the required dedication exceed 40 feet in width as measured from the centerline of the bordering street.
- (14) If a street within a proposed subdivision has a recommended width in excess of 80 feet, the Planning Commission shall recommend to City Council that such additional width be acquired by the City by purchase or appropriation proceedings. If within a maximum of 90 days thereafter, City Council has not indicated its intention or proceeding with such acquisition, either by passage of a resolution agreeing to purchase such property at a price agreed to by the subdivider and City Council, or by the passage of a resolution declaring its intent to appropriate such property to a public use, then the recommendation by the Planning Commission for a width in excess of 80 feet shall not be used as grounds for disapproval of either the improvement plans or plats.
- (15) if City Council advises the Planning Commission prior to the maximum time limits set out above that it has no intention of proceeding with the desired acquisition, then the Planning Commission shall consider a design for the subdivision which does not deny the immediate lawful use of the property within such proposed right-of-way, but recognizes a possible future acquisition of such right-of-way and provides accordingly for a minimum degree of resultant disruption to the remaining streets and lots of the subdivision.

**(b) Street Names, Signs, and Numbering**

- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Sharonville and in Hamilton or Buter Counties irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (2) When a new street is a direct extension of an existing street, the name shall remain the same.
- (3) The developer, at their expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with the recommendations of the traffic impact study. These devices shall meet all applicable standard as established by the City.
- (4) Address numbers shall be assigned by the City in accordance with the current numbering system.

**(c) Angle of Intersection and Rounding of Property Corners**

- (1) The angle of intersection between local streets and arterial or collector streets shall not vary more than 10 degrees from a right angle. All other streets shall intersect each other as near to a right angle as possible.
- (2) At the intersection of two streets, the corner of property lines shall be rounded by a radius of not less than 12.5 feet.
- (3) All intersecting streets shall have a minimum curb or edge of paving radius of 25 feet.
- (4) The minimum radius, noted above, shall be increased when the smallest angle of intersection is less than 60 degrees, or in any case where the Planning Commission considers an increase necessary.
- (5) At an intersection of alleys, a five-foot chord shall cut off each corner.

(d) **Street Types**

(1) Street right-of-way widths and pavement widths shall comply with the following:

TABLE 1125-1: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS		
Street Type	Minimum Right-of-Way Width	Minimum Pavement Width
Highways	As determined by the agency having jurisdiction over the street and as approved by the Planning Commission	As determined by the agency having jurisdiction over the street and as approved by the Planning Commission
Arterial or Collector Street	60 feet	
Local Streets	60 feet	29 feet without a curb or 30 feet back-to-back of curbs when curbs and gutters are provided.
Alleys	20 feet	20 feet

(2) Where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser right-of-way width than that indicated in this section.

(3) **Vertical and Horizontal Alignment**

- A. For highways, arterial, and collector streets, profile grades shall be connected by vertical curves of a minimum length, measured horizontally, equivalent to 15 times the algebraic difference between the rates of grade, expressed in feet per 100. For local streets and alleys, one-half that minimum.
- B. The radii of centerline curvature (horizontal alignment) shall be:
  - i. Highways: 500 feet.
  - ii. Arterial or collector streets: 200 feet.
  - iii. Local streets: 100 feet.
- C. There shall be a tangent between reverse curves of at least 100 feet, wherever possible. In any case, standards shall be such as to produce visibility to the satisfaction of the City Engineer. All horizontal curves shall show the complete functions of such curve and each P.C. (point of curvature) and P.T. (point of tangent) shall be stationed.

(4) **Profiles and Grades**

- A. All streets, including side streets and alleys within the limits of the subdivision shall be graded the full width between street property lines and all roadways shall be paved.
- B. All proposed grades shall be the centerline grades of the respective streets and shall be indicated in complete detail in profiles and referenced to the stationing shown on the Plan.
- C. The maximum grades shall not exceed six percent for main and secondary thoroughfares or 12 percent for minor or local service streets and alleys. The minimum grade of all streets shall be one-half of one percent. Grades across intersections shall not be in excess of four percent except at the discretion of the City Engineer. The maximum grade of a crosswalk shall be 12 percent, unless supplemented by steps.
- D. All changes in grade shall be connected by vertical curves of minimum length equal to 15 times the algebraic difference in rate of grade. The P.C. and P.T. of all vertical curves shall be stationed and elevations shall be shown at least every 25 feet within the limits of vertical curves.

(5) **Construction and Standard Drawings; Typical Sections**

- A. All streets shall have concrete combined curbs and gutters and shall be constructed in accordance with the State of Ohio, Department of Highways, Construction and Materials Specifications, including amendments thereto, in effect on the date of approval of the Improvement Plan.

- B. Standard pavement drawings shall be either Ohio Department of Transportation standards or Butler or Hamilton County standards, as applicable, all of which are on file in the office of the City Engineer and are titled "Typical Sections of Streets Required for Subdivisions". Typical sections shall be drawn in accordance with Types 1, 2, 3 or 4 of the standard pavement drawings.
- C. Combined roll type concrete curb and gutter shall be 30 inches wide from back of curb to inside edge of gutter, and of Class "D" mix concrete. The entire right-of-way of all streets shall be graded the full width between property lines with appropriate slopes for cuts and fills beyond property lines. Proof of necessary right-of-way shall be required.
- D. The street may be Type 2 (reinforced concrete), or, if Type 1, 3 or 4, all ditches shall be backfilled with gravel.

**(6) Joints in Concrete Pavement**

These provisions shall apply to reinforced (T-71) and nonreinforced (T-70) pavement.

- A. One-inch, non-extruding expansion joint (Type A or B Dowel Bar Unit) shall be installed in the pavement on each side of all intersections in accordance with the standard pavement drawings. Expansion joints shall be placed not farther than 600 feet apart.
- B. Transverse false (dummy) joints shall be constructed every 15 feet. Transverse joints between pours shall be standard key joints or standard construction joints.
- C. Longitudinal joints between pours shall be standard key joints.
- D. All joints shall be thoroughly cleaned and sealed in accordance with the applicable section of Ohio State specifications.
- E. All inlets, manholes, valve chambers, etc., shall be boxed or blocked out in accordance with the standard pavement drawings.

**(7) Cul-de-Sacs**

- A. The maximum length of a cul-de-sac shall be 800 feet unless necessitated by topography or other circumstances beyond the subdivider's control. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of 50 feet. The road surface within the cul-de-sac right-of-way shall conform, for dimensions, to the City's standard drawings.
- B. Where a proposed street ends in a cul-de-sac, a "T" or ball-shaped turn-around may be acceptable. If a ball-shaped turn-around is proposed, the minimum curb radius shall be 27.5 feet. If a "T" is proposed, the minimum radius shall be 25 feet.

**(8) Half Streets**

The dedication of half streets shall not be permitted except in special situations. Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.

**(9) Alleys**

Alleys shall not be permitted in residential districts except in special situations. Alleys are required in the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking. Dead-end alleys shall not be permitted.

**(10) Underdrainage**

Adequate underdrainage in accordance with the standard construction drawings shall be provided when determined by the City Engineer.

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**1125.14 SIDEWALKS**

- (a) Sidewalks shall be constructed on both sides of all streets within all subdivisions.
- (b) One course cement sidewalks of Class "C" concrete, four feet wide and five inches thick (seven inches thick across driveways), shall be constructed where shown on the plat or typical section and including all walkways.
- (c) One-half inch expansion joints shall be placed at intervals not to exceed 100 feet.

- (d) Final determination of the necessity for the construction of sidewalks in any specific instance shall rest with the Planning Commission.

## 1125.15 UTILITIES

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(a) **Improvements to be Installed Before Paving**

Sewer and water line house connections or crossovers shall be installed before the paving of the streets, unless written permission has been obtained from the City Engineer to do otherwise.

(b) **Water**

- (1) Proposed new water mains in existing roads or streets shall generally be located on the north or east side of the existing road or street outside of the existing or proposed pavement area.
- (2) The layout of a new water main system and appurtenances shall be approved by the engineers of the agency, who will supply the water to the system, either directly and/or indirectly through the Greater Cincinnati Water Works.
- (3) All materials used and the installation of those materials in the line shall be in accordance with the specifications and charges for inspection of the agency, who will supply the water to the main and/or the Greater Cincinnati Water Works.
- (4) Fire hydrants shall be placed at approximately 400-foot intervals.
- (5) There shall be four control valves at each cross intersection and three control valves at each "T" intersection. All main line control valves shall be housed in a standard brick valve chamber. Fire hydrant control valves may be housed in a standard valve box.
- (6) Wherever it is possible, proposed mains shall connect to existing mains. Dead-ends shall not be permitted where it is possible to obtain a closed circuit to existing mains.
- (7) The size of water mains to be installed in a new system will be determined by the water supply agency and/or the City Engineer, and installed in accordance with the City-County water contract.
- (8) All water service branches from the water mains to the property line will be installed by the water supply agency and/or its agent, upon application and payment of the tapping charge.
- (9) Upon the approval of a water main plant showing all of the construction details of design, etc., the Greater Cincinnati Water Works will make a preliminary estimate of cost of construction for the water main. The subdivider then shall make a formal request for permission from the City to construct the water main and appurtenances at their own cost and expense and in accordance with the plans, specifications, City-County water contract and estimate on file in the Greater Cincinnati Water Works. The subdivider shall agree to pay to the City two percent of the estimated cost for overhead and maintenance charge. He shall agree in the request to save the City and all its representatives harmless from all suits, actions or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding the work or through the use of unacceptable materials in the construction of the improvement or on account of act or omission by the subdivider, or their agents.

(c) **Gas Mains**

All new gas service branch lines shall have a shut off valve at the property or curb line.

(d) **Sanitary Sewers**

Where a public sanitary sewer is within reasonable access of the subdivision as determined by the number of lots, the distance from and capacity of existing sewer lines, and the topography, each lot therein shall be provided with a connection to such sanitary sewer. All sewers shall be designed and constructed in accordance with Metropolitan Sewer District (MSD) standards.

(e) **Storm Drainage and Storm Water Detention**

- (1) The drainage system for each subdivision shall be designed based on the City's current adopted design criteria for storm drainage.
- (2) Where water detention is required to meet these standards, the water detention area shall not be part of any street.

- (3) The design of the drainage system, including pipe and culvert size, and the design of the water detention area, shall conform to specifications as contained in the City's standard drawings.
- (4) The following plat language shall be included on subdivision plats with regard to addressing storm water drainage and maintenance.

**A. Private Drainage Easements**

The City of Sharonville and Hamilton or Butler County, as applicable, does not accept private drainage easements shown and or referenced on this plat and the City of Sharonville and Hamilton or Butler County, as applicable, are not obligated to maintain or repair any channels or installations in said easements. The easement area of each lot and improvements in it shall be maintained continuously by the owner of the lot, and within these easement areas, no structure, planting or other material shall be placed or permitted to remain which may obstruct, retard, or change the direction of the flow of water through the drainage channel in the easement areas.

**B. Private Drainage Easements Between Lots**

Unless otherwise designed on the record plat, a 10-foot-wide private drainage easement shall exist along all common lot lines, the common lot line being the centerline of said easement for the construction and maintenance of storm drainage and associated appurtenances.

**(f) Underground Utility Distribution and Communication Facilities**

The installation, construction, and expansion of electric, telephone, cable television and/or all new services for subdivisions shall generally be placed underground subject to the following conditions and exceptions:

- (1) Transmission lines are exempt from this section. Transmission lines are defined as those lines constructed between generating stations and substations.
- (2) Underground utilities shall serve the subdivision within or along the right-of-way of existing or proposed public streets, provided that prior to installation of such facilities, the subdivider pays the utility companies' schedules and/or associated charges and gives written commitment to pay the utility company for the cost of any relocation of such facilities and to provide all easements necessary for relocation and for any extensions. The subdivider shall provide necessary easements to the utility companies at no cost.
- (3) All service lines connecting the customer's service within the utility company's underground distribution lines shall be installed underground to connection points on the distribution facilities determined by the utility company. The customer's service line shall be installed by the subdivider or customer, except for communications service lines. The actual connection to the utility company's facilities shall be made by the utility company. Underground electrical wiring shall be a minimum of 30 inches below final grade and shall be bedded in and covered by a minimum of four inches of sand, or shall be protected by commercially available plastic tile, such as "core-flo" or an approved equal.
- (4) Installation of pad mounted transformers and communication interconnection cabinets are required and nothing in this section shall be construed as requiring the installation of this equipment underground. The use of underground transformers shall not be permitted. Prior to paving any street, the developer shall install, at its own cost, acceptable separate conduit cross-overs for electric and communication facilities at locations specified by the utility company.
- (5) Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to a new subdivision or commercial and industrial use shall be underground. For purposes of this section, "temporary overhead service" means:
  - A. Service necessary for immediate public convenience and necessity and constructed to serve only on an interim basis until permanent underground services can be installed; or
  - B. Service which, in order to reach a new subdivision or commercial or industrial use, must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision or commercial or industrial use.

## **1125.16 EASEMENTS**

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- (a) Easements of at least four feet in width shall be provided as required for public improvements located outside of the right-of-way lines unless a reduced width is permitted by the City Engineer or an alternative width is specifically required in this code.
- (b) Easements of greater width may be required along or across lots as necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.
- (c) Easements along the rear or side lot lines are preferable, where possible.

# Chapter 1127: Decision-Making Roles and Authorities

## 1127.01 PURPOSE

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The purpose of this chapter is to set forth the powers and duties of the City of Sharonville's various review boards and administrative staff with respect to the administration and enforcement of the provisions of this code.

## 1127.02 REVIEW AUTHORITY NAMES, REFERENCES, AND DELEGATION

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### (a) Review Authority Names and References

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (1) The City of Sharonville City Council may be hereafter referred to as "City Council" or "Council."
- (2) The City of Sharonville Planning Commission may be hereafter referred to as the "Planning Commission" or "PC."
- (3) The City of Sharonville Board of Zoning Appeals may be hereafter referred to as the "Board" or "BZA."
- (4) The City of Sharonville Director of Community Development may be hereafter referred to as the "Director of Community Development."

### (b) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

## 1127.03 CITY COUNCIL

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

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;
- (b) Hear, review, and make decisions related to Planned Unit Development in accordance with [Chapter 1109: Planned Unit Developments](#);
- (c) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;
- (d) Establish fees for development review procedures, certificates, and permits outlined in this code;
- (e) Initiate, hear, review, and make decision related to the designation of historic sites and districts;
- (f) Perform any other duties related to the administration and enforcement of this code as authorized by this code and the ORC.

## 1127.04 REVIEW BOARDS

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For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the PC and BZA.

### (a) General Rules and Regulations for All Review Boards

The following shall apply to the PC and BZA:

- (1) All members of a review board, at the date of their respective appointments, shall be residents of the City and shall continue to be residents of the City during the terms of their office with the exception of the Safety Service Director.
- (2) Except where the organizational requirements of this chapter allow for, or the ORC mandates, membership by an elected official or employee of the City, members of the review boards shall not otherwise be employed or appointed to any other Sharonville municipal office.

- (3) Members of any review board shall be removable for nonperformance of duty, misconduct in office or other cause, by the Mayor, upon written charges having been filed with the Mayor and after a public hearing by City Council has been held regarding such charges. A copy of the charges shall be served upon the member at least 10 days prior to the hearings, either personally, by registered mail or by leaving the same at their usual place of residence. The member shall be given opportunity to be heard and answer such charges.
- (4) A vacancy occurring during the term of any member of a review board shall be filled through the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.
- (5) The review boards may, by a majority vote of its entire membership at the time of consideration, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the City.
- (6) The review boards shall keep a record of their meetings and hearings, which shall be a public record.
- (7) All meetings of the review boards shall be open to the public, except as exempted by law.
- (8) The departments, divisions, and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which they are formed.
- (9) **Alternates**
  - A. The Mayor may appoint up to two alternate members to each review board for a term of two years each.
  - B. An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.
  - C. An alternate member shall meet the same appointment criteria as a regular member.
  - D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for provided the member attended all pertinent public meetings or hearings.
  - E. When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed by the Mayor to replace a full member upon a vacancy.
- (10) **Meetings**
  - A. Each review board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
  - B. The Chairperson of each board or the Director of Community Development may cancel a meeting if there is no pending business to be conducted.
  - C. Special meetings may be called by the Chairperson or by a vote of the applicable review board at its regular meeting.
  - D. At either the first meeting or the last regular meeting of each year, or when practical, each review board shall elect a Chairperson who shall serve for a one-year term. The boards may also elect a Vice-Chairperson, who shall also serve for a one-year term. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

**(b) Organization and Roles of the Planning Commission**

**(1) Establishment**

The City of Sharonville Planning Commission is hereby established by City Council pursuant to Chapter 713 of the ORC.

**(2) Membership and Terms**

Membership of the Planning Commission shall be in accordance with Chapter 713 of the ORC, including the length of terms.

**(3) Roles and Powers of the Planning Commission**

The Planning Commission shall have the following roles and powers:

- A.** Initiate, hear, review, and make recommendations to City Council for the approval of a Comprehensive Plan and other plans for the future physical development and improvement of the City, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- B.** Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;
- C.** Hear, review, and make recommendations or decisions related to Planned Unit Developments in accordance with [Chapter 1109: Planned Unit Developments](#);
- D.** Hear, review, and make decisions on conditional use permits in the respective zoning district;
- E.** Hear, review and make decisions on requests for substitution of nonconforming uses in accordance with Section [Chapter 1131: Nonconformities](#);
- F.** Review and make decisions on site plan applications;
- G.** Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;
- H.** Review and make decisions on requests for subdivision modifications;
- I.** Hear, review and make decisions on alternative equivalency review applications, when the proposed alternative equivalency review provision is not related to a certificate of appropriateness application;
- J.** Serve as the commission to review and address historic landmarks, historic sites, and historic districts including the following roles and powers:
  - i.** Review and make decisions with respect to certificates of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction, and rehabilitation of any structure or property within its jurisdiction;
  - ii.** The Commission shall determine the appropriateness of the application regarding demolition, construction, preservation, restoration, reconstruction and rehabilitation of structures identified and listed as a landmark, historic district, contributing building or historic site;
  - iii.** Make recommendations regarding amendments to this code as they affect historic districts or landmarks;
  - iv.** Establish the procedures for evaluating applications for certificates of appropriateness;
  - v.** Establish and use written guidelines for the preservation of designated landmarks, historic districts, contributing buildings or historic sites (See [Chapter 1115: Historic Preservation](#).);
  - vi.** Conduct or cause to be conducted a continuing survey of cultural resources in the community, according to the guidelines established by the Ohio Historic Preservation Office or other preservation agencies;
  - vii.** Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;
  - viii.** Review applications for designation as a historic landmark or historic district according to the procedures and criteria in this chapter; and
  - ix.** Perform any other duties related to the administration and enforcement of this code as authorized by this code or by ordinance of City Council.
- K.** Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and
- L.** Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of City Council, and/or by the ORC.

**(4) Special Provisions for Planning Commission Hearings Related to Conditional Use Review**

As stated in [Chapter 1129: Review Procedures](#), a conditional use shall be reviewed through an adjudication hearing that allows the PC to have the additional powers as part of the review of any conditional use application:

- A. The Planning Commission shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
- B. The Planning Commission shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
- C. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Community Development Department, and provided to the PC in advance of the hearing.
- D. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

**(5) Quorums and Decisions**

- A. Any combination of three or more regular or alternate members of the Planning Commission shall constitute a quorum.
- B. A motion made on a decision shall carry when at least three members of the Planning Commission concur.
- C. General business items that do not include decisions on applications, such as continuances or approval of minutes, shall only require a majority of the quorum to concur.
- D. A member of a Planning Commission shall not be qualified to vote if that member did not attend the public hearing or meeting of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing or meeting, as applicable.
- E. A member of the Planning Commission shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

**(c) Organization and Roles of the Board of Zoning Appeals (BZA)**

**(1) Establishment**

The City of Sharonville Board of Zoning Appeals is hereby established.

**(2) Membership and Terms**

- A. The BZA shall be composed of a total of seven members appointed by the Mayor.
- B. The terms of all members shall be of such lengths and so arranged so that the term of at least one but not more than two members shall expire each year.

**(3) Roles and Powers of the BZA**

The BZA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Director of Community Development or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;
- B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section [1103.03\(b\)](#);
- D. To permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship (See [Chapter 1131: Nonconformities](#).); and
- E. Perform any other duties related to the administration and enforcement of this code as authorized by this code or the ORC.

**(4) Quorums and Decisions**

- A. Any combination of four or more regular or alternate members of the BZA shall constitute a quorum.
- B. A motion made on a decision shall carry when at least four members of the BZA concur.
- C. General business items that do not include decisions on applications, such as continuance or approval of minutes, shall only require a majority of the quorum to concur.
- D. A member of a BZA shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.
- E. A member of the BZA shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

**(5) Special Provisions for BZA Hearings**

- A. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
- B. The BZA shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
- C. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Community Development Department, and provided to the BZA in advance of the hearing.
- D. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

**(6) Record of Decisions**

Immediately following the BZA's decision, the applicant shall be notified of the decision, in writing, including any conditions of approval.

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**1127.05 ADMINISTRATIVE STAFF**

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**(a) Director of Community Development**

**(1) Establishment**

The position of City of Sharonville Director of Community Development shall be established to aid in the administration and enforcement of this code. The Director of Community Development may be provided with the assistance of such other persons as the Mayor may direct.

**(2) Roles and Powers of the Director of Community Development**

The Director of Community Development shall have the following roles and powers to:

- A. Enforce the provisions of this code. The Director of Community Development shall have all necessary authority on behalf of the City to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the Director of Community Development by reporting to the Director of Community Development any new construction, reconstruction, land uses, or violations that are observed;
- B. Review and provide comments and reports, as needed, for the various procedures where the PC, BZA, or City Council reviews an application;
- C. Review and make administrative decisions on certificates of zoning approval and administrative waiver applications;
- D. Review and make decisions on questions of interpretation related to this code;

- E. Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- F. Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- G. Coordinate the City's administrative review of applications required by this code, including rezoning applications, site plan review, conditional use applications, and subdivision plats;
- H. Review and make decisions on minor subdivision applications;
- I. Maintain in current status the official zoning map;
- J. Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section [1129.13](#);
- K. Provide such technical and consultation assistance as may be required by the BZA, the PC, and City Council, in the exercise of their duties relating to this code;
- L. Maintain permanent and current records of all applications and the decisions related to those applications;
- M. Review, inspect property, and make decisions on compliance with the provisions of this code;
- N. Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- O. Order discontinuance of any illegal work being done;
- P. Revoke a certificate or approval issued contrary to this code or based on a false statement or misrepresentation on the application;
- Q. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code;
- R. Undertake any additional work as specified by this code or as directed by the review boards or City Council.

**(3) Decisions of the Director of Community Development**

A decision of the Director of Community Development may be appealed to the BZA in accordance with Section [1129.13](#) unless another appeals board is established by this code.

# Chapter 1129: Review Procedures

## 1129.01 PURPOSE

This chapter establishes the various administrative and board level review procedures used for the administration, interpretation, and enforcement of this code. They are established in order to achieve, among others, the following purposes:

- (a) To provide for the inclusion of necessary facilities, services and other uncommon uses through conditional use permits;
- (b) To provide the inclusion of uses which are uncommon but which have characteristics similar to permitted main uses;
- (c) To provide that no work shall be started on the relocation, construction, reconstruction or structural alteration of a building until the proposed building or use is found to comply with all the provisions of this code;
- (d) To provide for the enforcement of this code through measures where there is noncompliance, and to keep records of actions in regards to the enforcement of the code; and
- (e) To provide supplementary administrative procedures in conformity with the objectives of the City's Comprehensive Plan and this code.

## 1129.02 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated.

### (a) Summary of Review Procedures

[Table 1129-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1129-1: SUMMARY OF REVIEW PROCEDURES				
Review Procedure	City Council	Planning Commission	BZA	Staff
Code and Text Amendment	PH/D	PM/R		
Conditional Use		AH/D		
Minor Subdivision				D
Major Subdivision: Preliminary Plat		PM/D		
Major Subdivision: Subdivision Modification		PM/D		
Major Subdivision: Final Plat and Improvement Plans		PM/D		
Major Subdivision: Acceptance of Improvements	D			
Site Plan Review		PM/D		
Certificate of Appropriateness		PM/D		
Designation of a Landmark or Historic District	PH/D	PM/R		
Alternative Equivalence Review		PH/D		
Variance			AH/D	
Certificate of Zoning Approval				D
Administrative Waiver				D
Appeals of Administrative Decisions			AH/D	
Interpretation of the Code				D
Abbreviations				
<b>PH</b> = Public Hearing <b>AH</b> = Adjudication Hearing <b>PM</b> = Public Meeting		<b>R</b> = Recommendation <b>D</b> = Decisions		

**(b) Authority to File Applications**

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
  - A. An owner of the property that is the subject of the application; or
  - B. An agent authorized, in writing, by the owner, which may include a lessee of the property, manager, attorney, or other representative.
- (2) The Planning Commission or City Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

**(c) Application Submission Schedule**

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Director of Community Development, and made available to the public.

**(d) Application Contents**

- (1) Applications required under this code shall be submitted to the Community Development Department.
- (2) All applications shall be in a form and in such numbers as established by the Community Development Department, and made available to the public as part of application forms.
- (3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by City Council pursuant to Section [1129.02\(g\): Fees](#).
- (4) **Complete Application Determination**
  - A. The Director of Community Development shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.
  - B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Director of Community Development may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.
  - C. The Director of Community Development shall make a determination of application completeness within five business days of the application filing.
  - D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
  - E. If an application is determined to be incomplete, the Director of Community Development shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Director of Community Development determines that the application is complete.
  - F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
  - G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Director of Community Development, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Director of Community Development may grant one 60-day extension if just cause is shown, upon written request by the applicant.
  - H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
  - I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(e) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the Director of Community Development shall determine the order and timing of review.
- (2) The Director of Community Development may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(f) Pre-application Conferences or Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the Director of Community Development for a pre-application conference to discuss the proposed application or project.
- (2) An applicant may request a pre-application meeting with a review board for any review procedure in this chapter. The applicant may request such meeting by submitting a written request to the Community Development Department for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.
- (3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Plan prior to the submission of an application.
- (4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

**(g) Fees**

- (1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council, or any of the review boards.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, State, Hamilton or Butler Counties, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Director of Community Development is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the Director of Community Development determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(h) General Provisions for Attendance and Decisions**

- (1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person, may have an authorized representative attend in their place, or may provide the Director of Community Development written comments in advance of the meeting or hearing.
- (2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

**(i) Public Notification for Public Meetings**

For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.

**(j) Public Notification for Public Hearings**

- (1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1129.02\(i\)](#), above.
- (2) The Community Development Department shall be responsible for providing the required notice as specified in [Table 1129-2](#).
- (3) **Content**  
Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:
  - A. Provide the name of the applicant or the applicant’s agent;
  - B. Indicate the date, time, and place of the public hearing;
  - C. Describe the land involved by street address, Hamilton or Butler County parcel identification number (as applicable), or by legal description; and
  - D. Describe the nature, scope, and purpose of the application or proposal.
- (4) **Notice Requirements**  
Published and mailed notice for public hearings shall be provided as defined in [Table 1129-2](#).

TABLE 1129-2: NOTICE REQUIREMENTS		
Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment	Published notice required a minimum of 30 days before the scheduled public hearing of City Council.	No written notice is required for a text amendment.
Zoning Map Amendment		Written notice shall be sent to all applicant and all owners of property within 200 feet from the boundary of all properties subject to the application. The notice shall be required a minimum of 20 days before the scheduled public hearing of City Council.
PUD Preliminary Plan and Major PUD Amendment		Written notice shall not be required where the application involves more than 10 individual lots.
Conditional Use, Alternative Equivalency Review, Appeals, and Variances	No published notice is required	Written notice to the applicant and all property owners within 100 feet from the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days prior to the scheduled public hearing.
Historic Landmark or Historic District Nomination	Published notice required a minimum of 14 days the scheduled public hearing of City Council.	Written notice shall be provided to all owners of land and/or structures subject to the applications at least 10 days prior to the scheduled public hearing. <b>[1]</b>
<b>NOTE:</b> <b>[1]</b> Applications for contributing buildings, when including 25 or more applications, shall not require written notice.		

- (5) **Published Notice**
  - A. Published notice shall be provided in a newspaper of general circulation. The City may also provide additional published notice by posting of the notice in City buildings or by electronic media including, but not limited to, posting online at the City’s website.
  - B. The content and form of the published notice shall be consistent with the requirements of this section and State law.
- (6) **Written (Mailed) Notice**
  - A. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.

- B. Written notice shall be postmarked no later than the amount of days specified in [Table 1129-2](#) prior to the hearing date at which the item will be considered.

**(7) Constructive Notice**

- A. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B. When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(k) Conduct of Public Hearing**

**(1) Rights of All Persons at Public Hearings**

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

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

- A. An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the Director of Community Development prior to the publication of notice, as may be required by this code. The Director of Community Development may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B. A request for deferral of consideration of an application received by the Director of Community Development after publication of notice of the public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing, and may only be granted by the applicable review board.
- C. The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place is publicly announced at the time of continuance. No additional written or published notice shall be required.

**(l) Withdrawal of Application**

- (1) Any request for withdrawal of an application shall be either submitted in writing to the Director of Community Development or made through a written request by the applicant prior to action by the review or decision-making body.
- (2) After request for withdrawal has been received, the Director of Community Development will then withdraw the application from any agenda and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

**(m) Examination and Copying of Application and Other Documents**

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

**(n) Effect of any Approvals**

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.

- (2) All approvals shall run with the land or use and shall not be affected by change in ownership provided there is no change in use and all conditions of approval continue to be met.

**(o) Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the Director of Community Development is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision, does not increase density, or is necessary to address minor technical issues. This shall not give the Director of Community Development the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Director of Community Development determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

**(p) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Director of Community Development shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [1129.02\(d\)\(4\)](#). If it does not, the Director of Community Development shall return the application, with reasons for their determination in writing, along with any submitted fees;
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(q) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City's Codified Ordinances.
- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Hamilton or Butler County, as applicable, the State, or other agencies having jurisdiction.

**(r) Records**

The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall.

**(s) Computation of Time**

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

- (3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Sharonville in which the City administrative offices are closed for the entire day.
- (4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

### **1129.03 CODE TEXT AND MAP AMENDMENTS**

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(a) **Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

(b) **Applicability**

This section shall apply to requests to amend the text of this code or amend the Official Zoning Map of the City of Sharonville, Ohio.

(c) **Initiation**

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section [1129.02\(b\)](#).) for such property may initiate an amendment by filing an application with the Director of Community Development.
- (2) Only City Council or the Planning Commission may initiate code text amendments, however, any member of the public may request that the PC or City Council consider a text amendment during their respective public meetings.
- (3) City Council may initiate a code text or map amendment by referring a recommendation on an amendment to the PC.
- (4) The PC may initiate a code text or map amendment by adopting a motion to make such amendment.

(d) **Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows:

(1) **Step 1 – Pre-Application Meeting (Optional)**

- A. An applicant may request to have a pre-application meeting with the Director of Community Development and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).

(2) **Step 2 – Application**

- A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- B. Amendments initiated by City Council shall be referred to the Planning Commission for initiation of review.

(3) **Step 3 – Administrative Staff Review**

- A. Upon determination that a text or zoning map amendment application is complete, the Director of Community Development shall forward the application to the PC and may distribute the application to other departments or agencies for review and comment.
- B. The Director of Community Development may consolidate any comments from the public received in advance of the hearing and comments from the Community Development Department or other departments and agencies into a report for the PC to review as part of Step 4.

(4) **Step 4 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall review the amendment application at the next regularly scheduled PC meeting.
- B. Notification of the public meeting shall be provided in accordance with Section [1129.02\(i\)](#).

- C. In reviewing the application, Planning Commission shall, at a minimum, consider the review criteria of this section.
- D. The Planning Commission shall make a recommendation to City Council, on the application, in the form of a resolution. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.
- E. If the Planning Commission fails to make a recommendation within 60 days of submission of a complete application, or an extended timeframe approved by the applicant, the application will move forward to Step 5 with a recommendation of denial.

**(5) Step 5 – City Council Review and Decision**

- A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on City Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission’s recommendation, or an extended timeframe approved by the applicant.
- B. The application shall be reviewed by the Sharonville Law Committee in advance of the scheduled public hearing with City Council.
- C. Notification of the public hearing shall be provided in accordance with Section [1129.02\(j\)](#).
- D. City Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, City Council shall, at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- E. City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
  - i. If City Council moves to adopt the recommendation of Planning Commission, such action shall only require concurring vote of four members of City Council.
  - ii. If City Council moves to adopt the recommendation of Planning Commission with modification, or deny the recommendation, such action shall require a favorable vote of six members of City Council.

**(e) Review Criteria**

The review of code text or map amendment applications by Planning Commission and City Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment is consistent with the Comprehensive Plan, other adopted or approved City plans, and the stated purposes of this code;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, convenience, comfort, prosperity and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purposes of the proposed zoning district;
- (5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

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## 1129.04 CONDITIONAL USE PERMITS

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(a) **Purpose**

The purpose of a conditional use permit procedure is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

(b) **Applicability**

This section shall apply to all applications for establishment or modification of a conditional use, as may be identified in this code.

(c) **Conditional Use Permit Review Procedure**

The review procedure for a conditional use permit review shall be as follows:

(1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Director of Community Development and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).

(2) **Step 2 – Application**

The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.

(3) **Step 3 – Administrative Staff Review**

- A. Upon determination that a conditional use permit application is complete, the Director of Community Development shall forward the application to the PC and may distribute the application to other departments or agencies for review and comment.
- B. The Director of Community Development may consolidate any comments from the public received in advance of the hearing and comments from the Community Development Department or other departments and agencies into a report for the PC to review as part of Step 4.

(4) **Step 4 – Planning Commission Review and Decision**

- A. The Planning Commission shall hold a public hearing on the conditional use application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Notification of the public hearing shall be provided in accordance with Section [1129.02\(j\)](#).
- C. See Section [1127.04\(b\)\(4\)](#) for special provisions provided to the Planning Commission as part of a conditional use review.
- D. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.
- E. Within 60 days of the close of the public hearing, or an extended timeframe approved by the applicant, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- F. The decision on a conditional use permit application shall be incorporated in a statement of conclusions relative to the request under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- G. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

(d) **Review Criteria**

Decisions on a conditional use permit application shall be based on consideration of the following review criteria. All conditional use permit applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this code..

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

- (2) The proposed use is consistent with the spirit, purposes and intent of the Comprehensive Plan, the general purposes of this code, and the purposes of the zoning district in which the conditional use will be located;
- (3) The proposed use complies with any use-specific standards as may be established for the use in [Chapter 1105: Base Zoning Districts and Principal Uses](#);
- (4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity or general welfare;
- (5) The proposed use will comply with all applicable development standards unless an alternative equivalency review or variance is approved in accordance with this code;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;
- (7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, and adequate consideration has been given to the proximity of access drives to street intersections relative to the anticipated volume of traffic;
- (11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (12) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire or schools;
- (13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and
- (14) Wherever there are no use-specific standards for the proposed use related to street frontage, height, setbacks, or other lot and site regulations, then such use shall be subject to the lot and site regulations for the applicable zoning district.

**(e) Additional Criteria and Conditions**

The Planning Commission may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

**(f) Revocation of a Conditional Use Permit Approval**

The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use permit approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in [Chapter 1133: Enforcement and Penalties](#).

**(g) Time Limit**

- (1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.
- (2) The applicant shall acquire the approval of zoning and building permits, and shall commence use or construction, within one year of the date the conditional use permit was approved, or else the conditional use permit approval shall expire.
- (3) Upon expiration of a conditional use permit approval, a new application, including all applicable fees, shall be required before a conditional use permit application will be reviewed.

- (4) Upon written request prior to expiration of a conditional use permit approval, one extension of six months such approval may be granted by the Director of Community Development if the applicant can show good cause for a delay.
- (5) As part of the conditional use permit approval, the Planning Commission may authorize alternative time limits for zoning and building permit issuance based on the scale of the proposed development.

(h) **Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

## **1129.05 MINOR SUBDIVISIONS**

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(a) **Purpose**

The purposes of the minor subdivision process are to allow for small subdivisions of land, consolidation of lots, or transfers of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements. Such purposes are also intended to be in alignment with the platting allowances established in ORC Chapter 711.

(b) **Applicability**

- (1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:
  - A. The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);
  - B. The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
  - C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
  - D. The subdivision shall not require any public improvements or the dedication of rights-of-way;
  - E. The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
  - F. No landlocking of parcels shall occur as a result of the minor subdivision.
- (2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) **Minor Subdivision Review Procedure**

The review procedure for a minor subdivision shall be as follows:

(1) **Step 1 – Application**

- A. The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- B. The application shall include a deed or other instrument of conveyance in compliance containing an accurate and current legal description based on a boundary survey, of each proposed new lot.
- C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application and instruments of conveyance shall be submitted for both resulting lots.

(2) **Step 2 – Review and Comment by Applicable Agencies**

- A. Upon determination that the application for a minor subdivision is complete, the Director of Community Development may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

- B. Such agencies may supply comments, recommendations, and approvals as applicable, to the Director of Community Development for consideration prior to the Director of Community Development's decision (Step 3).

**(3) Step 3 – Review and Decision by the Director of Community Development**

- A. Within 14 days of the determination that the application (Step 1) is complete, or within an extended timeframe approved by the applicant, the Director of Community Development shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.
- B. In reviewing the minor subdivision, the Director of Community Development, on recommendation of the City Engineer, may require the addition of easements and/or setbacks as part of a transfer of land area between two lots.
- C. If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.
- D. If the Director of Community Development denies an application for a minor subdivision, the Director of Community Development shall provide the applicant with written finding for the denial.

**(4) Step 4 – Recording**

- A. If the application is approved, the Director of Community Development shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Hamilton or Butler County Auditor, as applicable.
- B. The applicant shall then be responsible for submitting the signed conveyance to the Hamilton or Butler County Auditor, as applicable, for the transfer of property and to the Hamilton or Butler County Recorder, as applicable, for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Director of Community Development, after recording.
- C. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

**(d) Review Criteria**

In order for a minor subdivision to be approved, the Director of Community Development must determine the following:

- (1) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the lot and principal building regulations of Section [1113.01](#);
- (2) That the minor subdivision complies with all other applicable regulations of the City; and
- (3) That all valid objections to the minor subdivision raised by the City departments have been or will be satisfactorily resolved by the applicant.

**(e) Variances**

If the proposed subdivision requires a deviation from the minimum lot or principal building regulations (e.g., lot area, lot width, etc.) or other standards mandated by this code in Section [1113.01](#), the applicant will be required to apply for and receive variance approvals (See Section [1129.11](#).) prior to approval of the minor subdivision.

**(f) Time Limit**

The minor subdivision approval shall expire six months after the Director of Community Development signs and dates the minor subdivision conveyance unless the minor subdivision is recorded in the office of the Hamilton or Butler County Recorder, as applicable, during said period.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZA as established in Section [1129.13: Appeals](#).

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## 1129.06 MAJOR SUBDIVISIONS

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(a) **Purpose**

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) **Applicability**

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [1129.05\(b\)](#), shall be subject to the requirements of this section.

(c) **Major Subdivision Review Procedure**

(1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Director of Community Development and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).

(2) **Step 2 – Application and Filing of the Preliminary Plat**

- A. The applicant shall submit an application, including a preliminary plat, in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(3) **Step 3 – Administrative Staff Review and Transmission to the Planning Commission**

- A. Upon determination that the application for a preliminary plan is complete, the Director of Community Development shall forward the application to the PC and may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. The Director of Community Development may consolidate any comments from the public received in advance of the meeting and comments from the Community Development Department or other departments and agencies into a report for the PC to review as part of Step 4.

(4) **Step 4 – Review and Decision on the Preliminary Plat by the Planning Commission**

- A. The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. In making its decision, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
- C. The Planning Commission shall make a decision within 60 days of the filing of the preliminary plat (Step 2) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
- D. If the Planning Commission denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Planning Commission.
- E. In the event the Planning Commission denies the preliminary plat or approves with conditions, the Director of Community Development, on behalf of the Planning Commission shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.
- F. If the applicant proposed to construct the subdivision in phases, the Planning Commission may approve a timeframe for filing of improvement plans and final plats for each phase.

- G. Approval of the preliminary plat by the Planning Commission does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.

**(5) Step 5 – Submission of Improvement Plans and the Final Plat**

- A. The applicant shall submit a final plat and related improvement plans and specifications in accordance with Section [1129.02: Common Review Requirements](#). Such application shall take place within three years following the Planning Commission's approval of the preliminary plat unless the Planning Commission approved an alternative schedule, in which case the applicant shall submit in accordance with the approved schedule. Failure to submit the improvement plans within this time frame shall void the preliminary plat approval and the subdivider will be required to submit a new application in accordance with these regulations.
- B. The applicant shall submit the improvement plans and specifications in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes from the preliminary plat approval.
- D. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.
- E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section [1125.07](#).
- F. Upon determination by the Director of Community Development that the final plat has been properly submitted, the final plat shall be accepted as being filed.
- G. The final plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

**(6) Step 6 – Administrative Staff Review of the Final Plat and Improvement Plans**

- A. Upon determination that the submission of the final plat and improvement plans is complete, the Director of Community Development may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. Such agencies shall supply comments and recommendations to the Director of Community Development prior to the regularly scheduled Planning Commission meeting where the final plat and improvement plans will be subject to review.
- C. **Construction of Improvements**
  - i. Applicants shall have the choice to construct all public improvements prior to the approval of the final plat, without a financial guarantee, but such public improvements must be completed and then inspected and approved by the City Engineer before the City can approve the final plat. The improvements shall be constructed within a reasonable time as determined by the City Engineer.
  - ii. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider during any interim period between their construction and final approval and acceptance of the subdivision by the City. Additionally, such improvements shall be subject to maintenance requirements following acceptance in accordance with this section and [Chapter 1125: Subdivision Design](#).
  - iii. If the applicant requests approval of a final plat prior to installation of the public improvements, the applicant shall be required to provide a financial guarantee in accordance with the regulations of this code at the time the final plat is submitted for review.

(7) **Step 7 – Review and Decision on the Final Plat and Improvement Plans by the Planning Commission**

- A. The Planning Commission shall review the final plat and improvement plans at its next regularly scheduled meeting, or at a special meeting, after the final plat is submitted and determined to be complete.
- B. The Planning Commission shall approve, approve with conditions, or deny the improvement plans and final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.
- C. The Planning Commission shall make a decision within 30 days of the filing of the final plat and improvement plans (Step 5) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 30 days or there is no agreement for an extension of time, the application for a final plat will be considered approved.
- D. If the Planning Commission denies the final plat and/or improvement plans, the applicant shall not move forward in the review process until a final plat and the improvement plans are approved by the Planning Commission.
- E. In the event the Planning Commission denies the final plat and improvement plans or approves with conditions, the Planning Commission shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.
- F. Approval of the final plat and improvement plans by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by City Council in the form of the adoption of an ordinance.
- G. The final plat shall be held until acceptance of all improvements in Step 8. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council.
- H. At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or “as-built” reproducible drawings as well as a digital copy that is compatible with the City Engineer’s software showing the locations of all public improvements including the sizes and elevations of all underground utilities.

(8) **Step 8 – Acceptance of Improvements by City Council**

The City, through action by the City Council, shall review the final plat and consider acceptance of public improvements made by a subdivider only after meeting the following conditions:

- A. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in Section [1125.03](#);
- B. Installation of the public improvements has been completed in accordance with the applicable design standards;
- C. All final inspections required by these regulations and the City have been carried out by the City, and said public improvements were found to be acceptable by the City Engineer.
- D. After all public improvements have been installed to the satisfaction of the City, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the City Engineer in a format acceptable to the City Engineer.
- E. After all public improvements have been installed in accordance with the subdivision approvals and these regulations, and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

(9) **Step 9 – Disposition of Approved Plat and Recordation**

- A. All required deeds, agreements, and other required legal instruments shall be submitted to the Director of Community Development within 60 days from the date of the Planning Commission's approval or such approval shall thereafter be rendered null and void.

- B. Any recorded plat which has not been approved according to the regulations in this chapter shall be considered invalid.
- C. The subdivider shall then be responsible for submitting the signed plat to the Hamilton or Butler County Recorder, as applicable, for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording.
- D. The approval of a plat shall expire within 120 days after City Council approval is effective unless the plat has been duly filed and recorded by the applicant as required by law, and the original tracing of the plat has been filed with the Director of Community Development.

**(d) Review Criteria**

In order to approve a major subdivision, the Planning Commission shall determine the following:

- (1) That the major subdivision complies with all applicable provisions of this code;
- (2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;
- (3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or is in keeping with the intended character of such area;
- (4) That the proposed streets are in accordance with approved plans and have been coordinated with existing streets, and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;
- (5) That the proposed subdivision will not adversely affect the delivery of governmental services;
- (6) That applicable review agencies have no objections that cannot be resolved by the applicant; and
- (7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

**(e) Amendments of Application**

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the City Engineer. The City Engineer may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section [1129.06\(c\)\(4\)](#), above, if the changes significantly alter the design of the subdivision, including changes to the number of lots, modification of street layouts, or other substantial changes. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the City Engineer may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.
- (3) During the final plat process, the City Engineer is authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This limited authority shall not give the City Engineer the authority to vary the requirements of this code.
- (4) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the City Engineer, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the City Engineer does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the City may utilize the financial guarantee to correct the issue.

**(f) Subdivision Modifications**

**(1) Purpose**

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land, including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

**(2) Applicability**

- A. If the proposed subdivision requires a deviation from the minimum lot and principal building regulations (e.g., lot area, lot width, etc.) or other standards identified in Section [1113.01](#), the applicant will be required to apply for and receive all the necessary variance approvals (See Section [1129.11](#).) prior to approval of a preliminary plat.
- B. If the applicant seeks a modification of standards required by [Chapter 1125: Subdivision Design](#), then the request for a modification shall be accomplished through the procedure outlined in this section.

**(3) Subdivision Modification Review**

- A. A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.
- B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.
- C. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the requested modifications.
- D. In approving a modification, the Planning Commission may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purposes of these regulations.
- E. If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

**(4) Review Criteria**

The review criteria for a subdivision modification shall be the same as those for a variance as established in Section [1129.11\(c\)](#).

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

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**1129.07 SITE PLAN REVIEW**

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**(a) Purpose**

Certain land uses are quite necessary to the proper development of a community, but likewise possess characteristics which warrant special treatment. These characteristics, in many situations, can easily become undesirable to some degree, basically because their intrinsic needs and/or appearance have a wide-ranging influence beyond their own perimeter. In conformance with the purposes of this code, it is hereby deemed prudent and necessary to apply limits and guidelines which shall both encourage good development and discourage undesirable effects on surrounding development.

**(b) Applicability**

The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

- (1) New construction, structural alterations, and site improvements in the R2-C, RM-D, PF, OB, LB, GB, CBD, CS, GI, ITC, and PUD Districts, unless waived by the Director of Community Development for the following reasons:
  - A. The construction is an addition or alteration to an existing building that includes less than 50 percent of the entire building gross floor area prior to construction and will not alter the any building facade facing a street;
  - B. Minor changes to vehicular use area or landscaping requirements, as determined by the Director of Community Development; or
  - C. Other changes that are minor or technical in nature and will not alter the use or change the exterior appearance of buildings.
- (2) New construction, structural alterations, and site improvements in the NLO District, regardless of the underlying zoning district;
- (3) All conditional uses, in all zoning districts;
- (4) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development, or that changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.
- (5) **Exemptions**

The following forms of development within the above zoning districts shall be exempt from site plan review but may still be subject to certificate of zoning approval review:

  - A. Single-family dwellings; and
  - B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
  - C. Accessory and temporary uses as established in [Chapter 1111: Accessory and Temporary Uses](#), unless otherwise stated.

(c) **Site Plan Review Procedure**

The site review procedures shall proceed as follows:

- (1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Director of Community Development and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).
- (2) **Step 2 – Application**

The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- (3) **Step 3 – Administrative Staff Review**
  - A. Upon determination that a site plan application is complete, the Director of Community Development shall forward the application to the PC and may distribute the application to other departments or agencies for review and comment.
  - B. The Director of Community Development may consolidate any comments from the public received in advance of the meeting and comments from the Community Development Department or other departments and agencies into a report for the PC to review as part of Step 4.
- (4) **Step 4 – Planning Commission Review and Decision**
  - A. The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
  - B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.

- C. Within 60 days of the Director of Community Development determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- E. After approval of a site plan, the applicant may apply for a certificate of zoning approval.

**(d) Review Criteria**

The following standards shall be utilized by the Planning Commission in the review of all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of the site plans as well as for the reviewing authority in making a judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation.

- (1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the City;
- (2) The proposed development is in compliance with the applicable zoning district regulations;
- (3) The proposed development complies with any established standards, policies, or requirements in the approved Comprehensive Plan or thoroughfare plan;
- (4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved planned unit developments, conditional use approvals, variance approvals, etc.);
- (5) Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings;
- (6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas;
- (8) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (9) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (10) All surface water drainage plans shall conform to the Water Retention Ordinance for the City of Sharonville (See Ordinance No. 80-46.), as amended. A letter from the City shall be obtained indicating conformance;
- (11) Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site;
- (12) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties;
- (13) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (14) Adequate provision is made for emergency vehicle access and circulation; and
- (15) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(e) Modifications**

- (1) Major changes such as increased density, additional buildings, etc., to the approved final site plan shall require a new submission for site plan approval.

- (2) Any minor changes, such as dimension changes, building location, parking and drives, etc. may be approved by the Director of Community Development provided they do not create substantive changes to the elements of the site plan.
- (3) No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce such conditions or covenants against any changes permitted by this code are expressly reserved.

(f) **Significance of an Approved Site Plan**

- (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development, regardless if the ownership of the site is transferred.
- (2) All construction and development under any certificate of zoning approval and building permit shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the certificate of zoning approval and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(g) **Time Limit**

- (1) The applicant shall submit a completed application for a certificate of zoning approval within one year of the date the site plan was approved or the site plan approval shall expire.
- (2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.
- (3) Upon written request, one extension of six months may be granted by the Director of Community Development if the applicant can show good cause for a delay.
- (4) The Planning Commission may authorize alternative time limits for certificate of zoning approval issuance, as part of its approval, based on the scale of the proposed development.

(h) **Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

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## **1129.08 CERTIFICATE OF APPROPRIATENESS (COA)**

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(a) **Purpose**

The purpose of the COA is to provide a procedure by which to review construction, renovation, expansion, and demolition projects within a locally or nationally designated historic district or for locally or nationally designated historic properties. In an effort to preserve the character of these properties and districts, the City has established reasonable development standards and design guidelines for buildings and structures, and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

(b) **Applicability**

- (1) No person shall make any exterior construction, reconstruction, alteration, or demolition of a structure exceeding 150 square feet in floor area on any property within a locally or nationally designated historic district or on a locally or nationally designated historic property or contributing building unless a COA has been approved by the Planning Commission and a certificate of zoning approval, if required, has also been issued.
- (2) Site improvements, such as the establishment of a parking lot, landscaping, or other site work, or any changes to components of a property not specifically identified by the ordinance that applies to the historic district or property, shall not require a COA.
- (3) Projects and activities that are exempt from the COA review procedure include:
  - A. The reconstruction, alteration or demolition of a structure or feature which has been ordered by the Building Official upon certification of an unsafe condition constituting an emergency;
  - B. Painting or general maintenance of a structure that does not alter exterior architectural features;
  - C. Changes in occupancy not involving structural or exterior work; and

- D. Any interior renovations which will not alter and/or affect the exterior elevations or facade of the building or structure or any architectural features that are visible from the outside.

(c) **COA Review Procedure**

The review procedure for a COA shall be as follows:

(1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Director of Community Development or the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1129.02\(f\)](#).

(2) **Step 2 - Application**

A. The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.

B. In making application, the Director of Community Development or the Planning Commission may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in their decision.

(3) **Step 3 - Administrative Staff Review**

Upon determination that a COA application is complete, the Director of Community Development shall refer the application to the Planning Commission.

(4) **Step 4 – Planning Commission Review and Decision**

A. The Planning Commission shall review the COA application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. The Planning Commission shall, at a minimum, consider the review criteria of this section.

C. Notification of the public meeting shall be provided in accordance with Section [1129.02\(i\)](#).

D. Within 45 days after the COA application is determined to be complete, or an extended timeframe approved by the applicant, the Planning Commission shall hold a public meeting to review the application and make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications, or deny the application. The Planning Commission shall make every effort to work with the applicant within this time period to develop a proposal that the Planning Commission can approve or approve with modifications.

E. The time period shall be extended to 60 days from a public hearing, if the Planning Commission is required to hold a hearing to undertake an alternative equivalency review (See Section [1129.10](#)).

F. If a COA is denied, the City shall not issue any permits that would allow modifications for which the COA was denied. In cases where the Planning Commission has denied a COA, the Planning Commission shall state the reasons for such disapproval in writing and transmit the written statement to the applicant together with any recommendation the Planning Commission may have made for appropriate changes.

G. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

H. If a certificate of zoning approval is required for the subject work, the applicant may proceed with applying for the certificate of zoning approval following approval of the COA. Such certificate of zoning approval applications shall comply with the COA approval and any related modifications.

(d) **Determining the Significance of a Structure**

(1) When making decisions or recommendations about changes to structures in the applicable historic districts or on historic properties, the Planning Commission shall have the authority to make a determination of the historical or architectural significance of the structure based on this section.

(2) For structures that the Planning Commission finds are not historically or architecturally significant, the Planning Commission may relax or waive the standards or guidelines that apply to the project.

- (3) If the Planning Commission finds that the structure is historically or architecturally significant, the standards and guidelines of this code shall be fully applied as determined by the Planning Commission.
- (4) The Planning Commission shall determine whether a structure or site is significant based on the structure's:
  - A. Value as a reminder of the cultural, historical, or archaeological heritage of the City, State, or nation;
  - B. Location as a site of a significant local, State, or national event;
  - C. Identification with a person or persons who significantly contributed to the development of the City, State, or nation;
  - D. Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;
  - E. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
  - F. Example of an architectural style or period; and/or
  - G. Character as a contributing element in a locally or nationally designated historic district.

**(e) Review Criteria**

Decisions on a COA application shall be based on consideration of the following criteria:

- (1) The proposed development is in compliance with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2) The proposed development incorporates any applicable standards or guidelines (See Section [1115.03.](#)), to the maximum extent feasible;
- (3) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., PUD approvals, conditional use approvals, variance approvals, etc.); and
- (4) There is no feasible and prudent alternative alteration or change which would conform to the guidelines, and adhering to the guidelines would deny the owner a reasonable rate of return on the real property or amount to a taking of property without just compensation.

**(f) Time Limit**

- (1) The applicant shall submit a completed application for a certificate of zoning approval within one year of the date that the COA was approved or the approval shall expire. The date of approval shall be the date the Director of Community Development issues the COA.
- (2) Upon expiration of a COA, a new application, including all applicable fees, shall be required before a new application will be reviewed.
- (3) Upon written request, one extension of one year may be granted by the Director of Community Development if the applicant can show good cause for a delay.
- (4) The Planning Commission may authorize alternative time limits for certificate of zoning approval issuance based on the scale of the proposed development.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

## **1129.09 DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS**

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**(a) Purpose**

The purpose of this designation procedure is to provide a clear method by which certain sites, buildings, and larger districts are considered for formal designation as a historic landmark, contributing building, historic site, or historic district within the City of Sharonville, subject to enhanced review to ensure that the sites, structures, buildings, or districts retain their historic significance.

**(b) Temporary Designation During Review**

In order to ensure that the intent of proposed designations are met during the review process, any landmark, historic district, contributing building, or historic site for which an application has been received or proposed by the City Council in accordance with this section shall be considered temporarily adopted during the review process for up to a maximum of 180 days, or until approved or rejected, whichever is earlier. Otherwise, such permanent designations shall occur after the decisions made pursuant to this section.

**(c) Historic Landmark and Historic District Designation Procedure**

The review procedure for the designation of a historic landmark or historic district shall be as established in this section.

**(1) Step 1 – Nomination**

- A. The nomination for a single property, structure, landscape, site element, or object in the City for historic landmark designation may be initiated by any of the following:
  - i. The owners of the properties included in the nomination;
  - ii. The Planning Commission
  - iii. City Council; or
  - iv. An organization or individual with a stated interest provided they have written authorization by the owners of the properties.
- B. The nomination for an area in the City to become a historic district may be initiated by a petition signed by the owners of no less than 51 percent of the property owners within the area to be included in the district.
- C. City Council may nominate an area for historic district designation without consent from any property owners.

**(2) Step 2 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall review the nomination at a public meeting at its next regularly scheduled meeting, or at a special meeting.
- B. Within 60 days after the nomination is submitted (Step 1), or an extended timeframe approved by the applicant, the Planning Commission shall consider the nomination and recommend to City Council that the nomination be approved, approved with some modification, or denied. If the Planning Commission fails to act within 60 days, the application shall be considered approved and forwarded on to City Council.

**(3) Step 3 – City Council Review and Decision**

- A. The City Council shall hold a public hearing within 60 days of the Planning Commission's recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1129.02\(j\)](#).
- C. Within 30 days following the close of the public hearing, or an extended timeframe approved by the applicant, City Council shall consider the nomination, the Planning Commission's recommendation, the review criteria of this section, and make a decision to approve or deny the application.
- D. As part of an approval, the City Council shall have the authority to approve the application with a modification to reduce the boundaries of a historic district nomination should they find that certain properties are not contributing the historic district.
- E. Upon approval, the zoning map shall be revised by the City to indicate by an appropriate symbol or device that the parcel or area so marked is subject to the listed designation, and the Clerk of the Council shall send a certified copy of the ordinance by registered mail to the owner(s) of record of all applicable properties.

**(d) Review Criteria**

In considering the designation of any building, structure, site, or any area which contains, within definable geographic boundaries, buildings, structures or sites of historic architectural or archaeological significance as a historic district, the Planning Commission and City Council shall consider the following criteria:

- (1) For the designation of historic landmarks, sites, or contributing buildings outside of a historic district, the structure must be 50 years old or older and retain integrity of its design and materials;
- (2) The character, interest or value of the area, property, or site as part of the development, heritage or cultural characteristics of the City, state, or nation;
- (3) The location as a site of a significant historic event;
- (4) The identification with a person or persons significant in our past;
- (5) The exemplification by the area, property, or site of the cultural, economic or social heritage of the City, state, or nation;
- (6) The portrayal of a group of people in an era of history, characterized by a distinctive architectural style;
- (7) The embodiment of distinguishing characteristics of a building type or architectural style;
- (8) The embodiment of elements of architectural design, detail, materials or craftsmanship, which represent architecture of significant character;
- (9) The identification as the work of an architect or master builder whose work has influenced the City, state, or nation;
- (10) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif;
- (11) The potential to yield information important in prehistory or history; and
- (12) A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood or of the City.

## 1129.10 ALTERNATIVE EQUIVALENCY REVIEW

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(a) **Purpose**

The alternative equivalency review is a procedure that allows applicants to propose a unique design option as an alternative to a development standard established in this code, provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations. Rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. An alternative equivalency review approval shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

(b) **Applicability**

The alternative equivalency review procedure shall be available only for the following sections of this code:

- (1) Section [1113.03: Outdoor Lighting](#);
- (2) [Chapter 1117: Architectural Standards](#);
- (3) [Chapter 1119: Landscaping and Screening](#);
- (4) [Chapter 1121: Parking, Access, and Connectivity](#);
- (5) Any design standards or guidelines that apply to a landmark or landmark district.

(c) **Review Timing**

An alternative equivalency review shall be made concurrently with a site plan review or a COA application, whichever is applicable. If the applicant is not required to submit for a site plan or COA approval, then the application for review shall be submitted to the Planning Commission for review in accordance with this section.

(d) **Alternative Equivalency Review Procedure**

The review procedure for any alternative equivalency review application shall be as follows:

(1) **Step 1 – Application**

The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.

(2) **Step 2 – Administrative Staff Review and Transmission to the Planning Commission**

- A. Upon determination that an alternative equivalency review application is complete, the Director of Community Development shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Director of Community Development for transmission to the Planning Commission.
- B. The Director of Community Development shall distribute the application and any reports to the applicable board prior to the hearing where the application is to be reviewed.

(3) **Step 3 – Planning Commission Review and Decision**

- A. Within 45 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the Planning Commission shall review the application at a public hearing.
- B. Notification of the public hearing shall be provided in accordance with Section [1129.02\(j\)](#).
- C. In reviewing the application, the Planning Commission shall, at a minimum, consider the reports and opinions transmitted by the Director of Community Development and the review criteria of this section.
- D. The Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- E. If the Planning Commission fails to act within 30 days after close of the public hearing, or an extended period as may be agreed upon by the applicable board, and applicant, then the application shall be considered denied.
- F. If approved, any certificate of zoning approval, development plan, COA, or other related applications shall demonstrate compliance with the alternative equivalency review approval.

(e) **Review Criteria**

Decisions on an alternative equivalency review application shall be based on consideration of the following criteria:

- (1) That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
- (2) That the proposed alternative achieves the goals and policies of the Comprehensive Plan to the same or better degree than the subject standard;
- (3) That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and
- (4) That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

(f) **Conditions**

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

(g) **Decisions**

Any decision on an alternative equivalency review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be reviewed and decided upon based on the individual circumstances.

(h) **Time Limit**

- (1) An approval of an alternative equivalency review application shall expire if the certificate of zoning approval or COA, as applicable, expires.
- (2) Upon expiration of an alternative equivalency review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

(i) **Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

**1129.11 VARIANCES**

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(a) **Purpose**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(b) **Variance Review Procedure**

The review procedure for a variance shall be as follows:

(1) **Step 1 – Application**

The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.

(2) **Step 2 – Administrative Staff Review**

- A. Upon determination that a variance application is complete, the Director of Community Development shall distribute the application, and all related plans, to applicable City departments for internal review.
- B. The Director of Community Development will provide a summary of comments received from the City departments.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to the application and plans being forwarded to the BZA, or the applicant may request that the application be forwarded to the BZA without revisions.

(3) **Step 3 – BZA Review and Decision**

- A. The BZA shall hold a public hearing within 60 days of the filing of the variance application being determined complete, provided adequate notification is provided pursuant to Section [1129.02\(j\)](#).
- B. In reviewing the application, the BZA shall, at a minimum, consider the review criteria of this section.
- C. The BZA may request that the applicant supply additional information that the BZA deems necessary to review and evaluate the request for a variance.
- D. Within 30 days of the close of the public hearing, or an extended timeframe approved by the applicant, the BZA shall render a decision. In making its decision, the BZA may approve, approve with modifications or supplementary conditions, or deny the application.
- E. In making its decision, the BZA shall make specific findings of fact, based directly on the particular evidence presented. The findings of fact shall state that the reasons set forth in the application and as presented by the applicant during the public hearing justify either:
  - i. Approval of the application;
  - ii. Approval with modifications or supplementary conditions; or
  - iii. Denial of the variance application. In approving any variance, the BZA must find that such approval will make possible a reasonable use of the land, building, or structure.
- F. The Director of Community Development shall notify the applicant, in writing, of the decision of the BZA.
- G. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

- H. The decision of the BZA shall become effective immediately.
- I. In approving a variance, the BZA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards of this section and the purposes of this code. Any conditions established by the BZA shall relate directly to the requested variance.
- J. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Chapter 1133: Enforcement and Penalties](#).

**(c) Review Criteria**

**(1) Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The BZA shall take into consideration:

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to nonconforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup;
- F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

**(2) Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

- E. There is an existing building on the lot and such building, due to its design, cannot be reasonably reused for a permitted use in the district;
- F. The granting of the variance will not adversely affect the public health, safety, convenience, comfort, prosperity or general welfare;
- G. The variance will be consistent with the general spirit and intent of this code; and
- H. The variance sought is the minimum that will afford relief to the applicant.

**(d) Time Limit**

- (1) The applicant shall submit a completed application for a certificate of zoning approval and start work within one year of the date the variance was approved or the approval shall expire.
- (2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.
- (3) Upon written request, one extension of six months may be granted by the Director of Community Development if the applicant can show good cause for a delay.
- (4) As part of the variance approval, the BZA may authorize alternative time limits for certificate of zoning approval issuance based on the scale of the proposed development.

**(e) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

## **1129.12 CERTIFICATE OF ZONING APPROVAL**

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**(a) Purpose**

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

**(b) Terminology**

- (1) For the purposes of this code, the certificate of zoning approval review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, fence permits, etc.) if so stated in this code or on the application for the permit or certificate. In such cases, the procedure of Section [1129.12\(d\)](#), below, shall still apply, including the applicability of administrative waiver requests.
- (2) Where a building permit is required for any proposed construction, alteration, or other change, the certificate of zoning approval may be reviewed as a component of the building permit and not necessarily as a stand-alone certificate.

**(c) Applicability**

- (1) No building or other structure shall be erected, moved, structurally altered, or added to, in whole or in part, nor shall any building, structure, or land be used or changed in use without a certificate of zoning approval issued by the Director of Community Development. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the certificate of zoning approval requirement unless such change in tenancy changes the classification of the use.
- (2) A certificate of zoning approval may be required for the establishment of certain temporary or accessory use as established in [Chapter 1111: Accessory and Temporary Uses](#).
- (3) A certificate of zoning approval shall be required for any changes to any site element, vehicular use area, landscaping, patio, or other improvements to land as may be established under the applicability sections of individual sections or chapters in this code.
- (4) The establishment of a use of vacant land or building shall require the issuance of a certificate of zoning approval.
- (5) A change in use or business establishment shall require a certificate of zoning approval. This shall not apply to a change in tenancy of a residential dwelling unit.

- (6) Changes in a building or structure's appearance that is regulated by this code shall require a certificate of zoning approval unless the change is a replacement of the same-for-same materials and colors, etc.
- (7) Unless otherwise specifically exempted in [Chapter 1123: Signs](#), signs shall require a certificate of zoning approval.
- (8) Certificates of zoning approval shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the BZA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the certificate of zoning approval shall be issued in conformity with the provisions of those approvals, as applicable.
- (9) Failure to obtain a certificate of zoning approval shall be a violation of this code subject to the provisions of [Chapter 1133: Enforcement and Penalties](#).

**(d) Certificate of Zoning Approval Review Procedure**

The review procedure for a certificate of zoning approval shall be as follows:

**(1) Step 1 – Application**

- A. The applicant shall submit an application in accordance with Section [1129.02: Common Review Requirements](#), and with the provisions of this section.
- B. If the construction, alteration, or change proposed in the application is subject to a building permit, the certificate of zoning approval will be reviewed as part of the building permit application and not subject to this procedure. Where a building permit is not required, the applicant shall submit an application for a certificate of zoning approval.

**(2) Step 2 – Director of Community Development Review and Decision on a Certificate of Zoning Approval**

- A. The Director of Community Development may distribute the application to other staff members and other City departments to solicit comment on the certificate of zoning approval application.
- B. Within 30 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the Director of Community Development shall make a decision on the certificate of zoning approval application. In making its decision, the Director of Community Development may approve or deny the application. The Director of Community Development may also approve with modifications or supplementary conditions necessary to ensure the proposed activity will be in full compliance with this code.
- C. Prior to making a decision, the Director of Community Development shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.
- D. If the Director of Community Development fails to act within 30 days from the date the application is determined to be complete, or an extended period as may be agreed upon by the Director of Community Development and applicant, then the application shall be considered denied.
- E. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Director of Community Development.
- F. When the Director of Community Development denies an application, the Director of Community Development shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or development.
- G. **Public Improvements Required**  
If the installation of public improvements is required, the following requirements shall apply regardless if the development is part of a subdivision application or not:
  - i. A certificate of zoning approval shall not be issued until an agreement is provided to the City to construct the required improvements.

- ii. The applicant shall be required to provide a financial guarantee (See Section [1125.07](#).) in the amount of the estimated cost of the required public improvements as determined by the City Engineer.
- iii. The agreement and the financial guarantee shall provide for completion of all work within a time specified to be determined by the City Engineer or before occupancy is allowed in any structure, whichever shall occur first.
- iv. The approval of the site plan or the installation of public improvements as required by this code shall not obligate the City to accept improvements for maintenance, repair or operation. Acceptance shall be subject to local or state regulations where applicable, concerning the acceptance of each type of improvement.
- v. Upon issuance of a certificate of zoning approval, the applicant may proceed with the approved work.

**(e) Review Criteria for a Certificate of Zoning Approval**

In order to approve any certificate of zoning approval, the Director of Community Development shall determine the following:

- (1) The application complies with all applicable provisions of this code and the applicable zoning district; and
- (2) The application complies with all approved plans, conditions, or other development approvals issued pursuant to the rules of this code (e.g., variances, administrative waivers, conditional uses, alternative equivalency reviews, COAs, etc.).

**(f) Administrative Waiver Requests**

**(1) Applicability**

- A. The Director of Community Development may grant administrative waivers for any area or dimensional regulation that does not exceed 10 percent of the applicable minimum or maximum regulation. Area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks; maximum height of structures; maximum sign height; maximum sign area, etc.
- B. An administrative waiver for a minimum lot area or lot width requirement is prohibited and shall be subject to a variance review by the BZA in accordance with Section [1129.11](#).
- C. The applicant shall be required to apply for a variance for any waiver request that exceeds 10 percent or other variations from the code that do not qualify for administrative waivers.

**(2) Administrative Waiver Review Procedure and Decision**

- A. Administrative waivers shall be reviewed as part of the certificate of zoning approval review procedure.
- B. In making a decision on the administrative waiver, the Director of Community Development shall approve or deny the application.
- C. In approving an administrative waiver, the Director of Community Development may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as they determine are required to be ensure compliance with the standards of this section and the purposes of this code. Any conditions established by the Director of Community Development shall relate directly to the requested administrative waiver.

**(3) Review Criteria for Administrative Waivers**

Decisions on an administrative waiver shall be based on consideration of the same review criteria as an area and dimensional variance in Section [1129.11\(c\)\(1\)](#).

**(g) Time Limits**

- (1) The applicant shall obtain an approved building permit, where required, and have initiated work within one year of the approval of a certificate of zoning approval or the approval shall be revoked. The initiation of work shall be when the ground has been broken, construction on site improvements has begun, or construction of structures has begun.

- (2) For activities that do not require a building permit, the activity shall have been substantially begun within one year of approval and is thereafter pursued to completion, as determined by the Director of Community Development.
- (3) All work authorized by a certificate of zoning approval shall have been completed and the certificate of zoning compliance issued within two years of the approval of a certificate of zoning approval.
- (4) Time limits for permitted temporary uses and structures shall be as authorized in Section [1111.02](#). An approval of a certificate of zoning approval for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (5) If construction activities for which a certificate of zoning approval has been issued are abandoned or suspended for a period of six months after the time of commencing the work, the certificate of zoning approval shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the certificate of zoning approval.
- (6) Upon written request, up to two extensions of six months may be granted by the Director of Community Development if the applicant can show good cause for a delay.
- (7) The Director of Community Development shall notify the application of the revocation of a certificate of zoning approval including notice that further work as described in the canceled permit shall not proceed unless and until a new certificate of zoning approval has been obtained or extension granted.
- (8) Upon revocation of a certificate of zoning approval, a new application, including all applicable fees, shall be required before a new certificate of zoning approval application will be reviewed.
- (9) The above time limits shall not apply if alternative time limits that have been approved by the Director of Community Development, Planning Commission, or BZA, in accordance with the applicable review procedure.

**(h) Revoking a Certificate of Zoning Approval**

A certificate of zoning approval shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the BZA in accordance with Section [1129.13: Appeals](#), of this code.

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Director of Community Development shall have the right to appeal the decision to the BZA as established in Section [1129.13: Appeals](#).

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## **1129.13 APPEALS**

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**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including, but not limited to, administrative decisions by the Director of Community Development.
- (2) An appeal may not be made to the BZA when the Planning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

(1) **Step 1 – Submission of Appeal**

Within 30 days of an administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Director of Community Development in accordance Section [1129.02: Common Review Requirements](#).

(2) **Step 2 – Forwarding of the Record to the BZA**

Upon receiving the written appeal of an administrative order, decision, determination or interpretation, the Director of Community Development shall transmit the written appeal with all papers, documents, and other materials related to the appealed order, decision, determination or interpretation to the BZA. This material shall constitute the record of the appeal.

(3) **Step 3 – BZA Review and Decision**

- A. The BZA shall hold a public hearing within 60 days of the filing of the appeal, provided adequate notification is provided pursuant to Section [1129.02\(j\)](#).
- B. In reviewing the appeal, the BZA shall, at a minimum, consider the review criteria of this section.
- C. Within 30 days of the close of the public hearing, the BZA shall render a decision on the appeal. The BZA may reverse or affirm, wholly or in part, or modify any such order, decision, determination or interpretation.
- D. The Director of Community Development shall notify the appellant, in writing, of the decision of the BZA.
- E. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- F. The decision of the BZA shall become effective immediately.

(e) **Review Criteria**

An administrative order, decision, determination or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the order, decision, determination or interpretation fails to comply with either the procedural or substantive requirements of this code.

(f) **Stay**

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Director of Community Development certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by a court of competent jurisdiction, for good cause shown.

(g) **Appeals of BZA Decisions**

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

## **1129.14 INTERPRETATION OF THE CODE**

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It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Director of Community Development, and that such questions shall be presented to the BZA only on appeal from the decision of the Director of Community Development. Such appeals shall be in accordance with Section [1129.13: Appeals](#).

# Chapter 1131: Nonconformities

## 1131.01 PURPOSE

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Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code. This chapter has the further purposes for nonconformities:

- (a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;
- (b) To regulate their maintenance and repair;
- (c) To restrict their rebuilding if substantially destroyed;
- (d) To require their permanent discontinuance if not operated for certain periods of time; and
- (e) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the objectives of the Comprehensive Plan and this code.

## 1131.02 GENERAL PROVISIONS

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- (a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code, that was legally established under a previous code amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) For the purposes of this code, and any future amendments, any use, building, or structure that can be proven to have existed prior to the adoption of Ordinance 82-61, effective February 10, 1983, is deemed to be legally established.
- (c) An applicant for any development review procedure (e.g., certificate of zoning approval, site plan review, variance, etc.) that involves a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, was a legal nonconformity after February 10, 1983.
- (d) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (e) **Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section [1129.04](#). Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

## 1131.03 NONCONFORMITIES AND VARIANCES

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- (a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
- (b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
- (c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

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## 1131.04 NONCONFORMING USES

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Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this code except as follows:
  - (1) A nonconforming residential building may be enlarged if the required yard areas are determined adequate by the Planning Commission, as determined by approval of a conditional use.
  - (2) Buildings containing any other nonconforming use may be improved by a conditional use permit granted under the provisions of Section [1129.04](#).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d) **Termination of Nonconforming Uses**
  - (1) **Termination of Use through Discontinuance**
    - A. When any nonconforming use is discontinued or abandoned for more than six months, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
    - B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the Planning Commission may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions and design standards may be required by the Planning Commission so as to minimize the impact of such continuance on the area.
  - (2) **Termination of Use by Damage or Destruction**
    - A. If a nonconforming residential use, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided the structure and use meet the same size in height and footprint, as well as complying with the same setbacks as previously existed.
    - B. If any building containing a nonconforming use, other than a residential use, is damaged, but not to an extent greater than 60 percent of the principal structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a building permit, which must be issued within six months of the damage or the use shall not be reestablished.
    - C. If any building containing a nonconforming use, other than a residential use, is damaged beyond 60 percent of the principal structure's reconstruction value, such structure and use may only be reestablished in accordance with this code.
    - D. Determination of the reconstruction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the City and the third to be selected by the mutual consent of the two parties.

## 1131.05 NONCONFORMING STRUCTURES AND SITES

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (e) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1) If a nonconforming structure is damaged, but not to an extent greater than 60 percent of the structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a building permit within six months of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (2) If a nonconforming structure is damaged beyond 60 percent of the structure's reconstruction value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
  - (3) If the owner voluntarily removes a nonconforming structure, or reduces the nonconformity of a nonconforming structure that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
  - (4) The determination of the reconstruction value shall be made in the same manner as established in Section [1131.04\(d\)\(2\)](#).

## 1131.06 NONCONFORMING LOTS OF RECORD

A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming, may be used as follows:

- (a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards, and the rear yard regulations are complied with.
- (b) If vacant, the lot may be used provided that:
  - (1) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this code;
  - (2) Not owning adjoining land, other vacant land adjoining the lot cannot be equitably acquired; and
  - (3) All other regulations of this code, except the lot area and lot width regulations, shall be complied with.

## 1131.07 NONCONFORMING SIGNS

See Section [1123.11](#) for the regulation of nonconforming signs.

## **1131.08 NONCONFORMING FENCES AND WALLS**

---

See Section [1113.06\(c\)](#) for the regulation of nonconforming fences and walls.

## **1131.09 REPAIR AND MAINTENANCE**

---

- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Director of Community Development or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.

# Chapter 1133: Enforcement and Penalties

## 1133.01 ENFORCEMENT BY THE DIRECTOR OF COMMUNITY DEVELOPMENT

---

- (a) The Director of Community Development is hereby designated as the enforcing officer of this code.
- (b) The Director of Community Development is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
- (c) The Director may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance of the City Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Law Director in the prosecution of violations and of other City officials. In addition, the Director may delegate, at their discretion, the administration of this code and the building permit process to other City officials.

## 1133.02 RECORDS

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The Director of Community Development shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. They shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the Director of Community Development.

## 1133.03 VIOLATIONS

---

- (a) It shall be unlawful to:
  - (1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - (2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a certificate of zoning approval, site plan approval, conditional use approval, subdivision plat approval, or other required approvals indicating compliance with the provisions of this code;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Director of Community Development for any approvals required by this code;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

## 1133.04 PERMIT REVOCATION

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The Director of Community Development may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or that was based upon false information or misrepresentation in the application.

## 1133.05 COMPLAINTS REGARDING VIOLATIONS

---

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such written or verbal complaints shall fully state the causes and basis of the complaint and shall be filed with the Community Development Department.

## **1133.06 INSPECTION OF PROPERTY**

---

The Director of Community Development may inspect any building erected, altered, moved, razed or converted, and any use of land or premises carried on in alleged violation of any of the provisions of this code.

## **1133.07 INJUNCTION**

---

No person may erect, construct, alter, repair or maintain any building or structure, or use any land in violation of this code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or City Council, the Law Director, on behalf of the City, shall institute a suit for injunction to prevent or terminate such violation.

## **1133.08 NOTICE OF VIOLATION**

---

- (a) Upon finding a violation, within a 12-month period, the Director of Community Development shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this code. After such a notice is served, no work, except to correct the violation or comply with the notice, shall proceed on any building or premises included in the violation. (Ord 2024-14, 03-12-2024)
- (b) Subject to verification by the Safety-Service Director or his/her designee via the Hamilton County or Butler County Auditor's Office that the property has not been transferred since an initial violation notice within the preceding 12 months, any subsequent violation within that 12-month period does not require notice of the violation to be given to the property owner or occupier prior to initiating an offence pursuant to Sharonville Codified Ordinance 1133.09. (Ord 2024-14, 03-12-2024)

## **1133.09 PENALTIES**

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Failure to correct the conditions in violation with the provisions of this code, as ordered by the Director of Community Development, shall constitute a misdemeanor of the fourth degree and shall be fined in accordance with the schedule below. The second offense within one year shall be classified as a misdemeanor of the third degree. The third offense within one year shall be classified as a misdemeanor of the second degree. The fourth and any subsequent offense within one year shall be classified as a misdemeanor of the first degree. Each day a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.

- (a) On a first offense, misdemeanor of the fourth degree, a fine of up to 250 dollars;
- (b) On a second offense within one year, misdemeanor of the third degree, a fine of up to 500 dollars;
- (c) On a third offense within one year, misdemeanor of the second degree, a fine of up to 750 dollars;
- (d) On a fourth and any subsequent offense within one year, misdemeanor of the first degree, a fine of up to 1,000 dollars.

## **1133.10 REMEDIES**

---

- (a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, City Council, the Law Director, the Director of Community Development, the Chief Building Official, the City Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1133.11 AFFECTED PARTIES**

---

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1133.12 OTHER ACTIONS**

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Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

# Chapter 1135: Definitions

## 1135.01 PURPOSE

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It is the purpose of this chapter to define words, terms, and phrases, or identify references, contained in this code.

## 1135.02 GENERAL RULES FOR INTERPRETATION

---

The following rules shall apply for construing or interpreting the terms and provisions of this code.

(a) **Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in Section [1101.01: Purpose](#), and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(b) **Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this code and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) **Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) **References to Other Regulations or Publications**

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

(e) **Delegation of Authority**

Any act authorized by this code to be carried out by a specific official of the City may be carried out by a designee of such official.

(f) **Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(g) **Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the City of Sharonville, unless otherwise indicated.

(h) **Mandatory and Discretionary Terms**

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(i) **Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

**(j) Tenses and Plurals**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**(k) Terms Related to Specific Chapters and Sections**

Some terms have a specific definition related to a set chapter or section in this code but could otherwise be misinterpreted as a common term and definition defined elsewhere in this code. Where such terms exist, a parenthetical reference is included following the term and shall relate to the sections identified in [Table 1135-1](#), below. Such terms may also relate to other definitions in this chapter.

TABLE 1135-1: PARENTHETICAL REFERENCES TO SPECIFIC CHAPTERS AND SECTIONS	
Parenthetical Reference	Related Chapter or Section
(Adult Entertainment Establishments)	See Section <a href="#">1105.03(i)</a> .
(Wireless Telecommunications)	See Section <a href="#">1105.03(h)</a> .
(Historic Preservation)	See <a href="#">Chapter 1115: Historic Preservation</a> .

**(l) Terms Not Defined**

If a term used in this code is not defined in this chapter, the Director of Community Development shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Director of Community Development may also rely on Webster’s Dictionary or a similar source for the definition of terms.

**1135.03 DEFINITIONS AND REFERENCES**

**Abut, Adjoin, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**Access**

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

**Active Recreational Facilities**

Any park or recreational facility that is owned, managed, or operated by the City of Sharonville, a local township, Butler or Hamilton Counties, the State of Ohio, or a nonprofit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands.

**Adjudication Hearing**

An adversarial hearing during which evidence is taken for the purpose of determining issues of fact and law that will be used by the applicable decision-making body to prepare the report and recommendation and, ultimately, will be used in preparing final findings and orders. This may also be referenced as a quasi-judicial hearing. Adjudication hearings take place during a public meeting of the applicable decision-making body and require special public notice and an opportunity for the public to be heard.

**Administrative, Business, or Professional Offices**

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations, and wherein no retail trade is carried on and no stock of goods for retail sale are maintained on the premises.

### **Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

### **Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment as defined in section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult bookstore," "adult novelty store," or "adult video store." The existence of other principal business purposes does not exempt an establishment from being categorized as an "adult bookstore," "adult novelty store," or "adult video store" so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe "specified sexual activities" or "specified anatomical areas."

### **Adult Cabaret**

A night club, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

### **Adult Entertainment**

The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of "specified anatomical areas" or "specified sexual activity."

### **Adult Entertainment Business**

A restaurant, coffee shop, juice bar, bar, or any business establishment in which employees participate in the conduct of the business in a state of nudity.

### **Adult Entertainment Establishments**

An adult arcade, adult bookstore, adult entertainment business, adult novelty store, adult video store, adult cabaret, adult motion picture theater, sexual device shop, adult theater, nude or seminude model studio, or sexual encounter establishment but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

**Adult Motion Picture Theater**

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

**Adult Theater**

A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of “specified anatomical areas” or “specified sexual activities.”

**Agricultural Uses**

Cultivated plats, tracts of land, or raised beds containing single variety or multiple varieties of vegetables, fruits, berries, or any other edible or otherwise consumable agricultural product or produce.

**Air-Activated Graphic**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

**Alley**

A minor, service roadway, of not more than 20 feet in width, providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

**Alteration**

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed;” any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

**Alteration (Historic Preservation)**

Any material or visual change other than normal maintenance and repair to the exterior of any structure located within an historic district or to any historic property or to the publicly accessible interior of any listed property which was listed in whole or in part because of the interior's historic or architectural significance.

**Alteration, Structural**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Amateur Radio Antennas**

A system of cables, electrical conductors, insulators, metallic or nonmetallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Animal Boarding Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, breeding or care of domestic animals or pets, for profit. Such use may also include training and daycare facilities.

**Animal Hospital/Clinics and Animal Grooming**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

**Antenna**

Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic waves when such system is either external to or attached to the exterior of a structure.

**Antenna, Wireless Telecommunications**

Any antenna system designed to transmit and/or receive communications as authorized by Federal Communications Commission (FCC), including amateur radio operators' antennas.

**Appeal**

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section [1129.13](#).

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [Chapter 1129: Review Procedures](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1129: Review Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

**Architectural Feature**

A prominent or significant part or element of a building, structure or site.

**Assembly Halls or Conference Centers**

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Automobile**

Any motor vehicle designed and used for carrying of persons, including a truck. Such motor vehicle shall not exceed 7'10" in height or 24' in length or 8' in width.

**Automotive Repair and Service (Major)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

**Automotive Repair and Service (Minor)**

Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

**Awning**

A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework. See also definition of "canopy."



*Figure 1135-A: Examples of traditional awnings*

**Base Station (Wireless Telecommunications)**

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;
- Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks); and
- Any structure other than a tower that, at the time the relevant application is filed with the City, supports or houses equipment described in the first two bullet points above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the relevant application is filed with the City under this and does not support or house equipment described in the first two bullet points of this definition.

**Basement or Cellar**

That portion of a building where the floor level is more than four feet below the adjoining finished grade.

**Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm**

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

**Block**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the City.

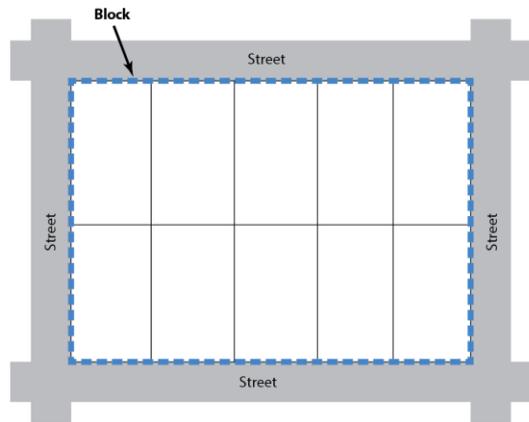


Figure 1135-B: Illustration of block

### Block Face

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

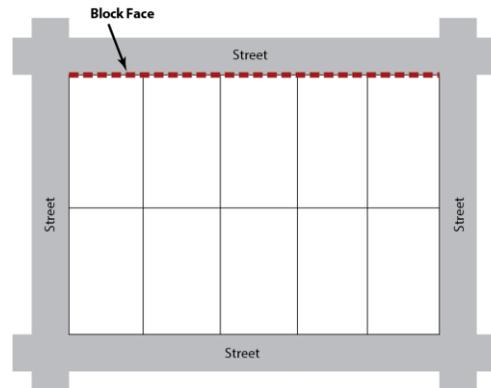


Figure 1135-C: Illustration of block face

### Building

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure. The term shall be used synonymously with "structure," unless otherwise noted, and shall be construed as if followed by the words "parts or parts thereof."

### Building Code

Part Thirteen of these City of Sharonville Codified Ordinances.

### Building Height

The vertical distance of a building as measured in Section [1113.01](#).

### Building Lines

The lines along the interior side of required front, rear and side yards setbacks.

### Building Official

The person authorized by the City and the Ohio Board of Building Standards in accordance with Building Department Certification to enforce the rules of the Board and of Chapters 3781 and 3791 of the Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. The term "Building Official" is synonymous with "Residential Building Official" as referenced in the Residential Code of Ohio, and with "Code Official" as referenced in the International Property Maintenance Code.

### Building Unit

Any building subdivided into separate units or spaces and any interior space occupying any portion of the ground floor of any building provided that each unit or space has its own exterior entrance and is separated from other such spaces by a party wall or walls.

### Building, Accessory

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use.

### Building, Nonconforming

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

### Building, Principal or Main

A building occupied by the main use of the lot on which said building is located.

### Bulk Sale or Distribution of Fuels and Oils

An establishment that sells or distributes unleaded and diesel gasoline, propane, oils, or any other similar types of fuels or liquids to other businesses but not to the general public.

**Caliper**

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

**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.). See also the definition of “awning.”



*Figure 1135-D: Example of a canopy and related sign*

**Carport**

A roofed shelter, open on at least two sides, designed as a shelter for operable automobiles. A carport may be freestanding or may be formed by the extension of a roof from the side of a building.



*Figure 1135-E: Example image of a detached carport.*

**Cellular**

Wireless transmission technology which uses a grid of antennas (cell sites) to send and receive signals from mobile telephones. The antennas "hand-off" signals as the user travels between cell sites, enabling the same frequency, or channel, to be used by many callers simultaneously.

**Cellular Communication Services**

Personal communications accessed by means of cellular equipment and services.

**Cellular or Wireless Communications Antenna**

Any structure or device used to receive transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas such as whips and other equipment utilized to serve personal communication services.

**Cemeteries**

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Appropriateness (COA)**

A certificate issued by the City of Sharonville indicating that a proposed change, alteration, construction or demolition of a designated landmark building or structure or within a designated historic site or district is in accordance with the provisions of this code.

**Certificate of Zoning Approval**

A permit issued by the Director of Community Development stating that a proposed development or activity complies with this code as established in Section [1129.12](#).

**Change**

Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

**Change (Historic Preservation)**

Any alteration, demolition, removal or construction involving any building, structure or property subject to the provisions of this code. This change shall not be related to ordinary maintenance or repair of any property provided that such work involves no change in material, design, texture, color or outer appearance of such property.

**City**

The City of Sharonville, Ohio

**City Council**

City Council or Council means the legislative body of the City of Sharonville, Ohio

**City Engineer**

The City Engineer for the City of Sharonville, Ohio.

**COA**

Certificate of Appropriateness

**Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with Section [1129.03](#).

**Codified Ordinances**

The codified ordinances of the City of Sharonville, Ohio

**Collocation (Wireless Telecommunications)**

The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Collocation shall apply to such devices whether readily discernible to the naked eye or camouflaged.

**Commercial and Business Support Services**

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants, and internet providers.

**Commercial Greenhouses**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land.

**Commercial Message or Speech**

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

**Commercial Recreational Facilities (Indoors)**

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment establishments."

### **Commercial Recreational Facilities (Outdoors)**

Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately managed or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include “adult entertainment establishments.”

### **Common Area**

Any land area and/or facilities that is held in common ownership by the residents through a homeowners’ association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

### **Community Gardens**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

### **Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

### **Comprehensive Plan**

The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City’s existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations. References to the comprehensive plan may include supplemental plans adopted by the City of Sharonville including, but not limited to, a transportation plan, parks and recreation plan, etc.

### **Condominium**

A multi-family dwelling or development containing individual owners’ dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners’ association and/or Ohio law.

### **Construction**

The act of constructing an addition to an existing building or structure or the erection of a new principal or accessory structure on a lot of property.

### **Construction Structures**

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris on a temporary basis in conjunction with a construction project.

### **Container**

An article of transport equipment which is of a permanent character and strong enough for repeated use; is specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading; and is fitted with devices permitting its ready handling from one mode of transport to another; and is so designed as to be easy to fill and empty; and has an internal volume of one cubic meter or more.

### **Container Ports**

A facility where “containers” are temporarily stored or transferred between different vehicles for further transportation to the container’s final destination.

### **Contractor Equipment and Storage Yards**

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor.

### **County**

Hamilton County, Ohio, or Butler County, Ohio, as may be applicable.

### **Cultural Facilities**

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites. Such use shall not include “theaters.”

**Deck**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground, and that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.



*Figure 1135-F: Example of a deck.*

**Dedication**

The intentional and voluntary appropriation or transfer of land from the private owner to the City or other public agency for the land to be pledged to a proper public use or purpose.

**Demolition**

Any act or process that destroys in whole or in part any building or structure.

**Density**

The number of dwelling units permitted or built per acre of total land area.

**Detached Accessory Buildings**

See definition of “building, accessory.”

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

**Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

**Director of Community Development**

The Director of Community Development for the City of Sharonville, Ohio. The individual designated to administer and enforce this code, unless otherwise stated.

**District**

See “Zoning District.”

**Drive-Through Facilities**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling**

A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

**Dwelling, Multi-Family**

A building or portion thereof designed with three or more dwelling units excluding “dwelling, rowhouse.”

**Dwelling, Rowhouse**

A building where the dwelling units are structurally attached to one another, side-by-side, with shared walls. Each dwelling unit shall only be accessible by individual, exterior entrances.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Two-Family**

A building, or portion thereof, designed with two dwelling units.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Institutions (Higher Education)**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, cosmetology schools, seminaries, or any other institution providing collegiate level curriculum and other post-secondary school educational opportunities.

**Educational Institutions (Preschool and K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See “educational institutions (higher education).”

**Electric Charging Stations**

Public or private parking spaces which are equipped and designed to transfer electrical energy to electric or plug-in hybrid vehicles. Electric charging stations parking spots are reserved for electric or plug-in electric vehicles.

**Electronic Message Center**

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

**Eligible Facilities Request (Wireless Telecommunications)**

Any request for modification of an existing tower or base station that would not result in a substantial change to the physical dimensions of such tower or base station, involving:

- Collocation of new transmission equipment;
- Removal of transmission equipment; or
- Replacement of transmission equipment.

**Eligible Support Structure (Wireless Telecommunications)**

Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this section.

### **Essential Services**

The erection, construction, alteration, or maintenance by public utilities or City departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such City utility or City department, board, or commission or for the public health, safety, convenience, prosperity or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

### **Establishment (Adult Entertainment Establishments)**

Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment establishment as a new business;
- The conversion of an existing business, whether or not an adult entertainment establishment, to an adult entertainment establishment;
- The additions of any adult entertainment establishment to any other existing adult entertainment establishment; or
- The relocation of any adult entertainment establishment.

### **Existing (Wireless Telecommunications)**

A constructed tower or base station is existing for purposes of this code if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

### **FAA**

The Federal Aviation Administration

### **Facade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

### **Facade, Front**

The facade of a building that contains the primary entrance of the building.

### **Facade, Primary**

For the purpose of the sign regulations, a primary facade shall be as defined in Section [1123.08\(a\)\(2\)](#).

### **Facade, Secondary**

For the purpose of the sign regulations, a secondary facade shall be as defined in Section [1123.08\(a\)\(2\)](#).

### **Facility (Wireless Telecommunications)**

Any entire wireless telecommunications facility, including a tower, equipment building, parking area and other structures and signs, or one of the same, or a combination of these objects and devices.

### **Family**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

### **FCC**

The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

**Fence**

Any accessory wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

**Financial Guarantee**

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

**Financial Institutions – Cash Advance, Check Cashing, Short-Term Loan, and Pay Day Lending**

Any building, property or activity of which the principal use or purpose of which is defined individually as follows:

- "Car Title Loan Establishment": Any building, room, space, establishment, facility or portion thereof where consumer loans are secured by a title to a motor vehicle. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.
- "Cash Advance Facility": Any building, room, space, establishment, facility or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.
- "Check Cashing Facility": Any building, room, space, establishment, facility or portion thereof where checks are cashed in exchange for a percentage fee. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.
- "Pay Day Lending Facility": Any building, room, space, establishment, facility or portion thereof that provides loans to individuals in exchange for personal checks as collateral. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.

**Financial Institutions – Other**

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions but does not include those institutions defined in "financial institutions – cash advance, check cashing, short-term loan, and pay day lending."

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Floor Area**

The total floor area used, or intended to be used, by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for, display or sale of merchandise. It shall not include areas used principally for the purpose of storage, nor shall it include incidental areas for repair, processing or packaging of merchandise; show windows; maintenance, toilet or restrooms; utility rooms; or dressing, fitting or alteration rooms. Where the term "gross floor area" is specifically referenced, then the term shall mean the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

**Food Services**

An establishment whose principal business is the preparation of food and beverages for serving off-site. This includes catering services where there is no on-site restaurant or area for the serving of prepared foods and drinks.

**Food Trucks**

A large vehicle equipped with facilities for cooking and selling food and/or drinks.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

**Fraternal, Charitable, and Service Oriented Clubs**

A building or portion thereof or premises owned or operated by an entity, person or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Frontage**

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

**Frontage, Building**

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Director of Community Development shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1135-G](#).

**Frontage, Street or Lot**

The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See [Figure 1135-G](#).

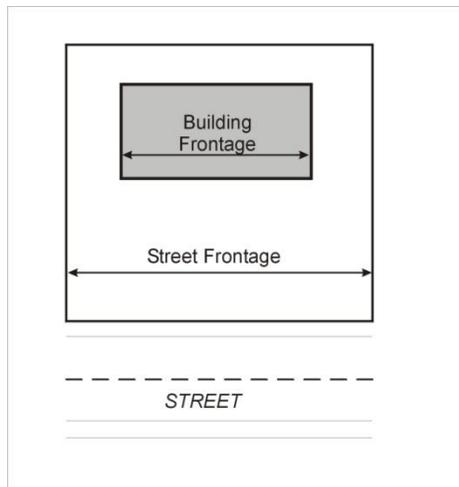


Figure 1135-G: Illustration of building frontage versus street frontage.

**Fuel Stations**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles as part of a retail activity available to the general public. Such use shall not include electric charging stations that are located in individual parking spaces.

**Funeral Homes and Mortuaries**

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

### Garage

An accessory building primarily intended for and used for the enclosed storage or shelter of motor vehicles of the owner or occupant of the principal building that is attached or detached from the principal building.



Figure 1135-H: Example image of a detached garage.

### Garage or Estate Sales

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, estate sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

### Government Offices and Buildings

Buildings or office space utilized for the provision of services by the City of Sharonville, Butler or Hamilton Counties, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, and other similar uses.

### Grade

- "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement at the front of the building.
- "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

### Grading

The stripping, cutting, filling, or stockpiling, or any combination thereof, of earth-disturbing activity, inclusive of land in its cut or filled conditions

### Grass

A species of perennial grass grown as permanent lawns or for landscape purposes.

### Gravel Surface Parking Lot

A parking area that is temporarily paved with gravel or loose rock while the related development is under construction.

### Ground Cover

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

### Hedge

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

### Home Occupations

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Homeowners' Association**

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

**Hospitals**

An institution providing inpatient and outpatient medical and/or surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities. Such uses may include ambulance service.

**Hotels**

A facility offering fewer than 30 days of consecutive lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities. Such facilities shall provide only internal access to the individual rooms or suites.

**Housekeeping Unit**

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include all residential facilities with five or fewer residents and residential facilities, as defined in Chapter 5123 of the ORC, that contain up to eight or fewer unrelated persons.

**Improvement Plans**

The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

**Improvements**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

**Industrial Service Uses**

Establishments primarily engaged in rendering services to office, business, retail, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

**Internal Refractive Lens**

A glass or plastic lens installed between the lamp and the sections of the outer luminaire globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

**Interstate Expressway**

For the purposes of this code, Interstate 75 and Interstate 275 are deemed interstate expressways.

**Landmark**

Any building, structure, site, work of art, or object that has been designated as a "landmark" by ordinance of the City, pursuant to procedures prescribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

**Light Fixture**

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1113.03](#).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1113.03](#).

**Liquor Stores**

A retail establishment where the primary sale is of alcoholic drink for consumption elsewhere and which establishment is permitted by the State of Ohio.

**Loading Area**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**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 that has an appropriate means of access.

**Locate or Location (Wireless Telecommunications)**

To place (or the placement of) a tower or related wireless telecommunications facility and incidental structures on a lot within the corporate boundaries of the City pursuant to securing the required permits through ordinary due process.

**Lot**

A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1113.01](#).

**Lot Coverage**

That portion of a lot, which when viewed from directly above, would be covered by a building as established in Section [1113.01](#).

**Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1113.01](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1113.01](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1113.01](#).

**Lot of Record**

A lot which is part of a subdivision, the part of which has been recorded in the office of the Butler or Hamilton County Recorder, as applicable, or a parcel of land the deed to which was recorded, prior to adoption of this code.

### Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section [1113.01](#).

### Lot, Corner

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1135-I](#).

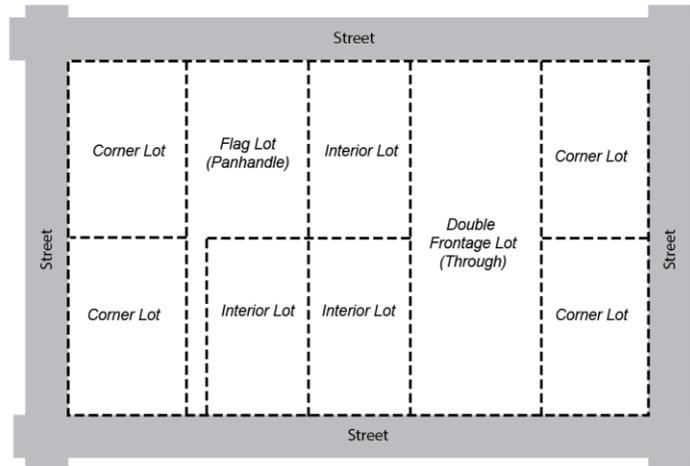


Figure 1135-I: Illustration of typical lot types.

### Lot, Curved or Cul-De-Sac

A lot with frontage along a curved street or cul-de-sac. See Section [1113.01](#).

### Lot, Double Frontage (Through)

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1113.01](#).

### Lot, Flag (Panhandle)

A lot that has a frontage on, or is abutting, a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1113.01](#).

### Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1113.01](#).

### Lot, Nonconforming

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

### Luminaire

The complete lighting unit, including the lamp, the fixture and other parts.

### Machinery and Heavy Equipment Sales, Leasing, Storage, and Service

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

### Manufacturing and Production (Heavy or Outdoors)

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 500 square feet in area.

**Manufacturing and Production (Indoors)**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. See also “manufacturing and production (heavy or outdoors).”

**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or to minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose as defined in Ohio Revised Code Section 3796.01.

**Medical Marijuana Business**

A business or home occupation use involving, in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

**Medical Marijuana Cultivation**

The cultivation of medical marijuana by a medical marijuana cultivator licensed by the State of Ohio.

**Medical Marijuana Processing**

Medical marijuana processing licensed by the State of Ohio.

**Medical Marijuana Retail Dispensary**

A medical marijuana retail dispensary licensed by the State of Ohio.

**Medical/Dental Clinics and Health Centers**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition includes 24-hour urgent care centers but does not include “hospitals,” “medication maintenance facilities or dispensaries,” “skilled nursing facilities,” or “personal care facilities.” The use shall not include any ambulance service or overnight stays.

**Medication Maintenance Facilities or Dispensaries**

A facility or use where any form of prescription medication is dispensed to patients, by a doctor, for use or consumption on-site as opposed to a pharmacy that dispenses prescription medication for use at home. Such facilities may also be used for the general outpatient treatment, counseling, and administering of addiction medicine for recovery purposes. Such use may include, but is not limited to, methadone treatment facilities as licensed by the State of Ohio.

**Memorial and Monuments**

A statue, building, or other structure erected to commemorate a famous or notable person, place, or event.

**Microbrewery, Microdistillery, or Microwinery**

An establishment where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

**Mixed-Use Buildings**

A building that contains a commercial or office use and a residential use within a single building as provided for in this code and where the residential uses are located on upper floors only.

**Modification**

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

**Monument**

A box with an iron pin at the intersection of the centerlines of two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

**Motor Vehicle**

Every vehicle propelled or drawn by power other than muscular power, except road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of 25 miles per hour or less, threshing machinery, hay baling machinery, agricultural tractors and machinery used in production of horticultural, floricultural, agricultural and vegetable products and trailers designed used exclusively to transport a boat between a place of storage and marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and a speed of 25 miles per hour or less.

**Multi-Tenant Use**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**Noncommercial Speech**

Any sign, wording, logo or other representation that, does fall under the definition of “commercial message or speech.”

**Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also “lot, nonconforming”.

**Nonconformity, Legal**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot, nonconforming,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

**Nudity, Nude, or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

**Nursery Schools and Day Care Centers (Adult or Child)**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult's home.

**Nursery Schools or Day Care Centers**

As an accessory use, this term shall have the same meaning as “nursery schools and day care centers (adult or child).”

**Occupant**

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**Outdoor Display or Sales**

The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1113.03](#).

**Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

**Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

**Park, Parking, Parker**

The stationary placement of any vehicle for a continuous period under 72 hours.

**Parking Aisle**

The driveway or access drive by which a vehicle enters and departs a parking space.

**Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**Parking Lot, Gravel Surface**

A temporary parking lot that may be surfaced with gravel during construction of the related project on the same site.

**Parking Lots**

An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile.

**Passive Parks, Open Space, and Natural Areas**

Any park or recreational facility where there is no grading of the land, and no construction of facilities, lighting, or development of ball fields, with the exception that such passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**Patio**

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



*Figure 1135-J: Illustrative example of a patio.*

**Pedestrian Way**

A public or private right-of-way solely for pedestrian circulation.

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Performance Standard**

A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section [1113.04](#).

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services, such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Services**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Personal Wireless Services**

Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

**Personal Wireless Telecommunications Service**

Communications services provided by a commercial mobile service provider. It includes a common carrier wireless exchange access service, cellular services, and unlicensed wireless services.

**Pick-Up Window**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers who walk-up to the window or door during such business transactions. There shall be no direct vehicular access to the pick-up window.

**Place or Placement (Wireless Telecommunications)**

To locate a tower or related wireless telecommunications facility and incidental structures on a lot.

**Places of Worship**

A religious institution where a congregation of any denomination regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

**Planned Unit Development**

A development that is planned for a single use, or to integrate a variety of uses into a comprehensive development, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. For the purposes of this code, Planned Unit Developments are developments approved prior to the effective date of this amendment. See [Chapter 1109: Planned Unit Developments](#).

**Planning Commission**

The City Planning Commission of the City of Sharonville, Ohio

**Plat**

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

**Plat, Final**

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer. May also be referred to as the “final subdivision plat.”

**Plat, Preliminary**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with Section [1129.06](#). May also be referred to as the “preliminary subdivision plat.”

**Playsets, Treehouses and Trampolines**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

### **Porch**

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



*Figure 1135-K: Examples of a front porch (left) and back porch (right).*

### **Portable Storage Unit**

A portable enclosed unit of durable construction or material, not to exceed eight feet wide by eight feet tall by 16 feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

### **Portable Storage Unit Sales, Rental, and Storage**

An establishment where the primary activity is the sale, rental, and/or storage of portable storage units.

### **Premises (Wireless Telecommunications)**

A lot, or the immediate vicinity of a tower and related wireless telecommunications facility, consisting of land and structures and appurtenances thereof.

### **Preservation (Historic Preservation)**

The process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

### **Provider**

A private or public (including governmental and quasi-governmental) entity, licensed by the Federal Communications Commission (FCC), which provides wireless telecommunications services.

### **Public Hearing**

A public hearing is where a decision-making board (City Council, Planning Commission, or BZA) holds a special review of an application where specific notice is provided to the public and the public is afforded an opportunity to speak and be heard. Public hearings take place during a public meeting of the applicable decision-making body.

### **Public Improvements**

See definition of "improvements."

### **Public Meeting**

A public meeting is a prearranged gathering of a majority of the members of a public body (City Council, Planning Commission, or BZA) for the purpose of discussing public business. Public meetings are subject to the Open Meetings Act of Ohio. Both public hearings and adjudication hearings, as defined and addressed in this code, can only take place at a public meeting.

### **Public Parking Lots or Garages**

An outdoor area or structure owned by a government agency that contains marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking.

**Public Utility**

Persons, corporations or governments supplying gas, electric, cable television, transportation, water, sewer or land line telephone service to the general public. For purposes of this code, telecommunications facilities of any kind shall not be considered public utilities.

**Public Utility Buildings and Facilities**

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

**Raceway or Wireway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Radio Frequency (RF)**

Any of the electromagnetic wave frequencies that lie in the range extending from below 3 kilohertz to about 300 gigahertz and that include frequencies for radio, television and wireless telecommunications.

**Raising of Domestic Animals**

The raising, caring, and feeding of certain animals, as established in Section [1111.01\(g\)\(16\)](#), on residential lots.

**Reconstruction (Historic Preservation)**

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation (Historic Preservation)**

The act or process of making possible a compatible use for a property through repair, alteration, and addition while preserving those portions or features which convey its historical, cultural, or architectural values.

**Research and Development Facilities**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**Residential Community Centers**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

**Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

**Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings, to be consumed within the building or as take-away but shall not be served through a drive-through facility or to customers waiting in their vehicles for consumption on the premises.

**Restaurants, Drive-In or Drive-Through**

An establishment that furnishes the patron with food and/or beverages in a ready-to-consume state, primarily in plastic, paper or other disposable containers, and where the consumption of food and/or beverages is allowed either in the main building, a motor vehicle parked on the premises, an open area on the premises outside the main building, or off the premises.

### **Restoration (Historic Preservation)**

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

### **Retail Businesses**

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores. In [Table 1105-1](#), retail businesses are divided into two categories by size (10,000 square feet or smaller and over 10,000 square feet). Such size shall be defined as the gross floor area of the entire footprint of the building.

### **Retail Commercial Uses**

For the purposes of accessory uses, this term shall mean “retail businesses” that are accessory to the principal use.

### **Ride Share Waiting Zone**

A designated waiting area designed to accommodate travelers awaiting a ride-share service.

### **Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

### **Roadway**

See definition of “street.”

### **Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

### **Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

### **Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

### **Self-Storage Facilities**

A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls, lockers, or buildings for the dead storage of a customer’s goods or wares where the access to such stalls or lockers can occur within the inside of the building or from the exterior of the building and where there is no outdoor storage. Self-storage facilities shall also include buildings used for storage of personal or business items, regardless of commercial purposes, where such storage exceeds 40 percent of the total floor area of the building.

### **Semi-Nudity or Semi-Nude Condition**

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

### **Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [1113.01](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [1113.01](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot line that is shared with another lot where such lot line is defined as a side lot line. See Section [1113.01](#).

**Sexual Device Shop**

A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

**Sexual Encounter Establishment**

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities; or
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

**Shrub**

A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1123.05](#).

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign Height**

The vertical distance of a sign, from top to bottom, as measured in accordance with Section [1123.05](#).

**Sign Structure**

Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

**Sign, 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.

**Sign, Awning**

A permanent sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Air-Activated Graphic.”

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Building**

Any permanent sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

**Sign, Canopy**

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center.”

**Sign, Drive-Through Facility**

Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Feather**

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, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building or other structure.

### Sign, Ground

A permanent freestanding sign that is supported by one or more poles, posts or braces in or upon the ground and is supported independently of any other structure.



Figure 1135-L: The above images provide two different examples of ground signs.

### Sign, Illuminated

Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

### Sign, Manual Changeable Copy

A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

### Sign, Monument

A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure, and is limited to a height not to exceed eight feet. Monument sign, unlike pole signs or ground signs, typically are on a monument or pedestal structure.



Figure 1135-M: The above image provides an example of two monument signs.

### 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, 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 and that is constructed of rigid, non-flexible materials.

### **Sign, Pole**

A sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic to flow underneath the bottom of the sign cabinet or copy.



*Figure 1135-N: The above image provides an example of a pole sign.*

### **Sign, Portable**

A temporary sign that may be placed outside, during business hours, in accordance with this code and all other applicable ordinances and resolutions. See definition of "sign, T-frame" and "sign, A-frame."

### **Sign, Projecting**

A permanent sign that is affixed perpendicular to a building or wall and extends more than 18 inches beyond the face of such building or wall.

### **Sign, Roof**

Any sign erected on a roof.

### **Sign, Signature Wall**

A wall sign typically placed beneath the roof line of a tall building wall facing Interstate 75.

### **Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

### **Sign, T-Frame**

A temporary portable 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.

### **Sign, Wall**

A permanent sign attached directly to an exterior wall of a building and which does not extend more than 18 inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

### **Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

### **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.

### **Site (Wireless Telecommunications)**

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, if the approval of the modification occurred prior to the Spectrum Act or was otherwise outside of the Section 6409(a) process.

### **Site Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1129.07](#) and that demonstrate a development's compliance with this code.

### **Site Plan Review**

The review of proposed site plans as reviewed and decided upon in accordance with Section [1129.07](#).

### **Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

### **Skilled Nursing or Personal Care Facilities**

A long-term or short-term in-patient care facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals" or "residential facility."

### **Smokers Lounge**

Any building, room, space, establishment, facility or portion thereof that is dedicated, in whole or in part, to the use of pipes, hookah pipes, electronic cigarettes, and other similar devices in smokers' lounges, hookah bars, and vapor bars/lounges and other similar uses as determined by Planning Commission.

### **Solar Panels**

The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components; solar thermal energy systems that convert sunlight to heat as in a hot water tank or swimming pool; and photovoltaic solar energy systems that convert sunlight to electricity.

### **Specified Anatomical Areas**

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

### **Specified Sexual Activities**

Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the activities set forth in Section [1105.03\(i\)](#).

### **Stacking Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

**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.

**Store, Stored, Storing**

The stationary placement of any vehicle for a continuous period over 72 hours.

**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 is no floor above it, then the space between the floor and the ceiling next above it.

- "First story", as applied to the residential district, means the lowest story or the ground story of any building, the floor of which is less than four feet below the average contact ground level at the exterior walls of the building.
- "Half story", as applied to the residential districts, means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are less than four feet above the floor of such story.

**Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached, and which is stretched or hung between two or more supports.

**Street**

A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a "treelawn".

**Street Line**

The street right-of-way line.

**Street, Arterial**

A public street that carries vehicular traffic of a State or Federal highway route, excluding Interstate 75 and 275, or a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

**Street, Collector**

A street which carries or is expected to carry large amounts of vehicular traffic whose origin or destination is not primarily in abutting properties. Collector streets are intended to provide access to neighborhoods or sub-neighborhoods and to carry traffic from local streets to the arterial street system, including the principal entrance and circulation routes within a residential subdivision.

**Street, Cul-de-Sac**

A short street having one open end to traffic and the other end permanently terminated by a vehicle turnaround.

**Street, Dead-End**

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

**Street, Local**

A street designed primarily for providing access to residential, commercial or other abutting property through driveways or other access points.

**Street, Private**

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

**Street, Public**

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Structural Alteration**

Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

**Structure**

That which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding trailers and other vehicles whether on wheels or other supports.

**Structure (Wireless Telecommunications)**

Any man-made building or object affixed to a lot on which is located a wireless telecommunications tower and related facility, and is incidental, ancillary or otherwise supportive to that facility.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Structure, Temporary**

A 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 time period. A temporary structure is without a foundation or footing.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to affect a subdivision of land hereunder for himself or for another.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

**Subdivision Modification**

A modification to any of the public improvement or subdivision design standards of [Chapter 1125: Subdivision Design](#), as authorized by the Planning Commission in accordance with Section [1129.06\(f\)](#).

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision.

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1129.05](#).

### **Substantial Change (Wireless Telecommunications)**

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
- Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
- It entails any excavation or deployment outside the current site except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
- It would defeat the concealment elements of the eligible support structure; or
- It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in the first four bullet points of this definition as stated above.

### **Swimming Pools**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three feet and as further defined in Section [1111.01\(g\)\(20\)](#).

### **Taverns or Bars**

Establishments whose primary purpose is providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

### **Telecommunications**

All communications services and the use thereof, whether by means of public or private providers, and includes cellular telecommunications, personal wireless services and amateur radio broadcasting, by any transmission, emission or reception of signals, writing, images and sounds, or information of any nature by wire, radio, visual or the electromagnetic system.

### **Temporary Sales Office or Model Home**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**Temporary Tents**

Any temporary structure used for temporary sleeping purposes, or for temporarily sheltering a gathering, constructed wholly or in part from canvas, tarpaulin, cotton, fabric or other similar materials.

**Tennis or Other Recreational Courts**

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

**Theaters**

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

**Tower (Wireless Telecommunications)**

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Trailer**

Every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour.

**Transmission Equipment (Wireless Telecommunications)**

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**Tree**

A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Hamilton County or Butler County, Ohio, as applicable.

**Tree Drip Line**

An area on the ground that is defined by the edge of the tree canopy.

**Tree, Canopy**

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

**Tree, Deciduous**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

**Tree, Evergreen**

A tree that remains green throughout the year.

**Truck Terminals**

The use of property or buildings for a business establishment that is primarily related to the distribution of goods and merchandise and/or the temporary parking of motor freight vehicles or trucks during loading and unloading, and between trips. While truck terminals may include necessary warehouse space for storage or transitory freight, such storage shall be short-term (30 days or less). Truck terminals may include building facades that are occupied entirely or partially by loading docks and garages for access by trucks.

### **Type-B Day Care Homes**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, 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. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

### **Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

### **Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

### **Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval process (See Section [1129.04.](#)) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

### **Use, Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

### **Use, Permitted**

A use which is permitted in a specified zoning district through either a certificate of zoning approval or site plan review, as may be applicable.

### **Use, Permitted with Standards**

A use which is permitted in a specified zoning district through either a certificate of zoning approval or site plan review, as may be applicable, provide such use meets the additional use-specific standards set forth in this code.

### **Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

### **Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See [Chapter 1111: Accessory and Temporary Uses.](#)

### **Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [1129.11.](#)

### **Vehicle**

Every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. Where a vehicle type is not specifically defined in this code, such vehicle shall be considered as defined by the Ohio Revised Code.

### **Vehicle Sales and Leasing**

Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers. Where [Table 1105-1](#) includes the term “(new)” in the name, such use shall be the sale of only new vehicles. Where [Table 1105-1](#) includes the term “(used)” in the name, such use may include the sale of new or used vehicles.

### **Vehicle Washing Establishments**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

### **Vehicle, Fleet**

Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

### **Vehicle, Recreational**

A vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational purposes or for the purpose of a temporary dwelling used for travel, recreation or vacation. Recreational vehicles may include, but are not limited to trailers, boats, jet skis and other personal watercraft, snowmobiles and the following uses:

- "Travel trailer" means a non-self-propelled recreational vehicle including tent type fold out camping trailer or a fifth-wheel.
- "Motor home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- "Truck camper" means a non-self-propelled recreational vehicle, without wheels for road use and designed to be placed upon and attached to a pick-up style body. 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.
- "Van with luggage rack" means a van with luggage rack and/or extended top larger than a permitted residential vehicle.

### **Vehicle, Residential**

Any motor vehicle, including a truck, which shall not exceed any of the following dimensions, 7'-10" in height, 24' in length or 8' in width.

### **Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space. For residential uses, the vehicular use area shall include the driveway, garage, and any other parking areas.

### **Violation**

The failure of a structure or other development to be fully compliant with the regulations of this code.

### **Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

### **Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

### **Warehouses**

A business establishment primarily engaged in the long-term storage (over 30 days) of goods and merchandise within a single building (not individual compartments) that may contain, loading and unloading docks. Warehouses shall not include any building facade that is contain loading docks or garages that occupy more than 40 percent of the facade width. See also "self-storage facilities" or "truck terminals."

### **Wholesale Establishments**

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

### **Wide-Body Refractive Globe**

A translucent lamp enclosure used with some outdoor luminaires to provide a decorative look (including but not limited to acorn- and carriage light style luminaires). "Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the luminaire more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

### **Windblown Devices**

Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to pennants, ribbons, streamers, spinners, or similar objects.

### **Wireless Communications Towers and Antenna**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

### **Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1113.01](#) for rules of measurement and determination for all yard types.

### **Yard, Front**

Unless otherwise stated in Section [1113.01](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

### **Yard, Rear**

Unless otherwise stated in Section [1113.01](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

### **Yard, Side**

Unless otherwise stated in Section [1113.01](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

### **Zoning District**

An area within the City limits for which the regulations and requirements governing use are uniform as defined by [Chapter 1103: Establishment of Zoning Districts](#).

### **Zoning District, Base**

The base zoning district is the zoning district established for each property that includes any of the residential and nonresidential zoning districts established in [Chapter 1105: Base Zoning Districts and Principal Uses](#) and [Chapter 1109: Planned Unit Developments](#).

### **Zoning District, Nonresidential**

The term "nonresidential zoning district" shall include the OB, LB, GB, CBD, SM-D, CS, GI, ITC, and PF Districts, regardless if residential uses are permitted.

### **Zoning District, Overlay**

A special secondary zoning district that lies over an underlying base zoning district. Such overlay district provides development control which alters some of the base zoning district regulations.

### **Zoning District, Residential**

The term "residential zoning district" shall include the R1-A, R1-B, R2-C, and RM-D Districts.

### **Zoning Map**

An accurate map depicting the City of Sharonville, Ohio, and indicating the official boundaries of the zoning districts established by this code. See Section [1103.03](#).