

CODIFIED ORDINANCES OF HILLIARD
PART ELEVEN - PLANNING AND ZONING CODE

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CODIFIED ORDINANCES OF HILLIARD
PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1102
Enactment

1102.01 Repeal of Code	1102.03 Severability.
1102.02 Enactment and effective date.	

CROSS REFERENCES
Title, purpose and scope - see P. & Z. Ch. 1103

1102.01 REPEAL OF CODE.

Part Eleven of the Code of Ordinances, known as The City of Hilliard Zoning Code, previously authorized by City Council in Ordinance No. 80-49 adopted on October 27, 1980, and all amendments thereto, are hereby repealed pursuant to the adoption of Ordinance 14-29 by Hilliard City Council on October 27, 2014. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal includes the Official Zoning Map of the City of Hilliard Zoning Code which shall be replaced with a new Official Zoning Map as provided in Ordinance 14-29. (Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15.)

1102.02 ENACTMENT AND EFFECTIVE DATE.

A public hearing having been held as required by the Ohio Revised Code, the provisions of this Code are hereby adopted, and shall take effect on the 27th day of October, 2014, including the new Official Zoning Map of the City of Hilliard. (Ord. 14-29. Passed 10-27-14.)

1102.03 SEVERABILITY.

The various parts, sentences, paragraphs, sections, and clauses of this code are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this code is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this code. (Ord. 14-29. Passed 10-27-14.)

CHAPTER 1103
Title, Purpose and Scope

1103.01	Title.	1103.04	Compliance with regulations.
1103.02	Purpose of Zoning.	1103.05	Interpretation and conflict.
1103.03	Scope.	1103.06	Rules applicable to text.

CROSS REFERENCES
Rules of construction generally - see ADM. 101.03

1103.01 TITLE.

This code and all its provisions, codified as Part Eleven, the Hilliard Code, shall be known and may be cited as "The Zoning Code of the City of Hilliard, Ohio;" or by its shorter titles, "City of Hilliard Zoning Code" or "Zoning Code."
(Res. 19-R-02. Passed 2-25-19.)

1103.02 PURPOSE OF ZONING.

The purpose of this Zoning Code is to promote the public health, safety, morals, comfort and general welfare of the City and its residents; to conserve and preserve the value of property; to facilitate the provision of roads, public utilities, water, sewerage, parks, and other public requirements; and decrease or avoid congestion on public streets and highways.
(Res. 19-R-02. Passed 2-25-19.)

1103.03 SCOPE.

The provisions of this code shall apply to all lands within the municipal boundaries of the City of Hilliard, including all lands annexed into the City after the effective date of this code.
(Res. 19-R-02. Passed 2-25-19.)

1103.04 COMPLIANCE WITH REGULATIONS.

(a) Buildings and structures shall only be located, erected, constructed, reconstructed, enlarged or structurally altered in conformity with the area, height and yard regulations of the district in which the building or structure is located.

(b) Buildings, structures and lots shall be used only for the purposes which are permitted in the district in which they are located.

(c) Yards and other open spaces existing around any building or structure shall meet the minimum area and dimensional requirements of this Zoning Code. Vacant property may only be used in conformity with the uses permitted in the district wherein that parcel is located.

(d) Lots shall only be reduced or subdivided in a manner that meets minimum area and yard provisions required by this Zoning Code.
(Res. 19-R-02. Passed 2-25-19.)

1103.05 INTERPRETATION AND CONFLICT.

In interpreting and applying this Zoning Code, the provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. This Zoning Code is not intended to interfere with, abrogate or annul any ordinance, rule, regulation or permit which was previously adopted or issued, if a use has been established, and which is not in conflict with any of the provisions of this Zoning Code, or any ordinance, rule, regulation or permit which shall be adopted or issued pursuant to law relating to the use of buildings or premises and which is likewise not in conflict with this Zoning Code. Nor is this chapter intended to interfere with, abrogate or annul any easement, covenant or other agreements between parties. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises or the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Zoning Code shall control.
(Res. 19-R-02. Passed 2-25-19.)

1103.06 RULES APPLICABLE TO TEXT.

(a) Meaning. The words, terms and phrases used in this code shall have the meanings assigned to them in Chapter 1105, except where the context clearly indicates a different meaning.

(b) Rules of Construction. The following rules of construction apply to this code:

- (1) The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term. For example, a "dry cleaning retail establishment" shall not be interpreted to be the same as a "retail business supplying commodities on the premises," if each term is listed as a separate and distinct use.
- (2) In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control.
- (3) A building or structure includes any and all of its parts.
- (4) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- (5) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (6) The word "person" includes any individual, corporation, partnership, incorporated association, Limited Liability Company or any other similar entity.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

- A. "And" indicates that all of the connected items, conditions, provisions or events apply.
- B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- C. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.

(c) Terms Not Defined. Terms not defined in this code shall have the meaning customarily assigned to them.

(d) All references to the Hilliard Development Handbook shall refer to the City of Hilliard Design Manual. (Res. 19-R-02. Passed 2-25-19.)

CHAPTER 1104
Zoning Districts and Maps

1104.01	Districts established.	1104.05	Property divided by zoning
1104.02	Official Zoning Map.		line.
1104.03	District boundaries	1104.06	Uses not listed.
1104.04	Annexed land.		

CROSS REFERENCES
Basis of districts - see Ohio R.C. 713.10
Zoning map changes - see PRELIM. Table H

1104.01 DISTRICTS ESTABLISHED.

The City of Hilliard is divided into 16 zoning districts as listed in Table 1104-1.

Table 1104-1 Zoning Districts		
Symbol	District Name	Regulated In
Residential Districts		
R-R	Rural Residential	Chapter 1109
R-1	Low Density Residential	
R-2	Low/Moderate Density Residential	
R-3	Moderate Density Residential	
R-4	High Density Residential	
Business Districts		
B-1	Neighborhood Business	Chapter 1111
B-2	Community Business	
B-3	Office/Institutional	
B-4	I-270 Corridor	

Table 1104-1 Zoning Districts		
Symbol	District Name	Regulated In
Industrial Districts		
M-1	Restricted Industrial	Chapter 1113
M-2	General Industrial	
Special Purpose Districts		
S-1	Support Facilities	Chapter 1115
HCD	Hilliard Conservation District	
OH-MD	Old Hilliard Mixed-Use	
OH-RD	Old Hilliard Mixed-Use Residential	
Planned District		
PUD	Planned Development	Chapter 1117

(Ord. 14-29. Passed 10-27-14.)

1104.02 OFFICIAL ZONING MAP.

(a) The boundaries of the zoning districts are established as shown on the map entitled, "City of Hilliard Official Zoning District Map" which accompanies and is made a part of this code.

(b) The boundaries as shown on the zoning map are incorporated herein by reference. The Official Zoning District Map and all notations, references and other information shown on the map are a part of this code and have the same force and effect as if the Official Zoning District Map and all the notations, references and other information shown thereon were fully set forth or described herein.

(c) The Official Zoning District Map shall be maintained and kept on file by the zoning inspector.

(d) The City Council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures of Chapter 1139.

(e) In the event the Official Zoning District Map becomes damaged, destroyed or lost, Council may by ordinance adopt a new Official Zoning District Map which shall supersede the prior Official Map. The new Official Map may correct drafting or other errors or omissions in the prior Official Map, but no such corrections shall have the effect of amending the original ordinance or subsequent amendments thereof. (Ord. 14-29. Passed 10-27-14.)

1104.03 DISTRICT BOUNDARIES INTERPRETED.

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

- (a) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale on the zoning map.
 - (b) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines.
 - (c) Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.
 - (d) Boundaries indicated as following shorelines shall be construed to follow the shoreline. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow the centerline. Any use of structures extending into or over a water body shall be subject to the same zoning restrictions as the adjoining land.
 - (e) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.
 - (f) If the rules above are not sufficient to resolve the issue, the Planning and Zoning Commission shall make the determination by vote on a motion.
- (Ord. 14-29. Passed 10-27-14.)

1104.04 ANNEXED LAND.

An Ordinance passed by City Council accepting an annexation shall include a provision assigning a zoning classification to the newly annexed property that is most comparable to the property's zoning classification immediately prior to annexation. Nothing herein shall be interpreted to prohibit a property owner from submitting a Zoning Application, regarding property that is the subject of a Petition for Annexation filed with the Office of the Franklin County Commissioners, to the Planning and Zoning Commission to rezone the property (to other than the most comparable classification) prior to City Council's vote to accept or reject the annexation. The Planning and Zoning Commission may vote on its recommendation as to the zoning sought by the Applicant, however, Council shall not vote on legislation regarding the zoning application until after Council has voted on the Ordinance to accept or reject the annexation and the applicable referendum period has expired.

(Ord. 15-26. Passed 7-13-15.)

1104.05 PROPERTY DIVIDED BY ZONING LINE.

Where a zoning district boundary line divides a lot, the entire lot shall be considered to be wholly within the more restrictive zoning district.

(Ord. 14-29. Passed 10-27-14.)

1104.06 USES NOT LISTED.

(a) A use that is not listed, either by right or by conditional approval, in a zoning district shall not be permitted in that district and shall only be permitted in a district where it is specifically listed as either a use by right or by conditional approval.

(b) If a proposed use of land or building is not specified by this code in any district, the procedures specified in Section 1121.06(h) shall be followed.

(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1105 Definitions

1105.01	Interpretation.	1105.07	Definitions: O-P-Q.
1105.02	Definitions: A-B.	1105.08	Definitions: R-S.
1105.03	Definitions: C-D.	1105.09	Definitions: T-U.
1105.04	Definitions: E-F-G.	1105.10	Definitions: V-W.
1105.05	Definitions: H-I-J-K.	1105.11	Definitions: X-Y-Z.
1105.06	Definitions: L-M-N.		

CROSS REFERENCES

Definitions generally - see ADM. 101.02

Housing Code definitions - see BLDG. 1317.02

1105.01 INTERPRETATION.

For the purpose of this Zoning Code the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the code shall have their customary meaning, unless specifically defined here.
(Ord. 14-29. Passed 10-27-14.)

1105.02 DEFINITIONS: A-B.

Accessory building or structure. A detached subordinate structure or building, the use of which is incidental to, customarily associated with, and related to the principal structure or building or use of the land and which is located on the same lot as the principal structure or use.

Accessory use. A use incidental to, and on the same lot as, a principal use.

Addition. Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

Agribusiness. A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

Agriculture. Farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, and the limited processing and sale of agricultural products from land under one ownership.

Alley. A public right-of-way thirty feet or less in width, but not less than twelve feet, which affords only secondary means of access to abutting property.

Alterations, structural. Any change in the supporting members of a building, such as walls, floors, columns, beams or girders.

Attic. That part of a building that is immediately below and wholly or partly within the roof framing.

Awning. A roof-like structure, generally made of canvas or plastic, mounted above a storefront, window or door and projects from the building wall as an architectural detail and provides shelter from sun and rain.

Bar. A lounge, tavern, beer parlor, night club or similar establishment principally operated for the sale of alcoholic beverages to be served on the premises.

Basement. A story, all or partly underground, having at least one-half of its height below the average level of the adjoining ground with a floor-to-ceiling height of not less than six and a half feet.

Bed and breakfast inn. A house, or portion thereof, where short-term lodging rooms and breakfast and light snacks are provided and where the operator lives on the premises or in adjacent premises.

Berm. A mound of earth or the act of pushing earth into a mound. (New)

Block. A piece or parcel of land entirely surrounded by public highways, public streets, railroad rights-of-way, parks, streams, lakes or bodies of water, or a combination of these bounds.

Board. The Board of Zoning Appeals of the City.
(Ord. 14-29. Passed 10-27-14.)

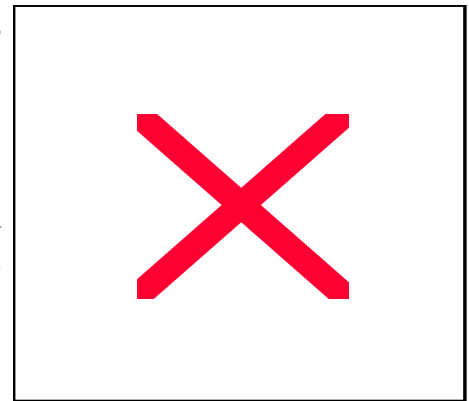
Brewery. An establishment or building that brews beer or other malt liquors on-site, which will be sold commercially.

Brew pubs. A restaurant, bar, or similar establishment which serves 25% or more of its beer which is produced on-site. (Res. 19-R-03. Passed 2-25-19.)

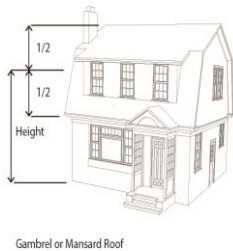
Buffer. A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses through some combination of screen and greenbelt.

Building. Any structure other than a boundary wall, fence, trellis, pergola or carport, which has a roof and walls or column supports and is designed or intended for the enclosure, shelter or protection of persons, animals or property. This definition does not include mobile homes.

Building envelope. The maximum three dimensional volume on a lot within which a structure can be built, as permitted by applicable height and setback requirements.



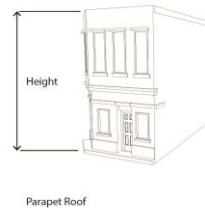
Building, height of. The vertical distance from the average finished grade to the highest point of the coping of a flat and shed roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



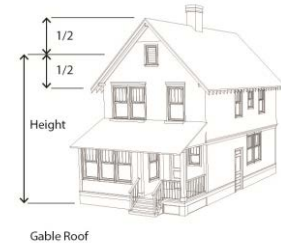
Gambrel or Mansard Roof



Hipped Roof



Parapet Roof



Gable Roof

Building, principal. A building in which is conducted the main or principal use of the lot on which the building is situated.

Building Site. The portion of the lot or parcel of land upon which the building and appurtenance are to be placed, or are already existing, including adequate areas for sewage disposal, clearance, proper drainage, and appropriate easements.

Build-To-Zone. An area parallel to the front lot line of a prescribed depth, running the width of the lot, in which the front of a building must be located. (Ord. 14-29. Passed 10-27-14.)

1105.03 DEFINITIONS: C-D.

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of Compliance. A document issued by the zoning inspector certifying that the plans for a proposed use meet all applicable standards and regulation and that the use of the building or land in question is in conformity with this code or that a legal variance has been approved. (New)

Child Day Care. Administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption, for any part of the 24 hour day in a place or residence other than the child's own home.

Child Day Care Center. Any place in which child day care is provided, with or without compensation, for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to 12 children at one time. In counting children for the purposes of this Zoning Code, any children under six years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted. (Ord. 14-29. Passed 10-27-14.)

Child Day Care Home, Type A. Providing care for seven to 12 children (or four to 12 children if four children are under two years of age) cared for in the provider's personal residence. The provider's own children under six years of age must be included in the total count. Type A homes must be licensed by the Department of Job and Family Services. (Ord. 15-26. Passed 7-13-15.)

Child Day Care Home, Type B. Providing care for one to six children cared for in the provider's personal residence. No more than three children may be under two years of age. The provider's own children under six years of age must be included in the total count. Anyone can operate a Type B Home without a license. However, care for more than six children requires a license. Type B homes must be certified by the county department of Job and Family Services if the child care is paid for with public funds.

Church. See "Place of worship."

City Engineer. The City Engineer of Hilliard, Ohio.

City Planner. That person designated by the City of Hilliard, Ohio as its City Planner.

Clerk. The City Clerk of Hilliard, Ohio.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

Club. A building or portion thereof owned or operated by a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws.

Cluster housing. A type of housing characterized by higher densities and variation in side yard and setback standards in order to create unique and high amenity private open spaces. Usually a minimum of three homes which are grouped around a courtyard either for pedestrian or vehicular use.

Code. The Zoning Code of the City of Hilliard, Part Eleven of the City of Hilliard, Ohio Code of Ordinances.

Commercial vehicle. Vehicles which are described as:

- (a) Every vehicle except a personal vehicle, noncommercial trailer or a recreational vehicle including, but not limited to:
 - (1) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment used in construction work and not designed for or employed in general highway transportation;
 - (2) Tractor cabs used for hauling semi-trailers and the semi-trailers;
 - (3) Well drilling, ditch digging machinery and farm machinery;
 - (4) Trailers registered with the State of Ohio Bureau of Motor Vehicles as a commercial trailer or weighing in excess of 3,000 pounds;
 - (5) Horse trailers and trailers used to transport agricultural animals, produce or other agricultural products; and
 - (6) Tractors and other machinery used in the production of horticultural, agricultural and vegetable production.

- (b) Every vehicle with a commercial registration, except a vehicle with a State Bureau of Motor Vehicles weight sticker of 14 or less or if the vehicle is not registered in the State it shall not have a gross vehicle weight in excess of 14,000 pounds.

Commission. The Planning & Zoning Commission of the City of Hilliard.

Comprehensive Plan. The City of Hilliard Comprehensive Plan.

Council. The City Council; the legislative authority of the City of Hilliard, Ohio.

County. Franklin County, State of Ohio.

Crosswalk. means a right-of-way which cuts across a block to facilitate access to adjacent streets and properties.

Data Center. A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems.
(Ord. 14-29. Passed 10-27-14.)

Designated Code Enforcement Officer. The City Arborist, Forester, Director of Public Service, Zoning Enforcement Officer or person assigned by the City Manager to perform the duties and enforcement hereunder in enforcing one or more of the codified ordinances under Part Eleven. (Ord. 19-31. Passed 12-9-19.)

Developer. Any person, partnership or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land.

Districts, zoning. Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the district map which is part of this Zoning Code.

Drive-in commercial uses. Any commercial use providing considerable off-street parking, and catering primarily to customers within parked vehicles, such as drive-in restaurants, drive-in theaters and similar uses.

Drive-thru facility. An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

Dwelling unit. A permanent building or portion thereof which is designated or used exclusively for residential occupancy containing sleeping, cooking and sanitary facilities.

Dwelling:

- (a) **Multiple-family.** A building or portion of a building containing three or more dwelling units where each unit may have access to a common hallway, stairs or elevator or where each unit may have individual access to a street or common courtyard.

- (b) **Single-family, attached.** A building designed for occupancy in a row of at least three dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- (c) **Single-family, detached.** A detached building or manufactured home designed for and occupied exclusively by one family.
- (d) **Two-family.** A building designed for occupancy exclusively by two families, living in separate dwelling units attached to one another by a common wall.
- (e) **Zero lot line.** A detached single family dwelling designed for and occupied exclusively by one family and containing one blank side wall on or within five feet of a side property line. (Ord. 14-29. Passed 10-27-14.)

1105.04 DEFINITIONS: E-F-G.

Easement. The legal right for a person, government, agency or public utility company to use public or private land owned by another for a specific purpose. (Ord. 14-29. Passed 10-27-14.)

Enforcement Officer. The City's Building Inspector, Zoning Inspector or designee. Where expressly designated, an Enforcement Officer may also be any officer of the Hilliard Police Department. (Ord. 15-26. Passed 7-13-15.)

Essential services. The erection, construction, alteration, operation or maintenance, by public utilities or municipal or other government agencies, of underground gas, electrical, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or wireless service facilities.

Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit as distinguished from a group occupying a boarding house, short-term rental, dormitory, fraternity, sorority, motel or hotel.

Farm. Any parcel of land containing at least three acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including farm structures within the prescribed limits and the storage of farm equipment. Riding stables, dog kennels, establishments for the raising of fur-bearing animals and retail sales buildings offering products not produced on the premises shall not be considered a farm.

Farm animal. Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

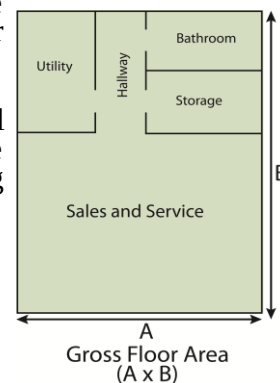
Fence. An accessory wall or structure composed of wood, iron, steel, vinyl, shrubbery, hedges or other similar fencing material, as approved by the Enforcement Officer, erected in such a manner and positioned to enclose, or partially enclose, or inhibit the view of any premises or along any part of any 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 any premises or any part of any premises shall be included within the definition of "fence".

- (a) **Fence, Barbed Wire** means a fence made with metal wire having sharp points or bars along its length and includes razor or concertina wire.
- (b) **Fence, Basket Weave** means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
- (c) **Fence, Chain Link** (also referred to as wire netting, wire-mesh fence, chain-wire fence, cyclone fence, hurricane fence, or diamond-mesh fence) is a type of woven fence usually made from galvanized, or LLDPE vinyl-coated, steel wire usually consisting of loops of wire interconnected in a series of joined links.
- (d) **Fence, Electric** means a fence or structure, in which or attached is any device or object which emits or produces an electric charge, impulse or shock when the same comes into contact with any other object, person, animal or thing which causes or may cause burns. Electric Fence does not include underground devices used to control animals or for security purposes.
- (e) **Fence, Invisible** means an underground electronic system used to prevent pets from leaving a yard, or is used for security purposes, and maybe wireless.
- (f) **Fence, Picket** means an open ornamental fence made of upright poles or slats. The width of the poles or slats shall not exceed six (6) inches and the spacing between slats (horizontally) shall not be greater than twice the width of the slat. The vertical distance between slats shall not exceed three (3) inches.
- (g) **Fence, Post and Board** means an open ornamental fence placed horizontally either between upright supporting posts or on the same.
- (h) **Fence, Rail or Split Rail** means an open ornamental fence constructed of narrow whole or split wood timbers, placed horizontally between supporting posts.
- (i) **Fence, Snow Fence** means a fence that forces windblown, drifting snow to accumulate in a desire place.
- (j) **Fence, Stockade** means a privacy fence constructed with a row of large pointed stakes placed upright and against each other.

Final plat. The final map, drawing, or chart on which the subdivider's plan is presented to the City Planning and Zoning Commission for approval and which, if approved, will be submitted to the Recorder of Franklin County.

Floodplain. That portion of a river or creek valley adjacent to the drainage channel which is periodically covered with water when the river or creek overflows its bank during flood stage.

Floor area, gross. The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.



Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation.

Food processing plant. An establishment in which food is processed, canned, packaged or otherwise prepared for eventual consumption but is not consumed on the premises. Examples of activities included large scale plants that process fat and oil products, fruit and vegetables, grain mill products and by-products, meat, seafood and poultry, and other raw products.

Frontage. All of the property on one side of a street between two intersecting streets, measured along the front lot lines or right-of-way line. If the street is a dead-end, the term refers to all property abutting one side between an intersecting street and the end of the street.

Grade, average. The mean or midway point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall or other area being measured. The measurement of average grade may include the following:

- (a) **Grade, finished.** The final grade of a site after grading, filling or excavating.
 - (b) **Grade, natural.** The grade of a site that exists or existed prior to manmade alterations, such as grading, filling or excavating.
- (Ord. Res. 19-R-04. Passed 2-25-19.)

1105.05 DEFINITIONS: H-I-J-K.

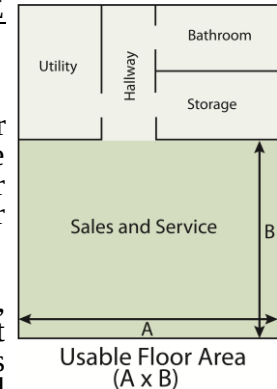
Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."
(Ord. 14-29. Passed 10-27-14.)

Hookah Lounge. Any facility or location whose business operation, whether as its primary use or as an ancillary use, is devoted to the on premise smoking of tobacco or any organic or synthetic material, including but not limited to plants, herbs, or tobacco, through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile). Also referred to as hookah bars, hookah cafes, or hookah parlor.
(Ord. 16-17. Passed 5-9-16.)

Hotel/Motel. A building or group of buildings that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Hotel, extended stay. A facility specifically constructed, kept, used, maintained, advertised or held out to the public to offer temporary residence to persons either relocating their residence to the area or on temporary work assignment in the area, for a minimum stay within the units in the facility of more than thirty days.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.



Improved surface. In connection with the parking, storing or keeping of a vehicle, means concrete, asphalt, sub-base, asphalt concrete, brick or such other improved surface of a permanent, dense and compact nature as may be approved by the City Engineer. Aggregate base or similar type of non-compact mixture is not an improved surface.

Improvements. Street improvements, with or without curb or gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, street, trees and other appropriate items.

Interior parking lot landscaping. The use of landscape islands and landscape material distributed within the boundary of a parking lot.

Interior property landscaping. The use of landscape material within the boundaries of the property, not including the landscape buffer, or perimeter property landscape buffer.

Junk storage and sales. Also known as a salvage operation, any lot, land, structure or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.
(Ord. 14-29. Passed 10-27-14.)

1105.06 DEFINITIONS: L-M-N.

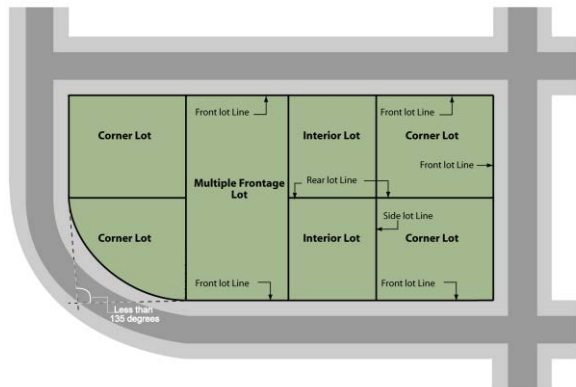
Landscaping/landscaped area. Any portion of a parcel of land that includes trees, planting beds, hedges, earth mounds or other material designed and located in a manner complimentary to the overall architecture of the surrounding building and the character of the surrounding neighborhood.

Loading space. An off-street portion of a parcel or lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

Lot. A legally described and recorded parcel of land occupied, or intended to be occupied by a main building or group of such buildings and accessory buildings, or utilized for the principal use and its accessory uses, together with such yards and open spaces as are required by this code.

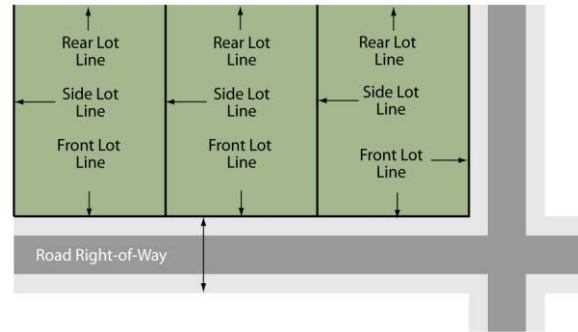
- (a) **Lot, corner.** A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of the streets is less than 135 degrees. Also, a lot located on a curved street or streets, if tangents of the curve, at the point of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.
- (b) **Lot, interior.** A lot other than a corner or through lot.
- (c) **Lot, through.** A lot having frontage on two approximately parallel streets or a water body and a street.

Lot coverage. The lot area, expressed as a percentage of the total, covered by buildings and areas under roof.



Lot lines. The lines bounding a lot, as defined below:

- (a) **Lot line, front.** In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.
- (b) **Lot line, rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.
- (c) **Lot line, side.** The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.



Lot of record. Any lot which individually or as a part of a subdivision has been surveyed and recorded in the office of the Recorder of Deeds of the county.

Lot, minimum area of. The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot width. The horizontal straight line distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines. On a corner lot this line shall be between the designated side and opposite front lot line of the lot.

Manufactured home. A factory-built, single family structure, transportable in one or more sections, which is built on a permanent chassis in compliance with the National Manufactured Home Construction and Safety Standards (42 USC, sec. 4301) and designed to be used as a single family dwelling, with or without a permanent foundation, when connected to utilities. The term "manufactured home" includes "mobile home." Recreational vehicles and temporary buildings are not included in this definition. (Ord. 14-29. Passed 10-27-14.)

Master Plan. The comprehensive plan which may consist of several maps and data, or any portion thereof, made and adopted by the City Planning and Zoning Commission and approved by City Council, and which shows the general location and extent of physical facilities including major streets and main thoroughfares, parks, schools and other public open spaces, and public building sites. (Ord. 15-26. Passed 7-13-15.)

Microbrewery. A brewery that produces less than 15,000 barrels of beer per year with 75% or more of its beer sold off-site. (Res. 19-R-03. Passed 2-25-18.)

Mineral extraction, storage and processing. Any mining, quarrying or processing of limestone, sand, gravel, petroleum or other mineral resources.

Mixed occupancy. Also known as mixed use, the combination of two or more differing principal uses, such as of residential and office or residential and commercial units in the same structure.

Manufactured home community. A parcel or tract containing spaces for three or more manufactured homes, with required improvements, that are leased for the long-term placement of manufactured homes as year-round residences on a non-recreational basis and which may also include services and facilities for the residents. (Ord. 14-29. Passed 10-27-14.)

Medical Marijuana Cultivator. An entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code.

Medical Marijuana Level I Cultivator. A Cultivator that is permitted to operate up to twenty-five thousand square footage of space designated as the marijuana cultivation, unless a request for expansion has been approved by the Ohio Department of Commerce.

Medical Marijuana Level II Cultivator. A Cultivator that is permitted to operate up to three thousand square footage of space designated as the marijuana cultivation, unless a request for expansion has been approved by the Ohio Department of Commerce.

Medical Marijuana Plant-only Processor. A Cultivator that has been issued a certificate of operation from the Ohio Department of Commerce for the limited purpose of packaging, selling, and delivering finished plant material directly to a licensed Medical Marijuana Retail Dispensary.

Medical Marijuana Processor. An entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.

Medical Marijuana Retail Dispensary. A building or structure licensed by the State Board of Pharmacy as a medical marijuana retail dispensary.

Mosque. See "Place of worship".

Net acre. The total amount of land in a tract of land after street areas and community facilities such as schools and parks are subtracted.

Noncommercial Trailer. A vehicle that is registered with the State of Ohio Bureau of Motor Vehicles as a noncommercial trailer and weighs less than 3,000 pounds.

Nonconforming building or structure. Any building or structure that was legally established and in existence at the time this code, or any amendment, was adopted and which does not conform to the current dimensional requirements of the district in which it is now located.

Nonconforming lot. Any lot of record that was legally established and in existence at the time this code, or any amendment, was adopted and which does not conform to the current area, width or frontage regulations of the district in which it is now located.

Nonconforming use. Any use of land, building or structure that was legally established and operating at the time this code, or any amendment, was adopted and which is not permitted in the district in which it is now located.

Nursing home. A facility licensed as a rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill, terminally ill, mentally incapacitated or convalescent persons, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment. The term does not include facilities devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care. (Ord. 14-29. Passed 10-27-14.)

1105.07 DEFINITIONS: O-P-Q.

Official map. A map showing the future location of streets, highways, and parks theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Planning and Zoning Commission.

Off-street parking space. An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way. (Ord. 14-29. Passed 10-27-14.)

Open space. An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally used for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. Open space does not include street rights-of-way or easements, or required yards. (Ord. 15-26. Passed 7-13-15.)

Outdoor storage. Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property and to which those items are customarily used outside the residential unit.

Overlay zone. A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

Owner. Any person, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under these Subdivision Regulations.

Parapet wall. A low wall barrier at the edge of a roof or structure which may serve to prevent falls over the edge or serve as a stylistic feature.

Parking lot. A designated area, not within a building, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Performance guarantee/bond. An agreement by a subdivider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's/developers agreement. The subdivider's agreement may provide that the subdivider or developer is permitted to present a cashier's check/bank check, cash deposit, or an irrevocable, unconditional letter of credit as an alternate form of security rather than a performance bond or surety bond. Any cash or cash equivalent that is returned shall not be returned with interest.

Perimeter property landscaping buffer. The use of landscape materials placed within the property and adjacent to the property line.

Perimeter parking lot landscaping buffer. The use of landscape materials within and adjacent to the outer boundary of a parcel.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Personal services. Any enterprise conducted for gain which primarily offers services of a personal nature to the general public such as but not limited to pet grooming and training, barber and beauty shops, tailors, photo studios, body art studios, nail salons and spas.

Personal vehicle. Any motor vehicle with a passenger car registration or a noncommercial registration.

Place of worship. A place of assembly of a religious group for the purpose of worship, ceremonies, or rituals, and accessory uses thereto.

Planned unit development. A lot or parcel of land, developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

Plat. A map upon which the subdivider's plan of a subdivision is presented and which is submitted for approval and intended to be recorded in the final form.

Preliminary plan. The preliminary plan, drawing or chart indicating the proposed layout of the subdivision.

Principal use. The main or primary use of land or structures, as distinguished from a secondary or accessory use.

Public places. All property, sites or places owned by the city, including but not limited to park land, rights-of-way and municipal buildings.

Public trees. All shade and ornamental trees now or hereafter growing on any street, highway or any public places.

Public utility. Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting. (Ord. 14-29. Passed 10-27-14.)

1105.08 DEFINITIONS: R-S.**Recreational facilities**

- (a) **Noncommercial recreational facilities.** Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, city pools and facilities, and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.
- (b) **Commercial recreational facilities.** Recreational facilities open to the public and established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, jet skis and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential district. Includes the following:

- (a) Any property included in an area zoned R-R, R-1, R-2, R-3, R-4, or OH-RD Districts.
- (b) Any property designated for residential use in a planned unit development.

Reverse frontage. Lots within a subdivision that have frontage on a public street and back to a highway or major street.

Residential floor area. Interior floor areas with a minimum ceiling height of seven feet, including interior walls, finished and livable, of the story or stories above grade of the dwelling, including stairways, halls, closets, bathrooms, toilet compartments, storage, utility spaces and habitable attics, meeting the requirements of a habitable room. Basements, porches, garages, breezeways or carports do not contribute to the residential floor area.
(Ord. 14-29. Passed 10-27-14.)

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

- (a) Restaurant, Drive-in means a restaurant where patrons order and are served food while remaining in an automobile.
- (b) Restaurant, Drive-thru means a restaurant where patrons order and are served food from a window for consumption on or off the premises.
(Res. 19-R-03. Passed 2-25-19.)

Reverse frontage. Lots within a subdivision that have frontage on a public street and back to a highway or major street.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Routine Maintenance. Work that is planned and performed to maintain and preserve the condition of the building, structure or site including but not limited to painting, landscaping, roof repair, parking rehabilitation, and window replacement and treatment.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side lot line.

Setback line. A line indicating the minimum horizontal distance between the street easement or right-of-way line and buildings, or any projection thereof other than steps or permanently open porches, unless otherwise specifically defined.

Sexually oriented business. Those businesses defined, as follows:

- (a) **Adult arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (b) **Adult bookstore, adult novelty store or adult video store.**
 - (1) A commercial establishment which has as a significant or substantial (i.e., 50% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 50% or more) portion of revenues or devotes a significant or substantial (i.e., 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:
 - A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
 - (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.
- (c) **Adult cabaret.** A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi- nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Private club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

- (d) **Adult motel.** A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.
- (e) **Adult motion picture theater.** A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown for any form of consideration.
- (f) **Adult theater.** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.
- (g) **Escort agency.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.
- (h) **Massage parlor.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the State of Ohio to perform massages.
- (i) **Semi-nude model studio.** Any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not include an accredited state licensed public or private educational institution or bona-fide art organization offering instruction, which may involve the exposure of the human body for purposes of drawing, filming or photographing as part of a course.

- (j) **Sexual encounter establishment.** A business or commercial establishment that as one of its principal business purposes offers for any form of consideration:
 - (1) A place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi- nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.
- (k) **Simulated.** To assume the mere appearance of something, without the reality, to imitate or pretend.
- (l) **Specified anatomical areas.** Includes any of the following:
 - (1) Less than completely and opaquely covered human genitals, pubic region, anus or any portion of the female breast below the top of the areola or nipple; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (m) **Specified sexual activities.** Includes any of the following:
 - (1) The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) Human genitals in a state of sexual stimulation, arousal or tumescence; or
 - (5) Excretory functions as part of or in connection with any specified sexual activities defined in this section.

Short-term lending establishment. A business engaged in providing short-term loans to members of the general public as an element of its operation and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Short-term lending establishments include businesses offering title loans, payday loans, signature loans, small loans, pawnshops, and other similar businesses. This definition does not include investment companies and state or federally chartered banks or financial institutions. (Ord. 14-29. Passed 10-27-14.)

Sign. A structure, device, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising, providing information, or identifying an establishment, product, service or activity.

- (a) **Sign, abandoned.** A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired within the specified time as provided in this code.
- (b) **Sign, announcement.** A ground or mounted bulletin board or similar device with or without changeable copy used to identify events for public and semi-public activities.
- (c) **Sign, backlit silhouetted halo.** A sign with channel letters with an open or translucent back that is illuminated. Light is directed against a surface behind the letter. The face and sides of the channel letters are opaque.
- (d) **Sign, billboard.** Any sign situated on private premises with an area greater than 100 square feet on which the written or pictorial information is not directly related to the principal use of the land on which the sign is located.

- (e) **Sign, business.** A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.
- (f) **Sign, conforming.** A sign that complies with the requirements of this chapter.
- (g) **Sign, construction project.** A sign announcing the names of firms or persons involved in a construction project on-site.
- (h) **Sign, display area.** The surface of a sign to be included when computing the maximum allowable square footage of sign. This area includes molding and framing, but excludes supporting members. In the case of double-faced or multi-faced signs, the display area is the area of all sign faces. The display area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.
- (i) **Sign, double faced.** A sign having two display surfaces.
- (j) **Sign, free-standing.** See "Sign, ground."
- (k) **Sign, fuel price display.** The portion of a sign limited to the display of fuel price information.
- (l) **Sign, gas-inflatable sign/device.** Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot- and cold-air balloons tethered or otherwise anchored to the ground.
- (m) **Sign, ground.** Any sign which is physically attached to a foundation. These are commonly known as free-standing, pole, pylon, or monument signs. For the purposes of this Code, ground sign shall be limited to monument type signs only, except for Old Hilliard, which may have two-post or one-post ground signs.
- (n) **Sign, incidental.** An on-premise sign containing neither advertising nor the name of the business.
- (o) **Sign, menu.** A sign used in connection with a drive-through window of a restaurant to advise the customer what items may be ordered.
- (p) **Sign, mobile.** A portable sign supported by multiple standards or on a wheeled chassis.
- (q) **Sign, multi-faced.** A sign having more than two display surfaces, including spheres and cubes.
- (r) **Sign, nonconforming.** A sign that does not comply with the requirements of this Chapter.
- (s) **Sign, official public.** Governmental notices, posted regulations, government offices or traffic signs.
- (t) **Sign, off-premise.** A sign located on a property other than the property where the goods or services are available.
- (u) **Sign, off-premise sign advertising on display surfaces.** Permanent advertising approved by the Commission for attachment to benches.
- (v) **Sign, off-premise directional.** An "off-premise sign" displaying the name of a business or complex and no other advertising, serving to direct traffic to a location not adjacent to and usually not visible from the main thoroughfare.
- (w) **Sign, on-premise directional.** A sign displaying no advertising, including the name or logo of the business, used to facilitate the circulation of traffic on premises. An "on-premise directional sign" is a type of incidental sign.
- (x) **Sign, permanent.** Any sign except designated temporary signs, real estate signs, or political signs.
- (y) **Sign, political.** A sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election.

- (z) **Sign, portable.** An impermanent or movable sign.
- (aa) **Sign, push-thru.** An internally lit sign cabinet with letter or logos cut from a translucent material thicker than the cabinet sign face. The letters or logo are mounted on the inside of the cabinet so that it extends through and beyond the front of the sign face. The face of the letters or logos are covered with an opaque material, allowing the only visible light to be from the 'pushed thru' sides of the letters or logos.
- (bb) **Sign, real estate.** Any sign advertising the sale, lease, rental or development of real property on which the sign is located.
- (cc) **Sign, roof.** Any sign located on or structurally attached to the roof.
- (dd) **Sign, sandwich board.** An "A" frame sign and other signs of a similar portable design.
- (ee) **Sign, single-faced.** A sign having one display surface.
- (ff) **Sign, street number.** The display of the numbered street address of a specific location.
- (gg) **Sign, subdivision development.** A sign advertising the sale of lots in a subdivision.
- (hh) **Sign, temporary.** A sign specifically authorized by the Commission for a specific term.
- (ii) **Sign, wall.** A sign painted on or attached and parallel to the exterior wall of a building, extending no more than 12 inches from the exterior face of the wall to which it is attached.
- (jj) **Sign, window.** Any permanent or temporary signs, posters, symbols and other types of identification or information about the use or premises directly attached to or painted on the glass part of a door and/or on the window of a building or erected within six feet of a door or window inside the building with a printed side facing the door or window.
(Res. 19-R-05. Passed 2-25-19.)

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Specialized animal raising and care. The use of land and buildings for the raising and care of furbearing animals such as rabbits and domestic pets, and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above which is a minimum of seven feet in height, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street line, right-of-way line. A dividing line between a lot, tract or parcel of land and contiguous street.

Street. A way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, thoroughway, freeway, road, boulevard, avenue, lane, place, arterial, collector or any other designation.

- (a) "Intercommunity thoroughfares" means:
 - (1) Interstate or expressway which possesses an extra-wide right-of-way carrying high traffic volumes of unobstructed, limited-access vehicular movement.
 - (2) Limited access highways which intercept several major streets and may or may not have separated intersection. This is a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication between large areas.
- (b) "Intracommunity streets" means:
 - (1) "Major streets" means local thoroughfares which carry crosstown traffic from several neighborhoods, thereby servicing several residential collector streets.
 - (2) "Collector street" means primary streets servicing industrial and commercial areas or the principal street which carries traffic from minor streets to major streets, including the principal entrance streets of residential developments and primary circulation routes within such developments.
 - (3) "Minor streets" or "local streets" means streets used primarily for access to abutting properties.
 - (4) "Marginal access streets" means a minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from major streets or thoroughfares.
 - (5) "Cul-de-sac" or "dead-end streets" means a minor street with only one outlet.
 - (6) "Alley" means minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.
 - (7) "Street width" means the shortest distance between the lines delineating the right-of-way of a street.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or which must be attached to something which has a permanent location on the ground, including but not limited to, advertising signs, billboards, parking lots and buildings.

Structural alterations. Any change which would tend to prolong the life of a supporting member of a structure or building such as bearing walls, columns, beams or girders.

Subdivider. Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself/herself or for another.

Subdivision.

- (a) 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 from the parent tract, any one of which is less than five acres for the purposes, whether immediate or future, of transfer of ownership. However, the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted.
- (b) The improvement of one or more parcels of land for residential, commercial or industrial structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, 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.

Synagogue. See "Place of worship".
(Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15.)

1105.09 DEFINITIONS: T-U.

Temple. See "Place of worship".

Temporary structure. A structure erected for a period of time, as specified in the regulations of this code, for such use as construction offices, storage buildings at a construction site, model homes and development sales offices.

Trees.

- (a) **Small tree.** Tree species designated as "Small Tree Species" as specified within the Hilliard Development Handbook.
- (b) **Medium tree.** Tree species designated as "Medium Tree Species" as specified within the Hilliard Development Handbook.
- (c) **Large tree.** Tree species designated as "Large Tree Species" as specified within the Hilliard Development Handbook.
- (d) **Shrubs.** Deciduous or evergreen species designated as "shrubs" as specified within the Hilliard Development Handbook.

Treelawn. The unpaved portion of right-of-way lying between the right of way line and the curb or pavement line when no paved sidewalk or path is present. In areas where a paved sidewalk or path is present, the Treelawn shall include only the unpaved portion of right-of-way lying between the paved sidewalk or path and the curb or pavement line of the street.

Tree size measurement. The caliper of a tree shall be measured in accordance with the American Association of Nurserymen's Standards, which provides that a tree is measured six inches above ground if four inches or less caliper size and twelve inches above ground for larger sizes. For trees exceeding 12 feet in height, the tree measurement size is the trunk measurement at four foot five inches above the ground.

Tree survey. A plan showing the location of all trees greater than six inch diameter existing on the lot that indicates the species, height, diameter and health of all trees shown.

Tree preservation and protection plan. The inventory of trees on a site prior to demolition or construction naming each species, size and condition of each tree, and the steps that will be undertaken to protect trees on site, and to provide for the protection of trees at a distance in feet

Tree topping. The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Use. The specific purposes for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained. (Ord. 14-29. Passed 10-27-14.)

1105.10 DEFINITIONS: V-W.

Vapor Lounge. Any facility or location whose business operation includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or vapor or fumes from any other organic or synthetic material, including but not limited to plants, herbs, or tobacco, through one or more electronic or battery operated delivery device (commonly referred to as electronic cigarette, e-cig, e-cigarette, e-pipe, hookah pen, vape pen, vape pipe). Also referred to as Vapor/Vape bar, Vapor/Vape café, Vapor/Vape Lounge.
(Ord. 16-17. Passed 5-9-16.)

Variance. A relaxation or modification of the requirements of this code permitted as a method of alleviating practical difficulty in meeting the minimum requirements of the code as authorized by the governing board or commission of the City.

Vehicle. Except as provided herein, every device, including trailers, in, upon or by which any person or property may be transported or drawn upon a street, highway, waterway, watercourse, roadway or path (whether paved or unpaved), except that "vehicle" does not include any motorized wheelchair, electric assistive mobility device, or any device that is moved by human power.

Vehicle sales. The sale or rental of new or used motor vehicles or trailers.

Vehicle repair, major. The repair, rebuilding or reconditioning of motor vehicles, trailers or parts thereof, including general repair, collision service, bodywork, welding, painting, steam cleaning, rebuilding, or reconditioning.

Vehicle repair, minor. General maintenance on vehicles such as oil changes and lubrication; servicing an repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of accessories such as tires, radios and air conditioners; wheel alignment and balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, painting, or replacement or repair of any vehicle part that requires removal of the engine head or pan, and engine transmission.

Vehicle service station. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and may also include minor vehicle repair; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Vehicle wash. A building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

Vehicular use area. Any area of a lot not located within an enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles, including parking; storage of automobiles, trucks or other vehicles; gasoline stations; car washes; vehicle repair establishments; loading areas; and access drives and driveways.

Veterinary hospital or clinic. A building where care and treatment of animals, including household pets, is provided.

Wireless communication facility. The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

Wireless communication tower. Any structure, such as a mast, pole, monopole, guyed tower or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas. (Ord. 14-29. Passed 10-27-14.)

1105.11 DEFINITIONS: X-Y-Z.

Yard. The open spaces on a lot or parcel located between a building and a lot line.

- (a) **Yard, front.** The space extending across the full width of the lot, the depth of which is the shortest horizontal distance between the front lot line and the nearest wall of the principal building.
- (b) **Yard, rear.** The space extending across the full width of the lot, the depth of which is the shortest horizontal distance between the rear lot line and the nearest wall of the principal building.
- (c) **Yard, side.** The space between a principal building and the side lot lines, extending from the front yard to the rear yard, the width of which is the shortest horizontal distance from the side lot line to the nearest wall of the principal building.



Yard, required. That portion of the yard lying between the lot line and the required building setback line.

Zoning Certificate. The document issued by the Zoning Inspector authorizing the use of the land or buildings.

Zoning District Map. The Zoning District Map or Maps of the City of Hilliard, Ohio, together with all amendments subsequently adopted.
(Ord. 14-29. Passed 10-27-14.)

Zoning Inspector. The Zoning Inspector or his/her authorized representative.
(Ord. 15-26. Passed 7-13-15.)

CHAPTER 1106 Board of Zoning Appeals

1106.01	Organization and procedures.	1106.05	Nonconformities.
1106.02	Jurisdiction.	1106.06	Hearings.
1106.03	Administrative appeal.	1106.07	Decision of Board.
1106.04	Variances.		

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11; Ch. 2506
Amendments and rezoning - see P. & Z. Ch. 1139

1106.01 ORGANIZATION AND PROCEDURES.

(a) Appointment. The Board of Zoning Appeals shall consist of seven electors appointed by the City Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. Each member appointed shall serve for a five-year term beginning in January, and may continue serving until reappointed or a successor is appointed. Vacancies shall be filled by a vote of Council and shall be for the respective member's unexpired term. The members of the Board may receive such compensation as Council provides.

(b) Rules and Procedures. The Board shall organize annually and elect a President and Vice-President. The Board shall, from time to time, adopt such rules and regulations as it may deem necessary to carry out its duties. (Ord. 14-29. Passed 10-27-14.)

(c) Minutes and Records. Minutes of the Board's meetings and copies of all applications shall be kept by the City Clerk or designee, which minutes shall indicate the vote of each member on each motion presented, or if absent or failing to vote, indicating such fact. (Ord. 15-26. Passed 7-13-15.)

(d) Witnesses and Oaths. The Board shall have the power and is authorized to subpoena witnesses, administer oaths and may require the production of documents, under such regulations or procedures as it may establish or agree upon.

(e) Department Assistance. The Board may call upon the various departments of the City for assistance in the performance of its duties, and it shall be the duty of those departments to render assistance to the Board as may reasonably be required. (Ord. 14-29. Passed 10-27-14.)

1106.02 JURISDICTION.

(a) Authority. The Board has the authority to hear and decide the following applications:

- (1) Administrative Appeal. Applications to appeal an administrative decision issued by a city code enforcement officer finding the applicant's property is not compliant with one or more City codes; and
- (2) Variances. Applications that seek relief from the strict enforcement of dimensional provisions of the zoning code, including by way of example, lot size, width, setbacks, parking requirements and height, applicable to the applicant's property; and
- (3) Temporary Land Uses. Applications for the temporary use of a structure or premises in a manner not wholly consistent with the zoning district in which the parcel is located;
- (4) Nonconformities. Applications for extension of nonconforming uses, change of nonconforming use to another nonconforming use, or extension or enlargement of a nonconforming structure; or
- (5) Other. Matters as may otherwise be provided by the City's Codified Ordinances or other codes adopted by the City.
(Ord. 14-29. Passed 10-27-14.)

(b) All applications shall be submitted and administered as outlined in this chapter. Application fees shall be paid in the amount established by the City Council. The application fee for an administrative appeal shall be refunded if the appeal is granted by the Board. If the appeal is granted in part and denied in part, a portion of the fee may be refunded at the discretion and direction of the Board. (Ord. 15-26. Passed 7-13-15.)

(c) Prior to the Board hearing and deciding any application requests, it shall hold a public hearing as required by this chapter.

(d) Only those applications that contain complete information shall be placed on a Board agenda for the next available meeting.
(Ord. 14-29. Passed 10-27-14.)

1106.03 ADMINISTRATIVE APPEAL.

(a) An appeal to the Board may be made by any person, or by any officer of the City, that is aggrieved by, or affected by, any decision of a code enforcement officer (hereafter, "code official"). The Administrative Appeal shall be made within 20 days after receipt of the code official's written notice, order or decision, by filing with the code official and with the Board, an application of appeal specifying the grounds thereof, on forms supplied by the City. The code official shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(b) Board consideration of an appeal shall be based on the record and materials included in the application. No new evidence may be introduced at the meeting.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the code official shall certify to the Board after the notice of appeal has been filed with it, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
(Ord. 14-29. Passed 10-27-14.)

(d) The Board may, in conformity with the provisions of this Zoning Code, reverse or affirm, in whole or in part, or it may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination based on the record as in its opinion ought to be made in the premises, and to that end, shall have all powers of the code enforcement officer from whom the appeal is taken.
(Ord. 15-26. Passed 7-13-15.)

1106.04 VARIANCES.

(a) The Board shall have the power to authorize variances from the provisions or requirements of this Zoning Code if in the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this code and any conditions of approval.

(b) The Board's power to grant variances from the dimensional provisions of the zoning code shall be in harmony with the intent and purposes of the code, as provided below.

- (1) Variance Standards. Variances from the terms of the code shall be granted only where the applicant shows that the strict application of a zoning requirement causes practical difficulties in the use of the property. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties in the use of the property include, but are not limited to:
 - A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial;
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - D. Whether the variance would adversely affect the delivery of governmental services such as water distribution, sanitary sewer collection, electric distribution, storm water collection, or refuse collection;
 - E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - G. Whether the existing conditions from which a variance is being sought were self-created; and
 - H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (2) The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance.
(Ord. 14-29. Passed 10-27-14.)

1106.05 NONCONFORMITIES.

(a) The Board of Zoning Appeals shall have the power to authorize extension of nonconforming uses, change of a nonconforming use to another nonconforming use, or extension or enlargement of a nonconforming structure.

- (b) The following criteria shall apply when considering nonconformity applications:
 - (1) The extension, change or enlargement will not be contrary to the public interest;
 - (2) The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan;
 - (3) There are unique circumstances existing on the property;
 - (4) The nonconformity was lawfully established.
(Ord. 14-29. Passed 10-27-14.)

1106.06 HEARINGS.

(a) The Board shall give notice of the time, place and purpose of the public hearing for applications by giving at least seven (7) days public notice thereof in a newspaper of general circulation in the City and, in addition, shall provide ten (10) days' notice by first class mail to parties having proprietary interest in land within 200 feet of the property which is the subject of an application (except as provided in subsection (c) hereof for subsequent hearings). It is the intention of this section to provide, so far as possible, due notice to persons substantially interested in the application that such application is before the Board. All applicants shall provide the City with the names and address of all property owners within 200 feet of the subject property so those owners can be notified of the hearing.

(b) In addition, 14 days prior to a hearing date, the Board agenda shall be placed on the City's website and on the City's public bulletin board at City Hall.
(Ord. 15-26. Passed 7-13-15.)

(c) The hearings of the Board shall be open to the public. At the time of hearing, any party, person or entity with a vested interest in the application, may appear in person, or by a duly authorized representative or attorney. Anyone testifying before the Board must be sworn in. On the day of the hearing, the Board may adjourn the hearing in order to permit additional information to be obtained. Subsequent hearings on the same application, as assigned by case identification number, do not require additional notice by first class mail to property owners within 200 feet. (Ord. 14-29. Passed 10-27-14.)

1106.07 DECISION OF BOARD.

(a) After disposing of an Application by a vote thereon, a record of action containing the Board's decision shall be transmitted by the City Clerk to the applicant. The decision shall be binding upon the City's code official and observed by him/her. The code official shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

(b) A decision of the Board on an administrative appeal shall not be in effect and acted upon by the City until the expiration of 5 days from the date of the hearing, unless the Board finds the immediate validity of a decision is necessary for the preservation of property or personal rights and shall so certify on the record. Decisions by the Board on all other matters (not on appeal) are effective upon conclusion of the hearing.

(c) Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame as provided by Section 2506 of the Ohio Revised Code.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1107
Planning and Zoning Commission and City Council

1107.01 Planning and Zoning Commission established.
1107.02 Planning and Zoning Commission powers and duties.

1107.03 Power and duties of the City Council.

CROSS REFERENCES
Administration and enforcement - see P. & Z. Ch. 1141

1107.01 PLANNING AND ZONING COMMISSION ESTABLISHED.

The Planning and Zoning Commission is established in accordance with the City's Charter and shall have the duties and powers as provided by the Charter, the Ohio Revised Code and this chapter. (Ord. 14-29. Passed 10-27-14.)

1107.02 PLANNING AND ZONING COMMISSION POWERS AND DUTIES.

In addition to the powers and duties granted in Chapter 713 of the Ohio Revised Code and by the Zoning Code, the Planning and Zoning Commission shall have the following powers and duties:

- (a) Shall carry on a continuous review of the effectiveness and appropriateness of this code and recommend to City Council any appropriate changes or amendments.
- (b) Hear and make recommendations to the City Council regarding specific amendments to this code, including rezoning requests, following the procedure outlined in Chapter 1139.
- (c) Render decisions on conditional use applications and site plans, sign modifications, lot splits and preliminary and final plats, unless otherwise specifically provided. A positive or negative decision shall be based on specific provisions of controlling sections of the code and a determination as to whether standards are or are not met.
- (d) Keep minutes of its proceedings showing the action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating the same. The Commission shall act by motion. Minutes and the records of all official actions shall be filed with the City and kept as a public record.
- (e) If there is a quorum, the concurring vote of the majority of Planning and Zoning Commission members present shall be necessary to take any action authorized by the code.
- (f) Adopt rules and procedures governing its activities, which shall be filed with the Clerk of Council. (Ord. 15-26. Passed 7-13-15.)

1107.03 POWER AND DUTIES OF THE CITY COUNCIL.

With regard to this zoning code, the City Council shall have the following powers and duties:

- (a) Upon receipt of a recommendation by the Planning and Zoning Commission, the City Council shall decide upon amendments to this code, according to the procedure in Chapter 1139.
- (b) Upon receipt of a recommendation by the Planning and Zoning Commission, the City Council shall decide upon amendments to the zoning map (rezoning), according to the procedure in Chapter 1139.
- (c) Upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon a request to rezone land to a Planned Unit Development (PUD) according to the procedure in Chapter 1117.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1108
Subdivision Regulations Enforcement

1108.01	Recording of plat.	1108.03	Sale of land in subdivision.
1108.02	Revision of plat after approval.	1108.04	Permits.
		1108.99	Penalty.

CROSS REFERENCES

Administration and enforcement - see P. & Z. Ch. 1141

1108.01 RECORDING OF PLAT.

No plat of any subdivision shall be entitled to record in the office of the Recorder of Franklin County or have any validity until it has been approved in the manner prescribed herein. In the event any unapproved plat is recorded, it shall be considered invalid, and the Planning and Zoning Commission shall institute proceedings to have the plan stricken from the records of Franklin County, State of Ohio.
(Ord. 14-29. Passed 10-27-14.)

1108.02 REVISION OF PLAT AFTER APPROVAL.

No change, erasure, modification or revision shall be made in any plat of a subdivision after approval has been given by the Planning and Zoning Commission and endorsed in writing on the plat, unless the plat is resubmitted to the Commission.
(Ord. 14-29. Passed 10-27-14.)

1108.03 SALE OF LAND IN SUBDIVISION.

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of, or use of a plan or plat of a subdivision before the plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this section is void. The description of the 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.
(Ord. 14-29. Passed 10-27-14.)

1108.04 PERMITS.

(a) Building or repair permits shall not be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(b) No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.
(Ord. 14-29. Passed 10-27-14.)

1108.99 PENALTY.

(a) Whoever violates these Subdivision Regulations or fails to comply with any order pursuant thereto shall be guilty of a misdemeanor of the first degree.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall be guilty of a misdemeanor of the third degree.

(c) Any owner or agent of the owner of any land within or without a municipal corporation who transfers any lot, parcel or tract of the land from or in accordance with a plat of a subdivision before the plat has been recorded in the office of the County Recorder, shall be guilty of a misdemeanor of the third degree for each lot, parcel or tract of land sold. The description of the lot, parcel or tract by metes and bounds in the deed or transfer shall not exempt the seller from the forfeiture provided in this section.

(d) Any person who disposes of, offers for sale or leases for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of these Regulations are complied with shall be guilty of a misdemeanor of the third degree for each lot or part of a lot sold, offered for sale or leased.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1109 Residential Districts

1109.01	Purpose.	1109.04	Site development
1109.02	Schedule of uses.		regulations.
1109.03	Spatial Requirements.		

CROSS REFERENCES

Conditional use requirements - see P. & Z. Ch. 1123
 Landscaping and lighting requirements - see P. & Z. Ch. 1125
 Off-street parking and loading - see P. & Z. Ch. 1127
 Signs - see P. & Z. Ch. 1129
 Site plan review requirements - see P. & Z. Ch. 1131

1109.01 PURPOSE.

(a) **"R-R," Rural Residential District.** This District is primarily intended to accommodate single family homes on relatively large lots in areas of the City that have retained rural qualities of openness, where farming continues and public utilities and other elements of suburban infrastructure are generally unavailable. Permitted residential densities are very low due to the character of the district, the lack of infrastructure and the desire to protect agricultural activities and the overall rural character. Certain other uses that are compatible with the rural atmosphere and/or require large tracts of land are also permitted.

(b) **"R-1," Low Density Residential District.** Creating and sustaining single family neighborhoods is the main purpose of this District. Property within the District is served by or can reasonably be expected to be served by public water and sewer facilities. Allowed densities will vary, depending on the availability of public water and sewer. In addition to single family detached homes, other complementary uses such as parks, schools and places of public worship are also permitted.

(c) **"R-2," Low/Medium Density Residential District.** Providing a single family neighborhood environment at modest densities is the purpose of this District. Lots are located within subdivisions and served by public water and sanitary sewer. Like other residential districts, the R-2 District permits related uses compatible with the residential character.

(d) **"R-3," Moderate Density Residential District.** While still primarily a single family residential district, the R-3 District allows some other forms of residential development to provide a mix of dwelling types and the positioning of the District as a transitional area adjacent to or near higher density residential and non-residential zoning districts. All property within this District must be served by public water and sewer. Densities are moderately high due to smaller lot sizes and the introduction of attached dwellings and retirement communities.

(e) **"R-4," High Density Residential District.** This District is intended to promote a mix of residential units at density levels sufficient to support high quality living environments and a variety of amenities. The R-4 District is well suited to serving as a transition area between residential and non-residential uses and is especially suited to locations along major thoroughfares and near shopping. All property is to be served by public water and sewer. (Ord. 14-29. Passed 10-27-14.)

1109.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1109-2 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) Specific Conditions. Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1109-2 Schedule of Uses: Residential Districts						
Use	R-R	R-1	R-2	R-3	R-4	Specific Conditions
Agriculture and Animal-Related Uses						
Farm market	C					
Farms, including raising animals	C					
Greenhouse/nursery (not including retail sales)	C					
Kennels	C					Section 1123.09(a)
Riding stables	C					Section 1123.09(b)
Medical Marijuana Level I Cultivator	C					Section 1123.12(d)
Medical Marijuana Level II Cultivator	C					Section 1123.12(d)
Medical Marijuana Plant-only Processor	C					Section 1123.12(d)

Table 1109-2 Schedule of Uses: Residential Districts (Cont.)						
Use	R-R	R-1	R-2	R-3	R-4	Specific Conditions
Public/Quasi-public						
Cemeteries	C	C	C	C	C	
Government offices, buildings & facilities	C	C	C	C	C	
Libraries	C	C	C	C	C	
Places of Public Worship	C	C	C	C	C	
Public & private schools (including elementary, middle and high)	C	C	C	C	C	
Recreation and Leisure						
Art, music and dance studios	C	C	C	C	C	
Community or club swimming pool	C	C	C	C	C	
Golf courses and country clubs	C	C	C	C	C	
Public parks/playgrounds, recreation areas and ball fields	P	P	P	P	P	
Residential						
Bed & Breakfast	C	C				Section 1123.13(a)
Boarding houses					C	
Continuing care retirement community				C	C	
Dwellings, attached single family				C	P	
Dwellings, detached single family	P	P	P	P	P	
Dwellings, multiple family					P	
Dwellings, two family				C	P	
Dwelling units on the upper floors of buildings with non-residential uses at street level						Section 1123.13(b)
Group home	C	C	C	C	C	Section 1123.13(c)
Manufactured housing community				C		Section 1123.13(d)

Nursing home or convalescent home					C	
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1109.03 PLANNING AND ZONING CODE 48

Table 1109-2 Schedule of Uses: Residential Districts (Cont.)						
Use	R-R	R-1	R-2	R-3	R-4	Specific Conditions
Accessory Uses						
Accessory buildings, structures and uses	P	P	P	P	P	
Cafeteria facilities located within a principal use	P	P	P	P	P	
Home occupations	P	P	P	P	P	Section 1121.06(e)
Other						
Child day care center				C		
Child day care home, type A	C	C	C	C		
Child day care home, type B	P	P	P	P		
Essential services	P	P	P	P	P	
Mineral extraction	C					Section 1123.17(b)
Solar panels	P	P	P	P	P	Section 1121.02(f)
Wireless communication facilities	C				C	Section 1123.15(b)
Similar uses	P/C	P/C	P/C	P/C	P/C	Section 1121.06(h)

(Ord. 14-29. Passed 10-27-14.)

1109.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of Table 1109-3. New lots shall not be created, except in conformance with these requirements.

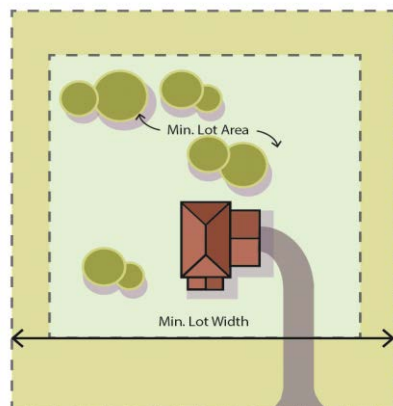
Table 1109-3. Lot and Width Requirements, Residential Districts (Cont.)				
Zoning District	Residential Uses		Non-Residential Uses	
	Minimum Lot Area (sq. ft.)	Minimum Lot width (ft.) ¹	Minimum Lot Area	Minimum Lot Width (ft.)
R-R Rural Residential	100,000	150	3 acres	250
R-1, Low Density Residential	13,500 ²	90 ²	3 acres	250
R-2, Low/Medium Density Residential	11,200	80	2 acres	200
R-3, Moderate Density Residential	10,000 ³	70 ³	1 acres	150
R-4, High Density Residential	6,000 ⁴	60 ⁴	1 acres	150

1. The minimum required width for corner lots shall be increased by ten feet, except in the R-R District and those lots in the R-1 District not served by public water and sanitary sewer.

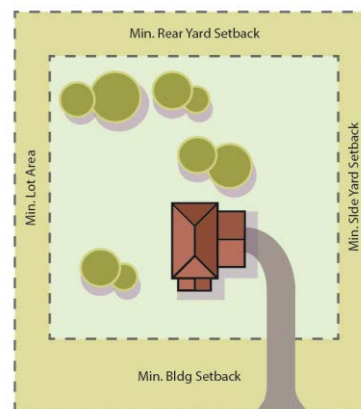
2. For lots not served by public water and sanitary sewer, minimum area and width shall be 30,000 square feet and 150 feet wide.

3. Minimum requirements for two-family dwellings shall be 6,000 square feet per unit and a minimum lot width of 90 feet. Attached single family dwellings (townhouses) may be developed to a density of 10 units per acre and shall have a minimum site size and width of one acre and 200 feet.

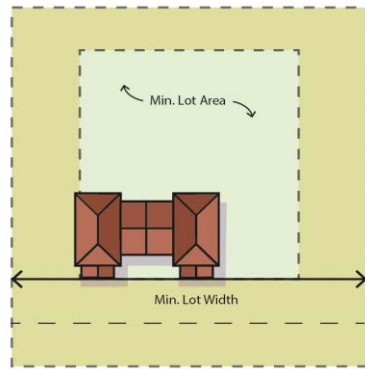
4. Minimum requirements for two-family dwellings shall be 4,500 square feet per unit and a minimum lot width of 80 feet. Attached single family dwellings (townhouses) may be developed to a density of 12 units per acre. Multi-family dwellings may be developed to a density of 14 units per acre; provided, any site for attached single family or multi-family development shall be a minimum of one acre in area and 200 feet in width.



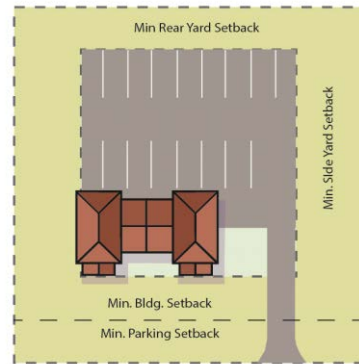
RR - Residential Uses



RR - Residential Uses



RR - Non Residential Uses



RR - Non Residential Uses

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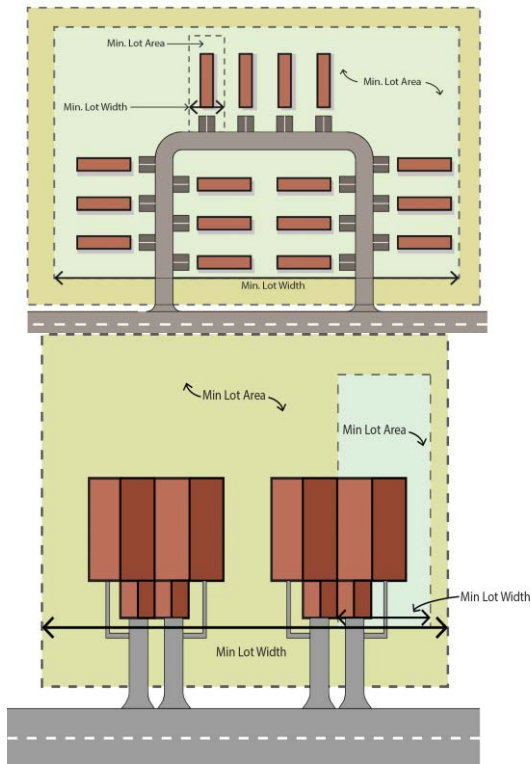
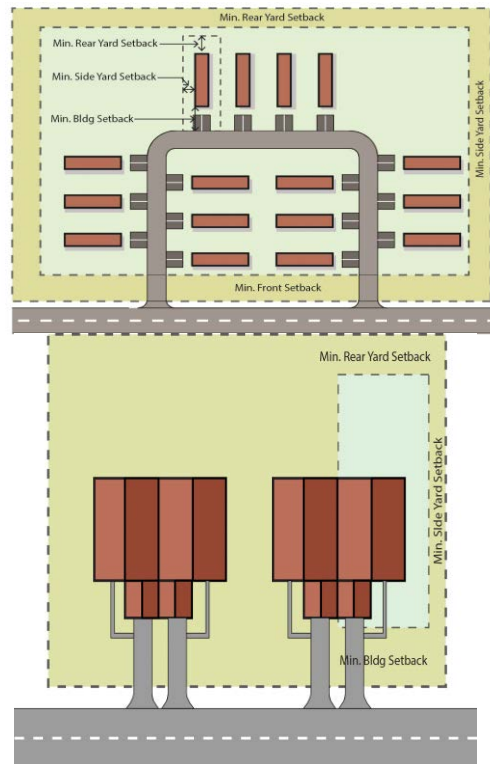


Table 1109-3a. Dimensional Requirements, Residential Uses								
Zoning District	Maximum Building Height (ft.) ¹	Minimum Yard Setbacks (ft.) ²					Lot Coverage (%)	Min. Floor Area (1 story/ 2 story) ³
		Front ⁴		Side		Rear		
		Parking ⁵	Bldg.	Total	Least			
R-R	35	-	40	35	15	40	25	1,800/2,000
R-1	35	-	35	30	12	40	30	1,600/2,000
R-2	35	-	25 ⁶	20	10	35	30	1,300/1,600
R-3	35	20	30	20	10	30	35	1,200/1,500
R-4	35	20	30	16	8	30	35	1,200/1,500

Table 1109-3b. Dimensional Requirements, Non-Residential Uses						
Zoning District	Maximum Building Height (ft./stories) ¹	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
		Front		Side	Rear	
		Parking	Bldg.			
R-R	40	40	60	50	40	25
R-1	35	30	60	50	40	30
R-2	40	30	50	40	35	30
R-3	45	20	40	30	30	30
R-4	70	20	40	30	30	30

¹ Institutional and multiple family buildings may exceed the height limits of the district; provided, the required front, side and rear yards shall be increased by two feet for each foot of additional building height above the maximum permitted in this table. In any case, no building shall exceed a height of 70 feet.

² Average established setback shall apply, where applicable, in accordance with Section 112103(b).

³ Minimum floor area requirements are for single family detached dwellings. For two-family, attached single family and multi-family, the minimum required floor area shall be determined by the number of bedrooms, as follows: efficiency unit - 600, 1 bedroom - 750, 2 bedroom - 900. An additional 100 square feet shall be provided for each bedroom over two.

⁴ All buildings, including accessory buildings, shall be set back a minimum of 60 feet from any existing or proposed right-of-way line along a federal, state or major highway or street designated as such on the city's Thoroughfare Plan. Where no public right-of-way has been officially established, the minimum setback shall be at least 50 feet from the road centerline.

⁵ Applies to attached single family and multi-family dwellings.

⁶ Applies to dwelling but garages, including attached garages, shall be set back at least 35 feet.

(Ord. 14-29. Passed 10-27-14.)

1109.04 SITE DEVELOPMENT REGULATIONS.

In addition to the requirements of this Chapter, all development in the Residential Districts shall meet the applicable requirements as listed elsewhere in this Code:

- (a) Special Purpose District Requirements, see Chapter 1115
- (b) General Provisions, see Chapter 1121
- (c) Conditional Use Requirements, see Chapter 1123
- (d) Landscaping and Lighting Requirements, see Chapter 1125
- (e) Off-Street Parking and Loading, see Chapter 1127
- (f) Signs, see Chapter 1129
- (g) Site Plan Review Requirements, see Chapter 1131
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1111 Business Districts

1111.01 Purpose. 1111.02 Schedule of uses. 1111.03 Spatial requirements.	1111.04 Special commercial development standards. 1111.05 Site development regulations.
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CROSS REFERENCES

Conditional use requirements - see P. & Z. Ch. 1123
 Landscaping and lighting requirements - see P. & Z. Ch. 1125
 Off-street parking and loading - see P. & Z. Ch. 1127
 Signs - see P. & Z. Ch. 1129
 Site plan review requirements - see P. & Z. Ch. 1131

1111.01 PURPOSE.

(a) **"B-1," Neighborhood Business District.** The purpose of the B-1 District is to permit those uses necessary to satisfy the basic day-to-day convenience shopping and/or service needs of persons residing in nearby residential areas. Allowed uses should be of a low intensity nature, appropriate in scale and appearance and compatible with the surrounding residential character. Businesses will ideally be served by common/shared parking, as well as integrated pedestrian access, and be located within an area of five acres or less. It is further the intent of this District to encourage the concentration of businesses in nodes and avoid strip development along major roads.

(b) **"B-2," Community Business District.** The B-2, Community Business District, is characterized by more diversified and larger scale businesses than found in the B-1 District and serves a broader community-wide base. This District is intended to create attractive, cohesive commercial areas that take advantage of visibility and accessibility along major thoroughfares, while avoiding linear development patterns through creative site planning, shared access and cooperation between neighboring owners.

(c) **"B-3," Office/Institutional District.** This District is intended primarily to accommodate corporate and professional offices, research facilities, philanthropic institutions and related uses. This is an employment district, not intended for most retail uses or other high traffic-generating activities. The B-3 District can serve as a buffer or transitional use between residential development and more intense commercial or industrial activities.

(d) **"B-4," I-270 Corridor District.** Providing for intense, mixed-use, high quality development that combines office-related employment with residential, neighborhood retail and personal service opportunities is the purpose of the B-4 District. This District is located along the I-270 corridor and affords high visibility with excellent access. The scale of development is intended to be very urban, allowing taller buildings, greater residential density, parking structures and public spaces to be combined in ways that will make the District walkable, livable, vibrant and transit-friendly. Quality design and construction are to be emphasized. (Ord. 14-29. Passed 10-27-14.)

1111.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1111-2 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) Specific Conditions. Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Commercial Services					
Business machine sales/service		P	P		
Cleaning services		P			
Electric & plumbing supply sales/services		P			
Glass sales/service		P			
HVAC sales/service		P			
Locksmith shops		P			
Machinery & equipment sales/service		P			
Mail order business & fulfillment centers			C	C	Section 1123.14(b)
Pest control services		P			
Petroleum product sales		C			
Printing, photocopy & publishing services		P	P		

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Commercial Services (Cont.)					
Repair shops (not including vehicles)		P			
Tool & equipment rental (not including vehicles)		P			
Construction					
Building material and lumber supply (including lumber yards)		C			
Building material and lumber supply (not including lumber yards)		P			
Contractor's offices & shops		C			
Landscaping services		C			
Education					
Colleges		C	C	C	
Commercial schools & studios (including art, dance, martial arts and music)	P	P	P	P	
Elementary School	C	C	C	C	
Training centers (including corporate, engineering & sales)			P	P	
Food, Drink, Entertainment & Hospitality					
Bars, taverns and restaurants serving alcoholic beverages	C	P	P	P	Section 1123.10(c)
Hotels & motels		P		P	
Microbrewery	C	C	P	P	Section 1123.10(a)
Restaurants less than 2,000 square feet of gross floor area, not including drive-in or drive-thru restaurants	P	P	P	P	
Restaurants equal to or greater than 2,000 square feet of gross floor area, not including drive-thru or drive-in restaurants	P	P	P	P	
Restaurants, including drive-thru and drive-in restaurants		C		C	Section 1123.10(b) and (c)

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Health Care					
Hospitals			C	C	
Medical & dental laboratories			P	P	
Medical & dental offices/clinics	P	P	C	C	
Offices and Financial Services					
Banks, credit unions and similar financial institutions, including drive-thru facilities	P	P	P	P	
Corporate offices			P	P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	P	P	
Short-term lending establishments	C	C			
Data Centers			P	P	
Personal Services					
Day care, nursery schools & child care establishments	P	P	P	P	
Dry cleaners and laundromats	P	P			
Health and fitness facilities		P	P	P	
Kennels		C		C	Section 1123.09(a)
Mortuaries and funeral homes		C	C		Section 1123.12(a)
Personal services establishments such as but not limited to pet grooming and training, barber and beauty shops, tailors, photo studios, body art, nail salons and spas	P	P		P	
Pet day care and accessory services, not including overnight boarding	C	P		C	Section 1123.09(a)
Veterinary clinics	P	P	P	P	Section 1123.12(c)

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Public/Quasi-Public					
Cemeteries	C	C	C	C	
Government offices, buildings & facilities	C	P	P	P	
Libraries	C	P	P	P	
Places of Public Worship	C	C	C	C	
Recreation and Leisure					
Art galleries, museums and similar cultural facilities	P	P	P	P	
Assembly and performance halls		C	C	C	
Clubs and lodges for fraternal organizations	C	C	C	C	
Community centers and senior centers	C	C	C	C	
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks		C		C	
Outdoor commercial recreation such as mini-golf and batting cages		C			
Research and Technical Facilities					
Development and testing laboratories & facilities			P	P	
Scientific research facilities			P	P	
Residential					
Continuing care retirement community				C	
Dwellings, attached single family				C	
Dwellings, multiple family		C		C	
Dwelling units on the upper floors of buildings with non-residential uses at street level	C	C		C	Section 1123.13(b)

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Retail					
General retail businesses, less than 15,000 square feet usable floor area (UFA)	C	P		P	
General retail businesses, 15,000 square feet UFA or more	C	P		C	
Medical Marijuana Retail Dispensary		C		C	Section 1123.12(d)
Transportation and Warehousing					
Heliports and helipads		C	C	C	Section 1123.14(a)
Mini-warehouse/self-storage facilities		C			
Transit stations	C	C	C	C	
Wholesale businesses		C			
Utilities					
Essential services	P	P	P	P	
Radio, television and recording studios		P	P	P	
Solar panels	P	P	P	P	
Telephone exchange buildings/substation		C			
Utility and public service facilities not including outdoor storage		P	P		
Utility substations	C	C	C	C	
Wireless communication facilities	C	C	C	C	Section 1123.15(b)
Vehicle Sales, Service and Related Uses					
Sales of new and used automobiles, trucks, recreational vehicles, construction equipment, farm implements and similar vehicles and equipment		C			Section 1123.16(b)
Sale of vehicle parts, not including installation and repair		P			
Truck, trailer and equipment rental		C			
Vehicle rental		C			
Vehicle repair, major		C			Section 1123.16(c)

Vehicle repair, minor		C			Section 1123.16(d)
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Business Districts

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Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Vehicle Sales, Service and Related Uses (Cont.)					
Vehicle service stations		C		C	Section 1123.16(e)
Vehicle wash facilities		C			Section 1123.16(f)
Accessory Uses					
Accessory buildings, structures and uses	P	P	P	P	
Cafeteria facilities located within a principal use	P	P	P	P	
Child care facilities located within a principal use		P	P	P	
Corporate offices incidental to a principal use		P	P	P	
Drive-in or drive-thru facilities for pharmacies, dry cleaners or other businesses not specifically noted elsewhere	C	C			Section 1123.16(a)
Outdoor seating area accessory to a permitted restaurant, bar, tavern or club	P	P	P	P	
Outdoor storage accessory to a permitted principal use		C			Section 1123.17(c)
Other					
Similar uses	P/C	P/C	P/C	P/C	Section 1121.06(h)
Hookah Lounge/Vapor Lounge	C	C	C	C	Section 1123.17(d)

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16; Res. 17-R-101. Passed 11-20-17; Res. 19-R-03. Passed 2-25-19.)

1111.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of Table 1111-3. New lots shall not be created, except in conformance with these requirements.

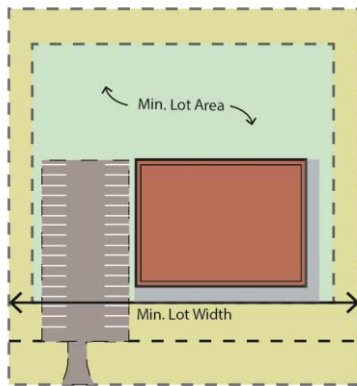
Table 1111-3. Lot and Width Requirements		
Zoning District	Minimum Lot Area	Minimum Lot Width (ft.)

B-1, Neighborhood Business	7,500 sq. ft.	60
B-2, Community Business	1 acre	200
B-3, Office/Institutional	1 acre	200
B-4, Highway Corridor Business	1 acre	200

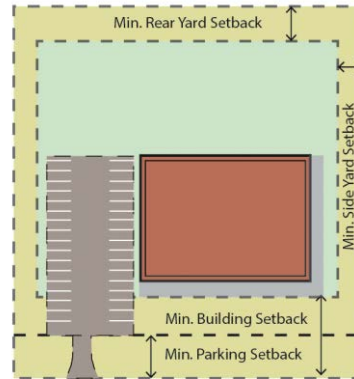
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PLANNING AND ZONING CODE

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(b)



Business District

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Table 1111-3a. Dimensional Requirements					
Zoning District	Maximum Building Height (ft/stories) ³	Minimum Yard Setbacks (ft.)			
		Front		Side	Rear
		Parking	Bldg. ¹		
B-1	35	30	30	0	20
B-2	35	20	50	20	30
B-3	45	20	50	20	30
B-4	70	40	60	30 ²	30 ²

¹. Front yard building setbacks may be reduced by 50 percent, if parking is not located in the front yard.

². Minimum required setback shall be increased one foot for every one foot of building height above 45 feet.

³. Institutional and multiple family buildings may exceed the height limits of the district; provided, the required front, side and rear yards shall be increased by two feet for each foot of additional building height above the maximum permitted in this table. In any case, no building shall exceed a height of 70 feet.

(Ord. 14-29. Passed 10-27-14.)

1111.04 SPECIAL COMMERCIAL DEVELOPMENT STANDARDS.**(a) Introduction.**

- (1) These standards were established to enhance the development pattern along primary commercial corridors. In the past the development of primary commercial corridors focused on automobile travel and usually overlooked pedestrian mobility. Thus, commercial development resulted in challenging pedestrian travel and a lack of connectivity between the streets and buildings due to large parking lots. In addition, the overall architectural pattern of these corridors has not contained significant traditional or natural materials. The existing building setbacks and site orientation have also created a disjointed pattern in areas which have contributed to the lack of overall character and image of the City.
- (2) Important goals of these standards include improving pedestrian mobility, accommodating multiple transportation options, and enhancing landscaping and building appearance. Improving these corridors will help maintain a high-quality community for residents and businesses, and create an economic environment to attract and support future development. The overlay standards are intended to achieve the following objectives:
 - A. Implement appropriate building and parking setback standards that accommodate redevelopment and establish continuity and consistency along the corridors;
 - B. Promote high-quality building materials and timeless architecture;
 - C. Establish, and reinforce pedestrian-orientation;
 - D. Promote development that features landscaping, facade transparency, rear parking lots, user-friendly access, appropriately scaled lighting and signage;
 - E. Enhance connectivity between uses to allow for easy flow of automobile and pedestrian traffic; and
 - F. Enhance the attractiveness of primary corridors to further economic development.

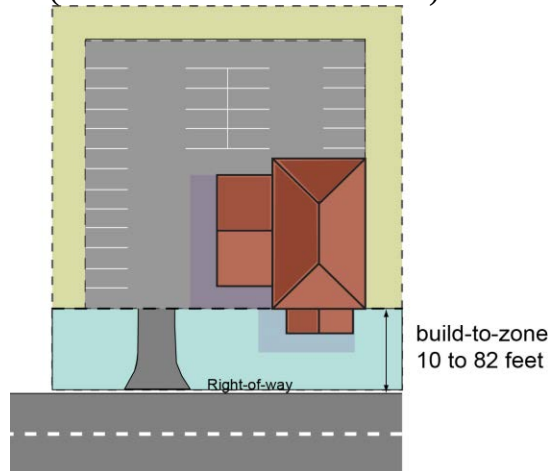
(b) Applicability and Extent.

- (1) These standards shall apply to all properties zoned as a Business District (B) zoning designation in the following areas:
 - A. Low-Impact Auto Area. All parcels fronting on Main Street/Hilliard Rome Road from Madison Street (northern extent) to Whirlwind Cove Drive (southern extent).
 - B. Pedestrian Oriented Sub District. All parcels fronting on Cemetery Road from Main Street to I-270, and all parcels fronting on Leap Road and Britton Parkway extending from Cemetery Road to Davidson Road.
- (2) These standards shall apply and extend as follows:
 - A. Maintenance and in-kind replacement of materials are exempt from these provisions;
 - B. All new construction as to the area being developed shall be subject to these provisions;
 - C. The expansion or redevelopment of a building's gross floor area by more than 50 percent over a three year period shall subject the entire building and site to all these provisions;
 - D. Exterior alteration, enhancement, or reconfiguration of a building, other than that listed above, shall be subject to all other city standards;

- E. The construction or installation of a parking lot shall be subject to all applicable provisions herein; and
- F. Exterior lighting, fencing, or other accessory structures are subject to all these provisions.

(c) Site Orientation.

- (1) Pedestrian Sub District. The front face of all principal structures shall be located in the build-to-zone. The build-to-zone for a building or structure shall be located between 10 and 20 feet from the right-of-way, unless Planning and Zoning Commission allows 30 feet where a drive aisle exists in front of a building. Architectural features including, but not limited to, signage, awnings, columns, porticos, public art or landscape features may project beyond the build-to-zone if approved by the City Planner. (Ord. 14-29. Passed 10-27-14.)
- (2) Low-Impact Auto Sub District. The front face of all principal structures shall be located in the build-to-zone. The build-to-zone for a building or structure shall be between 10 and 82 feet from the right-of-way. Architectural features including, but not limited to, signage, awnings, columns, porticos may project beyond the build-to-zone if approved by the City Planner. (Ord. 15-26. Passed 7-13-15.)



(d) Accessibility.

- (1) In the Low-Impact Auto Sub District, a minimum five foot wide public sidewalk shall be provided along all streets (excluding alleys) and extend along the entire frontage of the lot and connect to the sidewalks on adjacent properties.
- (2) In the Pedestrian Oriented Sub District a minimum six foot wide public sidewalk shall be provided along all streets (excluding alleys) and extend along the entire frontage of the lot and connect to the sidewalks on adjacent properties.
- (3) A pedestrian walkway with a minimum width of five feet shall be provided from the public sidewalk to a primary building entrance (note the area shall be striped if extending through a parking area).

(e) General Design Standards.

- (1) A primary building shall be oriented parallel to a primary street, or as parallel as the site permits. (Ord. 14-29. Passed 10-27-14.)

- (2) Any new building or redevelopment of a building façade shall include 100 percent traditional and natural materials on the front façade, and a minimum 40 percent traditional or natural materials on side façades. There is no requirement for rear facades except for corner lots which shall have a minimum of 40 percent traditional and natural materials. Note that any façade facing a street shall be considered a front façade.
(Ord. 15-26. Passed 7-13-15.)
 - (3) The height of a building shall be a minimum of 18 feet above grade.
 - (4) A building frontage that exceeds a width of 50 feet shall incorporate articulation and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the facade.
 - (5) For any façade facing a street, a minimum of 40 percent of the area between the height of two feet and 10 feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet, with the exception of blinds, curtains or other interior decorative elements.
 - (6) The general pattern of window glass shall continue from the primary building frontage to the sides of the building/secondary frontage.
 - (7) Any roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The materials used in screening must be architecturally compatible with the rooftop and the aesthetic character of the building.
 - (8) Gables shall have a minimum depth of eight feet.
 - (9) Parapet walls if integrated into the architecture of the building shall extend around all four sides of the building.
- (f) Lighting.
- (1) Exterior lighting shall be designed, located, constructed and maintained to minimize light and reflected light trespass and spill over off the subject property.
 - (2) The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half (½) footcandle.
 - (3) Parking lot lighting fixtures and poles shall be black in color.
 - (4) Exterior building illumination shall be from concealed sources. Strobe or flashing lights and exposed neon lights are not permitted. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facades onto neighboring property, streets, or the night sky.
 - (5) Security lighting shall be full cut-off type fixtures, shielded and aimed so that illumination is directed to the designated areas.
- (g) Parking.
- (1) Parking or stacking spaces between the right-of-way and the building:
 - A. No parking, staking spaces or drive aisles are permitted between the right-of-way and building in the Pedestrian Oriented Sub District. Parking must be located on the side or rear of the structure, or some combination thereof.
 - B. Two rows of parking and one drive aisle are permitted between the right-of-way and building in the Low-Impact Auto Sub District. Remaining parking must be located on the side or rear of the structure, or some combination thereof.

- C. In some instances where, due to the size or shape of the lot, the site is rendered undevelopable the Planning and Zoning Commission may grant relief from these general parking and circulation standards.
- (2) The Planning and Zoning Commission may reduce the required number of off-street parking spaces in the Pedestrian and Low-Impact Auto District by up to 50 percent in conjunction with a concept or major site plan approval after giving due consideration to the following factors:
 - A. Type of land use/development;
 - B. Hours of operation;
 - C. Pedestrian traffic and accessibility;
 - D. Availability of transit service;
 - E. Opportunities for shared parking;
 - F. Availability of on street parking;
 - G. Availability of other public parking; and
 - H. Elimination of arterial curb cuts.
- (3) The Planning and Zoning Commission may reduce or eliminate the required number of loading spaces in conjunction with concept plan or major site plan approval after giving due consideration to the following factors:
 - A. Frequency and time of deliveries;
 - B. Necessary size and nature of delivery vehicles;
 - C. Impact on adjoining streets or alleys; and
 - D. Neighborhood character.
- (h) Screening of Trash Container Receptacles.
 - (1) For retail, commercial, community service, industrial, office, institutional and multiple family uses, all trash containers or receptacles shall be screened or enclosed. All waste and refuse storage areas shall be containerized and screened from view on three sides by a solid brick wall, wood fence, or materials compatible with the main buildings' materials and shall be at least 6 inches taller than the height of the container. The fourth side shall contain a wood or painted metal gate, which shall also be at least 6 inches taller than the height of the dumpster.
 - (2) The use of curbs or steel pipes filled with concrete, or other similar measures, shall be required to control the placement of the dumpster.
 - (3) The use of concrete curbs around planting beds shall be required to protect plantings from damage caused by traffic movement, whenever plantings are utilized to screen dumpsters.
(Ord. 14-29. Passed 10-27-14.)

1111.05 SITE DEVELOPMENT REGULATIONS.

In addition to the requirements of this Chapter, all development in the Business Districts shall meet the applicable requirements as listed elsewhere in this Code:

- (a) Special Purpose District Requirements, see Chapter 1115
- (b) General Provisions, see Chapter 1121
- (c) Conditional Use Requirements, see Chapter 1123
- (d) Landscaping and Lighting Requirements, see Chapter 1125
- (e) Off-Street Parking and Loading, see Chapter 1127
- (f) Signs, see Chapter 1129
- (g) Site Plan Review Requirements, see Chapter 1131
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1113 Industrial Districts

1113.01 Purpose.	1113.03 Spatial requirements.
1113.02 Schedule of uses.	1113.04 Site development regulations.

CROSS REFERENCES

Conditional use requirements - see P. & Z. Ch. 1123
 Landscaping and lighting requirements - see P. & Z. Ch. 1125
 Off-street parking and loading - see P. & Z. Ch. 1127
 Signs - see P. & Z. Ch. 1129
 Site plan review requirements - see P. & Z. Ch. 1131

1113.01 PURPOSE.

(a) "M-1," Restricted Industrial District. The M-1 District is established for light industries such as light manufacturing or processing of previously refined materials and other industrial uses that have little or no adverse impact upon neighboring districts. This district also allows certain commercial uses of an industrial character or that are necessary to provide services to employees within the district.

(b) "M-2," General Industrial District. The M-2 District is established to accommodate industrial uses that are primarily of a manufacturing, assembly and fabricating character. These tend to be large scale or specialized industrial operations more likely to produce external physical effects potentially impacting, to some degree, adjoining districts. This district is intended to be located in areas where the allowed uses can most efficiently utilize major roadways, utilities and other infrastructure, while minimizing potentially incompatible influences upon neighboring districts. (Ord. 14-29. Passed 10-27-14.)

1113.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1113-2 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) Specific Conditions. Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.
(Ord. 14-29. Passed 10-27-14.)

Table 1113-2 Schedule of Uses: Industrial Districts			
Use	M-1	M-2	Specific Conditions
Agricultural and Animal-Related Uses			
Agribusiness	C		
Medical Marijuana Processor	C	C	Section 1123.12(d)
Commercial bakeries & dairies	P		
Breweries, distilleries and bottling plants	C		Section 1123.10(a)
Feed mill	P		
Food processing plants	P		
Grain elevator	P		
Kennels	C		Section 1123.09(a)
Produce and other food product terminals	C	P	
Commercial Services			
Business machine sales/service	P		
Cleaning services	P		
Glass sales/service	P		
HVAC sales/service	P		
Locksmith shops	P		
Pest control services	P		
Petroleum product sales	C	C	
Printing, photocopying & publishing service	P		
Repair shops (not including vehicles)	P		
Tool & equipment rental (not including vehicles)	P		
Construction			
Building material and lumber supply (including lumber yards)	C		
Contractor's offices & shops (not including outdoor storage of materials)	P		
Landscaping services (not including retail sales or outdoor storage of materials)	P		

Table 1113-2 Schedule of Uses: Industrial Districts			
Use	M-1	M-2	Specific Conditions
Education			
Trade schools	P	P	
Training centers (including corporate, engineering & sales)	P	P	
Food, Drink, Entertainment and Hospitality			
Restaurants, not including drive-thru facilities	P	P	
Sexually oriented businesses	C	C	Section 1123.11
Manufacturing			
Building material manufacturing (including milling, planning and joining)	C	C	
Chemical manufacturing & storage		C	Section 1123.17(a)
Machine, sheet metal & welding shops	C	P	
Manufacturing, compounding, processing, packaging, testing or assembly from previously prepared materials	P	P	
Metal stamping, pressing & buffing	C	P	
Painting, rust-proofing and rust-coating	C	C	
Tool & die shops	P	P	
Offices and Financial Services			
Banks, credit unions and similar financial institutions, including drive-thru facilities	P	P	
Corporate offices	P	P	
Personal Services			
Health and fitness facilities	C	C	
Public/Quasi-public			
Cemeteries	C	C	
Government offices, buildings & facilities	C	C	

Table 1113-2 Schedule of Uses: Industrial Districts			
Use	M-1	M-2	Specific Conditions
Public/Quasi-public (Cont.)			
Libraries	C	C	
Places of Public Worship	C	C	
Research and Technical Facilities			
Development and testing laboratories & facilities	P	P	
Medical & dental laboratories	P	P	
Scientific research facilities	P	P	
Medical Marijuana Level II Cultivator	C	C	Section 1123.12(d)
Medical Marijuana Plant-only Processor	C	C	Section 1123.12(d)
Transportation and Warehousing			
Cartage express and parcel delivery service	C	C	Section 1123.14(b)
Heliports and helipads	C	C	Section 1123.14(a)
Mail order business & fulfillment centers	P	P	
Mini-warehouse/self-storage facilities	C		
Warehouses and distribution centers	C	P	Section 1123.14(b)
Wholesale businesses	C		
Utilities			
Essential services	P	P	
Recycling collection and/or processing facilities (non-hazardous materials)	C	C	Section 1123.15(a)
Solar panels	C	C	
Telephone exchange buildings	P	P	
Utility and public service facilities not including outdoor storage	P	P	
Utility and public service facilities, including outdoor storage yards	C	P	
Utility substations	P	P	
Wireless communication facilities	C	C	Section 1123.15(b)

Table 1113-2 Schedule of Uses: Industrial Districts			
Use	M-1	M-2	Specific Conditions
Vehicle Sales, Service and Related Uses			
Sales of new and used automobiles, trucks, recreational vehicles, construction equipment, farm implements and similar vehicles and equipment	C		Section 1123.16(b)
Truck and heavy equipment repair	C	C	
Truck, trailer and equipment rental	C		
Vehicle repair, major	C	C	Section 1123.16(c)
Vehicle repair, minor	P		
Vehicle wash facilities	C		Section 1123.16(f)
Accessory Uses			
Accessory buildings, structures and uses	P	P	
Cafeteria facilities located within a principal use	P	P	
Caretaker residence	C	C	
Child care facilities located within a principal use	P	P	
Corporate office incidental to a principal use	P	P	
Outdoor storage accessory to a permitted principal use, not exceeding 10 percent of the total area of the lot or parcel	P	P	
Outdoor storage accessory to a permitted principal use, exceeding 10 percent of the total area of the lot or parcel	C	C	Section 1123.17(c)
Retail incidental to the manufacture or production of goods on the premises, with a sale and display area not exceeding 20 percent of the total floor area of the principal building	P	P	
Other			
Mineral extraction	C	C	
Similar uses	P/C	P/C	Section 1121.06(h)

(Ord. 14-29. Passed 10-27-14.)

1113.03 SPATIAL REQUIREMENTS.

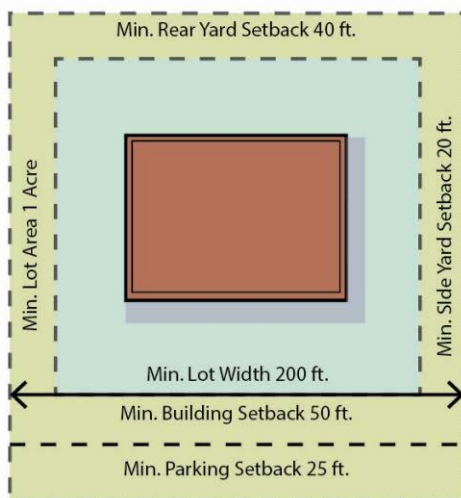
(a) All lots and buildings shall meet the minimum area and width requirements of Table 1113-3. New lots shall not be created, except in conformance with these requirements.

Table 1113-3. Lot and Width Requirements		
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width
M-1, Restricted Industrial	1 acre	100
M-2, General Industrial	2 acres	200

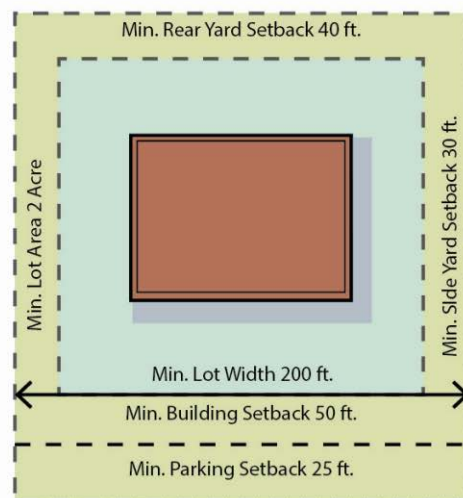
(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 1113-3a.

Table 1113-3a. Dimensional Requirements						
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
		Front		Side	Rear	
		Parking	Bldg. ¹			
M-1	45	25	50	20	40	30
M-2	45	25	50	30	40	50

¹. This setback requirement shall also apply to quarries and other similar commercial excavation sites.



M-1 Restricted Industrial



M-2 General Industrial

1113.04 SITE DEVELOPMENT REGULATIONS.

In addition to the requirements of this article, all development in the industrial districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- (a) Special Purpose District Requirements, see Chapter 1115
- (b) General Provisions, see Chapter 1121
- (c) Conditional Use Requirements, see Chapter 1123
- (d) Landscaping and Lighting Requirements, see Chapter 1125
- (e) Off-Street Parking and Loading, see Chapter 1127
- (f) Signs, see Chapter 1129
- (g) Site Plan Review Requirements, see Chapter 1131
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1115 Special Purpose Districts

1115.01	Purpose.	1115.05	Old Hilliard District
1115.02	Schedule of uses.		requirements.
1115.03	Spatial requirements.	1116.06	Site development regulations.
1115.04	Hilliard Conservation District requirements.		

CROSS REFERENCES

Conditional use requirements - see P. & Z. Ch. 1123
 Landscaping and lighting requirements - see P. & Z. Ch. 1125
 Off-street parking and loading - see P. & Z. Ch. 1127
 Signs - see P. & Z. Ch. 1129
 Site plan review requirements - see P. & Z. Ch. 1131

1115.01 PURPOSE.

(a) "S-1," Support Facilities District. The S-1 District provides a designated district specifically for public and semi-public uses that may require large land areas and/or serve the population of the community with facilities for education, religious worship, recreation and similar activities.

(b) "HCD," Hilliard Conservation District. The purpose of the Hilliard Conservation District (HCD) is to support the goals and intent of the Big Darby Accord. The primary mission of the Accord is to preserve, protect and improve the Big Darby Watershed's unique ecosystem, and to promote responsible growth within environmentally sensitive areas. The Hilliard Conservation District is created to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. The HCD achieves this purpose by allowing development that:

- (1) Permanently preserves and integrates open space within residential developments;
- (2) Offers landowners alternatives to standard tract development;
- (3) Establishes a less sprawling, more efficient use of land, streets and utilities;
- (4) Preserves and enhances the natural ecosystem of the area;
- (5) Creates usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- (6) Encourages creativity in design through a controlled process of review and approval of the development plan and related documents.

(c) Old Hilliard District. It is in the best interests of the city, its residents and the businesses in the Old Hilliard District that downtown Hilliard be enhanced to promote a mix of uses, improved pedestrian mobility, multiple transportation options, and quality of landscaping and buildings. Improving the downtown will maintain a high-quality business and living environment, and attract and sustain future economic development.

- (1) This district, referred to as the Old Hilliard District, is divided into two sub-districts (OH-MD, Downtown Mixed Use and OH-RD, Residential) and is intended to achieve the following purposes:
 - A. Establish, and reinforce pedestrian access and movement;
 - B. Stimulate redevelopment and new investment in the city's core.
 - C. Establish continuity and consistency in the downtown through appropriate building and parking setback standards;
 - D. Create a harmonious character through landscaping, facade transparency, rear parking lots, pedestrian access, and appropriately scaled lighting and signs;
 - E. Enhance connectivity to allow for easy flow of automobile and pedestrian traffic between uses and minimize traffic congestion; and
 - F. Enhance the attractiveness of the downtown to add to the community character, create a high-quality mixed use environment, and protect property values.
- (2) In Old Hilliard, two main planning principles will help create a reinvigorated central node of community activity.
 - A. The planning emphasis must create a district that is distinctive in the Central Ohio region and promotes new economic investment.
 - B. Future development in the district must preserve and enhance the public realm by integrating the public realm with private development in the design process. Old Hilliard must redevelop so buildings are grouped to create pedestrian plazas and courts - creating the best environment for the live, work, play experience.
- (3) Emphasizing the interrelationship of the private, public, and pedestrian realms is the hallmark of exceptional design. In the Old Hilliard District this should be achieved through coordinating different design elements - weaving them together into a cohesive district. Consistent with the City's Comprehensive Plan, it is the intent of this district to promote the following planning and design objectives:
 - A. Link First Responders and Hilliard Station Parks. Protect, preserve and interrelate development and activities in and around signature park space in the District. Link new public and private spaces with the parks using pathways, plazas, sight lines, and activities to increase their prominence as public activity centers.
 - B. Focus on the pedestrian. Maintain the priority of the pedestrian space and ensure ease and safety of access and circulation.
 - C. Create a unique, people-oriented setting. New development should create a unique setting focused on people with spaces that invigorate, excite, and invite. This environment will enhance the primary social experience. If successful, all citizens and businesses within the District will profit both in quality of life and economic vitality.

- D. Create Balance. All land uses, buildings, and pathways will work together as a balanced system. A balanced relationship of building/community elements in harmony with the site creates optimum land use and exceptional design.
- E. Be creative and innovative. Creative design and innovative planning can empower developers to take full economic advantage of the prestige and marketing power of a recognized vibrant community with a built-in market.
(Ord. 14-29. Passed 10-27-14.)

1115.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1115-2 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) Specific Conditions. Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
Residential					
Continuing care retirement community			C	C	
Dwellings, detached single family		P	P	P	
Dwellings, attached single family		C	P	P	Maximum 20 percent of total allowable units in the HCD District
Dwellings, multiple family		C	P	P	
Dwellings, two-family		C	P	P	
Dwelling units on upper floors of buildings with non-residential uses on street level			C	C	Sec. 1123.13(b)

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
Commercial					
Any use allowed in the B-1 District		C			Sec. 1111.02
Bakeries and dairies			P	C	
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks			C		
Drive-in or drive-thru facilities for pharmacies and banks only			C		Sec. 1123.16(a)
Neighborhood retail containing less than 15,000 sq. ft. of gross floor area for any individual business establishment			P	C	
Retail business containing 15,000 sq. ft. or more of gross floor area for any individual business establishment			C		
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair			P	C	
Dry cleaners and laundromats			P	C	
Food, Drink, Entertainment and Hospitality					
Bars, taverns, clubs and restaurants serving alcoholic beverages			P		Sec. 1123.10(c)
Brew pubs and similar establishments			C		Sec. 1123.10(a)
Hotels			C		

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
Food, Drink, Entertainment and Hospitality (Cont.)					
Restaurants, not including drive-in or drive-thru restaurants, that are less than 2,000 square feet of gross floor area			P	C	Sec. 1123.10(c)
Restaurants, not including drive-in or drive-thru restaurants, that are equal to or greater than 2,000 square feet of gross floor area			C	C	Sec. 1123.10(b) and (c)
Offices					
Banks, credit unions and similar financial institutions			P	P	
Child care facilities, including nursery school and day care facilities			P	C	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities			P	P	
Printing, photocopying and publishing			C	C	
Public/Quasi-Public					
Cemeteries	C				
Colleges			C	C	
Essential services			P	C	
Government offices, buildings & facilities	C		P	P	
Libraries	C				
Places of public worship	C		C	C	
Public & private schools (including elementary, middle and high)	C		C	C	
Recreation & Leisure					

Community or club swimming pool	P	P			
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1115.03 PLANNING AND ZONING CODE 78

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
Recreation & Leisure (Cont.)					
Public and private parks, playgrounds, recreation areas and ball fields	P	P	P	P	
Private open space	P	P			
Private airfields	C				
Community gardens (neighborhood agriculture)	C	C			
Accessory					
Accessory buildings, structures and uses	P	P	P	P	Sec. 1121.02(b)
Home occupations		P	P	P	Sec. 1121.06(e)
Solar panels on accessory structures			P	P	Sec. 1121.02(f)
Other					
Similar uses	P/C	P/C	P/C	P/C	Sec. 1121.06(h)
Hookah Lounge/Vapor Lounge			C		Sec. 1123.17(d)
Wireless Communication Facilities	C				Sec. 1123.15(b)

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16; Res. 19-R-03. Passed 2-25-19; Res. 19-R-06. Passed 2-25-19.)

1115.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of Table 1115-3. New lots shall not be created, except in conformance with these requirements.

Table 1115-3. Lot and Width Requirements		
Zoning District	Minimum Lot Area	Minimum Lot Width (ft.)
S-1, Support Facilities	3 acres	250
HCD, Hilliard Conservation	See Section 1115.04(e)	
OH-MD	None	None

OH-RD	7,000 sq. ft.	50 ft. ¹
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¹. Minimum lot width on a corner lot shall be 60 ft.

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Special Purpose Districts

1115.04

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 1115-3a.

Table 1115-3a. Dimensional Requirements											
Zoning District	Max. Bldg. Hgt. (ft./stories)	Build -to Zone	Minimum Yard setbacks (ft.)				Rear	Lot Cover age (%)	Min. Floor Area (sq. ft.)		
			Front		Side				Single Family	Two Family	Multi-Family ¹
			Parking	Bldg.	Total	Least					
S-1	45/4	N/A	20	60	100	50	60	20	N/A		
HCD	35	N/A	See Section 1115.04(e)								
OH-MD	52	0-10	NA/	N/A	N/Z	2	12	N/A	1,300	900	
OH-RD	35	0-25 ³	N/A	N/A	12	5	25	N/A	1,300	900	

¹. For attached single family and multi-family dwellings, the minimum required floor area shall be determined by the number of bedrooms, as follows: efficiency unit - 600, 1 bedroom - 750, 2 bedroom - 900. An additional 100 square feet shall be provided for each bedroom over two.

². If the building is not placed on the property line, there shall be a minimum side yard of 10 feet.

³. If 50 percent or more of all lots on the same side of the street and between two intersecting streets contain a principal building, the build-to line shall be the average of the front setbacks established by the existing principal buildings within 200 feet on either side of the subject property (not including corner lots where the front setback is on the intersecting street). (Ord. 14-29. Passed 10-27-14.)

1115.04 HILLIARD CONSERVATION DISTRICT REQUIREMENTS.

(a) Designing a Conservation Subdivision.

- (1) Delineate primary conservation areas as defined in the Big Darby Accord Watershed Master Plan (BDAWMP). Preserve as natural open space.
- (2) Delineate secondary conservation areas as defined in the BDAWMP; preserve selected areas as common (improved) or natural open space.
- (3) Draw building footprints outside the conservation areas. Draw the number of dwellings based upon the permitted density calculations, with lot lines.

(b) Review Criteria and Design Standards.

- (1) Dwellings should be oriented toward interior roads, rather than fronting on perimeter roads.
- (2) Retain or replant native vegetation adjacent to wetlands and surface waters.
- (3) Preserve existing hedge and tree lines to the extent practicable.
- (4) Preserve scenic views and vistas.
- (5) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
- (6) Preserve historic or archaeological sites (i.e. earthworks, burial grounds).

- (7) Landscape or retain vegetation in common areas with native trees and shrubs.
- (8) Place shade trees along internal roads on at least one side of the road.
- (9) Provide active recreational areas in proximity to residential concentrations.
- (10) Include a pedestrian circulation system, meaning a minimum of an eight foot wide asphalt bike and walking path throughout the development.
- (11) Protect natural drainage swales and creeks and prohibit buildings within the 100 year floodplain.
- (12) Provide permanent open space, according Section 1115.04(e)(4) and (5).

(c) Applicability. The following Plan Approval Process shall be required for all rezoning and plats within the Hilliard Conservation District.

- (1) Pre-application meeting. Hilliard staff and Planning and Zoning Commission will meet with the applicant and review a preliminary site development plan as presented by the applicant.
- (2) Proposal submitted. Applicant shall submit the proposed development plan to the zoning inspector.
- (3) Staff Review. City of Hilliard staff will review the proposed development plan and certify its completeness. Once certified complete, the application and certification will be forwarded to the Big Darby Accord Advisory Board. City of Hilliard staff will draft a report of the technical review findings which will be forwarded to the Big Darby Accord Advisory Board.
- (4) Big Darby Accord Advisory Meeting. The Big Darby Accord Advisory Board will hold a public meeting to review and make recommendations on the proposed project.
- (5) Big Darby Accord Advisory Board Recommendations. Recommendations from the Advisory Board meeting will be forwarded to City staff and the Planning and Zoning Commission.
- (6) City of Hilliard Review. Following the recommendations of the Big Darby Accord Advisory Board, the application will be reviewed by the City of Hilliard for compliance with all applicable zoning, engineering and City Codes, and shall follow the applicable review process for the application submitted for zoning and plats.

(d) Application Requirements. A Final Development Plan shall be submitted which is drawn to a scale of at least 1" = 100' and contains the following information:

- (1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- (2) A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
- (3) An explanation of the method/structure and proposed documentation and instruments to be used to perpetually preserve the required open space.
- (4) The proposed uses of the site, including any limitations or controls to be placed on each.
- (5) A table or narrative description of how the proposed development conforms to all design guidelines in Hilliard Design Manual.
- (6) Location of buildings and structures.
- (7) Streets, roadways, pathways, sidewalks and parking areas.
- (8) Existing utility easements and proposed new easements to the extent known.

- (9) Proposed lot sizes.
- (10) Minimum setback and spacing requirements.
- (11) Recreational facilities.
- (12) Preserved open space areas and a description of proposed open space improvements.
- (13) All commonly owned structures.
- (14) A landscape plan that depicts and identifies all existing and proposed landscaping and entrance features. The landscape plan shall conceptually illustrate the typical elevations and cross sections of landscape features.
- (15) Dwelling unit types, the total number of dwelling units proposed for the site density and the method used to calculate density.
- (16) Primary conservation areas.
- (17) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on The Development Plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Franklin County.
- (18) The location of all woodland preservation areas and natural topography preservation areas.
- (19) Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for controlling architectural design elements.
- (20) Signs, including renderings of the sign elevations.
- (21) The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- (22) A preliminary traffic impact analysis based upon full build-out of the proposed development.
- (23) The relationship of the proposed development to existing and anticipated uses of surrounding areas during the development timetable.
- (24) Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.
- (25) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give City officials definitive guidelines for approval of future phases.
(Ord. 14-29. Passed 10-27-14.)
- (26) Unless specifically superseded by the standards contained in this chapter or those standards approved in the Development Plan, the development shall comply with the requirements contained in the Design Manual. Except for density, and the percentage of required open space, the applicant may request a modification from the City of the development standards set forth in this chapter. An applicant making such a request shall specifically and separately list each requested modification and the justification therefore on the Development Plan submittals, with a request that the proposed modification be approved "per plan."
(Ord. 15-26. Passed 7-13-15.)

- (27) Deed restriction, protective covenants, and other legal instruments to be used to control the land which is to be commonly owned and maintained as the open space.
 - (28) The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.
- (e) Development Standards. The following minimum requirements shall apply:
- (1) Minimum tract size. 20 acres.
 - (2) Minimum lot size. No minimum lot size.
 - (3) Minimum setbacks. Minimum required setbacks shall be determined as part of the review and approval process to allow maximum flexibility.
 - (4) Open space dedication. At least 50 percent of the gross tract acreage shall be designated as permanent open space. The location of designated open space shall be identified on the development plan and shall be subject to approval by the City. Open space shall be owned, administered and maintained as identified on the Development Plan, as outlined in this Section. Required open space may be located off site, provided it is within the Darby Accord Planning Area.
 - (5) Open space calculation. The following criteria should be considered when calculating the required open space dedication.
 - A. Up to 50 percent of the minimum required open space may be used for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but cannot be located within any Tier I or Tier II land as outlined within the Darby Accord. The Development Plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the Development Plan.
 - B. In calculating open space, the areas of residential lots conveyed to homeowners shall not be included.
 - C. Primary conservation areas, storm water management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to 50 percent of the required open space. These areas shall promote the character and purpose of the HCD District, and shall incorporate naturalized edges, native plants and be designed to complement the existing topography and landscape.
 - (6) Number of dwelling units permitted.
 - A. Maximum overall gross density for residential development within the Conservation District shall be one dwelling unit per acre.
 - B. Density Bonuses - Overall gross density may be increased as outlined below. Density bonuses are cumulative, but in no case shall the gross density exceed two dwelling units per acre.
 - 1. For every additional 10 percent of the site that is dedicated as open space above the required 50 percent, an increase of .10 units per acre of the overall gross density of the site will be allowed.

2. For significant stream restoration within the development site, an additional .10 units per acre of the overall gross density of the site will be allowed. Final determination will be required by the City.
3. An additional .10 units per acre of the overall gross density of the site may be granted by the Planning and Zoning Commission, in its sole discretion, for other sustainable design elements.
4. An additional 0.10 units per acre of the overall gross density of the site may be granted by the Planning and Zoning Commission, in its sole discretion, for extraordinary costs for regional serving infrastructure. (Ord. 14-29. Passed 10-27-14.)

(f) Design Standards.

- (1) Architecture. Architecture in this District shall be designed in accordance with standards that are consistent with conservation practices and that emphasize the individual character of the property and surroundings.
- (2) Roadways. All roadways shall be designed in accordance with the engineering and roadway standards specified in the Hilliard Design Manual.
- (3) Lighting. Lighting shall be designed in accordance with the engineering standards specified in the Hilliard Design Manual. (Ord. 15-26. Passed 7-13-15.)

(g) Ownership of Open Space. Common open space within the development shall be owned, administered, and maintained by one of the following methods, either individually or in combination, and subject to approval by the Planning and Zoning Commission.

- (1) Offer of dedication to City
 - (2) Homeowners association
 - (3) Condominiums
 - (4) Dedication of easements
 - (5) Transfer of easements
 - (6) Third-party ownership
- (Ord. 14-29. Passed 10-27-14.)

1115.05 OLD HILLIARD DISTRICT REQUIREMENTS.

(a) Applicability and Extent.

- (1) The construction, reconstruction or improvement of any property, as specified below, within the Old Hilliard District shall comply with the applicable requirements of this section:
 - A. New construction or an increase in the gross floor area of an existing principal building by 50 percent or more;
 - B. The construction or installation of new parking lots, fences, landscaping and accessory structures on properties;
 - C. Erection of any new sign; and
 - D. The installation of new on-site lighting.
- (2) The requirements of this section may be waived for buildings officially designated by the city as "historic" if, in the opinion of the Planning & Zoning Commission, conformance with those requirements would result in an unacceptable modification of the original, historic appearance of the building.

- (3) Routine maintenance, not involving expansion, demolition or structural alteration of a building and in-kind replacement of materials shall be permitted.
- (4) An applicant that desires to modify the exterior of a commercial structure (including churches, publicly owned structures, and structures located in a public park), or residential structure in the Old Hilliard Mixed Use or Old Hilliard Residential Districts shall submit an application to the City's Planning and Zoning Commission for its review. The Commission shall review the application for conformance with the provisions contained in Chapter 1115. New signs shall be exempt from this provision if they meet all standards and provisions as contained in the City's Graphics and Sign code.

(b) Architecture. The architectural design of commercial and residential buildings must create and enhance the community image. Scale will play an important role in the creation of pedestrian-friendly mixed use development patterns. The regulations of this section are intended to establish a unified character within the district without strict regimentation that would compromise individual style and creativity.

- (1) Architectural Style & Building Composition ("360 Degree Architecture").
 - A. Variations in facade elements shall be incorporated into all sides of the principal building to minimize the perceived mass and scale:
 - 1. Variations in color and/or texture shall be used, however, typically building trim is painted in a contrasting shade lighter or darker than the main building defining the trim, but not overemphasizing it. Any building facade that faces a public street shall be architecturally varied to avoid monotony or the appearance of a blank wall. Compositions that express rhythms and patterns such as windows, columns, pilasters, trellises, wall indentations, arcades, material changes, awnings, canopies, porticos, clerestory, brackets, arches or other features shall be incorporated into the building design in approximately 15 to 35 foot increments to "break-up" the building façade and add interest along the street edge.
 - B. Main entrances shall be clearly identifiable from primary driveways and drop-offs:
 - 1. Building entrances shall contrast with the surrounding wall plane.
 - 2. Tinted glass, painted doors, or recessed features shall be used to create a shaded effect.
 - 3. Doorways shall be framed.
 - 4. Primary entrances shall be accessible to handicapped users without complex ramp systems.
 - 5. Buildings must incorporate variation in height, mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of "strip" development. Physical separation of one building into two or more buildings or façade changes that give the appearance of two or more buildings shall be employed.

6. To provide continuity and harmony, some of the materials and architectural features used on the street-facing façade(s) shall be incorporated into all other façades that are visible from a public street, alley, residential use, or parking area.
7. The minimum height of all buildings within this district shall be 16 feet.
8. The width of a principal building façade along a public street shall be a minimum of 60 percent of the lot width. Significant architectural appurtenances (such as balconies and porches) or outdoor activity space accessory to the principal use of the building (such as restaurant seating) may be included in the minimum width calculation.

(2) Building Materials.

- A. Exterior building materials shall be factory finished, stained, integrally colored, or otherwise suitably treated. Materials shall be limited to:
 1. Brick
 2. Stone veneer; cultured or natural
 3. Insulated glazing and framing systems
 4. Architectural pre-cast concrete
 5. Painted or stained site-cast concrete
 6. Architectural concrete
 7. Factory finished, standing seam metal roofing (for application to pitched roof systems only)
 8. EIFS (not permitted on first story facades and no more than 20 percent of the upper story facades)
 9. Architectural metal as building accent only
 10. Wood
- B. Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material.
- C. Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited on any façade facing a street and not to exceed more than 25 percent of any other façade.

(3) Color.

- A. Colors shall be neutral and natural tones with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, black or metallic accent colors are prohibited, unless approved by the Planning and Zoning Commission for very limited application. (Ord. 14-29. Passed 10-27-14.)
- B. While subdued or muted colors generally work best as a dominant, overall color, a brighter color may be appropriate for accent elements, such as door and window frames, and architectural details. All exterior colors should be subdued, with strong colors such as reds, blues, and golds etc., should only be applied to trim and accent being avoided. (Ord. 15-26. Passed 7-13-15.)
- C. Color palettes for new buildings shall be compatible with the colors of adjacent structures. Architectural detailing shall complement the facade and coordinate with adjacent buildings. Roof colors shall be muted and compatible with the dominant building color.

- D. Up to three paint colors may be permitted per structure, one primary color and up to two accent colors. Colors must be applied to the principal structure in a traditional pattern, and shall not be used for complex designs on residential or commercial properties.

(4) Roof Forms and Rooflines.

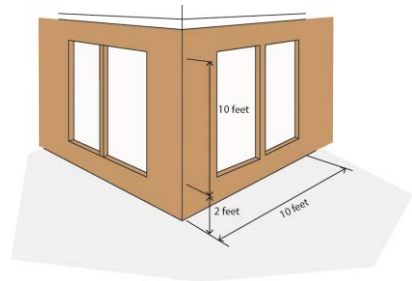
- A. Sloped roofs and roof facades shall be traditional materials, natural or simulated, such as slate, wood shakes, dimensional shingles, metal standing seam, or copper.
- B. One story buildings are required to have a sloped roof. Sloped roofs shall be a minimum 6/12 pitch and a maximum 12/12 pitch with the eave line at a minimum of 12 feet above grade.
- C. Buildings two stories or greater may have a flat roof but shall be required to incorporate a parapet wall and cornice treatment along the entire perimeter of the roof.

(5) Windows.

- A. All building facades facing a street shall contain at least 60 percent window glass between the height of two feet and 10 feet above the nearest sidewalk grade. Such glass shall not be tinted more than 15 percent and permit a view of the building's interior to a minimum depth of four feet. The pattern of window glass shall continue around the corner of the building from the street frontage facade a minimum distance of 10 feet.

- B. Reflective glass is not permitted.

- C. The following standards apply to upper story windows, to ensure that any story above ground level continues a repeated pattern for unity and is integral to the building design. Upper story windows are generally smaller than storefront windows at street level, are spaced at regular intervals and give scale and texture to the street edge formed by building facades.



1. For any new installation or replacement of upper story windows, the new/replacement windows shall be clear/non-tinted glass.
2. Windows shall not be blocked, boarded up, or reduced in size, unless otherwise required by code for securing a vacant structure.
3. At least 25 percent (as measured from floor to ceiling) of the façade facing a street and above the first floor shall be window glass, unless historic documentation (e.g. historic photos) can be provided that shows a different percentage of window glass was used. In such cases, the historic percentage shall be maintained.

(6) Mechanical Equipment.

- A. All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, coolers, chillers, elevator penthouses, water tanks, stand pipes, satellite dishes and communications equipment, and any other

type of mechanical equipment for the building shall be completely screened from view from the public right-of-way and from adjacent properties by walls, fences, roof elements, penthouse-type screening devices or landscaping, as applicable. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

B. There shall be no exterior fire escapes.

C. Ground-mounted mechanical equipment shall be located at the rear of the building or, if located along a side, shall be set back as far from the street-facing façade as practicable.

(7) Awnings.

A. All primary exterior entrances shall have an awning or architectural treatment directly over the door(s) to aid in identifying the entrance.

B. The shape of the awning should correspond to the shape of the window or door opening, i.e., barrel shaped awnings should be used with arched windows while rectangular awnings should be used to complement rectangular windows.

C. Awnings shall be made of canvas or similar waterproof material. Use of aluminum, fiber glass, plastic or similar materials is not permitted, except as structural components. Permanent steel canopies with standing seam roofs are acceptable, provided they are consistent with the overall theme of the façade.

D. Awnings are not permitted to be backlit.

(c) Landscaping and Screening. The intent of the requirements of this section is to minimize the visual impact of parking lots from adjoining streets and property; to create a defined edge along streets within the district; to provide relief from the harshness of heat and glare in parking lots; and to contribute to the enhanced character of the Old Hilliard District

(1) Tree plantings, landscaping and screening are required along street frontages and in the interior of parking lots, as follows:

A. Five percent of all parking lot interiors shall be landscaped.

Parking interior is defined from the face of curb or perimeter of pavement inward. In no case shall interior landscaping be less than 200 square feet.

B. One landscape island is required for every 20 parking spaces. If a site, due to its size and configuration, cannot meet this standard, two landscape peninsulas may be substituted for one landscaped island.

C. Landscaped islands may be randomly spaced, but shall be contained within and dispersed throughout the interior of a parking lot. Landscaped islands that define a main entrance way and separate parking areas may count toward the required five percent interior landscaping.

D. One tree shall be provided for each 10 parking spaces. Each island shall include one shade tree.

(Ord. 14-29. Passed 10-27-14.)

- (2) Specifications regarding size, type, placement and maintenance of materials shall be in accordance with the Hilliard Design Manual.
- (d) Screen Walls and Fences.
 - (1) Chain-link fencing with or without slats is not permitted. Fences or screen walls that exceed 200 feet in length shall incorporate columns, insets, landscape pockets or changes in materials at regular intervals.
 - (2) Screen walls and fences shall be constructed from durable materials such as stone, brick, wood, or metal with natural finishes, or a combination of these materials. Stockade fencing is prohibited.
 - (3) Walls or fences may not exceed a height of 30 inches, unless used as a screening element for security, dumpsters or mechanical equipment. Accent columns or other wall articulations are permitted to exceed 30 inches provided these elements do not fall within site triangles for both pedestrian and vehicular circulation.
 - (4) Security fencing of up to six feet high shall be permitted at the rear one-third of the property only. Chain-link, barbed wire, razor wire or any other 'high security' fencing is not permitted.
- (e) Service/Storage Areas/Dumpsters.
 - (1) All service areas for dumpsters and loading shall be located in the rear yard, unless an alternate location is approved by the Planning and Zoning Commission.
 - (2) Storage areas (for machinery, equipment, dumpsters, trash recyclables, etc.) shall be screened on all sides (except gated access) by a completely opaque wall that extends to the height of the element being screened, but not exceeding six feet. The accessible side of the enclosure shall contain an opaque gate. Chain link or vinyl materials shall not be used for any part of the enclosure or gate.
 - (3) A dumpster, when provided, shall be in a designated area that does not interfere with any aisle, driveway, parking space, loading space or other circulation area. The location of a dumpster shall be shown on the site plan with adequate loading and maneuvering space that does not infringe on any required parking space. A dumpster shall be screened from view as defined herein. Dumpster pads and required screening elements shall not be located closer than five feet to any property line.

- (4) The materials and colors selected for the enclosure's screening shall complement those on the principal building's structure.
- (f) Parking and Interior Circulation.
 - (1) New or expanded parking lots on the interior of the premises shall be located in the rear or side yards, accessed by means of shared driveways. Parking lots shall be small in scale where possible, and connected with parking lots on adjacent properties. Cross-access easements for adjacent lots with connected parking lots are required. Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in shared parking facilities, but must be within 600 feet of the use being served.
 - (2) Off-street parking shall comply with all other applicable requirements of Chapter 1127.
 - (3) The parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and are strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.
 - (4) The number of required off-street parking spaces may be reduced by up to 50 percent by the Planning and Zoning Commission upon consideration of the following factors:
 - A. Public, permit or shared parking is available within a reasonable distance of the proposed use;
 - B. Transit service is available and likely to provide a viable alternative to personal vehicles;
 - C. The proposed use can be expected to benefit from pedestrian traffic and accessibility generated by other nearby uses, rather than as a single destination; and
 - D. The hours of operation and/or peak activity for the use will not coincide with other uses in the vicinity.
 - (5) The required number of loading spaces may be reduced or eliminated at the discretion of the Planning and Zoning Commission, with due consideration given to:
 - A. Frequency and time of deliveries;
 - B. Size and nature of delivery vehicles;
 - C. Impact on adjoining or nearby uses; and
 - D. Impact upon adjoining streets, alleys or parking areas.
 - (6) One bicycle parking space shall be provided for each 10 vehicular parking spaces in addition to the required vehicle parking; provided, at least one bicycle parking space is required regardless of the size of the lot. Each bicycle parking space shall be at least two by six feet with a secure locking post or mechanism, as approved by the zoning inspector, and shall not be located in such a way as to obstruct parking spaces or vehicle or pedestrian access.
- (g) Drive-Thru Facilities.
 - (1) Drive-thru pickup windows and coverings, if permitted, shall not be located on any building side that faces a public street.

- (2) Drive-thru windows shall be designed as an integral part of the structure they serve and building materials including canopies, awnings, support posts, etc. shall match the materials and color scheme of the building they serve.
- (h) Site Utilities.
- (1) Cell towers are prohibited.
 - (2) Existing underground wiring shall not be replaced with overhead wiring.
 - (3) New utilities or relocated utility feeds shall be located underground.
 - (4) Solar panels may be used, if approved as a conditional use in accordance with the requirements of Chapter 1123 and Section 1121.02(f).
- (i) Site Lighting. Parking lot lighting shall be in accordance with the following standards:
- (1) Light fixtures shall not exceed 20 feet in height, measured from the surface of the ground to the top of the light fixture.
 - (2) In parking lots, lights shall be placed in landscaped islands or on a solid base to protect both lights and vehicles from possible damage.
 - (3) Security lighting shall be from full cutoff type fixtures, shielded and aimed so illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
 - (4) High Pressure Sodium fixtures shall not be permitted for parking lot lighting. Accent lighting on building facades is permitted.
 - (5) All parking lot light fixtures and poles shall be black in color.
 - (6) Specifications regarding lighting levels and placement of fixtures shall be in accordance with the City of Hilliard Design Manual.
- (j) Maintenance and Upkeep.
- (1) All plants and landscaped areas shall be maintained in a neat and healthy condition. Dead plant material shall be replaced no later than the next planting season; and shall also meet the applicable size requirements specified in the Hilliard Design Manual.
 - (2) Grounds are to be maintained in a safe, clean, and neat condition free of rubbish and weeds. Lawns must be kept mowed.
 - (3) All owners, or their designees, shall maintain buildings, drives, parking lots, fencing and screening, and other structures located upon their property in good and sufficient repair and shall keep the premises painted, windows glazed, pavement swept and true to line, and grade in good repair. Drainage areas and intakes are to be kept clean and free of debris or other obstructions.
 - (4) Buildings that are vacant for any reason must be kept locked in order to prevent entry by vandals. They must also meet all other maintenance requirements of the Hilliard City Code.
 - (5) Obsolete poles and/or wiring shall be removed within six months of the time their use is discontinued. Poles shall be maintained in a vertical position.
- (k) Signs. All signs shall conform to the requirements and procedures specified in Chapter 1129.

(l) **Project Evaluation Criteria.** The following general evaluation criteria are provided to create a clear and concise guide for evaluating projects within the District. This checklist will help ensure that each project will be examined relative to design objectives and how it creatively applies the basic elements of quality design, as defined within this section.

- (1) Community Goals. Does the project plan conform to neighborhood development goals and the recommendations of the Comprehensive Plan?
- (2) Historic Preservation. Is the project complementary to the historic character of the District? (if applicable)
- (3) Context. Does the proposed project harmoniously relate to and enhance adjacent structures and public spaces with respect to scale, building materials, setbacks and similar design elements?
- (4) Pedestrian Needs. Does the proposed project accommodate and promote pedestrian activity through wide walkways, linkages to surrounding uses and public spaces, and minimal conflicts with vehicular access?
- (5) Unique Character. Does the proposed project contribute to the area's sense of place, reinforce Old Hilliard's unique character, and enhance the people-oriented setting?
- (6) People-Oriented Facades. Within this District special emphasis must be placed on creating people oriented facades along Main and Norwich Streets. Is the street-level façade in scale with pedestrian activity and movement? Are building entrances well defined and inviting?
(Ord. 15-26. Passed 7-13-15.)

1115.06 SITE DEVELOPMENT REGULATIONS.

In addition to the requirements of this Chapter, all development in the Special Purpose Districts shall meet the applicable requirements as listed elsewhere in this Code:

- (a) General Provisions, see Chapter 1121
- (b) Conditional Use Requirements, see Chapter 1123
- (c) Landscaping and Lighting Requirements, see Chapter 1125
- (d) Off-Street Parking and Loading, see Chapter 1127
- (e) Signs, see Chapter 1129
- (f) Site Plan Review Requirements, see Chapter 1131
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1117
Planned Unit Development District

1117.01	Purpose.	1117.06	Review standards.	
1117.02	Qualifying conditions.	1117.07	Commencement	of
1117.03	Permitted uses.		construction.	
1117.04	Development requirements.	1117.08	Changes to approved Planned	
1117.05	Application process.		Unit Development.	
		1117.09	Existing planned unit	
			developments.	

CROSS REFERENCES
Special Purpose Districts - see P. & Z. Ch. 1115

1117.01 PURPOSE.

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the City relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Hilliard Comprehensive Plan, planned unit development may be permitted as a zoning district to achieve the following purposes:

- (a) Provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the City in general;
 - (b) Preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
 - (c) Accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this Code;
 - (d) Encourage the utilization of open space and the development of recreational amenities generally located within walking distance of all living units;
 - (e) Encourage the use of lands in ways which are most in accord with their character and adaptability; and
 - (f) Encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.
- (Ord. 14-29. Passed 10-27-14.)

1117.02 QUALIFYING CONDITIONS.

At a minimum, all proposed planned unit developments shall meet the following qualifying conditions, as applicable, to be considered for approval:

- (a) Location. Planned unit developments may be located in any part of the City, subject to meeting all other applicable requirements.

- (b) **PUD Purpose:** The applicant shall demonstrate that the planned unit development will achieve two or more of the purposes listed in Section 1117.01.
- (c) **Size:** The minimum site size for a planned unit development shall be based on the type of development, as shown in the following table. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition. Sites containing less than the minimum required acreage may be approved by the City Council, if the Council determines that the site will advance the purposes of the planned unit development District and:
- (1) Rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
 - (2) The proposed uses will complement the character of the surrounding area;
 - (3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
 - (4) PUD zoning is not being used as a means to circumvent conventional zoning requirements.

Table 1117.02: Minimum Site Size	
PUD Type	Minimum Required Site Size
All residential	20 acres
Mixed residential/non-residential	40 acres
All non-residential	10 acres

- (Ord. 14-29. Passed 10-27-14.)
- (d) **Housing Variety:** A residential planned unit development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability, or housing that demonstrates increased architectural standards and/or site amenities that are above and beyond those required by a straight residential zoning district classification. (Ord. 15-26. Passed 7-13-15.)
- (e) **Utilities:** The planned unit development shall be served by public water and sanitary sewer facilities.
- (f) **Ownership and Control:** The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- (g) **Recognizable Public Benefit:** The planned unit development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PUD.
- (1) Preservation of significant natural features
 - (2) A complementary mix of land uses or housing types
 - (3) Preservation of common open space beyond the minimum required
 - (4) Connectivity of preserved open space with adjacent open space, greenways or public trails
 - (5) Coordinated development of multiple small lots or parcels
 - (6) Removal or renovation of deteriorating buildings, sites or contamination clean-up. (Ord. 14-29. Passed 10-27-14.)

1117.03 PERMITTED USES.

Any land use or combination of land uses may be considered for inclusion within a planned unit development. (Ord. 14-29. Passed 10-27-14.)

1117.04 DEVELOPMENT REQUIREMENTS.

(a) Minimum Lot Size and Zoning Requirements: Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a planned unit development, unless modified in accordance with the provisions of Section 1117.04 (b).

Table 1117.04 Zoning Requirements by Use Type	
Land Use Type	Applicable Zoning District
Single family residential	R-3, Moderate Density Residential
Two family residential	R-3, Moderate Density Residential
Town home	R-4, High Density Residential
Multiple family	R-4, High Density Residential
Retail, office, service business	B-4, I-270 Corridor
Industry	M-1, Restricted Industrial
Institutional	S-1, Support Facilities

(b) Modification of Minimum Requirements: District regulations applicable to a land use in the planned unit development may be altered from the requirements specified in Table 1117.04, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district. The applicant for a planned unit development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary development plan review stage, after Planning and Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned unit development District, as expressed in Section 1117.01.

(c) Density Bonus: In addition to the modification of minimum requirements permitted in Section 1117.04(b), the City Council, after Planning and Zoning Commission recommendation, may permit an increase in the total number of residential units allowed within a planned unit development where it is demonstrated that at least three of the following amenities will be included within the development.

- (1) Dedicated common open space is provided in excess of the minimum required, per Section 1117.04(d)(1).
- (2) One or more parking structures are proposed to meet the minimum parking requirements of this Code

- (3) Varying housing types (e.g., single family detached, two-family, townhomes and/or multiple family).will be incorporated into the development
- (4) Low Impact Design (LID) techniques will be employed to minimize storm water runoff and impacts to the City's storm water sewer system
- (5) Facilities (e.g., shelter or turn-out) will be provided to support transit service.
- (6) The proposed development clearly demonstrates conformity with specific goals and recommendations of the City's Comprehensive Plan
- (7) Three or more public benefits, as identified in Section 1117.02(g), will be achieved. (Ord. 14-29. Passed 10-27-14.)

Density Bonuses available under a PUD do not apply to developments in the Hilliard Conservation District as that district has its own requirements for approving density bonuses. (Ord. 15-26. Passed 7-13-15.)

(d) Common Open Space: For purposes of the planned unit development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a planned unit development:

- (1) The area of common open space shall not be less than 20 percent of the gross land area of a planned unit development containing any residential units and not less than 10 percent of the gross land area in non-residential developments. Land dedicated for recreation shall count toward the common open space requirement. However, fees paid in-lieu-of land dedication shall not satisfy the open space requirement.
- (2) All common open space shown on the Final Development Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
- (3) The open space shall meet the following minimum dimensional, contiguity and connectivity requirements:
 - A. The required open space shall be centrally located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - B. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.

- C. If the site contains a lake, stream or other body of water, the City may require that a portion of the required open space shall abut the body of water.
- D. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the Planning and Zoning Commission or City Council may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
- E. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- F. Grading in the open space shall be minimal, with the intent to preserve existing topography where practical.
- G. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Planning and Zoning Commission or City Council.
- H. The following areas shall not qualify as required common open space for the purposes of this section.
 - 1. The area within any public street right-of-way.
 - 2. The area within private road easements.
 - 3. Any easement for overhead utility lines cannot exceed 50 percent of the total open space requirement, and cannot count towards parkland dedication.
 - 4. Fifty percent of any steep slopes (12 percent or over) and habitats of endangered species.
 - 5. Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
 - 6. The area within a subdivision lot.
 - 7. Land within any required yard or setback area.
 - 8. Parking and loading areas.
 - 9. Fifty percent of the area of any golf course.(Ord. 14-29. Passed 10-27-14.)

(e) **Connectivity:** Pathways for bicycles and pedestrians shall be incorporated throughout the planned unit development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the City of Hilliard Design Manual.
(Ord. 15-26. Passed 7-13-15.)

1117.05 APPLICATION PROCESS.

(a) **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the City Planner to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The City Planner shall notify other City staff such as the City Manager, Director of Public Service and Norwich Township Fire Chief. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the City.
(Ord. 19-31. Passed 12-9-19.)

(b) **Preliminary Planned Unit Development Review and Rezoning.** The following procedures shall be followed for the review of any planned unit development request.

(1) **Application.** An application for rezoning to planned unit development District shall be submitted to the City Planner by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning and Zoning Commission.

A. **Concept Plan.** A Concept Plan shall be submitted and include the following:

1. Name, address, phone number and email address of the applicant
2. Name, address, phone number and email address of the professional or firm that prepared the plan
3. Legal description of the property
4. North arrow, scale and title block
5. General location map
6. Existing zoning on the subject property and all abutting properties
7. Property boundary survey
8. Adjacent buildings and structures within 100 feet of the property boundaries
9. All perimeter streets abutting the property, including right-of-way width
10. Existing topographic conditions (two foot intervals)
11. Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
12. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
13. Uses proposed within the planned unit development

14. Number and type of dwelling units proposed
 15. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 16. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
 17. A list of the names and addresses of all property owners within a certain distance of the subject property, as provided in Sections 1117.05(b)(2)(A)(1)-(2).
- B. Project Narrative. A written statement shall also be submitted with the application, providing the following information:
1. Statement of how the planned unit development meets each of the Qualifying Conditions specified in Section 1117.02
 2. Identification of the present owners of all land within the proposed project
 3. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use
 4. A complete description of any requested deviations, in accordance with Section 1117.04(b), from the minimum spatial or other requirements applying to the property.
 5. An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 1117.04(c).
 6. A general description of the proposed development schedule and anticipated phases.
 7. Intended agreements, provisions and covenants to govern the use of the development, approval of building materials and architectural styles and any common open space areas to be preserved
- (2) Planning and Zoning Commission Review. Following receipt of a complete application package, the City Planner will cause the application materials to be forwarded to the Planning and Zoning Commission for review. At the next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning and Zoning Commission shall conduct a public hearing as follows:
- A. Notice of Public Hearing by Commission. The Commission shall hold a public hearing for Zoning Code and Map amendments. For Zoning Map amendments and conditional uses, each application shall contain the names and addresses of all property owners lying within a certain distance of the subject property, as provided in subsection (1) and (2) below, for which an application has been submitted.
1. Not less than fourteen (14) days prior to the hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to all property owners within 400 feet of the subject property.

2. The minimum number of notices that must be mailed to surrounding property owners is twenty (20). If the number of property owners lying within 400 feet of the subject property does not equal or exceed twenty (20), then the distance from the subject property must be increased by a radius of 100 feet until the minimum number of twenty (20) is reached.
 3. Notice to the general public of the Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing.
 4. It is the intention of this section to provide, so far as possible, due notice to persons substantially interested in the application that is before the Planning and Zoning Commission. Mailed notices to surrounding property owners (as provided in subsections (c)(1) and (c)(2) above) are not required for subsequent hearings on the same application.
 5. Fourteen (14) days prior to the date of the public hearing, the agenda of the Commission meeting shall be displayed on the City's website and on the public bulletin board at City Hall, containing information as to the place or places and times at which applications, including text and maps, may be examined by members of the public.
 6. At least fourteen (14) days prior to a public hearing, the City shall place public notification signs on the subject property as described hereafter. For subject properties that face more than one public street or roadway, City staff shall place one (1) hearing notice sign for each street frontage or roadway. These public notice signs shall be placed on the subject property in locations within five (5) feet from each side facing frontage in a manner clearly visible from the street. No such notification signs shall be placed in the public right of way. Each public notice sign shall include: the date, time, and place of the public hearing, the type of request which is the subject of the hearing, the City's website address, and the phone number of the City's Planning Division. The City shall remove public notification signs within 24 hours after the public hearing.
 7. The size and material of such public notification signs shall be as prescribed by the City's Director of Public Service taking into account required print visibility and the ability of the sign to withstand various weather conditions.
 8. A failure to notify, as provided in this section, shall not invalidate any proceedings or actions taken by the Planning and Zoning Commission or that of City Council.
- B. Public hearing. The Planning and Zoning Commission shall conduct a public hearing in accordance with its rules of procedure.
- C. Recommendation. Upon voting on the application, the Commission shall forward its recommendation to Council, through the City Planner, that the Concept Plan and planned unit development zoning be approved as presented, approved with supplementary conditions, or not approved. The recommendation shall be based on the standards of Section 1117.06.

- (3) City Council Action. Council shall conduct a public hearing prior to taking final action on the request.
- A. Notice of hearing. Notice to the general public and property owners shall be as provided in Sections 1117.05(b)(2)(A)(1)-(2) and 1117.05(b)(2)(A)(6), above.
 - B. Public hearing. The City Council shall conduct a public hearing in accordance with its rules of procedure.
 - C. Action. After the public hearing, Council shall vote to approve, approve with supplementary conditions or not approve the Concept Plan and zoning change, based on the standards of Section 1117.06. All motions shall be made in the affirmative. Any Council action which approves the Concept Plan and zoning change with new or different supplementary conditions than those recommended by the Commission, shall only take effect if passed or approved by not less than a majority of the membership of City Council.
 - D. Failure of the applicant to comply with any conditions of approval shall be considered a violation of the Zoning Code and the offending party is subject to all applicable enforcement, conditions of approval, remedies and penalties available to the City in law or equity and as may be provided for in this Code.
(Res. 19-R-09. Passed 2-25-19.)

(c) Final Planned Unit Development Review: The following procedures shall be followed for the review of the Final Development Plan.

- (1) Timing. An application for Final Development Plan approval shall be filed not later than 24 months after the effective date of City Council approval of the Concept Plan, otherwise the Concept Plan approval shall expire. One extension of up to six months may be authorized by the Planning Commission for good reason and justifiable cause. The applicant must demonstrate they have made a good faith attempt to work towards a Final Development Plan submittal. The applicant shall submit the request for extension in writing to the City Planner who shall present the request to the Planning Commission, who shall make a written determination regarding their decision to extend or deny the extension. Both the request and the determination shall be made part of the record. If the applicant fails to submit a Development Plan within this timeframe, the applicant must submit a new development plan. (Ord. 14-29. Passed 10-27-14.)
- (2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the City Planner to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Concept Plan approval, review procedures and the proposed Final Development Plan. The City Planner shall notify other City staff such as the City Manager and Norwich Township Fire Chief. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the City. (Ord. 19-31. Passed 12-9-19.)
- (3) Application. An application for approval of the Final Development Plan shall be submitted to the City Planner by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a Final Development Plan and narrative containing the information specified

in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning and Zoning Commission.

- A. Final Plan. A Final Development Plan, substantially consistent with the approved Concept Plan and containing all information required in Section 1131.05 for a Level B site plan, shall be submitted with the required application
- B. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
 - 1. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - 2. Identification of the entity responsible for maintenance of common areas;
 - 3. Description of all deviations from the otherwise applicable zoning requirements;
 - 4. Net and gross density of any residential component of the project;
 - 5. Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - 6. Restrictions or requirements regarding architectural style and/or building materials;
 - 7. Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
 - 8. An anticipated development schedule by phase, if applicable.

(4) Phased Projects. If a proposed planned unit development is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given Concept Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Concept Plan. The Planning and Zoning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

(5) Planning and Zoning Commission Review. Following receipt of a complete application package, the City Planner shall cause the application materials to be forwarded to the Planning and Zoning Commission for review. At its next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning and Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions or not approve the Final Development Plan, based on the review standards of Section 1117.06 and the site plan review standards of Section 1131.06.

(6) Performance Guarantee. In conjunction with the approval of a Final Development Plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with Section 1141.05. (Ord. 14-29. Passed 10-27-14.)

1117.06 REVIEW STANDARDS.

In considering a planned unit development request, the Planning and Zoning Commission shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- (a) Purpose of PUD. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 1117.01.
- (b) Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 1117.02.
- (c) Comprehensive Plan. The planned unit development shall be consistent with the recommended future land use patterns, goals and guiding principles contained in the City of Hilliard Comprehensive Plan.
- (d) Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (e) Natural Environment. The design and layout of the planned unit development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (f) Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (g) Protects Health, Safety and Welfare. The planned unit development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- (h) Consistent with All Applicable Standards and Requirements. The proposed development shall conform to all applicable requirements of this Code, unless specifically modified and approved, as authorized by Section 1117.04 (b).
- (i) Final Development Plan. The Final Development Plan is substantially consistent with the representations made and plans shown during the prior Concept Plan stage of approval.
- (j) Recognizable and Substantial Benefits. Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community, which would not otherwise be feasible or achievable under conventional zoning districts. (Ord. 14-29. Passed 10-27-14.)

1117.07 COMMENCEMENT OF CONSTRUCTION.

Construction shall have commenced and proceeded meaningfully toward completion within 12 months of the date of Final Development Plan approval, in accordance with the following:

- (a) If construction has not commenced within 12 months, the applicant may request one extension of up to 12 additional months. The request shall be submitted, in writing, to the Planning and Zoning Commission prior to the expiration of the original 12 month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the PUD final development plan shall become null and void.
- (b) Following expiration of the time limits, the City Council may initiate proceedings to rezone the PUD site to some other district(s).
- (c) For purposes of this section, meaningful progress toward completion shall mean, at a minimum, any of the following: site clearing, rough grading, and installation of infrastructure improvements such as underground utilities.
(Ord. 14-29. Passed 10-27-14.)

1117.08 CHANGES TO APPROVED PLANNED UNIT DEVELOPMENT.

Changes to an approved Final Development Plan or changes to the PUD text and/or PUD Zoning Map shall be permitted only under the following circumstances:

- (a) The holder of an approved Final Development Plan, or the Applicant requesting changes in the PUD text and/or PUD Zoning Map, shall notify the City Planner of any proposed change to the approved PUD.
- (b) Minor changes may be approved by the City Planner upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes are defined as being one or more of the following:
 - (1) Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - (2) Movement of building or other structures to a location that meets all established setbacks;
 - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - (4) Changes in building materials to a comparable or higher quality;
 - (5) Changes in floor plans which do not alter the character of the use;
 - (6) Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
 - (7) Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- (c) A proposed change to an approved Final Development Plan or proposed changes to the PUD text and/or PUD Zoning Map that does not meet one of the criteria in Section 1117.08(b)(1) through (5) above shall be considered an amendment to the approved PUD and a request for modification shall be submitted to the Planning and Zoning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.
- (d) When, in the judgment of the Planning and Zoning Commission, the proposed requested modification(s) substantially deviates from the approved Concept Plan, the requested modification(s) shall be reviewed by the Commission as an Amended Concept Plan, and shall meet be reviewed in accordance with the provisions of Section 1117.05(b) for the approval of a Concept Plan. Sections 1117.05 through 1117.07 apply to Amended Concept Plan applications.
- (e) Proposed modifications to a PUD requiring a recommendation by the Planning and Zoning Commission in (c) or (d) above, shall be forwarded to City Council in the form of a Resolution and Council shall consider this legislation pursuant to the review/approval process of Section 1117.05(b)(2) and (3).
(Ord. 15-26. Passed 7-13-15.)

1117.09 EXISTING PLANNED UNIT DEVELOPMENTS.

Within the city, there are existing planned unit developments variously referenced as planned unit development, planned neighborhood district, planned industrial park district and commercial planned unit development district, identified on the zoning map as "PUD*". These developments shall be exempt from the requirements of this Chapter and shall conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 1117.08, shall be subject to the procedural requirements of that section based on the standards as outlined herein.
(Ord. 15-26. Passed 7-13-15.)

1121.01 Compliance with provisions.
1121.02 Buildings and structures.
1121.03 Dimensional requirements.
1121.04 Dwellings.

1121.05 Parking and storage.
1121.06 Uses.
1121.07 Other provisions.

1121.01 COMPLIANCE WITH PROVISIONS.

Except as specified in this chapter, no building, structure or premises shall be used or occupied and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the provisions of this chapter.

(Ord. 14-29. Passed 10-27-14.)

1121.02 BUILDINGS AND STRUCTURES.

(a) Unlawful Buildings and Uses. Any building, use, or lot which has been unlawfully constructed, occupied, or created prior to the date of adoption of this code shall continue to be unlawful, unless expressly permitted by this zoning code. Such buildings, uses or lots shall not be considered to be nonconforming buildings, uses or lots of record under this code.

(b) Accessory Buildings.

- (1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than 10 feet in length. Detached accessory buildings shall be located at least 10 feet from any principal building.
- (2) Accessory buildings shall not be erected in any front yard or within any easement.

- (3) Accessory buildings may be erected in a rear yard if set back not less than six feet from the rear property line and three feet from the side property line. In any case, accessory buildings shall not occupy more than 30 percent of the required rear yard.
 - (4) Buildings and structures accessory to non-residential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.
 - (5) An accessory building designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the zoning inspector.
 - (6) The height of an accessory building shall not exceed 14 feet.
 - (7) Accessory buildings shall not exceed 50 percent of the principal building floor area or 900 square feet, whichever is less.
 - (8) An accessory building shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.
 - (9) Accessory buildings in planned developments shall be subject to the same requirements as in the Residential Districts.
(Ord. 14-29. Passed 10-27-14.)
 - (10) Swing sets, playground equipment, garden trellises, well-head covers and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by city code. However, doll houses, club houses or other similar structures shall meet the requirements of the City's code.
(Ord. 15-26. Passed 7-13-15.)
 - (11) Accessory buildings shall share all public utilities (water/sewer/electric) with the principal building. Accessory buildings shall not be separately metered.
- (c) Temporary Buildings.
- (1) Construction. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period construction work is in progress, but shall be removed upon completion of the construction work.
 - (2) Model Homes and Sales Offices. Upon application, the zoning inspector may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing development. Each permit shall specify the location of the office and shall be valid for a period of not more than two years and may be renewed by the zoning inspector for additional successive periods of six months or less each, at the same location, if the office or model home is still incidental and necessary for the sale or rental of real property in the subdivision or housing development where it is located.
(Ord. 14-29. Passed 10-27-14.)
- (d) Fences.
- (1) General Standards.
 - A. Fences shall not be permitted to encroach upon public easements. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility. Fences in drainage easements shall require prior approval of the city engineer to allow for proper flow of water.

- B. All fences, regardless of the zoning district where located, shall be a neutral color of white, tan, light gray, light brown, or similar color.
- C. If both sides of a fence are not identical, the finished side (with no exposed posts or supporting cross elements) shall face outward from the property toward adjoining property or right-of-way.
- D. The height of a fence or wall shall be measured from the established grade line to the highest point of the fence excluding posts and finials; provided, the posts or finials shall not exceed the fence height by more than six inches. The height of the fence may not be artificially increased by the use of mounding, unless otherwise required by the zoning district regulations.
- E. All fences shall extend to the ground, or the bottom of the fence panels shall be no higher than six inches above the ground, and those inches count toward the maximum fence height.
- F. Fences and walls may not interfere with the visibility at any right-of-way, regardless of other standards.
- G. Only one style of fence or wall may be permitted per property line.
- H. Barbed wire fences, stockade fences, basket weave fences, electric fences, fences made out of razor wire, concertina wire, solid plywood, scrap lumber, common concrete, cinderblock or other similar non-customary materials are prohibited. Examples and depictions of prohibited fences are included in the Hilliard Design Manual.
- I. Fences shall only be located in the rear and side yards, and shall not be located passed the build-to line of the main structure on the parcel.

(2) Permitting.

- A. A permit from the City is required prior to the installation of a fence, including a new fence or fence section, replacement fence, the relocation of any part of an existing fence located on a property. A permit is not required for regular fence maintenance. Regular Fence Maintenance is for the approved permitted fence only.
- B. The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence is to be erected; the exact height, location, length, type of material, type of construction of such proposed fence; the location of all buildings on the lot; and other information deemed necessary by the zoning inspector or designee in order to ensure that the fence is constructed in compliance with this code.
- C. An applicant shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land. The owner shall satisfy one of the following: submit a copy of a survey drawing indicating the location of property lines in the area of the proposed fence; locate and mark the property corners so they are visible at the time of inspection; or submit a signed statement from the abutting owner or owners stating that they approve of the proposed location of the fence.

(3) Front Yards. Except for invisible fences, fences are not permitted in any front yard. Shrubbery and hedges may be permitted in the front yard; provided, they do not exceed a height of three feet.
(Ord. 14-29. Passed 10-27-14.)

- (4) Side and Rear Yards. Fences in side and rear yards shall comply with the following standards.
 - A. Except for the M-1 and M-2 Districts, the maximum height in all Districts is six feet, except chain link fences in Residential Districts, or that part of a PUD that is exclusively for Residential Uses, which shall not exceed four feet in height. For the M-1 and M-2 Districts, the maximum height is seven feet.(Res 19-R-40. Passed 4-22-19.)
 - B. All fences may be placed on the property line; provided, the location conforms to all other applicable regulations of this code section.
- (5) Swimming Pools. Fences shall be installed to surround all swimming pools, whether in- or above-ground, (collectively, "swimming pool"), as follows:
 - A. The immediate surrounds of the swimming pool or the yard in which it is located, shall be fenced and equipped with a self-latching gate with a self-closing lock to prevent uncontrolled access into any swimming pool.
 - B. Any ladders or stairs providing access to a pool shall be enclosed by a fence and/or self-latching and self-locking gate to prevent uncontrolled access.
 - C. The fence shall be designed, constructed, and maintained in a manner to secure the pool from unauthorized entry.
 - D. The fence shall be at least four, but not more than six, feet above the natural grade.
- (6) Landscaping. Chain link or privacy fences/walls exceeding four feet in height in Commercial, Business and Manufacturing Districts that abut a Residential District or Residential Use or are located directly across a street or right-of-way from a Residential District or Use shall be bordered by landscaping. A landscape plan shall be submitted with the application and shall include planting adjacent to the fence or wall, facing the Residential District and shall include:
 - A. One shrub for every six feet of fence.
 - B. At least one half of all shrubs shall be evenly spaced and all shrubs shall be attractively arranged, with a minimum 50 percent year round opacity. At least 50 percent of the shrubs shall be evergreen. Shrubs shall be a minimum of two feet in height at the time of planting and shall be of a type expected to reach at least six feet at maturity with a spread of at least six feet.
- (7) Maintenance.
 - A. All fences, walls, and hedges shall be maintained in good condition, with all boards, posts, slats and gates securely in place, structurally sound and completely finished at all times, including painted surfaces. Any grounds between the structures and property lines shall be well maintained at all times, and clear of debris, weeds and overgrowth.
 - B. All fences located within an R-R District, and which are constructed in order to, at any time, confine livestock, shall be locked securely and maintained in a manner to prevent the wondering of livestock from the fenced area.
- (e) Mechanical Equipment Screening.
 - (1) Mechanical units located on the ground shall be located in the rear or side yard not closer than three feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or

appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Fences shall comply with the requirements of Section 1121.02(d).

- (2) If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.
(Res. 19-R-04. Passed 2-25-19.)

(f) Solar Panels. It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems to reduce the on-site consumption of utility-supplied energy and/or hot water, while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.

- (1) The installation and construction of a solar energy system shall be subject to the following development and design standards:
- A. A solar energy system is permitted in all zoning districts as accessory to a principal use.
 - B. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to others; provided, excess power generated from time to time may be sold to an electric utility company.
 - C. The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company to the City of Hilliard acknowledging and approving such connection.
 - D. A solar energy system may be roof-mounted or ground-mounted, subject to all applicable requirements for that location, as follows:
 - 1. A roof-mounted system may be mounted on a principal building or accessory building.
 - 2. Whether mounted on the principal building or accessory building, a roof-mounted system may not exceed the maximum principal building height or accessory building height specified in the zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 3. A ground-mounted system shall not exceed the maximum building height for accessory buildings.
 - 4. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - 5. A ground-mounted system shall not be located within the front yard.
 - 6. The minimum setback distance for a ground-mounted system from the property lines shall be equivalent to the required setback for the principal building.
 - E. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - 1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this code and providing effective screening may be used.

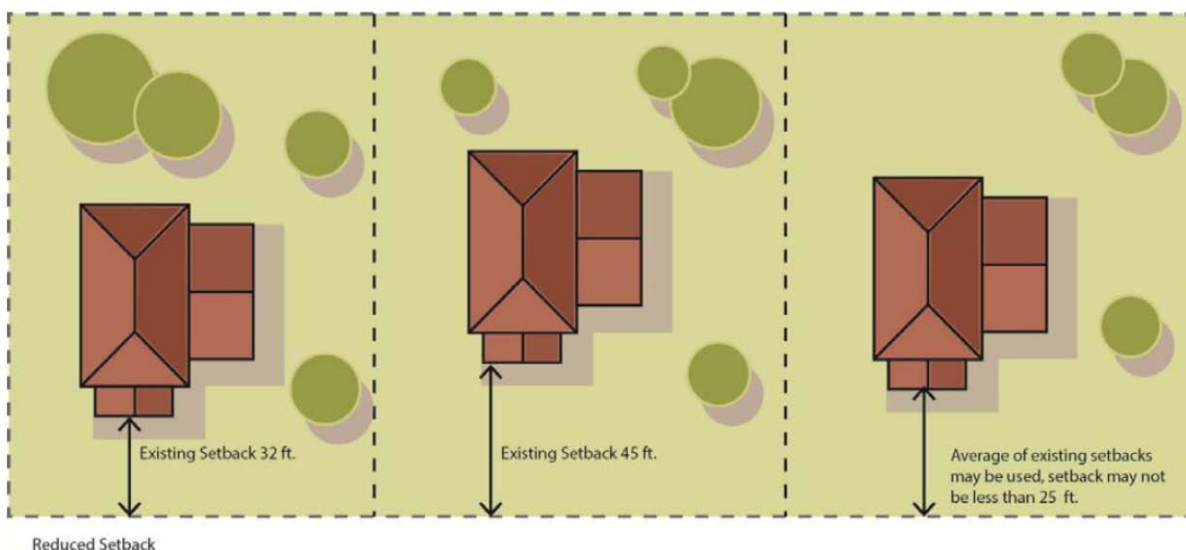
2. Mechanical equipment shall not be located within the front yard.
3. Mechanical equipment shall comply with the setbacks specified for accessory structures in the zoning district, but not less than 10 feet from all side and rear lot lines.
- F. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- G. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
- H. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
- I. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
- J. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the applicable building code. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Ohio.
- K. The solar energy system shall comply with all applicable codes to ensure the structural integrity of the solar energy system.
- L. Before any construction shall commence on any solar energy system, the property owner must acknowledge, in writing, that he/she is the responsible party for owning and maintaining the solar energy system.
- (2) If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be graded and reseeded.
- (3) If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe by the city building official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the building official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City of Hilliard may pursue a legal action to have the system removed at the owner's expense. (Ord. 14-29. Passed 10-27-14.)

1121.03 DIMENSIONAL REQUIREMENTS.

(a) Front Yard. All yards abutting upon a public street right-of-way or private street easement shall be considered front yards for setback purposes, except as provided for accessory buildings on double frontage lots.

(b) Front Setback Requirements. The following setback requirements shall apply to all Residential Districts:

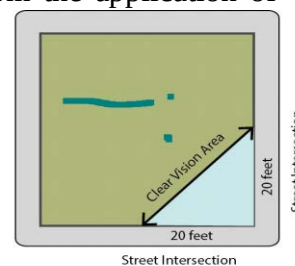
- (1) Where the established front yards for existing principal buildings located within 200 feet of a side lot line of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of the existing main buildings on the same side of the street, on the same block and entirely or partially within 200 feet of the



side lot lines of the subject lot.

- (2) The front yard reduction provided for in this section shall only be permitted if two or more lots are occupied by main buildings within the area described for computing the average front yard.
- (3) In no case shall the front yard setback resulting from the application of these provisions, be less than 25 feet.
(Ord. 14-29. Passed 10-27-14.)

(c) Clear Vision Corners. Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of 30 inches within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines. Nor shall a property owner permit tree limbs from a private tree to hang at a length that obstructs vision at an intersection or is otherwise a safety hazard.
(Ord. 15-26. Passed 7-13-15.)



(d) Encroachment in Right-of-Way. No buildings, structures, service areas or required off-street parking and loading facilities, except driveways, shall be permitted to encroach within public rights-of-way.

(e) Required Yards or Lots. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space less than the minimum size required under this code. If already less than the minimum size required, the area or space shall not be further divided or reduced.

(f) Minimum Lot Frontage. Any lot created after the effective date of this code shall front upon a public street right-of-way, private street easement, or approved access easement and shall have frontage on the public street, private street or approved access easement equal to the lot width required in the applicable zoning district.

(g) Cul-de-Sac Lots. In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line. For lots in the R-R district that have their entire frontage on a cul-de-sac, a minimum lot width of 150 feet shall be achieved at a point 125 feet from the front lot line.

(h) Existing Lots of Record. Any residentially zoned lot of record, existing on the effective date of this code, that is 50 feet or wider, but less than the minimum area and/or width required for the zoning district, may be used for the erection of a single family dwelling; provided, the front and rear yard setback requirements of the district are met and each side yard is no less than the percent of the lot width in relation to the required lot width.

(i) Corner Lots and Through Lots. Lots having frontage on more than one street shall provide required front yards along all streets.

(j) Projections into Required Yards. The following elements and appurtenances may encroach into or over a required yard setback, as provided in Table 1121-3:

Table 1121-3 Permitted Building Projections Into Required Yards				
Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
Accessory structures	See Section 1121.02(b)			
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3 ft. side yard setback			
Air conditioning units, generators and other mechanical equipment	Not permitted	3 ft.	3 ft.	3 ft.
		No more than 5 ft. from the building		
Awnings and canopies ¹	3 ft.	5 ft.	3 ft.	3 ft.
Balconies	5 ft.	10 ft.	3 ft.	5 ft.

Table 1121-3 Permitted Building Projections Into Required Yards				
Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
Barrier-free ramps and other facilities	16 ft.	16 ft.	3 ft.	16 ft.
Bay windows	3 ft.	3 ft.	3 ft.	3 ft.
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.
Cornices and similar architectural features	3 ft.	3 ft.	3 ft.	3 ft.
Decks, unroofed porches and stoops ²	5 ft.	10 ft.	3 ft.	5 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.	2 ft.
Fences and walls	See Section 1121.02(d)			
Fire escapes, open or enclosed	5 ft.	5 ft.	5 ft.	5 ft.
Patios and similar at-grade structures unroofed and unenclosed (not including driveways and sidewalks) ²	10 ft.	No closer than 3 ft. to the lot line		
Stairways (not including steps to main floor entry) and below-grade stairwells	Not permitted	10 ft.	3 ft.	3 ft.
Window air conditioning units	--	2 ft.	2 ft.	--
Window wells	3 ft.	3 ft.	3 ft.	3 ft.

¹ In the case of vehicle service stations, hotels, funeral homes and similar uses, canopies may be permitted over a driveway or walkway within the front yard but shall not be closer than 15 feet to the street right-of-way or easement line.

² Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

(k) Height Exceptions. The height regulations of any zoning district shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smoke stacks, or conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing or takeoff of aircraft at an established airport.

(l) Maximum Width/Depth Ratio: In all zoning districts, no lot or parcel shall be created whose depth exceeds four times its width; provided, for cul-de-sac lots or parcels the width shall be measured at the required front setback line.
(Ord. 14-29. Passed 10-27-14.)

1121.04 DWELLINGS.

(a) Illegal Dwellings. The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate city building codes. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, except if specifically constructed and authorized as an accessory dwelling.

(b) Temporary Dwellings. No cabin, garage, basement, tent, recreational vehicle, or other temporary structure shall be used in whole or in part for dwelling purposes in any district; provided a manufactured home may be used as a temporary dwelling for a period not to exceed six months upon application for and approval of a permit for such occupancy by the zoning inspector upon determination that the following conditions exist and are met:

- (1) The permanent dwelling of the resident applicant on the subject property has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- (2) Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- (3) The temporary dwelling shall be served by sanitary sewer and potable water, approved by the city.
- (4) The temporary dwelling will be removed prior to the issuance of a certificate of occupancy for the new dwelling.

(c) Conversion of Dwellings. In the R-3 and R-4 Districts, a single family dwelling may be converted to accommodate additional dwelling units, provided:

- (1) The exterior of the building shall not be changed in a way that alters the appearance of a single family dwelling and the yards shall not be reduced to less than the minimum requirements of the zoning district.
 - (2) The minimum lot area per unit is equal to the lot area requirements for two family or multiple family dwellings, as applicable, in that district.
 - (3) Each dwelling unit meets the minimum floor area requirements for single or multiple family dwellings, as applicable, within the zoning district.
- (Ord. 14-29. Passed 10-27-14.)

1121.05 PARKING AND STORAGE.

(a) Outdoor Storage. Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted in those districts and under such conditions as specifically authorized by this code.

(b) Temporary Storage Units.

(1) Registration of Temporary Storage Units.

- A. Prior to the initial delivery of a temporary storage unit, the property owner, occupant of the premises (if not the owner) or storage unit supplier shall register the placement of the storage unit with the building department; provided, however, such registration shall not be required if the storage unit will be removed within 72 hours of its delivery.

- B. Registration requires the following:
1. Completing the required application form and providing the property owner's or occupant's (if not the owner) name, size of the temporary storage unit to be registered, the address at which the storage unit will be placed, delivery date, removal date and a sketch illustrating the location and placement of the storage unit;
 2. Written approval of the application by the Zoning Inspector.
 3. The effective date of the registration shall be the date of the application's approval.

(2) Placement Requirements.

- A. It shall be unlawful to place or permit the placement of a temporary storage unit on property located within the City of Hilliard, unless it is registered with the building department, as required in subsection (b)(1), above.
- B. Temporary storage units shall only be placed upon or within a driveway or a parking area or, if access exists at the side or rear of the lot, the side or rear yard.
- C. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street, sidewalk or outlawn. (Ord. 14-29. Passed 10-27-14.)
- D. The temporary storage unit shall not be located at the registered address for more than 14 consecutive days, including the days of delivery and removal; provided, if the unit is needed to facilitate cleanup and/or restoration of activities resulting from natural disasters, fire, or remodeling the unit may be located on the property for up to 90 consecutive days.
- E. Each lot may contain two storage units at the time and each lot is permitted a maximum of two registrations in a 12 month period.
- F. The temporary storage unit shall not exceed 200 square feet.
- G. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
- H. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
- I. No temporary storage unit shall be used for human occupancy or to store solid waste, business inventory, commercial goods, goods for property other than the property where the storage unit is located or any other illegal or hazardous material. Upon reasonable notice, the building department may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
- J. Any temporary storage unit which is not removed at the end of the time for which the unit was registered, may be removed by the City upon providing the registered party with 24 hours advance notice. Upon failure of the registered party to reimburse the City for the cost of such removal, the City may certify the amount unpaid to the Franklin County Auditor's Office and be assessed against the property on which the unit was located in the same manner as real property taxes.

- K. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this section and all other applicable codes.

(c) Storage and Repair of Vehicles.

- (1) The repair, restoration and maintenance of vehicles in any Residential District, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and shall not be conducted within the public right-of-way.
- (2) It shall be unlawful for the owner, tenant or lessee of any building or lands within the City to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license plate and registration as required for operation by the State Motor Vehicles and Traffic Code.
- (3) It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

(d) Recreational Vehicle and Noncommercial Trailer Parking.

- (1) It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the city and to use the same as a dwelling.
- (2) The outdoor storage or parking of a recreational vehicle or noncommercial trailer for periods longer than 48 hours is prohibited in any front or side yard in a Residential District or Residential Use. This provision shall not, however, prohibit the temporary parking of a recreational vehicle or noncommercial trailer on a residential lot for periods up to 48 hours, subject to subsection (d)(3) below.
- (3) The recreational vehicle or noncommercial trailer shall be parked on an improved surface, as defined in this code, as permitted in subsection (d)(2) above.

(e) Commercial Vehicles in Residential Districts. Commercial vehicles shall not be located on any property within a Residential District or Use, unless parked or stored within a completely enclosed garage or building. This shall not prevent the temporary location of any such vehicle on property while engaged in a delivery, pickup or service run to the property where located.

(Ord. 15-26. Passed 7-13-15.)

1121.06 USES.

(a) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, or commercial or industrial buildings contained within a single, integrated development, sharing parking and access and determined to be a single use collectively. Examples include vehicle service stations/convenience stores/car washes and vehicle sales lots/repair/body shops.

(b) Legal Use. No building, structure or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this code.

(c) Legal Lot. Every building, structure or use erected or established within the city shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.

(d) Essential Services. The erection, construction, alteration or maintenance of essential public services is permitted in all zoning districts and exempt from the provisions of this code.

(e) Home Occupation.

- (1) A permit shall be required prior to establishing a home occupation. Application for a home occupation permit shall be made in writing to the zoning inspector, together with payment of such fee, if any, as may be established by City Council. The requirement for a permit is to ensure compliance with the conditions of this subsection and to establish a record to determine future compliance.
- (2) If the zoning inspector cannot determine if the home occupation requirements are met, in his/her sole discretion, the zoning inspector may refer the matter to the Planning and Zoning Commission for consideration.
- (3) The home occupation shall be operated in its entirety within the principal dwelling.
- (4) Only residents living in the principal dwelling shall be engaged in the home occupation.
- (5) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the gross floor area of the dwelling or 250 square feet, whichever is less, shall be used in the conduct of the home occupation.
- (6) There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the home occupation, except that one sign, not exceeding two square feet, non-illuminated and mounted flat against the wall of the dwelling, may be permitted.
- (7) The direct sale of goods, merchandise, supplies, products or services to customers shall not be permitted on the premises. Phone and internet sales may be permitted, provided the items purchased are shipped directly to the customer so no pick-up is required at the location of the home occupation.
- (8) Outdoor storage, activities or displays shall be prohibited.
- (9) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any parking needed to accommodate the home occupation shall be provided off-street behind the required front setback line.

- (10) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single family dwelling, or detectable outside the dwelling unit if conducted in an attached or multiple family dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage of the premises.
- (11) Uses such as, but not limited to: clinics, hospitals, medical offices, nurseries, day care centers, ambulance service, amusement arcades, vehicle repair or maintenance, pawn shop, fortune teller, veterinarian offices, permanent basement or garage sales or kennels shall not be considered home occupations.

(f) Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, pond or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or an area less than 100 square feet, shall be permitted in any zoning district, except as an accessory use and in compliance with the following:

- (1) The pool is intended and used for the sole enjoyment of the occupants of the principal use of the property on which it is located.
- (2) The pool and adjacent walks, paved areas and accessory structures shall not be located closer than 10 feet to any property line.
- (3) The pool shall be located only within the rear yard.
- (4) Fencing shall be required around the pool, in conformance with Section 1121.02(d).

(g) Voting Place. The provisions of this code shall not be construed in any manner that would interfere with the temporary use of any property as a voting place in connection with a municipal, school or other public election.

(h) Similar Uses. Since every potential use cannot be addressed in this code, each district provides for similar uses, referencing this section. All applications for a use not specifically listed in a zoning district shall be submitted to the zoning inspector for review and decision, based on the following standards:

- (1) The zoning inspector shall find that the proposed use is not listed as a named permitted or conditional use in any zoning district.
- (2) If the use is not addressed in any district, the zoning inspector shall review the uses listed as permitted and conditional in the zoning district in which the use is proposed and determine if a use listed in the district closely resembles the proposed use. This determination shall be based upon criteria such as consistency with the district purpose statement, similar character, service or market area, customer or visitor draw, scale of building and parking, potential impact on property values, traffic generated, aesthetics, noise or potentially objectionable impacts on the health, safety, and welfare in the immediate vicinity or City-wide. (Ord. 14-29. Passed 10-27-14.)
- (3) If a use is determined to be similar to a named use within the district, the proposed use shall comply with specific standards or other code requirements that apply to the named use. If the named use is a conditional use, the similar use may only be approved as a conditional use in accordance with the provisions of Chapter 1123.

- (4) The zoning inspector may, at his/her discretion, submit the proposed use to the Planning and Zoning Commission for determination of the appropriateness of the use.
 - (5) Where the zoning inspector or Planning and Zoning Commission determines a proposed use is not similar to any named use addressed within the district, the applicant may petition for an amendment to this code.
 - (6) The determination as to whether a proposed use is similar in nature and classification to another named permitted or conditional use within a district shall be considered as an interpretation of the use regulations, and not as a use variance; this determination may be appealed as provided in Chapter 1106.
 - (7) Upon determination by the zoning inspector or Planning and Zoning Commission that a use is similar to a named use, the zoning inspector shall initiate an amendment to this chapter to list the similar use in the schedule of uses for the zoning district as permitted or conditional as the case may be.
- (Ord. 15-26. Passed 7-13-15.)

1121.07 OTHER PROVISIONS.

(a) Domestic Animals.

- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than four dogs or cats, six months of age or older, in any combination, shall be kept or housed in or at one dwelling unit. (Ord. 14-29. Passed 10-27-14.)
- (2) Agricultural animals such as, but not limited to, horses, cattle, goats, pigs, sheep and chickens are permitted in the R-R District on parcels of three acres or more; provided that the total number of agricultural animals permitted on parcels of 10 acres or less shall be limited to one animal per gross acre. Manure storage areas shall be located at least 75 feet from any adjoining property line. (Ord. 15-26. Passed 7-13-15.)
- (3) Any area where permitted animals are kept shall be maintained in a safe and sanitary condition.

(b) Trash, Litter and Junk. It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the city, except in a lawful sanitary landfill or junkyard.

(c) Control of Heat, Glare, Fumes, Odor, Dust, Noise or Vibration. Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located.

(d) Excavations or Holes. The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells which constitute or are likely to constitute a hazard or menace to the public health, safety or welfare is hereby prohibited; provided, this section shall not apply to the following:

- (1) Any excavation for which a permit has been issued by the city and which is properly protected and where warning signs have been posted in a manner approved by the city;

- (2) Any excavation approved and operated as a special land use in accordance with this code for mining extraction operations; and
- (3) Streams, natural bodies of water or ditches, reservoirs and other bodies of water created or existing by authority of governmental units or agencies.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1123 Conditional Uses

1123.01	Purpose.	1123.11	Use requirements - sexually oriented businesses.
1123.02	Procedures.	1123.12	Use requirements - personal services.
1123.03	General standards.	1123.13	Use requirements - residential.
1123.04	Conditions of approval.	1123.14	Use requirements - transportation and warehousing.
1123.05	Expiration.	1123.15	Use requirements - utilities.
1123.06	Revocation.	1123.16	Use requirements - vehicle sales, service and related uses.
1123.07	Performance guarantees.	1123.17	Use requirements - other.
1123.08	Specific use requirements.		
1123.09	Use requirements - agriculture and animal-related uses.		
1123.10	Use requirements - food, drink, entertainment and hospitality.		

CROSS REFERENCES

Nonconforming uses - see P. & Z. Ch. 1137

1123.01 PURPOSE.

Conditional uses are uses of land specifically permitted within a zoning district only with the approval of the Planning and Zoning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts. (Ord. 14-29. Passed 10-27-14.)

1123.02 PROCEDURES.

Applications for conditional uses shall be considered in accordance with the following procedures:

- (a) Application. An application for conditional use approval shall be made to the City Planner in writing, on a form for that purpose, and shall be filed prior to the deadline established by the City Planner in order to be on the agenda of the next regularly scheduled Planning and Zoning Commission meeting at which it is to be heard. The application must be accompanied by a fee, as established by the City Council, a site plan in accordance with the requirements of Chapter 1131 and such other material as deemed necessary.
- (b) Notice of Hearing. The following notices shall be provided:
 - (1) Written notice of the hearing shall be mailed by first class mail from the office of the City Planner to all property owners within 200 feet of the subject property. The notice shall be sent at least ten (10) days before the day of the hearing and shall contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any proceedings or actions taken by the Planning and Zoning Commission or City Council.
 - (2) Notice to the general public of the Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing.
 - (3) Fourteen (14) days prior to the date of the public hearing, the agenda shall be displayed on the City's website and on the public bulletin board at City Hall, containing information as to the time and place(s) at which the application and all related plans and information may be
 - A. The specific request being made,
 - B. Date of the public hearing,
 - C. Location of the public hearing, and
 - D. Location where additional information may be obtained regarding the request. (Ord. 14-29. Passed 10-27-14.)
- (c) Representation. The applicant shall appear at the public hearing in person or by agent. (Ord. 15-26. Passed 7-13-15.)
- (d) Record of Proceedings. The Planning and Zoning Commission shall keep minutes of its proceedings showing the action of the commission and the vote of each member or, if absent or failing to vote, indicating such fact. The commission shall act by motion.
- (e) Required Vote. The concurring vote of a majority of Planning and Zoning Commission members present and constituting a quorum shall be necessary to approve a conditional use application.
- (f) Review Criteria. The Planning and Zoning Commission shall review the application in relation to the general standards of this chapter for conditional uses, as provided in Section 1123.03, and any specific standards required for the use proposed, as identified in this chapter. (Ord. 14-29. Passed 10-27-14.)

1123.03 GENERAL STANDARDS.

Any request for a conditional use shall only be approved upon a finding, by the Planning and Zoning Commission, that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the City of Hilliard Comprehensive Plan.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

- (c) The proposed use will be compatible with the character of the general vicinity.
- (d) The proposed use and site layout will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Due consideration will be given to the location and height of proposed buildings and structures, location and type of proposed fences or walls, location and screening of parking areas, and the location and type of proposed landscaping.
- (e) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the city, state or other agencies to applicable specifications that are necessitated by the conditional use development. Dedication of said public infrastructure may be required.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
- (g) The location and scale of the use, the nature and intensity of the proposed operations, the site layout and the relation of the proposed use to surrounding streets will not cause undue traffic congestion or hazards adjacent to the site or in the immediate vicinity beyond that which would be normally expected based on the existing pattern of uses and the planned character reflected in the city's Comprehensive Plan. Peak hour volumes, turning movements, existing street capacity, driveway spacing, sight distances and pedestrian traffic shall all be considered. (Ord. 14-29. Passed 10-27-14.)

1123.04 CONDITIONS OF APPROVAL.

Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (b) Ensure that the use is compatible with adjacent conforming land uses and activities.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well being of those who will use the land or activity under consideration, the residents, business owners and landowners immediately adjacent to the proposed use or activity, and the community as a whole.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.
(Ord. 14-29. Passed 10-27-14.)

1123.05 EXPIRATION.

Approval of a conditional use shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation. The Planning and Zoning Commission may, upon written request by the applicant, extend the term of the conditional use approval by one additional period of up to 12 months upon a finding that there have been no changed conditions in the area which would require reconsideration of the conditional use application or site plan. A request for an extension of the initial permit period shall be submitted in writing to the City Planner prior to the expiration of the initial approval. (Ord. 15-26. Passed 7-13-15.)

1123.06 REVOCATION.

If a violation of any conditions or standards imposed on a conditional land use is found to exist, the zoning inspector shall notify the owner of the premises and the City Planner that a violation exists and that the permit will be revoked within the time frame contained in the notification. If the violation is not corrected within that time frame, the zoning inspector shall revoke the permit and the conditional use is thereby terminated. Furthermore, the violation shall be declared to be a violation of the zoning code, subject to all remedies and penalties provided for in this code. (Ord. 15-26. Passed 7-13-15.)

1123.07 PERFORMANCE GUARANTEES.

To assure compliance with this code and any conditions of approval, performance guarantees may be required by the Planning and Zoning Commission, as authorized by Section 1141.05. (Ord. 14-29. Passed 10-27-14.)

1123.08 SPECIFIC USE REQUIREMENTS.

In addition to the general standards of Section 1123.03, applicable to all conditional uses, additional requirements may be applicable to specific conditional uses and shall be satisfied in order to obtain approval. Conditional uses for which added requirements apply are listed in the following sections. (Ord. 14-29. Passed 10-27-14.)

1123.09 USE REQUIREMENTS - AGRICULTURE AND ANIMAL-RELATED USES.**(a) Kennels and Pet Daycare.**

- (1) Minimum lot area shall be one acre. (Ord. 14-29. Passed 10-27-14.)
- (2) Buildings housing animals, dog runs and outdoor exercise areas shall not be located closer than 100 feet to any Residential District boundary or Residential Use in such case as a PUD. (Ord. 15-26. Passed 7-13-15.)
- (3) Dog runs and outdoor exercise areas shall be securely fenced to contain animals within the fenced area.
- (4) Dog runs or animal exercise areas shall not be located in a front yard or in any required rear or side yard setback.

(b) Riding Stables.

- (1) Minimum lot area shall be ten acres.
- (2) Buildings housing animals shall not be located closer than 100 feet to any property line.
- (3) The storage of manure or other odor or dust-producing materials shall not be stored closer than 100 feet to any property line.

- (4) Areas for riding trails or riding purposes shall be located on the same premises, unless written permission has been granted from an adjacent property owner for that purpose. Access to riding areas shall not necessitate riding or leading animals across a public street.
(Ord. 14-29. Passed 10-27-14.)

1123.10 USE REQUIREMENTS - FOOD, DRINK, ENTERTAINMENT AND HOSPITALITY.

(a) Brew Pubs and Similar Establishments.

- (1) No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
- (2) Retail carryout of beer may be permitted, if allowed by Ohio state law.
- (3) All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure or a landscape screen;
- (4) Loading bays shall not face toward any street, excluding alleys;
- (5) Loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
- (6) Loading and unloading of materials and equipment shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday;
- (7) Outdoor storage shall not be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

(b) Restaurants with Drive-Thru Facilities.

- (1) Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
- (2) A minimum of two parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- (3) The number, location and design of driveways shall be subject to review and approval by the city traffic engineer.
- (4) Internal circulation and access to or egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
- (5) Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property and between such equipment and the City's right of way if such equipment can be seen from the right of way to minimize associated noise impacts.

- (c) Restaurants, Bars and Taverns.
- (1) Amplified sound shall not be audible beyond the business premises.
 - (2) Lighting for parking areas, outdoor eating areas (if any), entryways, and loading/unloading areas shall be shielded to prevent light from spilling onto any residential use.
 - (3) The size, location, and intensity of the restaurant, bar or tavern use may be considered by the Commission to ensure the use is harmonious with the surrounding property uses and not unduly disruptive to adjacent and/or neighboring property uses.
 - (4) As a condition of approval, the Planning and Zoning Commission may impose restrictions on the following:
 - A. The hours of operation to ensure that the business use is not in conflict with adjacent and/or neighboring property uses that could cause excessive noise, traffic, and/or smell to those neighboring uses.
 - B. Parking requirements to ensure that sufficient parking exists on-site and/or within close proximity to the business for its customers and employees. (Res. 19-R-03. Passed 2-25-19.)

1123.11 USE REQUIREMENTS - SEXUALLY ORIENTED BUSINESSES.

- (a) Classification. Sexually oriented business shall be classified as follows:
- (1) Adult arcades
 - (2) Adult bookstores, adult novelty stores, adult video stores
 - (3) Adult cabarets
 - (4) Adult motels
 - (5) Adult entertainment out-call service in the form of semi-nude dancing or exhibition
 - (6) Adult motion picture theaters
 - (7) Adult theaters
 - (8) Semi-nude model studios
 - (9) Sexual encounter establishments
- (b) License Required.
- (1) Sexually Oriented Business License.
 - A. It shall be unlawful for any person to establish and/or operate a sexually oriented business or to conduct such services in the City without a valid sexually oriented business license issued by the City for the particular type of business.
 - B. An applicant for a sexually oriented business license shall file in person with the zoning inspector a completed application made on a form entitled "Sexually Oriented Business License" prescribed and provided by the City. The applicant shall be qualified according to the provisions of this chapter. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following information:
 1. The applicant's full true name and any other names (including trade names or aliases) used by the applicant in the preceding five years;
 2. The applicant's current business address or, if the applicant is an individual and does not have a business address, the applicant's current residential address;

3. If the applicant is an individual, a set of the applicant's fingerprints suitable for conducting necessary background checks pursuant to this Section. If the applicant is other than an individual, the applicant's duly authorized agent shall provide a set of fingerprints suitable for conducting necessary background checks pursuant to this Section;
 4. The name, business location, business mailing address and business phone number of the sexually oriented business or proposed sexually oriented business;
 5. If the applicant is an individual, written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency. If the applicant is other than an individual, the applicant's duly authorized agent shall provide written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency.
 6. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, whether any such license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefor; and
 7. The applicant's answer to the question, "Have you ever been convicted of a crime?"
- C. The information provided pursuant to paragraphs (1)B.1. through (1)B.7. of this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the zoning inspector within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.
- (2) Sexually Oriented Business Operator's License.
- A. It shall be unlawful for any person who will participate directly in decisions relating to a sexually oriented business, whether or not such business has obtained a sexually oriented business license, to operate such business without a valid "sexually oriented business operator's license."
 - B. An applicant for a sexually oriented business operator's license shall file in person with the zoning inspector a completed application made on a form entitled "Sexually Oriented Business Operator's License" prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Section. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant. The application shall include the information called for as follows:
 1. The applicant's full name and any other names (including aliases) used by the applicant in the preceding five years;
 2. The applicant's current business address or, if the applicant does not have a business address, the applicant's residential address;

3. If the applicant is an individual, a set of the applicant's fingerprints suitable for conducting necessary background checks pursuant to this Section. If the applicant is other than an individual, the applicant's duly authorized agent shall provide a set of fingerprints suitable for conducting necessary background checks pursuant to this Section;
 4. The name, business location, business mailing address and business phone number of the sexually oriented business or proposed sexually oriented business where the applicant intends to operate;
 5. If the applicant is an individual, written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency. If the applicant is other than an individual, the applicant's duly authorized agent shall provide written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency.
 6. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, whether any license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefor; and
 7. The applicant's answer to the question, "Have you ever been convicted of a crime?"
- C. The information provided pursuant to paragraphs (2)B.1. through (2)B. 7. of this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the zoning inspector within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.
- (3) Sexually Oriented Business Employee's License.
- A. It shall be unlawful for any individual to be employed by a sexually oriented business, whether or not such business has obtained a sexually oriented business license, without a valid "sexually oriented business employee license."
- B. An applicant for a sexually oriented business employee license shall file in person with the zoning inspector a completed application made on a form entitled "Sexually Oriented Business Employee License" prescribed and provided by the City. The applicant shall be qualified according to the provisions of this Section. The application shall be signed under oath by the applicant and notarized. The application shall include the information called for as follows:
1. The applicant's full name and any other names (including aliases) used by the applicant in the preceding five years;
 2. The applicant's current business address or, if the applicant does not have a business address, the applicant's residential address;
 3. A set of the applicant's fingerprints suitable for conducting necessary background checks pursuant to this Section;
 4. The name, business location, business mailing address and business phone number of the sexually oriented business or

- proposed sexually oriented business where the applicant intends to be employed;
5. Written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency;
 6. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, whether any license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefor; and
 7. The applicant's answer to the question, "Have you ever been convicted of a crime?"
- C. The information provided pursuant to paragraphs (3)B.1. through (3)B.7. of this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the zoning inspector within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.
- (4) It shall be unlawful for any sexually oriented business, whether or not such business has obtained a sexually oriented business license, to be operated by any person who participates directly in decisions relating to the management of the sexually oriented business without a valid sexually oriented business operator's license.
 - (5) It shall be unlawful for any sexually oriented business, whether or not such business has obtained a sexually oriented business license, to employ any employee without a valid sexually oriented business employer's license.
 - (6) A person who possesses a valid video center license or theater license, or other similar license, if required by the City, is not exempt from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses a video center license shall comply with the requirements and provisions of this Section, when applicable.
 - (7) The information provided by an applicant in connection with the application for a sexually oriented business license, a sexually oriented business operator's license, or a sexually oriented business employee's license under this Section shall be maintained by the City on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function, or as may otherwise be required by law.
- (c) Issuance of License.
- (1) The zoning inspector shall approve or issue a written notice of intent to deny the issuance of a license to an applicant for a sexually oriented business, operator or employee license within 20 days after receipt of the results of the background check and a completed application. The zoning inspector shall approve the issuance of the applicable license unless one or more of the following is found to be true:
 - A. An applicant or an applicant's duly authorized agent is less than 18 years of age.
 - B. An applicant or applicant's duly authorized agent is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.

- C. An applicant has failed to provide information required by Section 1123.11(b) for issuance of the license or has falsely answered a question or request for information on the application form.
- D. An applicant; a business entity for which the applicant had, at the time of an offense leading to a criminal conviction described herein, a management responsibility or a controlling interest; or a business entity which is a "related member" of the applicant (as "related member" is defined in Ohio Revised Code Section 5733.042, without regard to division (B) of that section), has been convicted of or plead guilty (including an "Alford" plea or plea of nolo contendere) to a violation of a provision of this Section, other than an offense of operating a sexually oriented business without a sexually oriented business, operator or employee license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
- E. The license application fee required by Section 1123.11(d) has not been paid.
- F. An applicant has falsely answered a question or request for information on the application form.
- G. An applicant; a business entity for which the applicant had, at the time of an offense leading to a criminal conviction described herein, a management responsibility or a controlling interest; or a business entity which is a "related member" of the applicant (as "related member" is defined in Ohio Revised Code Section 5733.042, without regard to division (B) of that section), has been convicted of or plead guilty (including an "Alford" plea or plea of nolo contendere) to any offense in violation of Chapter 2907 of the Ohio Revised Code and committed in the State of Ohio or any offense committed outside of Ohio which if committed in Ohio would constitute an offense in violation of Chapter 2907 for which:
 - 1. An action is pending in any State or Federal Court as delineated in paragraphs ii, iii, or iv below;
(Ord. 14-29. Passed 10-27-14.)
 - 2. Less than two years have elapsed since the date of conviction or plea of guilty (including an "Alford" plea or plea of nolo contendere), or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations; or
 - 3. Less than five years have elapsed since the date of conviction or plea of guilty (including an "Alford" plea or plea of nolo contendere), or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for the specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations; or

4. Less than five years have elapsed since the date of conviction or plea of guilty (including an "Alford" plea or plea of nolo contendere), or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses for the specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations; for two or more offenses occurring within any 24 month period.
(Ord. 15-26. Passed 7-13-15.)

- (2) The fact that a conviction is being appealed shall result in disqualification of the applicant, until such time as a judgment of acquittal is granted.
- (3) An applicant ineligible for a license due to paragraph (1)D. or (1)G. of this subsection (c) may qualify for the applicable sexually oriented business, operator, or employee license only when the time period required by the applicable paragraph has elapsed.
- (4) The applicable license, if granted, shall state on its face the name of the individual or other person to whom it is granted, the number of the license issued to that applicant, the expiration date, and the address of the sexually oriented business. A sexually oriented business operator's license and sexually oriented business employee license shall contain a photograph of the licensee or, if the operator is other than an individual, the duly authorized agent thereof. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business operator, or the duly authorized agent thereof, and/or a sexually oriented business employee, shall keep the operator or employee license on his/her person or on the premises where the licensee is then working or performing and shall produce such license for inspection upon lawful request by a zoning inspector or other authorized city official.

(d) Fees. The nonrefundable initial license fee and annual renewal fee for a sexually oriented business, operator, or employee license shall be set by the City Council at an amount determined to be sufficient to pay the cost of administering the provisions of this section.

(e) Inspection.

- (1) Licensees shall permit law enforcement officers, the zoning inspector and any other Federal, State, County or City agency in the performance of any function connected with the enforcement of this Section, normally and regularly conducted by such agencies, for the purpose of ensuring compliance with this Section, to inspect those portions of the premises of a sexually oriented business where patrons, customers or the general public (invitees) are permitted to occupy, at any time the business is occupied of open for business.
- (2) The provisions of this subsection do not apply to areas of an adult motel that are currently being rented by a patron or customer for use as a permanent or temporary habitation.

(f) Expiration of License. Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed upon the filing of a new application and the payment of a fee, as provided in Section

1123.11(b). The renewal application is subject to all the requirements of the initial application as provided in Section 1123.11(b). Application for renewal shall be made at least 30 days prior to the expiration date, and if made less than 30 days prior to that date, the expiration of the license shall not be affected.

(g) Suspension.

- (1) Suspension of Sexually Oriented Business License. The zoning inspector shall suspend a sexually oriented business license for a period not to exceed 30 days if it is determined that the licensee has either violated the provisions of this Section or is otherwise not in compliance with the same, or has refused to allow a lawful inspection of the sexually oriented business premises, as required by Section 1123.11(e).
- (2) Suspension of Sexually Oriented Business Operator License. The zoning inspector shall suspend a sexually oriented business operator license for a period not to exceed 30 days if it is determined that the licensee has either violated or is not in compliance with the provisions of this Section or has refused to allow a lawful inspection of the sexually oriented business premises, as required by Section 1123.11(e).
- (3) Suspension of Sexually Oriented Business Employee License. The zoning inspector shall suspend a sexually oriented business employee license for a period not to exceed 30 days if it is determined that the licensee has either violated or is not in compliance with the provisions of this Section.

(h) Revocation. The zoning inspector shall revoke a sexually oriented business, operator or employee license if a cause for suspension, as set forth in Section 1123.11(g) occurs and the license has been suspended at least twice within the preceding 12 months.

- (1) Revocation of Sexually Oriented Business License. The zoning inspector shall revoke a sexually oriented business license if the inspector believes the licensee:
 - A. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) gave false or misleading information in the application or in any document or diagram related to the operation of the sexually oriented business;
 - B. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed the possession, use, or sale of controlled substances on the premises;
 - C. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed prostitution on the premises;
 - D. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - E. Has been convicted, plead guilty (including an "Alford" plea, or plea of nolo contendere) for an offense listed in Section 1123.11(c)(1)G. for which the time periods required in Section 1123.11(c)(1)G.2., 3., and 4 have not elapsed;
 - F. On two or more occasions within a 12 month period, a licensed operator or employee, while in or on the licensee's premises, committed an offense listed in Section 1123.11(c)(1)G.2. for which a conviction has been obtained (or a plea of nolo contendere or guilty, including "Alford" plea, has been rendered);

- G. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed any sexual activity to occur in or on the licensed premises. The term "sexual activity" shall have the same meaning as in the Ohio Revised Code, Section 2907.01; or
 - H. Is delinquent in payment to the City of taxes or fees related to the sexually oriented business.
- (2) Revocation of Sexually Oriented Operator License. The zoning inspector shall revoke a sexually oriented business operator license if the inspector determines that the licensed operator:
- A. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) gave false or misleading information in the application for a sexually oriented business operator license;
 - B. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed the possession, use, or sale of controlled substances on the premises;
 - C. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed prostitution on the premises;
 - D. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) operated the sexually oriented business during a period of time when the operator's sexually oriented business license was suspended;
 - E. On two or more occasions within a 12 month period, while in or on the licensed premises, committed an offense listed in Section 1123.11(c)(1)G.2. for which a conviction has been obtained (or a plea of nolo contendere or guilty, including "Alford" plea, has been rendered);
 - F. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed any sexual activity to occur in or on the licensed premises. The term "sexual activity" shall have the same meaning as in Ohio Revised Code, Section 2907.01; or
 - G. Is delinquent in payment to the City of taxes or fees related to the sexually oriented business.
- (3) Revocation of Sexually Oriented Business Employee License. The zoning inspector shall revoke a sexually oriented business employee license if the inspector determines that the licensed employee:
- A. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) gave false or misleading information in the application for a sexually oriented business employee license;
 - B. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed possession, use, or sale of controlled substances on the premises;
 - C. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed prostitution on the premises;

- D. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) was employed by a sexually oriented business during a period when the employee's sexually oriented business license was suspended;
 - E. On two or more occasions within a 12 month period, while in or on the licensed premises, committed an offense listed in Section 1123.11(c)(1)G.2. for which a conviction has been obtained (or a plea of nolo contendere or guilty, including "Alford" plea, has been rendered);
 - F. Knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed any sexual activity to occur in or on the licensed premises. The term "sexual activity" shall have the same meaning as in the Ohio Revised Code, Section 2907.01; or
 - G. Is delinquent in payment to the City of taxes or fees related to the sexually oriented business.
- (4) Appeal of Conviction. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
 - (5) Not Applicable to Adult Motels. Paragraphs (1)G., (2)F. and (3)F of this subsection (h) do not apply to adult motels as a grounds for revoking the applicable license, unless the licensee, licensed operator or licensed employee knowingly, recklessly, or negligently (as defined in Section 2901.22 of the Ohio Revised Code) allowed sexual activity to occur in a public place or within public view.
 - (6) Time Period. When the zoning inspector revokes a license, the revocation shall continue for one year and the licensee shall not be issued the applicable license for one year from the date the revocation became effective. If, subsequent to revocation, the zoning inspector finds that the basis for the revocation found in subsections (h)(1)A., (h)(1)D., (h)(1)H, (h)(2)A., (h)(2)D., (h)(2)G., (h)(3)A, (h)(3)D., or (h)(3)G. has been corrected or abated, the applicant shall be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsections (h)(1)B., (h)(1)C., (h)(1)E., (h)(1)F., (h)(1)G., (h)(2)B., (h)(2)C., (h)(2)E., (h)(2)F., (h)(3)B., (h)(3)C., (h)(3)E., or (h)(3)F., an applicant may not be granted another license until the appropriate number of years required under subsection (c)(1)G.2.
- (i) Hearing; Appeal; Temporary License.
 - (1) Hearing. If the zoning inspector determines that facts exist for denial, suspension, or revocation of a license under this Section, he/she shall notify the applicant or licensee (the "Respondent") in writing of the intent to deny, suspend or revoke the license, including the grounds therefore, by personal delivery, or by certified mail, return receipt requested. The notification shall be directed to the address designated by the applicant or licensee in the application on file with the City. Within five working days of receipt of such notice, the Respondent shall provide to the zoning inspector a written response that shall include a statement of reasons why the license should not be denied, suspended or revoked. Within ten working days of the receipt

of such response, the Board of Zoning Appeals shall conduct a hearing at which the Respondent shall have the opportunity to appear and be heard in person or by Respondent's attorney, in opposition to the notice of intent to deny, suspend or revoke, and do any of the following:

- A. Present Respondent's position, arguments and contentions;
- B. Offer and examine witnesses and present evidence;
- C. Cross-examine witnesses, including, but not limited to, the zoning inspector and/or designees, purporting to refute Respondent's position, arguments and contentions;
- D. Offer evidence to refute evidence and testimony offered in opposition to Respondent's position, arguments and contentions; and
- E. Proffer any such evidence into the record, if the admission is denied by the Magistrate.

- (2) Notification and Testimony. All testimony shall be given under oath. The Magistrate shall have the power to subpoena witnesses or evidence and shall make such power available to the Respondent. The Magistrate shall have a complete record of the adjudication kept, including any evidence admitted or proffered. The Magistrate shall notify the Respondent in writing, by personal delivery, or by certified mail, return receipt requested, of the hearing date within three days of the receipt of Respondent's written response. If a response is not received from the Respondent in the time stated or, if after the hearing the Magistrate finds that grounds as specified in the Section exist for denial, suspension or revocation of the license, the such action shall become final and the zoning inspector shall, within five working days of the hearing, send written notice of such to the Respondent, describing the basis for the denial, suspension or revocation. Such notice shall be sent by personal delivery or by certified mail, return receipt requested. The notice shall include a statement advising the Respondent of the right to appeal the decision to a court of competent jurisdiction. If the Magistrate finds that no grounds exist for denial, suspension or revocation of a license, then the zoning inspector shall so notify the Respondent of such action in writing by personal delivery or by certified mail, return receipt requested, and issue the applicable license.

- (3) Appeal. When a decision to deny, suspend or revoke a license becomes final, the Respondent shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 2506. Upon the filing of an appeal by the Respondent, the zoning inspector shall, within two business days of receiving notification, issue a temporary sexually oriented business, operator or employee license to the applicant. Such temporary license shall be effective pending the entry of a final judgment on the appeal by the court of competent jurisdiction.

- (4) Application of Code to Temporary License Holder. Holders of a temporary sexually oriented business, operator or employee license shall be subject to all provisions of this Section.

- (5) Stay of Suspension or Revocation. A suspension or revocation shall be stayed until the earlier of the following:

- A. The Respondent fails to respond in writing to the notice of intent to suspend or revoke the license issue by the zoning inspector within the time period prescribed in subsection (i)(1); or

- B. The entry of a final judgment by a court of competent jurisdiction on appeal of a suspension or revocation.

(j) Transfer of License Prohibited. A licensee shall not transfer his/her license to another, nor shall the holder of a sexually oriented business, operator or employee license operate or be employed by a sexually oriented business under the authority of a license at any place other than the address designated in the most recent application.

(k) Live Nudity. It shall be unlawful for a person to knowingly and intentionally appear in a state of nudity in a sexually oriented business. This section does not apply to the private rooms in an adult motel. Any sexually oriented business that is found in violation of the provision shall be subject to the license suspension and/or revocation procedure in this Section.

(l) Regulations Applicable to All Sexually Oriented Businesses.

- (1) General Compliance. It shall be the duty of the sexually oriented business licensee, and its licensed operator(s) and/or employee(s) to ensure that all licensed premises and sexually oriented business establishments shall comply with the provisions of this Section and with the provisions of all other applicable City ordinances, codes, rules and regulations and all other applicable federal, state and local laws.
- (2) Hours of Operation.
 - A. No sexually oriented business establishment, except for an adult motel, shall be open for business on Sunday or any State of Ohio or Federal holiday.
 - B. No sexually oriented business establishment, except for an adult motel, shall be open to do business before 12:00 PM (noon) or remain open to do business after 12:00 AM (midnight), Monday through Saturday.
 - C. A sexually oriented business that has a valid liquor license from the State of Ohio shall be permitted to be operated beyond the hours specified in subsection (l)(2)B., but only to the extent permitted by the liquor license.
- (3) Animals. No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually oriented business establishment or licensed premises.
- (4) Restrooms. All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms. Separate male and female restrooms shall be provided for and used by employees and patrons.
- (5) Restricted Access. No patron of a sexually oriented business establishment shall be permitted at any time to enter into any of the non-public portions of the establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

- (6) Specified Prohibited Acts.
- A. No sexually oriented business employee, patron or any other person, other than a licensed employee who is employed to provide adult entertainment in accordance with the regulations in this Section, shall appear, be present or perform while nude or semi-nude. Further, no such employee shall appear, be present or perform while nude at any sexually oriented business that serves or otherwise provides alcoholic liquor pursuant to a license issued by the State of Ohio.
 - B. No sexually oriented business employee, patron or any other person shall perform or conduct any specified sexual activity with or for any employee, patron or other person at any sexually oriented business establishment.
- (7) Exterior Display. No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates or allows public viewing of any adult material or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights or spotlights; any other similar lighting systems; or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent specifically allowed pursuant to the provisions of Chapter 1129, Signs. This subsection shall apply to any advertisement, display, promotional material, decoration or sign; to any performance or show; and to any window, door or other opening.
- (8) Noise. No amplified sound audible beyond the licensed premises shall be permitted.
- (9) Manager's Station. Each sexually oriented business establishment shall have one or more manager's stations. The interior of each establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of the establishment, except restrooms, to which any patron is permitted access for any purpose.
- (10) Loitering, Exterior Lighting and Monitoring Requirements. It shall be the duty of a sexually oriented business licensee and its licensed operator(s) to:
- A. Initiate and enforce a no loitering policy within the external boundaries of the real property upon which the business is located;
 - B. Post conspicuous signs stating that no loitering is permitted on the property;
 - C. Designate one or more employees to monitor the activities of persons on the property by visually inspecting the property at least once every 30 minutes or monitoring the property by use of surveillance cameras; and
 - D. Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business. The monitors shall be installed at the manager's station.

- (11) Prohibition Against Minors. It shall be unlawful for a sexually oriented business licensee, its licensed operator(s) and/or its licensed employees to knowingly and intentionally allow any person under 18 years of age to remain on the premises of the establishment at any time it is open for business.
 - (12) Fulfillment of Duty. It shall be unlawful for any person having a duty under this Section to knowingly fail to fulfill that duty.
- (m) Exhibition of Sexually Explicit Films or Videos.
- (1) A person who operates or causes to be operated a sexually oriented business, whether or not such business has obtained a sexually oriented business license, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, DVD, or other video reproduction which exhibits specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - A. Each application for a sexually oriented business license shall contain a floor plan of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms. All portions of the premises where patrons will not be permitted shall also be shown. Restrooms shall not contain video equipment. The floor plan shall also indicate the location where the business license shall be conspicuously posted, if granted. A professionally prepared floor plan shall not be required; provided, the drawing shall be oriented to the north or a designated street and shall be drawn to scale or suitably dimensioned to provide accuracy of plus or minus six inches. The zoning inspector may waive the floor plan requirement for renewal applications if the applicant certifies that the interior configuration of the premises will not be altered and will conform to the previously prepared floor plan.
 - B. The application shall be sworn to be true and correct by the applicant.
 - C. No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the zoning inspector.
 - D. It shall be the duty of the sexually oriented business licensee, its licensed operator(s) and its licensed employee(s) present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated in the application pursuant to subsection (m)(1)A. as an area in which patrons will not be permitted.
 - E. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle, as measured at the floor. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises, to ensure that the required illumination is maintained at all times that the premises is occupied or open for business.

- F. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises to ensure that no sexual activity occurs in or on the premises.
- G. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
- H. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such person(s) from the premises.
- I. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises who discovers an opening of any kind between viewing rooms to immediately secure such room and prevent entry into the room by any patron until such time as the wall has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is structurally substantial, consistent with the original wall construction.
- J. It shall be the duty of the sexually oriented business licensee, licensed operator(s) and licensed employee(s) present on the premises during each business day to regularly inspect the walls between viewing rooms for opening of any kind.
- K. It shall be the duty of the sexually oriented business licensee and its licensed operator(s) to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - 1. That no loitering is permitted in viewing rooms;
 - 2. That the occupancy of viewing rooms is limited to one person;
 - 3. That sexual activity on the premises is prohibited;
 - 4. That the making of openings between viewing rooms is prohibited;
 - 5. That violators will be required to leave the premises; and
 - 6. That violations of ii, iii, and iv are unlawful.
- L. It shall be the duty of the sexually oriented business licensee and its licensed operator(s) to ensure that floor coverings in viewing rooms are non-porous, easily cleanable surfaces with no rugs or carpeting.
- M. It shall be the duty of the sexually oriented business licensee and its licensed operator(s) to ensure that all wall surfaces and seating surfaces in viewing rooms, or any room or area providing patron privacy, are constructed of or permanently covered by non-porous, easily cleanable material.
- N. It shall be the duty of the sexually oriented business licensee and its licensed operator(s) to ensure that premises are clean and sanitary at all times. Cleaning procedures shall include all of the following:

1. The sexually oriented business licensee and its licensed operator(s) shall maintain a regular cleaning schedule, documented by appropriate logs, and shall employ sufficient personnel to assure the establishment is clean;
 2. The sexually oriented business licensee and its licensed operator(s) and/or employees shall check all areas for garbage, trash, body fluids and excrement and shall remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection, solid waste shall be stored in a manner that presents access by animals and members of the public and which will not facilitate the creation of a health nuisance.
 3. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, windows and other surfaces.
- O. It shall be the duty of the sexually oriented business licensee and its licensed operator(s) to ensure any seating within a viewing room is designed so as to accommodate one person only.
- P. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed 32 square feet of floor area. If the premises has two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one manager's station. The view required by this paragraph shall be by direct line of sight from the manager's station. It is the duty of the sexually oriented business licensee and its licensed operator(s) to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the sexually oriented business licensee and its licensed operator(s), and it shall be the duty of any licensed employee(s) present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is on the premises.
- (2) It shall be unlawful for a person having a duty under this subsection to knowingly fail to fulfill that duty.

(n) Additional Regulations for Adult Motels. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than ten consecutive hours creates a rebuttable presumption that the establishment is an adult motel, as defined in this Code.

(o) Additional Regulations Relating to Live Performances.

- (1) A sexually oriented business which regularly features persons who appear in a state of nudity or a state of semi-nudity or live performances which are characterized by the display or simulation of specified sexual activities or the exposure of specified anatomical areas shall be operated in accordance with the following regulations. It is unlawful for a sexually oriented business licensee or licensed operator to knowingly fail to ensure compliance with the regulations of this Section.
 - A. It shall be a violation of this Section for a person to knowingly appear in a sexually oriented business in a state of nudity or a state of semi-nudity, unless the person is an employee who, while nude or semi-nude, is at least six feet from any patron or customer and on a stage at least two feet from the floor.
 - B. It shall be a violation of this Section for any employee, while nude or semi-nude in a sexually oriented business, to receive any pay or gratuity directly from any patron or customer or for any patron or customer to pay or give any gratuity directly to any employee, while the employee is nude or semi-nude in a sexually oriented business.
 - C. It shall be a violation of this Section for any employee, while nude or semi-nude in a sexually oriented business, to intentionally touch a customer or patron or the clothing of a customer or patron.
- (2) References to appearing "nude" or in a "state of nudity" are not intended and should not be construed or interpreted to allow persons to appear nude or in a state of nudity during live performances.
- (3) A sign in a form to be prescribed by the zoning inspector and summarizing the provisions of subsections (o)(1)A., B. and C., shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to customers or patrons upon entry.

(p) Applicability to Existing Businesses. The provisions of this Section shall apply to the activities of all persons and sexually oriented businesses described herein, whether such businesses or activities were established or commenced before, or after the effective date of this Code. Any existing sexually oriented business, operator(s) or employee will be granted a de facto provisional permit to continue operation or employment for a period of 90 days following the effective date of this Code. Prior to the expiration of the 90 day period, all sexually oriented businesses, operators and employees shall make application for a license pursuant to this Section. Within that 90 day period, existing sexually oriented businesses shall make any necessary changes to the interior configurations, furnishing or finishes of the regulated business premises to conform to the requirements of this section.

(q) Penalty.

- (1) A person who violates any provisions of this section shall be guilty of a misdemeanor of the first degree and shall be fined not less than \$500.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

- (2) The City Law Director is hereby authorized to institute civil proceedings necessary for the enforcement of this Section to restrain or correct violations hereof. Such civil proceedings, including injunction, shall be brought in the name of the City of Hilliard; provided, however, that nothing in this subsection and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by this Section, or any laws or ordinances in force in the City or to exempt anyone violating this Section or any part of the said laws from any penalty which may be incurred. (Ord. 14-29. Passed 10-27-14.)

1123.12 USE REQUIREMENTS - PERSONAL SERVICES.

- (a) Mortuaries and Funeral Homes.
 - (1) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
 - (2) Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
 - (3) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
 - (4) The number, location and design of driveways shall be subject to review and approval by the city traffic engineer.
- (b) Short-term Lending Establishments.
 - (1) No short-term lending establishment shall be located within 1,000 feet of another such establishment, as measured in a straight line between the nearest public entrance of each establishment.
(Ord. 14-29. Passed 10-27-14.)
 - (2) No short-term lending establishment shall be located within 200 feet of the boundary of a Residential District or Residential Use, as measured in a straight line between the nearest public entrance of the short-term lending establishment and the residential zoning boundary or use.
- (c) Veterinary Clinics.
 - (1) Veterinary hospitals shall be for the care of household domestic pets only.
 - (2) Buildings within which animals are kept, dog runs, and/or exercise areas shall be set back a minimum of 100 feet from any Residential District boundary or residential use.
 - (3) Dog runs or animal exercise areas shall not be located in a front yard or in any required rear or side yard.
(Ord. 15-26. Passed 7-13-15.)
- (d) Medical Marijuana Cultivator, Processor, Retail Dispensary, and Testing Laboratory.
 - (1) Medical Marijuana Cultivator.
 - A. Medical Marijuana Level I Cultivator.
 1. License Required. It shall be unlawful for any person to operate as a medical marijuana level I cultivator without a valid license issued by the Ohio Department of Commerce.

2. Locations. Medical Marijuana Level I Cultivators are conditionally permitted in the following Zoning District: R-R, Rural Residential. Medical Marijuana Level I Cultivators located in the R-R Zoning District must be located at least 500 feet from an existing residential use.
3. Application. An applicant for a Medical Marijuana Level I Cultivator shall file in person with the zoning inspector, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the level I cultivation facility;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - c. The physical address of the proposed level I cultivation facility, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - d. The mailing address and telephone number of the applicant; and
 - e. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
4. Requirements. A proposed Medical Marijuana Level I Cultivator facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 of this Code.
5. Lighting. All lighting required by Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.

6. Provisional Approval. The Planning and Zoning Commission may only approve an application for a Medical Marijuana Level I Cultivator conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. Copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's provisional approval by the Commission shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of the Commission's provisional approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the Commission's provisional approval for this conditional use expires immediately. Continued use as a Medical Marijuana Level I Cultivator that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.
- B. Medical Marijuana Level II Cultivator.
 1. License Required. It shall be unlawful for any person to operate as a medical marijuana level II cultivator without a valid license issued by the Ohio Department of Commerce.
 2. Locations. Medical Marijuana Level II Cultivators are conditionally permitted in the following Zoning Districts: R-R, Rural Residential, M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the R-R Zoning District must be located at least 500 feet from an existing residential use. Medical Marijuana Level II Cultivators located in the M-1 and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
 3. Application. An applicant for a Medical Marijuana Level II Cultivators shall file in person with the zoning inspector, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the proposed level II cultivation facility;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;

- c. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
- d.
 - i. If proposed location of facility is located in the R-R Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of an existing residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
 - ii. If proposed location of facility is located in the M-1 or M-2 Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
- 4. Requirements. A proposed Medical Marijuana Level II Cultivator facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 or Chapter 1113 of this Code.
- 5. Lighting. All lighting required by Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
- 6. Provisional Approval. The Planning and Zoning Commission may only approve an application for a Medical Marijuana Level II Cultivator conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. Copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's provisional approval by the Commission shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of the Commission's provisional approval. If the Applicant secures a provisional license, but

does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the Commission's provisional approval for this conditional use expires immediately. Continued use as a Medical Marijuana Level II Cultivator that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.

C. Medical Marijuana Plant-only Processor.

1. License Required. It shall be unlawful for any person to operate as a medical marijuana plant-only processor without a valid license issued by the Ohio Department of Commerce.
2. Locations. Medical Marijuana Plant-only Processors are conditionally permitted in the following Zoning Districts: R-R, Rural Residential, M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the R-R Zoning District must be located at least 500 feet from an existing residential use. Medical Marijuana Plant-only Processors located in the M-1 and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
3. Application. An applicant for a Medical Marijuana Plant-only Processor shall file in person with the zoning inspector, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the proposed Plant-only processor;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - c. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - d. i. If proposed location of facility is located in the R-R Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of an existing residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.

- ii. If proposed location of facility is located in the M-1 or M-2 Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
 - 4. Requirements. A proposed Medical Marijuana Plant-only Processor facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 or Chapter 1113 of this Code.
 - 5. Lighting. All lighting required by Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
 - 6. Provisional Approval. The Planning and Zoning Commission may only approve an application for a Medical Marijuana Plant-only Processor conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. Copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's provisional approval by the Commission shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of the Commission's provisional approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the Commission's provisional approval for this conditional use expires immediately. Continued use as a Medical Marijuana Plant-only Processor that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.
- (2) Medical Marijuana Processor.
- A. License Required. It shall be unlawful for any person to operate a medical marijuana retail dispensary without a valid license issued by the Ohio Department of Commerce.
 - B. Locations. Medical Marijuana Processors are conditionally permitted in the following Zoning Districts: M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the M-1, and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.

- C. Application. An applicant for a Medical Marijuana Processor shall file in person with the zoning inspector, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
1. The name of the proposed dispensary;
 2. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 3. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 4. The mailing address and telephone number of the applicant; and
 5. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
- D. Requirements. A proposed Medical Marijuana Processor facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1113 of this Code.
- E. Lighting. All lighting required by Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
- F. Provisional Approval. The Planning and Zoning Commission may only approve an application for a Medical Marijuana Processor conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. Copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's provisional approval by the Commission shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of the Commission's provisional approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the Commission's provisional approval for this conditional use expires immediately. Continued use as a Medical Marijuana Processor that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.

(3) Medical Marijuana Retail Dispensary.

- A. License Required. It shall be unlawful for any person to operate a medical marijuana retail dispensary without a valid license issued by the Ohio State Board of Pharmacy.
- B. Locations. Medical Marijuana Retail Dispensaries are conditionally permitted in the following Zoning Districts: B-2, Community Business District and B-4, I-270 Corridor. Medical Marijuana Retail Dispensaries located in the B-2 and B-4 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
- C. Application. An applicant for a Medical Marijuana Retail Dispensary shall file in person with the zoning inspector, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - 1. The name of the proposed dispensary;
 - 2. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - 3. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - 4. The mailing address and telephone number of the applicant;
 - 5. The proposed hours of operation of the retail dispensary; and
 - 6. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under Section 5119.01 of the Ohio Revised Code.
- D. Hours of Operation. A Medical Marijuana Retail Dispensary shall only operate between the hours of 7:00 a.m. and 9:00 p.m. Hours of operation to be identified in the Planning and Zoning Commission's provisional approval of the conditional use application, taking into consideration the health, safety and general welfare of the public and surrounding neighborhoods.
- E. Retail Limitation. A Medical Marijuana Retail Dispensary is prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of medical marijuana, as identified in Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq.
- F. Drive-thru or drive-in facility. A Medical Marijuana Retail Dispensary incorporating drive-in or drive-thru facilities must meet the requirements of Section 1123.16(a) of this Code.

- G. Lighting. All lighting required by Ohio Revised Code Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
- H. Provisional Approval. The Planning and Zoning Commission may only approve an application for a Medical Marijuana Retail Dispensary conditioned upon the applicant receiving a provisional license from the State Board of Pharmacy followed by securing a certificate of operation from the State Board of Pharmacy. Copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's provisional approval by the Commission shall expire immediately if the Applicant does not secure a provisional license from the State Board of Pharmacy within twelve (12) months of the Commission's provisional approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the Commission's provisional approval for this conditional use expires immediately. Continued use of a Medical Marijuana Retail Dispensary that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.
(Res. 17-R-101. Passed 11-20-17.)

1123.13 USE REQUIREMENTS - RESIDENTIAL.

- (a) Bed and Breakfast.
 - (1) A bed and breakfast shall not provide more than six guest rooms plus a common area for use by all guests.
 - (2) A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.

- (3) The bed and breakfast shall be the principal residence of the owner or manager, who shall reside there when the bed and breakfast is in operation.
- (4) There shall be at least one off-street parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
- (5) One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than 10 feet to the front lot line. Sign lighting shall be indirect and shielded from view off site. Internally lighted signs are not permitted.
- (6) Cooking facilities shall not be permitted in bed and breakfast guest rooms.
- (7) Exterior refuse storage facilities shall be screened from view on all sides by a six foot solid decorative fence, wall, vegetation or similar visual barrier.
- (8) In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall be submitted with the conditional use application.

Level. (b) Dwellings on Upper Floors of Buildings with Non-Residential Uses at Street

- (1) Dwelling units shall not be located on the street level.
- (2) Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.
- (3) One on-site parking space shall be provided for each dwelling unit; provided, the required parking may be permitted to be located off-site if the following requirements are met:
 - A. The required parking spaces are located off-street within 300 feet of the entrance to the dwelling unit;
 - B. The parking area meets all applicable requirements of this code for off-street parking;
 - C. The owner provides written assurance that the spaces will be permanently available; and
 - D. A maintenance agreement is provided to ensure the continued upkeep of the parking area.

(c) Group Home.

- (1) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
- (2) If the facility provides day programs for non-residents, a designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the home.
- (3) A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas if the group home has employees and/or if there are loading and unloading areas..
- (4) Exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated. (Ord. 14-29. Passed 10-27-14.)
- (5) The proposed facility shall not be located within 700 feet from any other group home/care facility.

(d) Manufactured Home Community.

(1) Minimum development requirements. All manufactured home communities shall be designed and developed in accordance with the following requirements:

- A. Minimum site size for a manufactured home community shall be ten acres.
- B. A minimum of 50 manufactured home lots shall be provided in the manufactured home community.
- C. Each site for a manufactured home community shall have direct access to an arterial or collector street, as defined in the City of Hilliard Comprehensive Plan.
- D. No access to the site shall be located closer than 200 feet from the intersection of any arterial street.
- E. Minimum street widths within the manufactured home community shall be in accordance with the requirements of the Hilliard Design Manual for residential subdivisions.
(Ord. 15-26. Passed 7-13-15.)
- F. At least 20 percent of the gross area of the site shall be devoted to a common recreation area for residents of the community. Such area may be a single space conveniently located to serve all parts of the development or smaller, individual spaces distributed throughout the community. Facilities and equipment shall be provided to accommodate active recreation as well as passive enjoyment.
- G. Sidewalks or paved paths shall be provided along the perimeter street(s) abutting the site and on both sides of the interior streets within the manufactured home community.
- H. The manufactured home community shall provide a minimum of a 40 foot buffer strip separating the manufactured home community from adjacent property. This strip shall be landscaped with trees or shrubbery and maintained by the owner or operator of the manufactured home community. No part of this strip shall be used for any building, right-of-way, drive, or parking space. However, the area may be counted toward the recreation area requirement and contain play equipment or similar recreational facilities.
- I. The manufactured home community shall conform to all County and State Health Department requirements.

(2) Utility requirements. Water, sanitary sewer, storm sewer and other utilities shall be provided in accordance with the following requirements:

- A. All utilities shall be underground.
- B. All lots shall be provided with municipal public water and sanitary sewer service, and all manufactured homes shall be connected to those utilities.
- C. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of streets or lots. On-site storm water detention or retention may be required where deemed necessary by the City Engineer.

(3) Minimum lot requirements. Each lot within the manufactured home community shall meet the following requirements at a minimum:

- A. Each manufactured home lot, exclusive of streets shall have a minimum size of 5,000 square feet and a minimum width of 40 feet. No more than one manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.

- B. The minimum setback between any part of a manufactured home and/or structure permanently or temporarily attached thereto including, but not limited to, storage sheds, cabanas, decks and porches shall be 15 feet from the inside of the sidewalk; and the minimum spacing from any side or rear lot line shall be ten feet.
 - C. No dwelling unit shall be located within 50 feet of the boundary line of the manufactured home community.
 - D. Each lot shall provide a minimum of two off-street, paved parking spaces meeting the minimum dimensional requirements of this code.
 - E. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one shade tree shall be provided for every two lots. Trees shall be located to provide shade for the adjacent lots.
- (4) Dwelling unit requirements. Each manufactured housing unit within the community shall meet the following minimum requirements:
- A. Hitches and other towing mechanisms shall be removed.
 - B. All manufactured homes shall be placed on a concrete foundation, piers or ribbons and securely anchored in place. The base of the unit shall be fully screened with solid material matching or complementing the exterior of the dwelling unit.
 - C. Each manufactured home shall have a minimum width of 20 feet across any horizontal surface, exclusive of carports or overhangs.
 - D. Each manufactured home shall contain a minimum floor area of 1,000 square feet. (Ord. 14-29. Passed 10-27-14.)

1123.14 USE REQUIREMENTS - TRANSPORTATION AND WAREHOUSING.

- (a) Heliports and Helipads.
- (1) The proposed heliport or helipad and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Ohio Department of Transportation, Office of Aviation.
 - (2) No person shall cause or permit a helicopter to land or takeoff between the hours of 11:00 p.m. and 7:00 a.m., nor shall any person cause or permit more than 15 landings and 15 takeoffs a month from any one site, nor more than two landings and two takeoffs per day from any site.
 - (3) The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall comply with the following minimum separation distances:
 - A. From the boundary of any property zoned Industrial 150 feet;
 - B. From the boundary of property in any other zoning district: 300 feet;
 - C. From a building on property, other than property owned by the applicant, zoned Industrial 200 feet; and
 - D. From a building on property in any other zoning district: 500 feet.
 - (4) A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than five minutes).

- (5) As a condition of approval, the Planning and Zoning Commission may impose additional limits on:
 - A. The size and type of rotorcraft permitted to use the facility;
 - B. The allowable hours of use of the facility;
 - C. The frequency of helicopter operations permitted at the facility; and
 - D. The location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.
- (6) The provisions of this section shall not apply to emergency operations conducted by law enforcement, public safety agencies or medical service providers or dignitary landings and takeoffs.

(b) Cartage, Express, Parcel Delivery Services, Warehouses, Distribution Centers and Truck Terminals.

- (1) The site shall have a minimum area of ten acres, provided the Planning and Zoning Commission may reduce the site area to no less than five acres where the operation will be compatible with other surrounding uses.
- (2) The site shall be designed so all vehicles are able to enter and leave the site without having to back-out onto the street. Driveways shall be curbed for their full length in the front yard.
- (3) The Planning and Zoning Commission shall determine that traffic will be no more hazardous, nor the volume of traffic any greater, than is normal for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, volume and size of trucks, and proximity and adequacy of interchanges.
- (4) All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks; provided, if the site is located within a planned industrial park, the site may be located on an interior street that intersects with an arterial street. (Ord. 14-29. Passed 10-27-14.)

1123.15 USE REQUIREMENTS - UTILITIES.

(a) Recycling, Collection and/or Processing Facilities (non-hazardous).

- (1) The principal and accessory buildings and structures shall not be located closer than 200 feet to any residential use or residential district property line.
- (2) A six foot fence or wall shall be constructed along the rear and side lot lines to keep trash, paper and other debris from blowing off the premises.

(b) Wireless Communication Facilities.

- (1) Required Approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:
 - A. Installation of New Antenna: The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the zoning inspector subject to all requirements of this section. Any new antenna that will add either 10 percent or 25 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this section for the installation of new towers as described below.

- B. Installation of a New Tower: The installation of any new tower(s) shall be reviewed as a special use by the Planning and Zoning Commission.
- C. Installation of New Accessory Structures: The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the zoning inspector.
- (2) Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the zoning inspector, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.
- (3) Interference with Public Safety Facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.
- (4) Required Documentation for all Facilities. In addition to the requirements provided in this chapter for the receipt of special use approval and/or a zoning compliance permit, applications for new towers, new antenna, and new related facilities shall include the following. Where the equipment is mounted on an existing building, the comparable information for that structure shall be provided.
 - A. Engineer's Report: A report from a professional engineer licensed in the State of Ohio that:
 - 1. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
 - 2. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antenna it can accommodate;
 - 3. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.);
 - 4. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
 - 5. Includes the engineer's seal and registration number.
 - B. Letter of Intent: A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.
 - C. Proof of Compliance: Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate state and federal agencies.

- D. Removal Affidavit: A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Franklin County, with a copy of the recorded affidavit provided to the zoning inspector.
- (5) Determination of New Tower Need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two mile radius of the proposed tower location due to one or more of the following reasons:
- A. Inadequate Structural Capacity: The antenna(s) would exceed the structural capacity of the existing or approved tower or other structure.
 - B. Interference: The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
 - C. Inadequate Height: The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
 - D. Land Availability: Additional land area is not available (when necessary).
- (6) Design Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following design requirements:
- A. Lighting: Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
 - B. Co-location: All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
 - 1. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
 - 2. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
 - C. Height: All towers and antenna shall conform to FAA tall structure requirements. The maximum height of all accessory structures shall be 15 feet.
 - D. Signs: Signs for all telecommunications facilities shall be permitted up to a total of four square feet per user.
(Ord. 14-29. Passed 10-27-14.)
- (7) Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:
- A. Vehicular Access: Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements, as specified in the Hilliard Design Manual.

- B. Site Area: The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The site shall also be of sufficient size to allow the location of one additional tower and associated support facilities.
 - 1. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.
 - 2. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half ($\frac{1}{2}$) the tower height.
 - 3. All tower supporting and stabilizing wires shall be located within the site area.
- C. Setback: The required setbacks for the tower and related facilities shall be as follows:
 - 1. Side and Rear Setback: The minimum side and rear setback for all facilities other than the tower, including the security fence, shall be ten feet.
 - 2. Front Setback: The minimum front setback for all facilities shall be as specified by this code for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in any required front setback.
 - 3. Additional Setback from Residential Zoning Districts or Residential Use: No facility shall be placed closer than one and one-half ($1\frac{1}{2}$) times the total height of the tower or 200 feet, whichever is greater, to any property included in any residential zoning district or residential use.
 - 4. Additional Landscaping: Landscape screening in addition to the requirements of this code may be provided in the setback area.
- D. Encroachment: No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.
- E. Fencing: An eight foot high security fence shall completely surround the tower and accessory equipment building site. Barbed wire, concertina wire or sharpened stakes shall be at least six feet above grade.
 - 1. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in subsection (8) below.
 - 2. The required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, eight foot tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

- (8) Landscape Screening. Evergreen plantings shall be located and maintained around the outermost perimeter of the security fence to buffer wireless communications facilities from adjacent streets and residential or non-residential districts. The landscape plan for the site shall screen the fence, all equipment and the base of the tower, as determined by the Planning and Zoning Commission. Plantings and other landscaping shall conform to the standards specified in the Hilliard Design Manual.
(Ord. 15-26. Passed 7-13-15.)

1123.16 USE REQUIREMENTS - VEHICLE SALES, SERVICE AND RELATED USES.

(a) Drive-in or Drive-Thru Facilities for Pharmacies, Dry Cleaners or Others Not Specified (Not including Drive-Thru Restaurants, See Sec.1123.10(b)).

- (1) The drive-in or drive-thru facility must be attached to a building; except that an automated teller machine may be in a stand-alone structure with a canopy or similar roof to protect users from the elements.
- (2) The facility shall be screened from any adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.
- (3) Drive-thru and stacking lanes and parking lot access shall be clearly identified and delineated.
- (4) A drive-thru shall have an escape lane to allow a vehicle to pass those waiting to be served. The Planning and Zoning Commission may waive this requirement if the applicant can demonstrate that such a waiver will not adversely impact public safety or inconvenience patrons.
- (5) All drive-thru service windows shall be located on the side or rear of the building to minimize visibility from a public or private street.
- (6) Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining Residential District boundary, or residential use. A buffer, as required by Chapter 1125 shall be installed between such equipment and the adjoining Residential use to minimize associated noise impacts.
- (7) At least three stacking spaces shall be provided per each drive through lane.
- (8) In addition to the above, a drive-in/drive-thru facility in the OH-MD, Old Hilliard Mixed Use District shall be subject to the following:
 - A. All facilities shall be behind the required building line and shall be screened, to the extent possible, from view of the street by the building served. Any portion of the facility visible from the street shall be screened by landscaping.
 - B. Access to the stacking lanes shall not be from a public street.

(b) Sale of New and Used Automobiles, Trucks, Recreational Vehicles, Construction Equipment, Farm Implements, and Similar Vehicles and Equipment.

- (1) The minimum lot size shall be one acre with a minimum lot width of 200 feet.
- (2) Signs shall conform to the requirements of Chapter 1129. Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.
- (3) Temporary or portable structures are not permitted.

- (4) Outdoor displays shall conform to the following:
 - A. Vehicles, for sale or lease, shall be parked only on improved surfaces, as defined in this code.
 - B. Vehicle display areas shall meet the setback requirements for parking areas, as required for the respective zoning district.
 - C. Vehicle display or storage shall not be permitted in areas required for visitor, employee or service parking, as required by Chapter 1127 (off-street parking and loading)
 - D. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles etc. shall be sold and displayed within an enclosed building.
 - (5) All service work, including car washing, repair and general maintenance, shall be entirely conducted within an enclosed building.
 - (6) Audible paging systems or outdoor speakers are not permitted.
 - (7) The use of spotlights or similar equipment is prohibited.
(Ord. 14-29. Passed 10-27-14.)
- (c) Vehicle Repair, Major.
- (1) All main and accessory structures shall be set back a minimum of 75 feet from any Residential District or residential use.
 - (2) There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
 - (3) The number, location and design of driveways shall be subject to review and approval by the city traffic engineer.
 - (4) A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
 - (5) Overhead doors shall not face a public street or Residential District or residential use. The Planning and Zoning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
 - (6) Where applicable, vehicle queuing space for at least one vehicle shall be provided in front of each service bay.
 - (7) All maintenance and repair work shall be conducted completely within an enclosed building.
 - (8) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
 - (9) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be appropriately screened from public view in accordance with the screening requirements of Section 1125.06.
 - (10) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Norwich Township Fire Department and City Engineer.

(d) Vehicle Repair, Minor.

- (1) All main and accessory structures shall be set back a minimum of 40 feet from any Residential District or residential use.
- (2) The number, location and design of driveways shall be subject to review and approval by the City Engineer.
- (3) Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
- (4) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted only in a designated area. Such area shall be appropriately screened from public view in accordance with the requirements of Section 1125.06.
- (5) All activities shall occur inside a building. No vehicle may be stored on the property for more than 30 days.
- (6) Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.
- (7) Floor drains shall not connect to the sanitary sewer system.
- (8) There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
- (9) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Norwich Township Fire Department and City Engineer.
- (10) If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

(e) Vehicle Service Stations.

- (1) There shall be a minimum lot area of one acre and minimum lot width of 150 feet on an arterial street.
- (2) The number, location and design of driveways shall be subject to review and approval by the City Engineer.
- (3) Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
- (4) Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. All signs, logos, or identifying paint scheme shall be in accordance with Chapter 1129, Signs. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
- (5) The intensity of lighting within a site shall satisfy the standards of the Hilliard Design Manual.

- (6) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Norwich Township Fire Department and City Engineer.
 - (7) In the event that a vehicle service station has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.
 - (8) A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including parking, are met for each use and the most restrictive requirements applicable to any single use shall apply.
- (f) Vehicle Wash Facilities.
- (1) All washing activities must occur inside a building.
 - (2) The building exit for washed vehicles shall be at least 75 feet from the point at which the entrance drive that accesses the site intersects the right-of-way line.
 - (3) Required stacking spaces for waiting vehicles shall not be located within a public right-of-way or private easement and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
 - (4) Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers.
 - (5) The number, location and design of driveways shall be subject to review and approval by the City Engineer.
 - (6) For automated drive-through wash facilities, a by-pass lane shall be provided to allow by-passing waiting vehicles.
 - (7) Overhead doors shall not face a street, except as approved by the Planning and Zoning Commission, in the following circumstances:
 - A. When the doors of a through-garage are located at the front and rear of a building; or
 - B. When a garage is located on a corner or through lot; or
 - C. When determined that a rear garage door would negatively affect an abutting residential use or district.
 - (8) A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from a street right-of-way line and any Residential District boundary or residential use.
 - (9) The property owner or operator must comply with all city noise regulations. Air handling equipment shall be located within the building or on a roof and equipped with intervening noise reduction baffles and be in proper working condition. (Ord. 15-26. Passed 7-13-15.)

1123.17 USE REQUIREMENTS - OTHER.

- (a) Chemical Manufacturing and Storage.
- (1) As part of the application, the applicant shall provide documentation, reports, studies and other materials required by the city specifying the materials to be handled, safety measures, existing soil conditions, methods of protecting groundwater and all other information required by the city in the course of reviewing the proposed use and its location.

- (2) The facility shall at all times operate according to all applicable local, Franklin County, State of Ohio and Federal regulations. Adequate safety measures shall be implemented and in use at all times.
 - (3) There shall be no storage of hazardous materials outdoors, except in tanks or containers designed for that purpose that are inaccessible to anyone not authorized to process or handle such materials, and that meet all applicable safety regulations.
 - (4) The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the appropriate authorities, as part of the application for a special use.
 - (5) Truck routes to and from the facility shall be subject to approval by the Planning and Zoning Commission.
- (b) Mineral Extraction.
- (1) Requirements. Conditional approval shall be required for mineral extraction operations, including removal of soil sand or gravel, where more than 600 cubic yards will be removed in a one year period. The approval may be reviewed annually by the Planning and Zoning Commission to ensure that the operation conforms to all plans, progress, conditions, and sureties. Removal operations shall not begin until the approval is granted and a zoning compliance permit is issued.
 - (2) Application. In addition to the submittals for a conditional approval, as outlined in Section 1123.02, an application for a mineral extraction permit shall be accompanied by the following:
 - A. A topographic map with two foot contour intervals including the locations of all streets, buildings, and existing drainage facilities within 300 feet of the property.
 - B. A topographic map with two foot contour intervals showing final elevations, including the proposed locations of access drives, parking areas, and equipment.
 - C. An estimated schedule for removal and an agreement conforming to all provisions of this section.
 - D. A traffic control plan showing proposed truck routes to and from the site.
 - E. A written description of proposed post removal use of the property.
 - F. A fee, determined by resolution of the city council, to defray review, administration, and inspection costs.
 - (3) Conditions. A conditional use approval shall not be granted unless activities comply with all the following conditions. Conditional use approval may be revoked if the use is found in violation of any part of this section:
 - A. Activities shall comply with applicable soil erosion and sedimentation control regulations.
 - B. Final grades shall not exceed five percent and shall meet existing elevations at all property lines. Grades in excess of five percent may be permitted by the Planning and Zoning Commission if the applicant demonstrates that an increase is essential to implement a plan for future use.
 - C. Mineral extraction shall not create permanent depressions that may fill with water. All storm runoff must discharge into existing drainage systems.

- D. Since artificial lakes and water bodies can present threats of ground water pollution and stagnant water, thereby adversely affecting the public health, safety, and welfare, they shall not be created as part of removal operations unless the applicant demonstrates:
 - 1. Engineering and geological studies find there will be a positive source of unpolluted underground or stream-fed water in adequate amounts to produce positive water flow at all times;
 - 2. Plans for the proposed artificial lake or water body have received all State of Ohio approvals and conform to all federal, state, county, and municipal standards;
 - 3. A site plan of the proposed future development has been approved by the city; and
 - 4. In an artificial lake or water body, a channel or lagoon shall not project beyond the main body of water greater than two times the width of the lagoon or channel.
 - E. Other conditions may also be imposed, to protect the public health, safety and welfare.
 - F. The city may require a financial guarantee in accordance with Section 1141.05 to ensure compliance with the zoning ordinance and any conditions of approval.
- (c) Outdoor Storage Accessory to an Allowed Principal Use.
- (1) The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
 - (2) A drive shall be provided, graded, paved, and maintained from the street to the rear of the property, to permit free access of emergency service vehicles and firefighting equipment at any time.
 - (3) The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
 - (4) Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by Chapter 1127. (Ord. 14-29. Passed 10-27-14.)
 - (5) No outdoor display area or parking serving an outdoor display area shall be located within 75 feet of any Residential District boundary line or residential use. (Ord. 15-26. Passed 7-13-15.)
 - (6) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
 - (7) The Planning and Zoning Commission may require a sight obscuring screen around any storage or display area, that meets maximum fence height requirements for the zoning district. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.
 - (8) All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

- (9) All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement. Maneuvering in the public right-of-way is prohibited. (Ord. 14-29. Passed 10-27-14.)
 - (10) Lighting for security purposes may be required, as determined by the Planning and Zoning Commission. All lighting shall be shielded from adjacent residential areas and shall conform to the standards of the City of Hilliard Design Manual. (Ord. 15-26. Passed 7-13-15.)
- (d) Hookah Lounge/Vapor Lounge.
- (1) Locations.
 - A. Hookah Lounges and Vapor Lounges are conditionally permitted in the following Zoning Districts: B-1, Neighborhood Business, B-2, Community Business, B-3, Office/Institutional, B-4, I-270 Corridor, OH-MD, Old Hilliard Mixed-Use, in Planned Unit Developments and in Overlay Districts.
 - B. No Hookah Lounge or Vapor Lounge shall be located within a 1,000 feet radius of another such establishment, as measured starting at the primary public entrance of each establishment.
 - C. No Hookah Lounge or Vapor Lounge shall be located within a 500 feet radius of any school, playground, daycare/childcare, public park, church, or religious building, as measured starting at the nearest public entrance of the Hookah Lounge/Vapor Lounge and prohibiting the location of such establishment within this radius of a school, playground, daycare, public park, church, or religious building.
 - D. No Hookah Lounge or Vapor Lounge shall be located within a 500 feet radius, as measured starting at the primary public entrance of such establishment to a Residential District or Residential Use.
 - (2) Hours of Operation. Hours of operation to be identified in the Planning and Zoning Commission's approval of the conditional use application, taking into consideration the health, safety and general welfare of the public and surrounding neighborhood(s).
 - (3) Minors Prohibited. Persons defined as a "child" under Section 2151.11(B)(6) of the Ohio Revised Code shall be prohibited from entering, working at or patronizing hookah lounges and vapor lounges, and from purchasing hookah or vapor products from such establishment and are prohibited from leasing any necessary instruments or paraphernalia to use the hookah or vapor products.
 - (4) Ventilation System. A hookah lounge and vapor lounge shall provide adequate ventilation in accordance with state and federal rules, regulations and laws. The establishment's ventilation system shall ensure that smoke from inside the hookah lounge or vapor lounge is incapable of migrating into another building or outside establishment (such as, but not limited to, a public park, pedestrian pathway/sidewalk, or outdoor patio) in the vicinity of the hookah lounge or vapor lounge.
 - (5) Hookah and Vapor Lounges are strictly prohibited from propping doorways and windows open that allows vapor and/or smoke to escape from the confines of the establishment to the outdoor air.

- (6) Required Signage. Every Hookah establishment shall prominently post signage at the purchasing counter, that contains the following language as recommended by the World Health Organization: "Shisha, the substance smoked in hookah pipes, is a tobacco product. It contains nicotine and is addictive. Tobacco use and exposure to second hand smoke puts one at risk for cancer, heart disease and lung diseases. The use of a water pipe may expose one to tuberculosis, herpes, hepatitis and possibly other infectious diseases." Each sign posted shall measure at not less than 5 inches by 7 inches in size, shall be laminated, and shall be posted and visible at the purchasing counter with an unobstructed view, and placed at an average eye-level so that it is visible to patrons.
- (7) Outdoor Activity. Outdoor activity and seating related to a hookah lounge or vapor lounge is prohibited.
- (8) Parking. On-site and off-street parking shall be provided in the same manner as for restaurants, bars and clubs, as established in Section 1127 of the City's Codified Ordinances, unless the establishment is strictly retail, then parking shall be equal to retail as established in Section 1127 of the City's Code. (Ord. 16-17. Passed 5-7-16.)

CHAPTER 1125 Landscape and Tree Standards

1125.01 Purpose.	1125.05 Vehicular use areas.
1125.02 Applicability.	1125.06 Buffering and screening.
1125.03 Shade Tree Commission.	1125.07 Public trees.
1125.04 Landscape design standards.	

CROSS REFERENCES

Assessments for tree planting and shrubbery - see Ohio R.C. 715.20
General regulations - see S.U. & P.S. Ch. 921

1125.01 PURPOSE.

The purpose of landscaping, open space and natural feature requirements is to promote the public health, safety and welfare through the preservation and protection of the environment. It is further the purpose of this chapter to:

- (a) Promote the preservation of trees and the replacement of trees removed in the course of land development to mitigate the impact of development;
- (b) Promote the proper utilization of landscaping as a buffer between certain land uses and minimize the possibility of nuisances including potential noise, glare, litter and visual clutter of parking and service areas;
- (c) Protect, preserve and promote the aesthetic appeal, character and value of neighborhoods with the placement of landscaping;
- (d) Offer a minimum standard for the consistent appearance of plant material in the community landscape; and
- (e) Soften the appearance of building masses and paved areas and reduce the generation of heat and stormwater runoff.
(Ord. 14-29. Passed 10-27-14.)

1125.02 APPLICABILITY.

(a) New Sites. No certificate of zoning compliance or certificate of occupancy shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area, except where landscaping for such development or construction has been approved as required by the provisions of this section.

(b) Existing sites. No building, structure or vehicular use area shall be constructed or expanded unless the minimum landscaping required by the provisions in this section is provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the entire site must be brought into compliance with the minimum requirements of this section. An alteration or expansion to an existing property is substantial when the alteration or expansion exceeds 25 percent of the square footage of the existing building, structure or vehicular use area. (Ord. 14-29. Passed 10-27-14.)

1125.03 SHADE TREE COMMISSION.

(a) There shall be an advisory commission known and designated as the Shade Tree Commission composed of seven persons all of whom shall be residents of the City of Hilliard or of Franklin County. Members shall be appointed by the City Council, upon the advice of the City Arborist, Forester and/or City Manager. Shade Tree Commission members shall serve a term of three years, with two members appointed or reappointed every year for the first two years, and three members appointed or reappointed the third year. All members shall serve until their successors are duly appointed by City Council. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made, and shall be for the remainder of the respective unexpired term.

(b) Within a reasonable time after the appointment of the Shade Tree Commission and the approval of the members by Council, the Shade Tree Commission shall meet and organize by the election of a Chairman, a Vice-Chairman and a Secretary. The Shade Tree Commission shall then provide for the adoption of rules and procedures for the holding of regular and special meetings as it shall deem advisable and necessary in order to perform the duties set forth therein. The Shade Tree Commission shall keep a written journal of its proceedings. A majority of the members present at each meeting shall be a quorum for the transaction of business.

(c) Compensation, if authorized by City Council, shall be paid semiannually in the months of June and December.

(d) The functions of the Shade Tree Commission shall be as follows:

- (1) To study the problems and make recommendations of the City in connection with its tree planting program, including recommendations for the care, selection, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets, alleys, highways and other public places;
- (2) To assist the properly constituted officials of the City as well as Council and citizens in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the trees are on private or public property, and to make recommendations from time to time to Council as to desirable legislation concerning the tree program and activities for the City; and
- (3) To provide regular and special meetings at which the subject of trees insofar as it relates to the City may be discussed by the members of the Shade Tree Commission, officers and personnel of the City and its several divisions and all others interested in the tree program; and
- (4) To review and make recommendations on site plans and streetscape plans for developments and redevelopments within the City, as requested by the City Staff or Council.

- (5) The Shade Tree Commission may recommend and assist in the creation of a Master Street Tree Plan with the City Arborist/Forester or designated staff member, specifying the types of trees to be planted on each of the streets or other public sites of the City.
- (6) At the request of the City Arborist/Forester or designated staff member, the Shade Tree Commission may conduct a yearly tree inventory in the City, consisting of the street address, subdivision name, tree species, tree size (diameter), condition of tree, tree maintenance needs, and particular site conditions.
(Ord. 19-31. Passed 12-9-19.)

1125.04 LANDSCAPE DESIGN STANDARDS.

(a) General Requirements. For all development following the effective date of this Chapter, the following requirements shall apply and be met regardless of whether a specific written plan is required.

(b) Individual lots under R1, R2, R3, R4, PUD, and HCD Districts. There shall be tree plantings equal to one-half inch in caliper for every 500 square feet of surface covered by the structure. Such plantings shall be required within the lot. The zoning inspector may grant the applicant credit toward the tree planting requirements of this section for other proposed landscaping materials as defined Section 1125.04(d) which is to be located within the lot. Such credit shall be within the discretion of the zoning inspector with the intention of accomplishing the purpose of this chapter. No such credit shall be given for the street tree requirements of Section 1125.04(g) and street tree planting requirements shall be fulfilled as required.

(c) All other zoning districts, except individual lots in R1, R2, R3, R4 PDD, and HCD. In addition to the requirements outlined within this chapter, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building surface coverage area, or fraction thereof, and one inch in tree size for every 1,500 square feet of building surface coverage with a minimum tree caliper of two inches, whichever is greater. Such landscaped areas shall contain trees, planting beds, hedges, earthmounds, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.

(d) Selection. Landscaping plantings, as required within this chapter, shall conform to the planting types and placements listed within this Section. The proposed landscape materials must complement the form of the existing trees and plantings, as well as the development's general design and architecture. Landscaping design and material shall consist of the following:
(Ord. 14-29. Passed 10-27-14.)

(1) Trees.

- A. Large Trees - Species as defined in Section 12.2.A.3 of the Hilliard Design Manual.
- B. Medium Trees - Species as defined in Section 12.2.A.2 of the Hilliard Design Manual.
- C. Small Trees - Species as defined in Section 12.2.A.1 of the Hilliard Design Manual.
- D. Evergreen Trees - Species as defined in Section 12.2.A.4 of the Hilliard Design Manual.

- (2) Shrubs and Grasses.
 - A. Shrubs - Species as defined in Section 12.2.B.1 of the Hilliard Design Manual.
 - B. Ornamental Grasses - Species as defined in Section 12.2.B.2 of the Hilliard Design Manual.
 - (3) Native Prairie Grasses and/or Wildflowers.
 - A. Prairie Grass - Species as defined in Section 12.2.C.1 of the Hilliard Design Manual.
 - B. Wildflower Pockets - Species as defined in Section 12.2.C.2 of the Hilliard Design Manual.
 - C. No-Mow Turf - Species as defined in Section 12.2.C.3 of the Hilliard Design Manual.
 - D. Naturalized - Species as defined in Section 12.2.C.4 of the Hilliard Design Manual.
 - E. Temporary Cover Crop - Species as defined in Section 12.2.C.5 of the Hilliard Design Manual.
 - (4) Prohibited Landscape Materials.
 - A. Trees - Species as defined in Section 12.2.D.1 of the Hilliard Design Manual.
 - B. Miscellaneous - Species as defined in Section 12.2.D.2 of the Hilliard Design Manual.
- (e) Placement.
 - (1) Clustering. As defined in Section 12.2.E.1 of the Hilliard Design Manual.
 - (2) Staggering. As defined in Section 12.2.E.2 of the Hilliard Design Manual.
 - (3) Landscaping at Driveway and Street Intersections. To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways and streets, in accordance with Section 1121.03(c). Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, and/or otherwise does not present a traffic visibility hazard.
- (f) Duplicate Planting Requirements. In instances where multiple planting requirements are applicable within the same area, the more restrictive of the requirements shall control.
- (g) Public Street Tree Planting Requirements in All Zoning Districts.
 - (1) All builders and/or developers are required to plant trees along the public streets of their developments in a manner consistent with the Hilliard Design Manual. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of occupancy of each unit.
 - (2) The developer shall be required to maintain and warrant the survivability of public trees for one year after each tree is inspected and approved by the City and planted. During this one-year warranty and maintenance period, the developer shall immediately replace any such tree that fails to survive or that does not exhibit normal growth characteristics of health and vigor.

Each public tree replaced during the one-year warranty and maintenance period shall also be warranted and maintained by the developer for a period of one- year. A final inspection shall be made at the end of the warranty period. All such trees not exhibiting healthy, vigorous growing conditions, as determined by the zoning inspector, during the warranty period shall be replaced within one month at the expense of the developer.

- A. Tree topping. Topping of public trees, as defined within the Hilliard Design Manual, shall be unlawful as a normal practice for any public tree within the public right-of-way. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this section, as determined by the City.
- B. Tree maintenance. Public trees shall be maintained in a manner consistent with the requirements as outlined within the Hilliard Design Manual.
- C. Reducing treelawn. No person shall by any type of construction reduce the size of a treelawn without first procuring permission from the Designated Enforcement Officer. A person who removes, damages or causes to be removed a public tree from the treelawn or other public place without prior approval shall be required to replace such tree at his/her own expense; the replacement tree shall have a minimum diameter of two inches.

(h) Tree Protection.

- (1) All existing trees shall be preserved by the property owner, developer or person in possession and control of the property. However, the zoning inspector may approve the removal of an existing tree, and issue a permit to do so, when the tree interferes with the proper development of a parcel; provided, that the parcel is the subject of an application for approval of a preliminary or final plat, a zoning certificate, site plan, variance or a conditional use permit, or demolition permit, and one of the following applies:
 - A. The tree is located within a public right-of-way or easement; or
 - B. The tree is located within the area to be covered by a proposed structure or within 12 feet from the perimeter of a structure, and the proposed structure cannot be located in a manner to avoid removal of the tree, while at the same time permitting desirable and logical development of the lot; or
 - C. The tree is located within a proposed driveway, vehicular use area, lot or structure; or
 - D. In the judgment of the zoning inspector, the trees are damaged, diseased, overmature, interfere with utility lines, are an inappropriate or undesirable species, are located in an unsafe manner or are located in an undesirable location
- (2) Tree Survey and Protection. Prior to clearing or grading a site and prior to any construction or demolition activities on a site containing existing trees, a tree preservation plan including a tree survey of existing trees (including trunk diameter, location and species) must be submitted to the City for review and approval. During

all phases of clearing, grading, demolition or construction, all steps necessary to prevent the destruction or damage to protected trees, including a 10 foot radius from any public tree, shall be taken by the owner or developer or person in possession and control of the premises (the "tree preservation area"). All required protective fencing, frame or box, or other physical barrier must be erected around the tree preservation area and approved by the City prior to any clearing, grading, construction, demolition or site clearing. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent encroachment and interference of construction vehicles, materials, spoils and equipment into or upon the tree preservation area.

- (3) The Developer or owner or person in possession of the property shall submit a tree preservation plan to the zoning inspector who may seek recommendations from the Shade Tree Commission. When preparing and reviewing subdivision plans and landscaping plans, the plan shall be designed to preserve natural growth areas. Streets, parcels, structures, and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas and outstanding tree specimens which are unique to the site and not easily replaceable. Developers of land are encouraged to designate heavily wooded areas as open space or park reserves.

(i) Tree Replacement.

- (1) All trees removed during the course of development shall be replaced with the following minimum standards:
- A. One inch of caliper replacement must be provided for every inch of Diameter Breast Height (DBH) removed from the site.
 - B. To reduce the burden of developing heavily wooded sites, a reduction of 50 percent may be granted by the City Planner for any tree replacement requirements in excess of 30 caliper inches per acre for the entire site.
 - C. Trees with a Diameter Breast Height (DBH) of less than six inches shall not require replacement.
 - D. To incentivize the preservation of large trees, trees with Diameter Breast Height (DBH) of 24 inches or greater at the time of removal shall be measured as double.
- (2) Tree replacement must be completed prior to issuance of a certificate of occupancy, or by later date upon good cause shown as approved in writing by the zoning inspector. Failure to do so shall be penalized as specified within Section 1141.06.

(j) Application Variations. The City Engineer, who may consult with the zoning inspector, City Arborist or Forester, or the Shade Tree Commission, may vary the requirements for public trees if it is deemed that the placement of such trees will be in conflict with the placement or operation of any utilities. (Res. 19-R-07. Passed 2-25-19.)

1125.05 VEHICULAR USE AREAS.

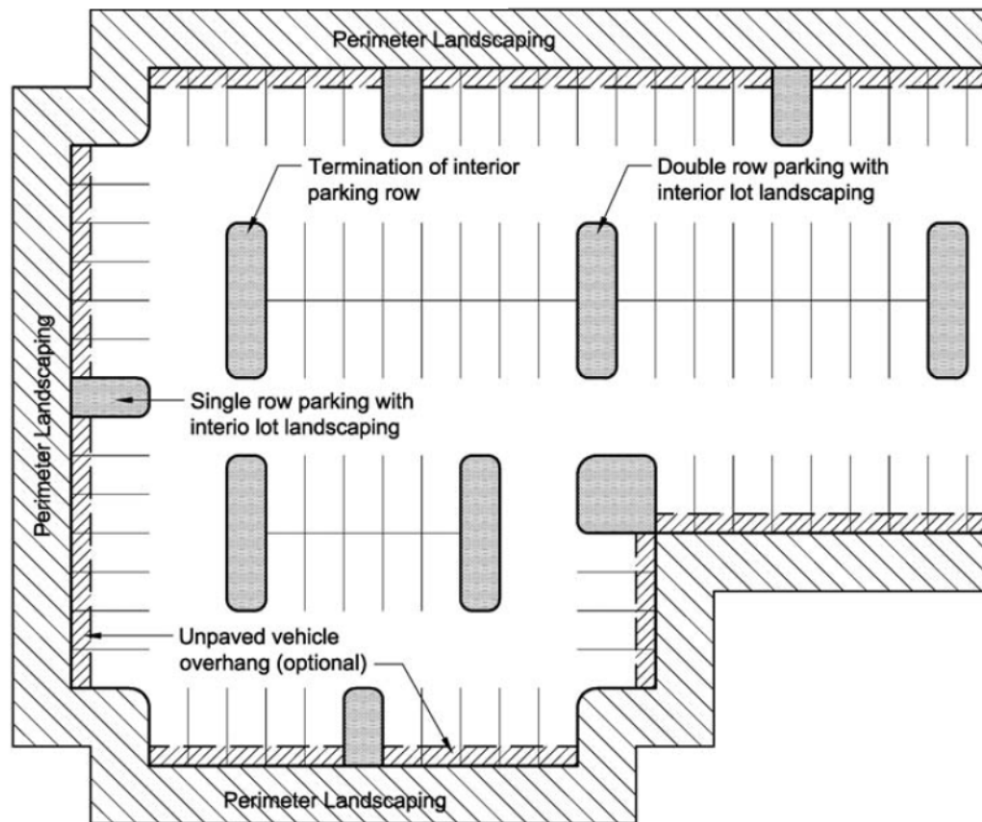
(a) Extent / Applicability. Where a vehicular use area or vehicular use area landscaping is legally existing as of the effective date of this code, but does not conform to the provisions of this code, such areas shall be considered legally non-conforming. Upon any expansion to such non-conforming vehicular use area of up to 25 percent of the original area of the location, the provisions within this section shall apply to the area of expansion. Vehicular use area expansions of over 25 percent of the original area of the lot shall be required to bring the entire vehicular use area into conformance with all provisions within this section.

(b) Perimeter Landscaping. The requirements for Perimeter Landscaping of vehicular use areas are intended to promote a uniform scheme, to protect the aesthetic quality of areas along public streets, and to minimize conflicts between different land uses.

Table 1125-5 - Vehicular Use Area Landscape Requirements			
Vehicular Use Areas adjacent to or abutting any:	Minimum Perimeter Landscape Width	Required Trees (per 100 linear feet)	Required Shrubs (per 100 linear feet)
Public street or private street	20 feet	Two (2) Staggered Large or Medium Trees	Thirty (30) staggered deciduous or evergreen shrubs
Residential use or zoning district	25 feet	Three (3) staggered Large or Medium trees and two (2) small trees	Thirty (30) staggered deciduous or evergreen shrubs
Non-residential use or zoning district	10 feet	Two (2) staggered small trees	Thirty (30) staggered deciduous or evergreen shrubs

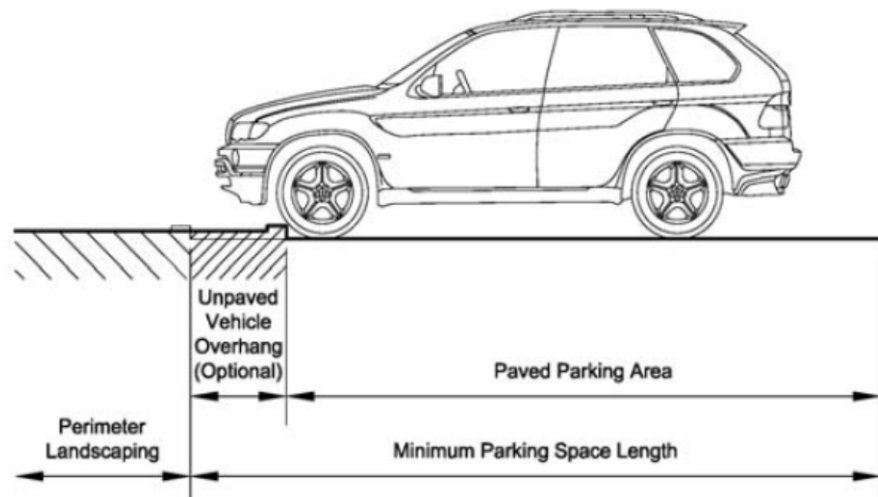
1125-

Figure 5.2



-  Perimeter Landscaping
-  Unpaved Vehicle Overhang
-  Interior Lot Landscaping

Figure 1125-5.2



- (1) The City planning staff or Planning Commission shall have the authority to alter the perimeter landscape requirements by the minimum amount necessary if the specific application of those requirements will seriously limit the function or safety of traffic and pedestrians using the site.
- (2) Where perimeter vehicular use area landscape buffering is required in addition to an overlapping land use buffer zone, the required vehicular use area landscape buffer may be satisfied concurrently with other buffering requirements, so long as the minimum plantings and buffer widths in this section are met.
- (3) Allowable vehicle overhang of curb or edge of pavement shall not count toward the required perimeter landscaping area. Such vehicle overhang areas shall be planted with turf and kept free of landscape materials that could interfere with vehicle parking.
- (4) Perimeter landscape requirements for all vehicular use areas within the Old Hilliard Districts may be satisfied by the construction of a brick screening wall not less than two feet six inches in height and subject to approval by the city planner.

(c) Interior Landscaping. Any vehicular use area containing more than 4,000 square feet of area or being comprised of 12 or more vehicular parking spaces, shall provide "interior" landscaping that may be peninsular or island in nature and shall be distributed throughout the vehicular use area.

- (1) All single row parking landscape islands and peninsulas shall be a minimum of 180 square feet in area with a minimum width of nine feet measured from back of curb to back of curb. Each island and peninsula shall contain a minimum of one large or medium tree and four evergreen or deciduous shrubs or ornamental grasses.
- (2) All double row parking landscape islands shall be a minimum of 240 square feet in area with a minimum width of nine feet measured from back of curb to back of curb. Each island and peninsula shall contain a minimum of two large or medium trees and eight evergreen or deciduous shrubs or ornamental grasses.
- (3) All interior parking rows shall be terminated at both ends with landscape islands. All parking islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred feet in length.
- (4) Any area of interior lot landscaping not occupied by trees or shrubs shall be planted in turf or other approved ground cover in an appropriate density to achieve complete cover within two years.
- (5) If the specific application of the interior landscape requirements will seriously limit the functions of the building site, the city planning staff or Planning Commission shall have the authority to permit consolidation and relocation of these landscaped areas on the building site.
(Ord. 14-29. Passed 10-27-14.)

1125.06 BUFFERING AND SCREENING.

(a) Extent / Applicability. Land use buffers shall be provided in accordance with the standards of this section, provided the city planning staff and/or Planning Commission shall be authorized to modify or waive buffer or landscape planting requirements. When landscape buffer requirements are modified or waived, the city planning staff and/or Planning Commission may require that additional plant material be added within remaining buffers or elsewhere on the site. Buffer requirements may only be waived if it is determined that:

- (1) Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity and maintenance already exist on the adjacent parcel;
- (2) Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading display or service areas;
- or
- (3) The area of required buffers would exceed 25 percent of the site proposed for development.

(b) Exemptions. Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

(c) Determination of Required Buffers. The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table of this Section shall apply:

- (1) Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- (2) Determine the use type that exists on the adjacent parcels. This is the "Use or Zoning of Adjacent Site";
- (3) Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- (4) Refer to the "Buffer Types" table to determine the dimensions and landscaping / improvements required within the buffer area.

Table 1125-6										
Proposed Use	Use or Zoning of Adjacent Site									
	Residential Type		Civic/Institutional	Business Type		Industrial Type		Miscellaneous Type		
	1	2		1	2	1	2	1	2	3
Residential Type 1	-	A	A	A	A	A	A	A	A	B
Residential Type 2	A	-	A	A	A	A	A	A	A	B
Civic/Institutional	C	C	-	-	-	B	B	B	B	B
Business Type 1	C	C	A	-	-	-	-	-	-	
Business Type 2	D	D	B	-	-	-	-	-	-	-
Industrial Type 1	D	D	C	A	A	-	-	-	-	-
Industrial Type 2	E	E	D	C	B	-	-	-	-	-
Misc. Type 1	E	E	E	E	E	C	C	-	B	B
Misc. Type 2	F	F	F	E	E	C	C	B	-	C
Misc Type 3	B	B	-	-	-	-	-	-	-	-

Residential Types: Type 1 = Single family detached, Single family attached, Two family, Bed & breakfast. Type 2 = All other residential uses

Civic / Institutional: Churches, schools and public or semipublic buildings

Business Types: Type 1 = All properties within B-1 and B-2 Districts. Type 2 = All properties within B-3 and B-4 Districts.

Industrial Types: Type 1 = All properties within the M-1 District. Type 2 = All properties within the M-2 District.

Miscellaneous Types: Type 1 = Outside sale or storage of building material or construction equipment. Type 2 = Auto and metal salvage operations and mineral extraction, storage or processing. Type 3 = Any railroad. Any freeway or arterial street prohibiting driveways.

Table 1125-6a						
Standard	Buffer Type					
	A	B	C	D	E	F
Minimum Buffer Depth - No landscaping or screening (feet from property line)	20	25	50	60	100	500
Minimum Buffer Depth - With landscaping and screening (feet from property line)(must conform to all minimum standards below)	10	12.5	25	30	50	250
Large or Medium Trees (per 100 feet)	2	3	3	7	9	11
Small Trees (at least 50% to be evergreen variety) (per 100 feet)	2	3	4	4	4	4
Shrubs (per 100 feet)			25	25	40	50
Required screening height for improved buffers (minimum feet above grade) (Privacy fence, wall, earthen mound, shrubs, or combination thereof, subject to approval by City Planner and/or Planning Commission)	-	4'	6'	6'	8'	8'

(Ord. 14-29. Passed 10-27-14.)

1125.07 PUBLIC TREES.

(a) Permits Required.

- (1) Removal of public trees. A permit from the City Engineer, or designee, shall be obtained prior to the removal and/or replacement of any public tree or shrub. Permit fees shall be waived for private homeowners on single family lots. The person receiving the permit shall abide by the specifications and standards as detailed within the Hilliard Design Manual.
- (2) Excavation near public trees. No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of 10 feet from any public tree or shrub without first obtaining a written permit from the City Engineer or designee.

- (3) Permit requirements.
- A. Application for permits shall be made at the office of the City Engineer not less than two business days in advance of the time the work is to be done.
 - B. The City Engineer or designee shall issue the permit if the proposed work is in accordance with the specifications and standards as detailed within the Hilliard Design Manual.
 - C. Permits shall contain a definite date of expiration and work shall be completed in the time allowed on the permit and in the manner as specified within the Hilliard Design Manual.
 - D. Notice of completion shall be given within five days to the City Engineer or designee for inspection.

(b) City Rights and Responsibilities.

- (1) The City shall have the right to plant, prune, maintain and remove public trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (2) The City Engineer or the zoning inspector may order the removal of any public tree that is deemed to be harmful to sewers, electric power lines, gas lines, water lines or other public improvements.
- (3) The City Engineer or the zoning inspector may order the removal of any public tree if deemed to be unhealthy or of any species susceptible to disease or infestation or as otherwise specified within the Hilliard Design Manual.
- (4) Public trees removed in connection with maintaining or upgrading public facilities shall be replaced by the City in a manner most closely resembling the original configuration and consistent with the standards within the Hilliard Design Manual.
- (5) Pruning and maintenance of public trees after the one year warranty required for developers shall be the responsibility of the City. Public trees shall be pruned and maintained at a regular maintenance interval and in accordance to the standards and specifications as detailed within the Hilliard Design Manual.
- (6) This section does not prohibit the planting, pruning or maintenance of public trees by private property owners provided that the work is in accordance with the provisions of this chapter and the Hilliard Design Manual. Fees for all required permits shall be waived for private landowners on single family lots.
(Ord. 15-26. Passed 7-13-15.)

(c) Interference with the City. No person shall hinder, prevent, delay or interfere with the City or any of its agents or contractors while engaged in the execution or enforcement of this chapter. However, nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

(d) Abuse of public trees.

- (1) Unless specifically authorized by the City Engineer or the zoning inspector, no person shall intentionally damage, cut, carve, transplant or remove any tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.
- (2) If abuse of a public tree has occurred, the City shall have the authority to collect damages for replacement of the damaged trees. Any order issued by the City Engineer or zoning inspector shall be served by mailing a copy to the last known address of the property owner by certified mail providing the owner with 14 days to comply. Should the order be returned unclaimed, the City shall send the order via regular mail to the owner's last known address, and shall provide the property owner with 14 days from the date of mailing to comply with the order.

(e) Penalty. Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (See Chapter 1141 for penalties, including those for Organizations). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person or organization that commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1127 Off-Street Parking and Loading

1127.01 Purpose.	1127.04 Off-street parking and facility design.
1127.02 General requirements.	1127.05 Off-street loading requirements.
1127.03 Required off-street parking spaces.	

CROSS REFERENCES

General parking regulations - see TRAF. Ch. 351

1127.01 PURPOSE.

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air pollution and other affects of parking areas. (Ord. 14-29. Passed 10-27-14.)

1127.02 GENERAL REQUIREMENTS.

(a) Applicability of Parking Requirements. For all buildings and uses established after the effective date of this code, off-street parking shall be provided as required by this chapter. In addition, the following shall also apply:

- (1) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this chapter.
- (2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided, as required by this chapter.
- (3) Off-street parking facilities in existence on the effective date of this code shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this code be further reduced or made more nonconforming.
- (4) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.

(b) Location. Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served. Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. All residential driveways shall meet City engineering standards. In the Old Hilliard District, parking facilities shall be located within 600 feet of the building or use to be served.

(c) Shared/Common Parking.

- (1) Two or more buildings or uses may share a common parking facility, provided the number of parking spaces available equals the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning and Zoning Commission where it can be determined that one or more of the factors listed in subsection (d) below apply.
- (2) Parking facilities for a church or place of worship may be used to meet not more than 50 percent of the off-street parking for theaters, stadiums and other places of public assembly, stores, office buildings and industrial establishments lying within 600 feet of the church or place of worship, as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church or place of worship makes the spaces available and there is no conflict between times when the uses are in need of the parking facilities.

(d) Modification of Parking Requirements. The Planning and Zoning Commission may reduce the parking space requirements of this chapter for any use, based upon a finding that other forms of travel (such as transit, bicycle or pedestrian) are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one or more of the following conditions shall also be met:

- (1) Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - A. Pedestrian connections shall be maintained between the uses.
 - B. For separate lots, shared parking areas shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots.
 - C. Unless the multiple uses are all within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed with the City Clerk after approval by the Planning and Zoning Commission.
- (2) Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property.
- (3) Expectation of walk-in patrons is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.

- (4) Where the applicant has provided a parking study, conducted by a qualified traffic engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
 - (5) The Planning and Zoning Commission may require a parking study to document that any one or more of the criteria (1) through (4) above would be met.
- (e) Deferred Parking.
 - (1) Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the immediate parking requirements for a proposed use would be excessive, the Planning and Zoning Commission may defer some of the required parking. A site plan shall designate portions of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose. Landscaping, such as parking lot trees, that would otherwise be required shall be installed within the deferred parking area.
 - (2) The deferred parking shall meet the requirements of this chapter, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the City, based on parking needs or observation, and shall require approval of an amended site plan which may be approved by the zoning inspector.
- (f) Temporary Parking. It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events could include outdoor vehicle sales, seasonal lawn and garden sales, festivals, fairs, church/school car washes or garage sales. In those instances, the zoning inspector may authorize the use of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that one or more of the following circumstances will mitigate the temporary loss of parking:
 - (1) The loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
 - (2) Permission has been granted by neighboring property owners or operators to use their parking facilities;
 - (3) The duration of the special event is so short or of such a nature as to not create any parking problems for the normal operation of the existing on-site use;
 - (4) Temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
 - (5) The proposed special event satisfies all other applicable City regulations.

(g) Maximum Allowed Parking. In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent, unless approved by the Planning and Zoning Commission as part of site plan review. In approving additional parking space, the Planning and Zoning Commission shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day.

(h) Old Hilliard Parking. The minimum off-street parking spaces required for any non-residential use in the Old Hilliard District shall be reduced by 50 percent from the requirements of Table 1127.03. These requirements may be further reduced by the Planning and Zoning Commission in conformance with the provisions of Section 1127.02(d).

(i) Bicycle Parking. Accommodation for bicycle parking is encouraged in all districts, but especially in the Old Hilliard District. In order to promote the use of bicycles within the city as a viable and desirable alternative mode of travel, incentives are offered as follows:

- (1) The number of required vehicle parking spaces (excluding those required for persons with disabilities) may be reduced by one for each four designated bicycle parking spaces, up to a maximum of 20 percent of the required vehicle parking spaces.
- (2) In order to qualify for the reduction credit, the following shall apply:
 - A. No fee shall be charged for bicycle parking;
 - B. Bicycle parking shall be provided in designated spaces a minimum of four feet by six feet for each two bicycles; and
 - C. Each designated space shall contain approved secure bicycle racks or enclosed bicycle lockers.
- (3) This parking reduction provision shall not apply to the following uses: single and two-family dwellings, veterinary clinics and pet daycare, child daycare, vehicle wash establishments, vehicle service stations and vehicle repair establishments.

(Ord. 14-29. Passed 10-27-14.)

1127.03 REQUIRED OFF-STREET PARKING SPACES.

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter, on the basis of the applicable requirements of Table 1127.03. As a condition of approval, the City Council or Planning and Zoning Commission may require that a performance guarantee be posted, in accordance with the provisions of Section 1141.05.

- (a) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
- (b) In the case of a use not specifically mentioned the requirement for off-street parking facilities for a specified use which is most similar, as determined by the City Planner or zoning inspector, shall apply.
(Ord. 15-26. Passed 7-13-15.)
- (c) Each 24 inches of bench, pew, or similar seating facilities shall be counted as one seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
- (d) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building code and fire code.
- (e) Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 1127-3 Parking Requirements by Use	
Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per lease able room.
Boarding or rooming house.	1 space per 2 beds, plus 2 additional spaces for owner or employees.
Dormitories, fraternities and similar student housing	1 per 3 occupants, plus 1 per 2 full-time equivalent employees
Group homes, juvenile and adult	1 per 4 occupants
Multiple-family residential dwellings	2 spaces per dwelling unit, plus one space for every five units to accommodate visitors; except in the OH, Old Hilliard, District 1.5 space per dwelling unit is required.
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwelling shall apply
Single-family and two-family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats, based on maximum seating capacity in the main place of assembly therein, as established by the City fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions
Churches and customary related uses	1 per 5 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
Elementary and middle schools	1 per teacher, employee, or administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium

Table 1127-3 Parking Requirements by Use		
Use		Number of Parking Spaces
Institutional Uses (Cont.)		
High schools; performing and fine arts schools		1 per teacher, employee, or administrator, and 1 for every 10 students in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium.
Hospitals and similar facilities for human care		1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes		1 per 3 beds or occupants and 1 space per staff member or employee on the largest shift.
Post office		1 per 200 sq. ft. of UFA
Public libraries and museums		1 per 800 sq. ft. of UFA, plus requirements for auditoriums, classrooms or other assembly rooms
Office Uses		
Office		1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or other assembly rooms
Retail Uses and Other Business Uses		
Commercial uses except as otherwise specified herein		1 for every 250 sq. ft. of UFA
Multi-tenant shopping centers	with 60,000 square feet or less of commercial space	1 for every 250 sq. ft. of UFA.
	with over 60,000 square feet of commercial space	1 for every 220 sq. ft. of UFA.
	with restaurants	If more than 20 % of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.

Table 1127-3 Parking Requirements by Use		
Use		Number of Parking Spaces
Retail Uses (Cont.)		
Agricultural sales, greenhouses and nurseries or roadside stands		1 per employee plus 1 per 100 sq. ft. of actual permanent or temporary area devoted primarily to sales.
Animal grooming, training, day care, and boarding		1 for every 300 sq. ft. of UFA.
Farmers' markets		1 for every 150 sq. ft. of lot area used for sales or display.
Furniture and appliance, household equipment, showroom of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses		1 for every 800 sq. ft. of net UFA plus 1 additional space per employee.
Grocery store/ supermarket		1 for every 200 sq. ft. of UFA.
Home improvement centers		1 for every 300 sq. ft. of UFA.
Open air businesses, except as otherwise specified herein		1 for every 500 sq. ft. of lot area for retail sales, uses, and services.
Vehicle dealerships, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats		1 for every 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee
Manufacturing, Distribution & Warehouse Uses		1 for every 100 sq. ft. of net UFA
Service Uses		
Motor vehicle service stations (gas stations and truck stops)		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls. Each automobile fueling position shall count as one space for the spaces required for other uses within an automobile service station.
Vehicle repair establishment, major or minor		2 per service stall, plus 1 per employee
Vehicle quick oil change		2 stacking spaces per service stall, rack or pit plus 1 per employee.
Vehicle wash	Self-service (coin operated)	4 spaces plus 4 stacking spaces for every washing stall.
	Full-service	4 spaces, plus 1 per employee. 15 stacking spaces for every washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.

Table 1127-3 Parking Requirements by Use	
Use	Number of Parking Spaces
Service Uses (Cont.)	
Banks and other financial institutions	1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM.
Beauty parlor or barber shop	2 parking spaces per chair/station
Dry cleaners	1 per 500 sq. ft. of UFA
Laundromats	1 per washer-dryer pair, plus 1 space per employee
Mortuary establishment, funeral home	1 per 50 sq. ft. of assembly room or parlor floor space.
Motel, hotel or other commercial lodging establishment	1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of specific requirements for each individual use.
Restaurants, Bars and Clubs	
Standard sit-down restaurants with liquor license and brew pubs	1 per 50 sq. ft. of UFA.
Standard sit-down restaurants without liquor license	1 per 75 sq. ft. of UFA.
Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 per employee.
Open front restaurant/ice cream stand	6 spaces, plus 1 per employee and 1 per 4 seats.
Drive-through restaurant	1 per 30 sq. ft. UFA, plus 8 stacking spaces per food pickup window.
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 50 sq. ft. of UFA.
Private clubs, lodge halls, or banquet halls	1 for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.

Table 1127-3 Parking Requirements by Use	
Use	Number of Parking Spaces
Recreation	
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by City fire and building codes, plus 1 per employee.
Billiard parlors	1 per 3 persons allowed within the maximum occupancy load as established by City building and fire codes or 1 per 300 square feet of gross floor area, whichever is greater.
Bowling alleys	8 per bowling lane plus additional for accessory uses such as bars or restaurants.
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice skating rinks, exhibition halls, dance halls, and banquet halls	1 space for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.
Golf courses open to the public, except miniature or "par-3"	6 per 1 golf hole, plus 1 per employee, plus additional for any bar, restaurant, banquet facility or similar use.
Miniature or "par-3" courses	3 per 1 hole plus 1 per employee.
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 for every 3 seats or 1 for every 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.

(Ord. 14-29. Passed 10-27-14.)

1127.04 OFF-STREET PARKING AND FACILITY DESIGN.

(a) Location and Setbacks. Off-street parking lots shall meet the setback requirements applicable to parking, as specified in the zoning district or requirements which may be specified for individual uses. (Ord. 14-29. Passed 10-27-14.)

(b) Parking Construction and Development. The construction of any parking lot shall require approval of a site plan, in accordance with Chapter 1131. Construction shall be completed and approved by the zoning inspector or building inspector before a certificate of occupancy is issued and the parking lot is used. (Ord. 15-26. Passed 7-13-15.)

- (1) Pavement. All parking lots and vehicle and equipment storage areas shall be paved with an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate. The Planning and Zoning Commission may approve alternative paving materials, such as permeable/grass pavers, for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, the Planning and Zoning Commission may approve a substitute for hard-surfaced pavement upon a determination that there are no adverse effects on adjoining properties.
- (2) Drainage. Surface water from parking areas shall be managed in accordance with the City engineering standards. The City engineer shall determine the appropriate detention treatment.
- (3) Dimensions. Parking space and aisle dimensions shall meet the applicable requirements specified in Table 1127.04.
 - A. Angled parking between these ranges shall be to the nearest degree.
 - B. Space length may be reduced by up to two feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven feet where abutting a parking area. There shall be a minimum distance of seven feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
 - C. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions:

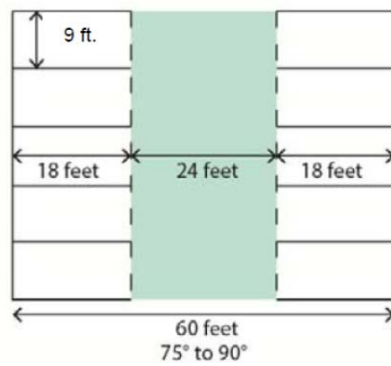
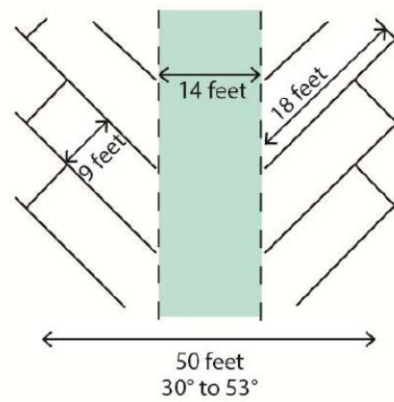
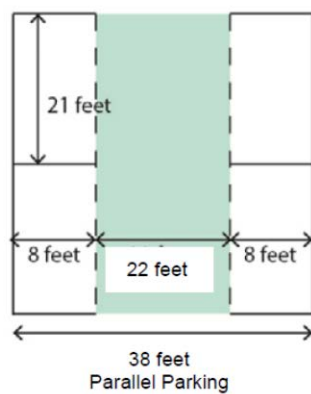
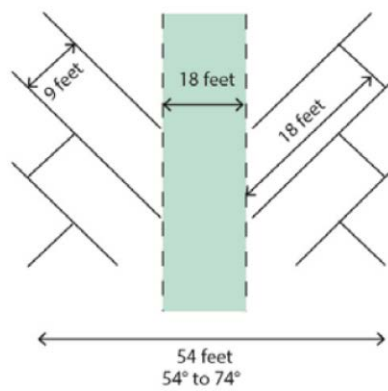


Table 1127-4 Dimensional Requirements (feet)

Parking Pattern	Parking Space		Maneuvering Lane Width	Total One Row of Parking and Maneuvering Lane	Total Bay (Two Rows of Parking and Maneuvering Lane)
	Width	Length			
0 ⁰ (parallel)	8	23	14 ¹	22	38 ²
30 ⁰ to 53 ⁰	9	20	18	38	50
54 ⁰ to 74 ⁰	9	20	18	38	54
75 ⁰ to 90 ⁰	9	18	24	42	60

¹. Applies to one-way aisle. Two-way aisle shall be 22 feet.

². Two-way aisle and parking shall be 38 feet.

- (4) Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
- (5) Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district.
- (6) Driveway Spacing Standards. The following minimum spacing requirements shall apply to all driveways within any "B" District, except the Old Hilliard District.
 - A. Spacing between a proposed driveway and a street intersection, either adjacent to or on the opposite side of the street, may be set on a case-by-case basis, but in no instance shall the spacing be less than the distances listed in Table 1127-4a. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Table 1127-4a Minimum Commercial Driveway Spacing from Street Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along arterial, intersecting street is an arterial	250 feet	125 feet
Along arterial, intersecting street is not an arterial	200 feet	125 feet
Along non-arterial streets	74 feet	50 feet

- B. Minimum spacing between two driveways on the same side of the street shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in table 1127-4b shall be measured from centerline to centerline.
- C. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street a minimum of 250 feet along arterial streets and 150 feet along collector and local streets. These standards may be reduced by the Planning and Zoning Commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

Table 1127-4b Minimum Commercial Driveway Spacing From Another Driveway	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	125
35	150
40	185
45	230
50	275
55	350
60	450
65	550

- D. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that preexisting conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning and Zoning Commission may modify the driveway spacing requirements. Modifications shall be the minimum relief necessary, but in no case shall spacing of a full-access driveway from another driveway be less than 60 feet, measured centerline to centerline.
- (7) Commercial Driveways Permitted.
 - A. The number of driveways serving a property in any "B" District shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
 - B. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway or service drive. Additional driveways may be permitted for property only as follows:
 - 1. One additional driveway may be allowed for properties with a continuous frontage greater than 300 feet, if the Planning and Zoning Commission determines there are no other reasonable access alternatives;
 - 2. The Planning and Zoning Commission determines additional access is justified without compromising traffic operations along the public street; and
 - 3. The minimum spacing requirements, specified in table 1127-4b can be met.
- (8) Curbing. A six inch concrete curb, or alternative as determined by the Planning and Zoning Commission, shall be provided around all sides of any parking lot of five or more spaces to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the city engineer. Plantings shall be set back two feet from curbs to allow for bumper overhang.
- (9) Landscaping. Off-street parking areas shall be landscaped and/or buffered, in accordance with the requirements of Chapter 1125.
- (10) Lighting. For purposes of safety, parking lots shall be illuminated at, or not more than one-half hour prior to, sundown, and until one-half hour after the close of business or until sunrise if the business is open for 24 hours, and lights shall be programmed to turn on, or shall be manually turned on, during periods of rain or fog that limit visibility. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas adjacent to any residentially zoned or used property shall not exceed 20 feet in height. Fixtures in all other parking areas shall not exceed 35 feet in height. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
- (11) Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.

(c) Barrier Free Parking in Parking Lots. Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the Barrier Free Parking Space Requirements of the Ohio Department of Transportation and the Americans with Disabilities Act. Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four feet shall be provided for wheelchair access.

(d) Maintenance. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition (see Section 1141.06 for penalty and enforcement).

(e) Limitations on Use of Parking Lots.

- (1) Off-street parking areas are intended only for temporary vehicle parking for public safety. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
- (2) Loading spaces, as required in Section 1127.05, and parking spaces, required in Section 1127.03, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
- (3) Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas in Business or Industrial districts.
- (4) It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.
(Res. 19-R-08. Passed 2-25-19.)

1127.05 OFF-STREET LOADING REQUIREMENTS.

(a) Uses Requiring Loading Area. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to uses in the Old Hilliard District.

(b) Loading Area Requirements. Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be ten feet by 50 feet, with 15 foot height clearance, according to the following schedule:

Table 1127-5 Minimum Off-Street Loading Requirements	
Building Net GFA	Minimum Truck Loading Spaces
0-3,000 sq. ft.	None
3,001-20,000 sq. ft.	1 space
20,001-100,000 sq. ft.	1 space plus 1 space for each 40,000 sq. ft. in excess of 20,000 sq. ft.
100,001-500,000 sq. ft.	5 spaces plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 square feet.

(c) Orientation of Overhead Doors. Overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjacent Residential District. (Ord. 14-29. Passed 10-27-14.)

(d) Residential Setback. Loading and unloading spaces shall not be located closer than 50 feet to any Residential Use or District boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the residential use or District by a solid, sight-obscuring wall or fence at least six feet in height and approved by the Planning and Zoning Commission.
(Ord. 15-26. Passed 7-13-15.)

CHAPTER 1129 Signs

1129.01 Purpose.	1129.07 Permits required.
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CROSS REFERENCES

Garage sale - see BUS. REG. 727.03
Parks - see S.U. & P.S. 971.08

1129.01 PURPOSE.

(a) The regulations of this chapter are intended to protect and promote the public health, safety, convenience, comfort, prosperity and general welfare of the residents of the City of Hilliard; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the City would unduly distract pedestrians and motorists, create potentially dangerous traffic conditions and reduce the effectiveness of signs needed to direct the public. The regulations of this chapter are intended to provide reasonable identification for businesses and other uses within the community; but are not intended to serve as a means of advertising.

(b) The general objectives of this Graphics and Sign Code include:

- (1) Requiring all signs to be reviewed for approval prior to installation;
- (2) Requiring all signs to be properly constructed, installed and maintained;
- (3) Controlling the size, location and design of signs so that the appearance of such signs will be aesthetically harmonious with its surroundings, encouraging signs that are appropriate to the zoning districts in which they are located;
- (4) Encouraging readable signs;
- (5) Reducing visual clutter;

- (6) Eliminating any conflict that would be hazardous between private signs and public signs including traffic control signs and devices;
- (7) Ensuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
- (8) Controlling signs located along the interstate system.

(c) It is the intent of this Chapter that signs are as much subject to control as noise, odors, debris and like characteristics of a use. In establishing the purpose and objectives of this Sign and Graphics Code, the City has determined that without adequate regulation and design standards, signs could become a nuisance to the City and its citizens. As the appearance of the City is marred by the excessive number, oversized and poorly designed signs, both residential and business property values are adversely affected. Therefore, the number of such distracting signs should be reduced and permitted signs should comply with the standards established by this Code in order to alleviate the aforementioned negative effects.

(d) It is also the intent of this Code that any variances applied for be granted to the minimum extent necessary and those approved shall be characterized in a manner that is specifically worded to afford that applicant relief taking into consideration the applicant's type of business or industry, hours of operation, physical location and sign design (including, but not limited to, sign size, colors and materials).

(e) This Chapter shall supersede all previous regulations regarding signs and shall be considered the minimum requirements necessary for promotion of the public health, safety, convenience, comfort, safety, prosperity and general welfare through the regulation of signs. (Ord. 14-29. Passed 10-27-14.)

1129.02 GENERAL PROVISIONS.

(a) Applicability. No sign shall be permitted in any district except as hereinafter provided. Only one sign shall be permitted for each property or use in any zoning district unless provided otherwise herein. The provisions of this Chapter shall apply to all signs of every nature, whether portable or attached to the realty, except as otherwise provided herein, either specifically or by necessary implications.

(b) Basic Standards.

- (1) All signs must be of a professional character, must be erected by a registered sign erector, and must comply with the provisions provided herein. No homemade lettered signs shall be permitted, whether or not a permit is required.
- (2) All parts of a sign except the sign face shall be finished in only one color which shall be black, gray, brown or some neutral variation of brown. A maximum of four colors will be permitted on the sign face. More than four colors are permitted on a temporary construction sign which depicts a full color approved rendering of the new building.
- (3) Signs may be externally illuminated. No signs shall be internally illuminated except as otherwise provided in this chapter.
- (4) The function of the sign is in keeping with the uses in the surrounding area, the appearance of such signs is aesthetically harmonious with their surroundings and the sign is appropriate to the zoning districts in which it is located.

- (5) The sign shall be in harmony with the buildings on the site and shall not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in the neighborhood.
- (6) The sign shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for motorist, and must be legible.

(c) Clear Vision Triangle. No signs shall be placed within a clear vision triangle required by Section 1121.03(c).

(d) Signs in Public Right of Way. No signs shall be placed in any public easement, right-of-way, utility easement, sight triangle, or no build zone except public or semi-publicly owned signs authorized by the City Engineer, such as traffic control signs and City authorized directional signs.

(e) Official Public Signs Exempt. Public notices by governmental bodies, and other official signs and notices are exempt from the provisions of this section. The zoning inspector may authorize the erection of other signs reasonably necessary for the regulation of traffic and of parking areas on private property in nonresidential districts. Such signs shall relate only to traffic flow and safety. No sign shall include advertising material nor shall it be larger than reasonably required for its purpose.

(f) Measurement. No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:

- (1) Area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. If the sign contains backlit silhouetted halo letters, the area of the sign may not include the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.
- (2) Double-Faced sign. The area of a ground or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are no more than two feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (3) Wall sign. For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
- (4) Height. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.

- (5) Multi-Tenant Buildings. For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.

(g) Illumination and Movement. All illuminated signs shall meet the following requirements:

- (1) Illumination of signs shall be externally illuminated, except as otherwise permitted. The light source for any externally illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon as part of any sign and/or on the building shall not be permitted. Backlit silhouetted halo letters shall be permitted provided the light source is fully concealed. Push-thru letter signs shall be permitted provided that the letters or logos extend no farther than a 1/4 inch from the sign face and the light value shall not exceed 4 lumens measured one (1) foot from the face of the letter or logo.
- (2) For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses nor to spill light and glare onto adjacent residential properties and structures.
- (3) Signs shall not be illuminated before 7:00 a.m. or upon opening to the public whichever is earlier, nor more than one-half hour after the close of business to the public or 10:00 p.m., whichever is later, except for signs in the Interstate 270 District that face Interstate 270.
- (4) Ground signs abutting a residential district or use shall be at least 15 feet from the property line abutting the residential district or use.
- (5) Mounted signs must face toward the major traffic arterial access.
- (6) Signs illuminated by electricity or equipped in any way with electric devices or appliances shall conform, with respect to wiring and appliances, to provisions of the Building Code relating to electrical installations. All wiring, fittings and materials used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electrical Code.

(h) Safety.

- (1) Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- (2) No signs shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.
- (3) Signs shall be so constructed that they shall withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so they shall not be a menace to persons or property.
- (4) No display or advertising sign shall be attached to the standard of a ground sign, other than the display surface originally constructed as part of the sign. No sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall, post or other structure, or to any supporting device, except as specifically authorized in this section.

- (5) For provisions concerning damaged nonconforming signs, see Section 1129.11.

(i) Maintenance and Inspection.

- (1) Unsafe Signs. Should any sign or bench be or become insecure or in danger of falling or become otherwise unsafe, the owner thereof or persons maintaining the same, on receipt of written notice from the zoning inspector, shall proceed immediately to put it in a safe and secure condition or remove it.
- (2) Regular Maintenance. Every sign and all the support, braces, guys and anchors thereof, shall be kept in repair and, unless made of non-corroding material, shall be thoroughly and properly painted at least once every four years. The zoning inspector may order removal or compliance of any such signs that are not maintained in accordance with the conditions of this section.
- (3) Alterations. The following regulations shall apply to alterations:
- A. No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter, and then not until a permit has been issued by the zoning inspector. (Ord. 14-29. Passed 10-27-14.)
- B. The repainting of signs shall not be deemed to be an alteration within the meaning of this section when repainted in the exact manner in which the sign existed at the time of the most recent painting.
- (4) Nonconforming Signs. For provisions concerning damaged nonconforming signs, see Section 1129.10.
- (5) Closed Business. The following regulations shall apply to a closed, relocated or abandoned business or office:
- A. All signs pertaining to the business location shall be removed and replaced with a professionally looking blank face no later than 14 days from the last date of operation. Upon removal, building faces/walls shall be free of discoloration and sign remnants, including patterns or outlines of the sign on the building face or wall that remain after the sign has been removed. Last date of operation means the final day the business is open to the public. Turning the sign face from view is not a permitted "blank face" nor is painting over the sign face. Replacing the sign with cardboard or like materials is not permitted.
- B. Additional time of up to 14 days may be granted by the zoning inspector for bona fide reasons, i.e. inclement weather, scheduling sign company or the sign company's failure to deliver. (Ord. 15-26. Passed 7-13-15.)
- C. Any Owner that fails to place a blank face in the space of the former sign within the time frame provided herein shall remove all elements of closed business sign, including removing all remaining poles, structures, frames and/or electrical components of the sign.
- D. Penalty - see Section 1129.11.
- (6) Abandoned Signs.
- A. A sign shall be considered abandoned under any of the following circumstances:
1. When the business permanently leaves the premises on which the sign is located.

2. When the sign remains after the discontinuance of a use. A business is considered to have discontinued operations if it is closed to the public for at least 60 consecutive days and no active building permit is on file for remodeling or reconstruction. Seasonal businesses are exempt from this determination.
 3. When the sign on its immediate premises is not adequately maintained, becomes unsafe or is in danger of falling, and the repairs or maintenance ordered by the zoning inspector are not effected within 14 days.
 4. When a legally nonconforming sign is not brought into conformity upon any change in use, design, replacement or as otherwise provided in this Chapter.
 5. When a legally nonconforming sign remains after its use is no longer permitted.
- B. Abandoned signs, including the sign face, poles, structures, frames and/or electrical components shall be removed by the property owner within 14 days of abandonment.
- C. If the property owner or sign owner does not remove the abandoned sign as defined herein, the following procedure shall apply.
1. The zoning inspector shall request a public hearing before the Board of Zoning Appeals for a determination by that Board as to whether or not the sign is abandoned pursuant to the procedure prescribed in Chapter 1106.
 2. The zoning inspector, who may be a Hilliard police officer, shall notify the property owner and/or the owner of the sign, of the time and date of the public hearing. Service of the notice shall be made by delivering the same personally to such person, by leaving such notice at his usual place of residence or by sending the same by certified mail, return receipt requested, addressed to his usual place of residence or to the address listed in the Franklin County tax records. If the certified mail envelope containing the notice is returned with an endorsement showing it was unclaimed or refused, the notice shall be sent to that person by ordinary mail.
 3. The zoning inspector shall keep a record of the fact that notice was sent by ordinary mail and the service of notice by ordinary mail shall be deemed complete upon mailing. If the address of the owner is unknown, it shall be sufficient to publish the notice as prescribed in Chapter 1106.
- D. Upon determination by the Board of Zoning Appeals that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the zoning inspector shall issue an order for the sign to be removed within 14 days by the property owner and/or sign owner. Any abandoned sign standing 14 days following an order for removal may be removed by direction of the zoning inspector at the sign and/or property owner's expense. If the sign or property owner refuses to pay for removal of the sign, the cost of such removal shall be certified by the City as due and owing and added to the sign and/or property owner's county property tax records as a lien. (Ord. 14-29. Passed 10-27-14.)

1129.03 SIGNS NOT REQUIRING A PERMIT.

(a) Exempt Signs. Signs not requiring a permit, as provided herein, shall not be considered in the computation of other permitted signs in any district. The following signs do not require a permit:

Table 1129-3 Signs Exempt from Permit	
Type of Sign	Requirements
Political Signs	<p>Political signs having reference to a candidate for elective office or a public question or an issue to be submitted to the voters at a general, special or primary election, may be erected or displayed subject to the following limitations and conditions:</p> <ol style="list-style-type: none"> 1. Signs must be removed by the end of the third day following the election. 2. Candidates are responsible for the removal of their campaigns signs as required herein regardless of who erected the signs. 3. The signs shall not be illuminated in any manner. 4. The signs shall not be erected in any right-of-way or roadway easement.
Residential Real Estate Signs	<p>A maximum of one sign offering real estate for sale, lease or rent on the premises or indicating that it has been sold may be erected and displayed on the lot or parcel offered for sale, rent or lease subject to the following limitations:</p> <ol style="list-style-type: none"> 1. The sign, which may be lettered on both sides, shall not exceed eight square feet in area or display surface, and shall not exceed four feet in height above natural grade. 2. No sign shall be located in any right-of-way or public easement. The determination of right-of-way shall be no closer than ten feet to the curb or street pavement if there is no curb, or ditch along the street on which the lot or parcel fronts. Signs on corner lots shall be located outside the visibility triangle established by the City Engineer and not be nearer than 25 feet to either the curb or the ditch. 3. For sale, lease or rent signs shall be removed not later than seven days after the contract for sale or rent of the property has been approved. Signs indicating that the property has been sold shall not be displayed for more than seven days after final closing.
Street Number Signs	<p>All buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of 0.5 inches and a maximum of 12 inches in height.</p>

Table 1129-3 Signs Exempt from Permit

Type of Sign	Requirements
Window Signs	<ol style="list-style-type: none"> 1. A business may have window signs equal to or less than ten percent (10%) of the square footage of all windows for that business ("window area"). Windows in doors that are intended to be used for customer entrances shall be included in the calculation of window area, but are not included in the ten percent limitation. Windows in all doors that are not used nor intended to be used for customer entrance, including but not limited to, bay doors, dock doors, delivery doors and back doors, are excluded in the calculation of window area and window signs are not permitted thereon. In addition, windows made with spandrel glass (or similar non-vision material) are excluded in the calculation of window area. Signs are not permitted on spandrel glass windows. 2. Signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and the use has no first floor occupancy. 3. One window sign may be neon-lit, but if so, the lighted portion of the neon sign must fit within an area no greater than two square feet in size.
Flags	<p>May be erected or displayed subject to the following limitations and conditions:</p> <ol style="list-style-type: none"> 1. If the flag is in a residential district, the following provisions shall apply: <ol style="list-style-type: none"> a. No more than one pole and two standards may be erected which shall not exceed 20 vertical feet. b. Any illumination must be directed so as not to spill into adjacent property or rights of way. Flags may be illuminated at all times they are displayed. 2. In nonresidential districts the following provisions shall apply: <ol style="list-style-type: none"> a. A freestanding structure whose lot size is a minimum of 8,000 square feet may erect one pole or standard which shall not exceed 20 vertical feet if the building is a one-story structure; for all others, the pole or standard shall not exceed 35 vertical feet. b. A freestanding structure whose lot size is a minimum of two acres may erect a grouping of three poles, one higher than the other two, with the height of the tallest pole not exceeding 20 vertical feet if the building is a one-story structure; for all others, the tallest pole or standard shall not exceed 35 vertical feet. 3. In multi-use single buildings such as shopping centers or strip malls, only one centrally located flag pole or standard shall be erected with the height not exceeding 20 vertical feet if the building is a one-story structure; for all others, the pole or standard shall not exceed 35 vertical feet. <ol style="list-style-type: none"> a. Any illumination must be directed so as not to spill into adjacent properties or rights-of-way. Flags may be illuminated at all times they are displayed.

Table 1129-3 Signs Exempt from Permit	
Type of Sign	Requirements
Flags (Cont.)	<p>b. There shall be no more than three flags per pole or standard. If a government flag and political or corporate flag are flown on one site, standard, or pole, the government flag shall be flown above the political or corporate flag. If the government flag is the National Flag, all other flags flown on the site, standard or pole shall be smaller in size.</p> <p>c. The lowest point of an unfurled flag in any district shall be ten feet above the ground.</p>
Decorative Signs	Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday or event, are permitted and shall be limited to 45 days in any one year, which may be used consecutively, if desired. Such signs must meet the sign area limitations of the applicable zoning district. Decorative signs shall not include the name of a business or business logo.
Banners	Flags, pictures and shapes, architectural decorations and sculptures in residential districts or properties used for residential purposes, which are clearly ornamental in nature, may be displayed.
Motor Vehicle	A motor vehicle displaying graphics identifying or promoting a business or other organization except where prohibited by Section 1129.04
Garage/Yard Sale Signs	Two garage/yard sale signs may be posted no more than 24 hours immediately preceding the event and such signs must be removed no later than two hours after the event has ended. All such signs shall not exceed six square feet. No garage/yard sale signs may be located in a public right-of-way. Signs shall not be located on street signs, utility poles, trees, fences, buildings or any other object, and all such signs must be clearly legible and professional.
Small Informational Signs	In non-residential districts, one small informational sign is permitted per tenant, which must be less than two square feet in size and mounted or attached flat, parallel or perpendicular onto a building face of an administrative, medical, business or professional office building which denotes the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entrances.
Automated Teller Machines ("ATM")	Signage for all ATM's shall be limited to one square foot of sign area and utilize no more than three colors. ATM signage must have an opaque background. In addition, monochromatic, non- illuminated logos of accepted credit systems (VISA, MasterCard, American Express, etc...) are limited to a maximum of one square foot in area.

(Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15.)

1129.04 PROHIBITED SIGNS AND SIGN LOCATIONS.

- (a) Prohibited Signs. The following signs or similar devices are prohibited:
- (1) Flashing, moving, rotating, strobe light, intermittently lighted signs, moving or stationary beacon, string of lights or other mechanical devices not to include barber poles.
 - (2) Projected images and animated signs.
 - (3) Portable signs.
 - (4) Pole signs.
 - (5) Roof signs or signs that extend above any portion of the roof.
 - (6) Billboards and all other off-premise signs, except as specifically authorized in this Chapter.
 - (7) Off-site directional signs, except for City-sponsored or authorized wayfinding signs and similar signs determined by the City to be in the public interest.
 - (8) Electronic variable message signs and portions of signs, except time and temperature indicators that do not use incandescent displays and fuel pricing signs.
 - (9) No sign or banner shall contain or consist of pennants, ribbons, streamers, spinners, whirligigs or balloons, except as specifically authorized in this Chapter.
 - (10) Externally visible neon and neon look-alike signs. Neon may be used for internal illumination if totally enclosed and not externally visible; however, neon signs in accordance with standards for window signs outlined in Table 1129-3 are permitted.
 - (11) Search lights or laser lights.
 - (12) The use of vehicles, trailers or similar movable structures as signs is prohibited when the vehicle, trailer or similar movable structure is parked on public or private property within 50 feet of any property line abutting a public street, except for those:
 - A. Lawfully parked overnight or during non-business hours in a place not visible from a public street or in a designated truck parking or loading area;
 - B. Making deliveries, sales calls, or other customary practices relating to doing business;
 - C. Making trips to transport persons or property;
 - D. In conjunction with active construction operations on the site; or
 - E. Passenger vehicles, pick-up trucks, and vans, containing signs that do not exceed 16 square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.
 - (13) A sign constructed, located, positioned or illuminated so as to block from view, imitate or interfere with the effectiveness of any official traffic control device or official public sign.
 - (14) Any look-alike versions of these prohibited sign types.
- (b) Additional Prohibited Signs in Old Hilliard. The following signs or similar devices are prohibited:
- (1) Marquee signs.
 - (2) Neon signs, except as provided in standards for window signs outlined in Table 1129-3.

- (3) Digital signs.
- (4) Plastic signs.
- (5) Colonial sign forms.
- (6) Off-premise graphics.
- (7) Pole signs.
- (8) Mobile or portable signs.
- (9) Interior-illuminated signs.
- (10) Billboards or outdoor advertising panels.
- (11) Blinding, moving, flashing or rotating signs.
- (12) Signs mounted on the top of a building or on the roof.
- (13) Signs that advertise a national product or co-op signage.
- (14) Signs extending above the wall of any structure to which they are attached.

(c) Prohibited Locations. Signs shall not be installed in any of the following locations:

- (1) In any public right-of-way or easement unless specifically authorized by this Chapter and the City Engineer.
 - (2) In any no-build zone unless specifically authorized by this Chapter and the City Engineer.
 - (3) In any public park unless specifically authorized by this Chapter and the Director of Recreation and Parks.
 - (4) On any other public property unless specifically authorized by this Chapter and the City Manager.
 - (5) On any traffic control signs, construction signs, fences, utility poles, street signs, trees or other natural objects, except as otherwise specifically provided in this Chapter.
 - (6) In any location where the view of approaching and intersecting traffic would be obstructed. No sign shall be located so as to interfere with the safe movement of vehicles or pedestrians entering, leaving or crossing a public right-of-way.
 - (7) In any residential area, except as expressly permitted in this Chapter or in Chapter 745, Canvassers, Peddlers and Solicitors.
 - (8) On any property without the prior authorization of the property owner.
 - (9) In any location which obstructs a doorway or fire escape.
 - (10) Any sign placed in a prohibited sign location shall be removed by the City and stored at the Service Department complex for a minimum of 72 hours and shall thereafter be destroyed.
- (Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15.)

1129.05 SIGNS PERMITTED BY ZONING DISTRICT.

Permitted signs in each zoning district and the regulations governing those signs are listed in Table 1129-5. The following signs are considered primary signs: ground, wall, awning and projecting. Where specifically permitted, each property may have up to two primary signs as follows: a ground sign and a wall, awning or projecting sign.

Table 1129-5 Schedule of Permitted Signs by District	
Residential Districts, Including Special Purpose Districts	
Home Occupation Sign	
Number	Maximum one
Size	Maximum three square feet.
Location	Mounted flush on the wall facing the major traffic thruway.
Height	Maximum six feet above grade level.
Ground signs for Non-Residential Uses (schools, places of worship, public buildings, parks and similar uses)	
Number	Maximum of one sign per street frontage; provided, lots with two street frontages shall have a minimum width of 50 feet on each street to qualify for a second sign.
Size	Maximum of 50 square feet.
Location	Minimum setback of 15 feet from all property lines.
Height	Maximum seven feet above grade level, including an 18-24" base.
Other	<ol style="list-style-type: none"> 1. The ground sign base shall be: <ol style="list-style-type: none"> a. Constructed of concrete, brick or stone and there shall be no space between the sign face or frame and the base. b. Finished in only one color which shall be black, white, gray, brown or some neutral variation of brown. c. Effectively landscaped with evergreen plant material, as depicted in the City of Hilliard Design Manual, and continuously maintained. The minimum landscaped area shall extend at least three feet beyond the base in all directions. 2. The street number shall be included on all single structure ground signs and shall be a maximum size of 12 inches by six inches. The area of the street number shall not be used in the computation of the square footage of the display area of the sign as provided in this section.
Wall sign for Non-Residential Uses (schools, places of worship, public buildings, parks and similar uses)	
Number	Maximum of one per property; provided, that any non-residential building which has frontage on more than one street shall be permitted to have one wall sign per street frontage, subject to the following size restrictions.

Table 1129-5 Schedule of Permitted Signs by District	
Size	<ol style="list-style-type: none"> 1. Maximum one square foot for each linear foot of building wall facing the street for interior lots. 2. Maximum ½ square foot for each linear foot of building wall facing a second street.
Location	<ol style="list-style-type: none"> 1. On wall of the building identified by the sign, facing the street, parking area or service drive. 2. Minimum 18 inches from corner of building. 3. Minimum six feet from any other wall sign. 4. Below the uppermost line or point of the facade or parapet of a flat roof structure or the lower edge of an eave, gable or rake of a sloped roof or mansard structure.
Height	<ol style="list-style-type: none"> 1. Maximum 12 feet (top edge) in height or the height of the ceiling of the first floor of the building to which the extension wall is attached, whichever is less. 2. Minimum eight feet (bottom edge) if sign projects more than six inches from wall.
Other	<ol style="list-style-type: none"> 1. Signs must be architecturally compatible with the building. 2. The sign shall be parallel to the wall on which it is installed, and shall be mounted flush to the wall.
Subdivision Model Home sign	
Number	Maximum of one per property where the model home is located.
Size	Maximum of two feet by three feet.
Location	Minimum setback 20 feet from right-of-way line.
Height	Maximum of four feet above grade level.
Other	<ol style="list-style-type: none"> 1. External illumination is permitted with white light only and in conformance with all applicable provisions of this Chapter. 2. Light fixtures shall be screened from view by site grading or evergreen shrubs.

Table 1129-5 Schedule of Permitted Signs by District**Business Districts****Awning Sign**

Number	Maximum of one per storefront in lieu of a wall sign, but not both.
Size	<ol style="list-style-type: none"> 1. Shall be limited in display surface to that allowed for mounted signs. 2. The display area shall be limited to 45 percent of the total face area of the awning. The remaining area of the awning shall be considered as awning and canopy area only and not signage. 3. When awning signs cover multiple store fronts, each store or tenant shall be allowed display area of no more than 80 percent of the store width, in order to maintain adequate separation between tenant spaces.
Location	<ol style="list-style-type: none"> 1. Awning signs shall be limited to single-story buildings or to the first level only of multi-story buildings. 2. Awning signs may be attached to buildings at or near property lines. In addition, they may project over a public sidewalk, no more than 48 inches or be within 24 inches of the curb line, whichever is less. 3. In the case of buildings in shopping centers or multi-unit developments, such signs may not exceed control curbs or safety zones unless clearance is adequate to insure against damage.
Height	<ol style="list-style-type: none"> 1. Minimum clearance shall be seven feet to the bottom of the awning. Structural components shall be a minimum of eight feet above grade. 2. If the structure has a fringe or valance, such fringe or valance may hang below the ceiling line no more than 12 inches. 3. Overall height may not project above the established roof-line or parapet wall of the building to which it is attached.
Other	<ol style="list-style-type: none"> 1. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the awning. 2. All frames are to be manufactured from tubular or structurally shaped steel or aluminum with finishes or coatings as required to ensure against corrosion. 3. Canvas fabric coverings are to be 14 ounces per yard minimum weight with certification as to tensile strength and flame resistance to meet industry and local Building and Fire Code standards. 4. Fastenings and/or structural attachments to buildings shall be only to structural members and of sufficient size and strength to meet Building Code standards. 5. All electrical components and/or lighting equipment are to be labeled and rated for protected outdoor use.

Table 1129-5 Schedule of Permitted Signs by District	
Other (Cont.)	<p>6. Ceilings are optional and may consist of "egg crate" mesh fabric or solid plastic material. Removable panels or sections shall be provided to allow access for service and cleaning.</p> <p>7. All awning signs which project over or above back-up walls are to be covered and weather protected with structural plastic, rust proofed metal or aluminum.</p>
Fuel Pricing signs	
Number	One per property located on ground sign.
Size	Maximum of ten square feet.
Location	On the property of service stations or other businesses involved in the sale of motor vehicle fuel.
Other	This sign shall be limited to displaying information related to fuel price only.
Ground signs	
Number	<p>1. Maximum of one sign per street frontage for a single business on a lot; provided, lots with two street frontages shall have a minimum width of 50 feet on each street to qualify for a second sign. A ground sign shall not be permitted for individual businesses within a shopping center.</p> <p>2. Max. one sign per street frontage for a shopping center; provided, properties with two street frontages shall have a minimum width of 75 feet on each street to qualify for a second sign.</p>
Size	Maximum of 50 square feet.
Location	Minimum setback of 15 feet from the right-of-way line. No ground sign shall be located closer than 15 feet to any Residential District boundary line.
Height	Maximum seven feet above grade level, including an 18-24" base.
Other	<p>1. The ground sign base shall be:</p> <ol style="list-style-type: none"> Constructed of concrete, brick or stone and there shall be no space between the sign face or frame and the base. Finished in only one color which shall be black, white, gray, brown or some neutral variation of brown. Effectively landscaped with evergreen plant material, as depicted in the City of Hilliard Design Manual, and continuously maintained. The minimum landscaped area shall extend at least three feet beyond the base in all directions.

Table 1129-5 Schedule of Permitted Signs by District

Other (Cont.)	<ol style="list-style-type: none"> 2. The street number shall be included on all single structure ground signs and shall be a maximum size of 12 inches by six inches. The area of the street number shall not be used in the computation of the square footage of the display area of the sign as provided in this section. 3. A ground sign for a shopping center shall identify the center name and be in addition to any other business names as otherwise permitted. All signs shall be erected to ensure harmonious appearance to the shopping center as a whole.
Menu sign	
Number	Maximum of one per drive-through lane
Size	Maximum width of eight feet (side to side), Maximum display area (top to bottom) four and one-half feet. Single-faced only.
Location	Not located in front of the principal building and not visible to traffic on adjacent streets.
Height	Maximum of seven feet from paved surface to top of sign.
Other	Screened from adjoining residential uses and districts to create a visual buffer and sound barrier.
Wall sign	
Number	Maximum of one per business in lieu of an awning sign, but not both; provided, that any business which has frontage on more than one street shall be permitted to have one wall sign per street frontage, subject to the following size restrictions.
Size	<ol style="list-style-type: none"> 1. Maximum one square foot for each linear foot of building wall facing the street for interior lots. 2. Maximum ½ square foot for each linear foot of building wall facing a second street.
Location	<ol style="list-style-type: none"> 1. On wall of the business identified by the sign, facing the street, parking area or service drive. 2. Minimum 18 inches from corner of building. 3. Minimum six feet from any other wall sign. 4. Below the uppermost line or point of the facade or parapet of a flat roof structure or the lower edge of an eave, gable or rake of a sloped roof or mansard structure.
Height	<ol style="list-style-type: none"> 1. Maximum 12 feet (top edge) in height or the height of the ceiling of the first floor of the building to which the extension wall is attached, whichever is less. 2. Minimum eight feet (bottom edge) if sign projects more than six inches from wall.

Table 1129-5 Schedule of Permitted Signs by District	
Other	<ol style="list-style-type: none"> 1. Signs must be architecturally compatible with the building. 2. The sign shall be parallel to the wall on which it is installed, and shall be mounted flush to the wall.
Sandwich Board sign	
Number	Maximum of one per property
Size	A sandwich board sign shall not be larger than three feet by five feet.
Location	<ol style="list-style-type: none"> 1. No such sign may be erected closer than five feet from the right of way line of any street, highway or alley except where the right of way and building line are the same. 2. Sandwich board signs are not permitted in parking lots of strip centers and shopping malls.
Height	Maximum of five feet.
Time Limit	Authorization of an "A" frame sandwich board sign shall be for a period not to exceed 14 days per calendar year.
Other	<ol style="list-style-type: none"> 1. Signs shall be constructed with weather-resistant material, wood, metal or masonite, mounted on stable legs for safety precaution. 2. No hand-lettered sandwich board signs are permitted. 3. No more than three colors may be used on these signs. For the purpose of this section, black or white shall not be considered colors when used as background. 4. All sandwich board signs must be removed to an enclosed area at the close of each business day.
Commercial Real Estate signs	
Number	Maximum of one per property for sale.
Size	<ol style="list-style-type: none"> 1. For non-residential property with less than 100 feet of street frontage, the sign is limited to 16 square feet in display area and four feet in height. 2. For non-residential property with more than 100 feet of street frontage, the sign is limited to 32 square feet in display area and eight feet in height for lots with street frontage of 100 or more.

Table 1129-5 Schedule of Permitted Signs by District

Location	<ol style="list-style-type: none"> 1. All signs shall be located outside the right-of-way, which is no closer than 10 feet to the curb, or street pavement if there is no curb, or ditch along the street on which the lot or parcel fronts. 2. Signs on corner lots shall be located outside the visibility triangle established by the City Engineer and not be nearer than 25 feet to either the curb or the ditch. No sign shall be located in any right-of-way or public easement.
Height	<ol style="list-style-type: none"> 1. For non-residential property with less than 100 feet of street frontage, the sign is limited to 16 square feet in display area and four feet in height. 2. For non-residential property with more than 100 feet of street frontage, the sign is limited to 32 square feet in display area and eight feet in height for lots with street frontage of 100 or more.
Other	For sale, lease or rent signs shall be removed not later than seven days after the contract for sale or rent of the property has been approved. Signs indicating that the property has been sold shall not be displayed for more than seven days after final closing.
Gas-Inflatable Temporary sign	
Number	Maximum of one per special event.
Location	On the site where the special event occurs.
Time frame	Not to exceed three consecutive days, for a period of not more than nine days in a 12 -month period, unless otherwise approved by the Planning and Zoning Commission.
Other	<ol style="list-style-type: none"> 1. A scaled diagram of the device and a site plan showing where the device is to be located are required. 2. Signs must not be inflated with helium or any other buoyant gas. Such signs shall be securely attached/tethered to the ground so that they will not shift more than three feet in any direction during any wind condition up to 25 miles per hour. 3. Signs shall not be attached to or mounted on any platform, roof, or similar structure, nor to any trees. Such signs must be placed so that they will be clear of all utility lines, roads, parking lots and adjacent property in case of collapse. Such signs shall not be internally illuminated.
Temporary Banners	
Number	No more than three temporary signs (or feather banners secured to the ground) shall be granted to any location in any calendar year without prior approval of the Planning and Zoning Commission. Permits for feather banners shall be limited to one temporary sign permit per year, one permit shall allow for a maximum of three feather banners.

Table 1129-5 Schedule of Permitted Signs by District	
Size	The size of banners shall not exceed 40 square feet.
Location	Securely attached entirely to a principal building, or ground, and shall not cover or block any part of any window or door. Banners shall not be attached to or mounted on any platform, roof, or similar structure, nor to any trees.
Timeframe	<ol style="list-style-type: none"> 1. "Opening Soon" banners may be displayed once for a period of 14 consecutive days prior to the official day of opening. 2. "Grand Opening" banners may be displayed once for a period of 14 consecutive days starting on the first official day of opening. A Grand Opening occurs only when there is a change of tenant or owner that brings a new business to a site. 3. All other miscellaneous banners may be displayed for a period not to exceed 14 consecutive days which constitutes one time period regardless of whether the sign is actually displayed for the full fourteen days. No business shall display miscellaneous banners more than two time periods per twelve month period. Feather banners shall be permitted for no more than 5 consecutive days.
Industrial Districts	
Ground sign	
Number	Maximum of one sign per property for any one-business establishment. Maximum of 1 sign per shopping center or adjacent businesses sharing parking and common areas. Maximum of one sign per frontage if contiguous to more than one street.
Size	Maximum of 50 square feet. Double-sided signs may be installed provided that the surfaces are back-to-back, parallel, separated by no more than 12 inches and neither surface exceeds 50 square feet.
Location	Minimum setback of 15 feet from the right-of-way line. Minimum setback for the zoning district applies if adjoining property in an "R" Residential District.
Height	Maximum of seven feet above grade level, including a 24" base.
Other	<ol style="list-style-type: none"> 1. The ground sign base shall be: <ol style="list-style-type: none"> a. Constructed of concrete, brick or stone and there shall be no space between the sign face or frame and the base. b. Finished in only one color which shall be black, white, gray, brown or some neutral variation of brown.

Table 1129-5 Schedule of Permitted Signs by District

Other (Cont.)	<p>c. Effectively landscaped with evergreen plant material, as depicted in the City of Hilliard Design Manual, and continuously maintained. The minimum landscaped area shall extend at least three feet beyond the base in all directions.</p> <p>2. The street number shall be included on all single structure ground signs and shall be a maximum size of 12 inches by six inches. The area of the street number shall not be used in the computation of the square footage of the display area of the sign as provided in this section.</p>
Wall sign	
Number	Maximum of one per businesses.
Size	<p>1. Maximum one square foot for each linear foot of primary building frontage width for interior lots (aggregate display area for all signs).</p> <p>2. Maximum one-half square foot for each linear foot of secondary building frontage width for corner or through lots.</p>
Location	<p>1. On wall of the business identified by the sign, facing the street, parking area or service drive.</p> <p>2. Minimum 18 inches from corner of building.</p> <p>3. Minimum six feet from any other wall sign.</p> <p>4. Below the uppermost line or point of the facade or parapet of a flat roof structure or the lower edge of an eave, gable or rake of a sloped roof or mansard structure.</p>
Height	<p>1. Maximum 12 feet (top edge) in height or the height of the ceiling of the first floor of the building to which the extension wall is attached, whichever is less.</p> <p>2. Minimum eight feet (bottom edge) if sign projects more than six inches from wall.</p>
Other	<p>1. Signs must be architecturally compatible with the building.</p> <p>2. All signs shall be parallel to the wall on which they are installed, and shall be mounted flush to the wall.</p>
Old Hilliard District¹	
Awning sign	
Number	Maximum of one per storefront in lieu of a wall sign, but not both.
Size	<p>1. Shall be limited in display surface to that allowed for mounted signs.</p> <p>2. The display area shall be limited to 45 percent of the total face area of the awning. The remaining area of the awning shall be considered as awning area only and not signage.</p>

Table 1129-5 Schedule of Permitted Signs by District	
Size (Cont.)	3. When an awning sign covers multiple store fronts, each store or tenant shall be allowed display area of no more than 80 percent of that tenant's store width, in order to maintain adequate separation between tenant spaces.
Location	<ol style="list-style-type: none"> 1. Awning signs shall be limited to single-story buildings or to the first level only of multi-story buildings. 2. Awning signs may be attached to buildings at or near property lines. In addition, they may project over a public sidewalk, no more than 48 inches or be within 24 inches of the curb line, whichever is less. 3. In the case of buildings in shopping centers or multi-unit developments, such signs may not exceed control curbs or safety zones unless clearance is adequate to insure against damage.
Height	<ol style="list-style-type: none"> 1. Minimum clearance shall be seven feet to the bottom of the awning. Structural components shall be a minimum of eight feet above grade. 2. If the structure has a fringe or valance, such fringe or valance may hang below the ceiling line no more than 12 inches. 3. Overall height may not project above the established roof-line or parapet wall of the building to which it is attached.
Other	<ol style="list-style-type: none"> 1. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the awning. 2. All frames are to be manufactured from tubular or structurally shaped steel or aluminum with finishes or coatings as required to ensure against corrosion. 3. Canvas fabric coverings are to be 14 ounces per yard minimum weight with certification as to tensile strength and flame resistance to meet industry and local Building and Fire Code standards. 4. Fastenings and/or structural attachments to buildings shall be only to structural members and of sufficient size and strength to meet Building Code standards. 5. All electrical components and/or lighting equipment is to be labeled and rated for protected outdoor use. 6. Ceilings are optional and may consist of "egg crate" mesh fabric or solid plastic material. Removable panels or sections shall be provided to allow access for service and cleaning. 7. All awning signs which project over or above back-up walls are to be covered and weather protected with structural plastic, rust proofed metal or aluminum.

¹ Signs not specifically permitted are prohibited. In addition, the following signs are expressly prohibited: marquee, neon (except as provided in Section Table 1129-3), digital, plastic, colonial sign form, off-premise, portable, interior illuminated, billboards and outdoor advertising panels, advertisements of national products and co-op.

Table 1129-5 Schedule of Permitted Signs by District

Ground sign	
Number	Maximum of one sign per property for any one-business establishment. Maximum of one sign per shopping center or adjacent businesses sharing parking and common areas. Maximum of one sign per frontage if contiguous to more than one street.
Size	Maximum 24 square feet per face. Double-sided signs may be installed provided that the surfaces are back-to-back, parallel, separated by no more than 12 inches and neither surface exceeds 50 square feet.
Location	Minimum setback five feet from the right-of-way line. Min. setback for the zoning district applies if adjoining property in an "R" Residential District. Perpendicular to the street
Height	Maximum of seven feet above grade level, including an 18-24" base.
Other	<ol style="list-style-type: none"> 1. Sign colors shall be compatible to the building material colors, which shall be of an historic palette. Sign colors shall be kept to no more than three colors, with the lettering to be in a color in sharp contrast to the background of the sign. Fluorescent colors are prohibited. 2. Ground signs are limited to monument style, with a base, or one or two post style. Monument sign bases shall be: <ol style="list-style-type: none"> a. Constructed of concrete, brick or stone and there shall be no space between the sign face or frame and the base. b. Finished in only one color which shall be black, white, gray, brown or some neutral variation of brown. c. Effectively landscaped with evergreen plant material, as depicted in the City of Hilliard Design Manual, and continuously maintained. The minimum landscaped area shall extend at least three feet beyond the base in all directions. 3. The street number shall be included on all single structure ground signs and shall be a maximum size of 12 inches by six inches. The area of the street number shall not be used in the computation of the square footage of the display area of the sign as provided in this section.
Wall Sign	
Number	Maximum of one per business in lieu of an awning sign, but not both; provided, that any business which has frontage on more than one street shall be permitted to have one wall sign per street frontage, subject to the following size restrictions.

Table 1129-5 Schedule of Permitted Signs by District	
Size	<ol style="list-style-type: none"> Maximum one square foot for each linear foot of building wall facing the street for interior lots. Maximum ½ square foot for each linear foot of building wall facing a second street.
Location	<ol style="list-style-type: none"> Above a storefront. Minimum 18 inches from corner of building. Minimum six feet from any other wall sign. Below the uppermost line or point of the facade or parapet of a flat roof structure or the lower edge of an eave, gable or rake of a sloped roof or mansard structure.
Height	<ol style="list-style-type: none"> Maximum of 12 feet (top edge) in height or the height of the ceiling of the first floor of the building to which the extension wall is attached, whichever is less. Minimum eight feet (bottom edge) if sign projects more than six in. from wall.
Other	<ol style="list-style-type: none"> Signs must be architecturally compatible with the building. All signs shall be parallel to the wall on which they are installed, and shall be mounted flush to the wall, except in the Old Hilliard District where right angle projection would be aesthetically acceptable or would assist in maintaining the turn of the 19th century appearance.
Hanging or Projecting sign	
Number	Maximum of one per commercial building or one per business.
Size	Maximum of three feet projection from building.
Location	Front or front corner facade.
Height	Minimum of eight feet above walk grade.
Other	Signs shall be double-faced. Projecting signs shall not be permitted for business identification for residential structures converted to a commercial use.
Sandwich Board	
Number	Maximum of one per property.
Size	Maximum of four square feet and rectangular in shape.

Table 1129-5 Schedule of Permitted Signs by District

Location	<ol style="list-style-type: none"> 1. No such sign may be erected closer than five feet from the right of way line of any street, highway or alley except where the right of way and building line are the same. 2. Sandwich board signs are not permitted on parking lots of strip centers and shopping malls. 3. Signs are not permitted on sidewalks unless the building is located immediately adjacent to the sidewalk in which case the sign may be located subject to the City Engineer's approval.
Height	Maximum of three feet.
Time Limit	Signs may be in place only during working hours of the business for which it is proposed. After the close of business hours, sandwich board signs shall be removed to an enclosed area of the business.
Other	<ol style="list-style-type: none"> 1. Sign frame shall be "A-frame" type, professionally manufactured and sufficiently secured to prevent tipping, subject to the approval of the City Engineer or designee. 2. Lettering on all sandwich board signs shall be no more than two colors on white background, with black frame. 3. Lighting is prohibited. 4. Signs shall be "A-frame" style and shall be constructed with weather-resistant material, wood, metal or masonite, mounted on stable legs for safety precaution.
Secondary Identification sign	
Number	Maximum of one per upper floor commercial tenant.
Size	Maximum of one square foot, projecting no more than one inch.
Other	Signs shall not be illuminated.
Window and Door sign	
Location	Windows and doors.
Height	Lettering applied to storefront windows or doors shall be no larger than one and one-half inches in height
Other	<ol style="list-style-type: none"> 1. Text shall be limited to the identification of the business only. 2. Decals of a small area shall be affixed to a storefront window or entrance door if supplied by a national or local credit card company. 3. Such signs shall be grouped together and carry no text or message other than the identification of such companies

Table 1129-5 Schedule of Permitted Signs by District	
All Districts	
Announcement sign-Places of Worship, Community Centers and Similar Semi-Public or Institutional Uses Only	
Number	Maximum of one sign.
Size	Maximum of 12 square feet.
Location	Mounted against the building or on the ground. If on the ground, minimum setback of 15 feet from public right-of-way.
Community Activity sign - Public, Private, Nonprofit and Places of Worship only	
Number	Maximum of six off-premise locations
Size	Maximum of six square feet; provided sandwich board signs may be larger and shall conform to the requirements for such signs as specified in this table
Location	Off-premise; Minimum of five feet setback from street right-of-way or easement.
Other	<ol style="list-style-type: none"> Limited to announcements for community activities that are open to the general public; A permit is required from the zoning inspector; Written permission shall be obtained from the owner of the property at which each sign is to be posted; Signs shall not be posted more than 14 days prior to the advertised activity and shall be removed within 24 hours of the activity's conclusion; An organization may post signs a maximum of six times per calendar year.
Construction sign	
Number	Maximum of one per building being constructed on the property
Size	<ol style="list-style-type: none"> Maximum 32 square feet, subject to approval of the zoning inspector based on the size of the property. The sign shall be located on the construction site property. Sign shall be permitted to contain more than four colors if the sign contains a full color rendering of the approved new building or development.
Location	Minimum setback of 15 feet from the right-of-way line.
Height	Maximum of six feet above the grade of the lot on which it is placed.
Other	<ol style="list-style-type: none"> Only single-faced signs shall be permitted. Sign shall be removed within 30 days following issuance of certificate of occupancy.

Table 1129-5 Schedule of Permitted Signs by District	
Off-Premise Directional sign - Places of Worship only	
Number	Maximum of one sign.
Size	Maximum of one and one-half square feet.
Location	Between the sidewalk and curb.
Height	Maximum of six feet above the ground.
Other	Written permission of the owner of the property in front of which the sign is erected Mounted on a street post, imbedded in concrete.
On-Site Directional sign	
Number	Maximum of two per driveway.
Size	Maximum of two square feet.
Location	On the property to which they refer; not within the street right-of-way.
Height	Maximum of three feet.
Other	Signs may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" and similar directions or directional arrows; but shall not contain advertising or logos.
Subdivision Development Advertising sign	
Number	Maximum of one per subdivision.
Size	Maximum of 32 square feet.
Location	No sign shall be located nearer than 15 feet to any street right-of-way line. Signs shall be located outside of the sight triangle.
Height	Maximum of six feet above grade.
Other	Each sign shall be removed at the expiration of one year after its erection or when 60 percent of the lots fronting on the street which the sign faces have been constructed and occupied, whichever occurs first.

(Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15; Res. 19-R-05. Passed 2-25-19.)

1129.06 B-4, I-270 DISTRICT.

The B-4, Interstate 270 District, includes property along Interstate 270. Property within the Interstate 270 District that has been improved with corporate or professional office building(s) shall be permitted two wall signs and one ground sign, as well as other secondary signs as permitted in this Chapter. The wall signs shall be displayed on separate walls so only one wall sign is visible from any direction. Because the City recognizes that many corporations choose to locate along high visibility corridors such as I-270, the wall sign facing I-270 may be internally illuminated channel letters consisting of a corporate name and/or logo. The ground sign also may be internally illuminated, if such sign is facing I-270. Internally illuminated signs must have an opaque background. All other illuminated signs shall be externally illuminated. (See Section 1129.02(g) for illumination requirements). Ground signs and wall-mounted signs shall meet the requirements of Table 1129-5 for Business Districts. (Ord. 14-29. Passed 10-27-14.)

1129.07 PERMITS REQUIRED.

(a) Permits Required. No sign described in Section 1129.05 or 1129.06, whether permanent or temporary, shall be erected, constructed, altered, relocated, repaired or replaced within the limits of the City by any person, firm or corporation until a permit has been issued by the zoning inspector, except as otherwise provided in this Chapter. All sign permits shall be valid for a period of one year from the date of issuance, and shall thereafter be void if the approved sign is not erected within this time period. All sign applications shall be submitted by and signed by the property owner.

(b) Pre-application Meeting. Any person contemplating the erection of a sign shall first schedule a pre-application meeting with the zoning inspector. The purpose of the pre-application meeting is to ensure that the applicant understands the City's sign regulations and the application requirements.

(c) Application Requirements. All sign applications shall include the following information:

- (1) Location of building, structure or lot on which the sign is to be erected or attached.
- (2) Detailed colored drawing to illustrate the dimensions, design, materials and structure of each sign.
- (3) Site drawing to scale, showing the property boundaries, street right-of-way line, curb line, building location, access drives and location of all ground, directional, menu or other sign proposed to be located on the ground. The setback dimension from the right-of-way line and the curb line to the nearest edge of the sign shall be shown on the site plan.
- (4) Photographs of the property or building upon which the sign is to be erected or attached.
- (5) Building elevations, which illustrate the position of wall, awning, projecting or other signs to be mounted on the building.
- (6) Plans, specifications and method of construction for attachment to the building or in the ground.
- (7) Name and address of the sign erector and email address.
- (8) Any electrical permit required and issued for such sign.
- (9) A Certificate of Insurance, if required by this Chapter, if a current certificate is not already on file with the City.
- (10) Other information that the zoning inspector may require to ensure full compliance with this and all other applicable laws of the City and State.

(d) Approval. The zoning inspector shall make a decision on an application within 14 days of submission. The zoning inspector shall approve the application and issue a sign permit if it is determined that the application fully complies with the requirements of this Chapter. If the application does not comply, the zoning inspector shall inform the applicant that it may proceed in one of three ways:

- (1) The applicant may complete an application to be scheduled before the Planning and Zoning Commission for hearing, review and consideration as a modification, per Section 1129.08; or
 - (2) Revise and resubmit the application for a second review, consistent with the zoning inspector's findings as to compliance; or
 - (3) The applicant may complete an application to be scheduled before the Board of Zoning Appeals to be heard as an appeal.
- (Ord. 14-29. Passed 10-27-14.)

1129.08 MODIFICATION OF REQUIREMENTS.

(a) The Planning and Zoning Commission shall have the complete authority to hear and decide all requests for modification of the sign requirements of this Chapter in all zoning districts.

(b) Any applicant that desires to erect a sign that does not conform to the provisions of this Chapter must apply for a modification prior to the erection and installation of such sign. Any request for a modification of the requirements of this Graphics and Sign Code shall be heard and decided by the Commission, as provided in this Section.

(Ord. 14-29. Passed 10-27-14.)

(c) Prior to the Commission hearing and deciding any matter concerning a modification, it shall hold a public hearing. The Commission shall fix a reasonable time for the hearing and shall provide not less than seven (7) days public notice of the time, place and purpose of the public hearing on the City's website and on the City's public bulletin board at the Municipal Building. The City shall provide not less than seven days notice by ordinary mail of the time, place and purpose of the public hearing to the owners of all properties lying within 200 feet of any part of the property for which the proposed sign modification is sought. The failure to notify property owners, as provided in this section, shall not invalidate any action taken or modification granted by the Commission. (Ord. 15-26. Passed 7-13-15.)

(d) Applicants carry the burden of establishing the necessity for the modification and why the applicant has encountered practical difficulties in adhering to the code. The granting of modifications shall be the exception and not the rule of the Commission, which shall take into consideration the following factors in reviewing any such request:

- (1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance sought is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services;
- (5) Whether the property owner purchased property with knowledge of zoning restrictions;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the requested variance.

(e) In granting a modification, the Commission may impose such requirements and conditions regarding the location, character, and other features of the sign as the Commission deems necessary to carry out the intent and purpose of this Graphics and Sign Code and to otherwise safeguard the public health, safety, convenience, comfort, safety, prosperity and general welfare.

(f) Any such modification shall be necessary to preserve a substantial property right, the hindrance of which resulted from this Chapter and shall be in harmony with the public interest.

(g) Any modification approved by the Commission must result in obtaining a sign permit and erecting the sign within one year of approval. Any application approved by the Commission that does not result in obtaining the sign permit and erecting the sign within one year shall be void. (Ord. 14-29. Passed 10-27-14.)

1129.09 SIGN ERECTOR REGISTRATION.

No person shall, as a business or as an independent contractor, undertake or perform work or construction, installation, addition or repair of any sign or sign equipment required by this Chapter; represent or advertise himself/herself or as a business, either publicly or privately, as having the ability to perform such work; or undertake such work within the City without having first registered with the zoning inspector and procured a permit duly issued by the zoning inspector as a Permitted Sign Erector. This section does not apply to a property owner or tenant that desires to install or erect a sign on his/her own property which installation does not require the skills of a professional sign erector. (Ord. 15-26. Passed 7-13-15.)

- (a) Sign Erector's Registration. The zoning inspector shall issue a Sign Erector's Permit to an individual who has satisfactorily provided all documentation required in the Registration Application or who can provide the City with adequate proof that the applicant has qualified for and been issued a current Sign Erector's license or permit from another Ohio municipality.
- (b) Sign Erector's Fee. An individual or company who is issued a Sign Erector's Permit shall also pay a fee, as established by the City Manager to the City for each calendar year, payable on January 1st of each year. If an individual or company has previously had a sign Erector's Permit revoked for any reason, or has contracted and performed as a Permitted Sign Erector without first obtaining a Sign Erector's Permit, the individual or company shall pay an additional fee to the City as established by the City Manager.
- (c) Liability Insurance. Before a Sign Erector's Permit shall be issued, the city may require the individual or company requesting a permit to submit a valid Certificate of Insurance for general liability insurance in the amount of \$1,000,000.00. If at any time the required liability insurance of any Permitted Sign Erector lapses, the permit shall automatically be revoked by the City.
- (d) Notification of Change. It shall be the responsibility of the Permitted Sign Erector to notify the zoning inspector of any change in address, and if a company, any change in ownership or management if other than that indicated on the Certificate of Insurance.
- (e) Transfer of Permit Prohibited. No Permitted Sign Erector shall transfer his Sign Erector's Permit, or permit any individual or company to construct, install, alter or repair a sign or sign structure under the authority of his permit, except if he is the direct employee of the Permitted Sign Erector or a qualified subcontractor of the Permitted Sign Erector.
- (f) Suspension or Revocation of Sign Erector's Permit. The zoning inspector may suspend or revoke the permit of a Permitted Sign Erector who is found to be in violation of this Chapter. (Ord. 19-31. Passed 12-9-19.)

1129.10 NONCONFORMING SIGNS.

Any lawfully existing sign that does not conform to the provisions of this Chapter, either in existence prior to the date of adoption of this Chapter or located in areas annexed there after, shall be deemed a nonconforming sign.

- (a) A nonconforming sign shall not be relocated or replaced unless it is brought into compliance within the provisions of this Chapter.
- (b) A nonconforming sign shall only be maintained or repaired in the following manner:
 - (1) The size and structural shape shall not be changed or altered, except to remove entire elements that reduce the overall sign size.
 - (2) Any subsequent owner or user shall bring the sign into compliance, except if the subsequent owner or user was also the lessee.
 - (3) In the case where damage occurs to the sign, the owner or the owner's authorized representative shall, within 14 days of the damage, schedule a pre-application meeting, as described in Section 1129.06(b), with the zoning inspector for the purpose of establishing whether the sign was damaged to the extent of 50 percent or more of replacement value. Based on that determination, an application for a permit must be submitted by the owner or the owner's authorized representative within ten business days from the date of the pre-application meeting. Where the damage to the sign is less than 50 percent of its replacement value, the sign shall be repaired to its original configuration within 45 days from the date the sign permit is issued. If the damage is greater than 50 percent of its replacement value, the sign shall be removed in its entirety within 30 days from the date of damage and any subsequently erected sign must comply with the requirements of this Chapter.
 - (4) No sign for which a prior modification was approved by the Planning and Zoning Commission may be replaced, relocated or altered in any way, except in those instances described in Section 1129.08 hereof, without the review and approval of the Commission and subsequent issuance of a new sign permit, unless such sign is brought into full compliance with this Code, in which case the zoning inspector may issue a permit.
(Ord. 14-29. Passed 10-27-14.)

1129.11 ENFORCEMENT.

The zoning inspector or other authorized city official, who may be a Hilliard police officer, will monitor signs permitted under this Chapter. Enforcement action may be taken where the requirements of this Chapter are not met. See also Section 1129.12 for concurrent jurisdiction of the Department of Public Safety.

- (a) If it is found that any sign is unsafe or insecure, the zoning inspector shall give written notice thereof to the owner; permit holder or person maintaining the premises. The owner, permit holder or person maintaining the premises shall, upon the receipt of written notice from the zoning inspector, proceed at once to put such a sign in a safe and secure condition or remove the same.
- (b) If the zoning inspector finds any sign has been installed, erected, constructed or maintained in violation of any of the terms of this chapter, the zoning inspector shall notify, in writing, the owner, permit holder or person maintaining the premises to alter such sign so as to comply with the provisions of this Chapter.

- (c) If the owner, permit holder, or person maintaining the sign or premises fails to comply with such notice by the date of reinspection, or cannot be found or his/her whereabouts cannot be ascertained with reasonable diligence, in addition to the penalties provided in Section 1129.12, the zoning inspector may cause the sign to be removed or altered to comply with the order at the expense of the permit holder, owner or person maintaining the premises. If the permit holder, owner or person maintaining the premises fails to pay the City for the expenses of removal or alteration, the full amount of such removal or alteration costs and expenses shall be forwarded to the County Auditor and added to the property tax duplicate of the permit holder, owner or person maintaining the premises.
- (d) If a violation of a provision of this Chapter is repeated within 60 days of a previous violation of the same provision, the subject sign may be seized immediately and a charge assessed for removal without additional notification.
- (e) Fees for removal shall be immediately due and payable to the City. Notice of such assessment shall be given to the property owner mailing address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within ten days after such mailing and posting, shall be certified by the Finance Director to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.
- (f) The City may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction thereof and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this section.
- (g) Every owner or occupant of real estate in the City impliedly grants a license to the zoning inspector and municipal employees to enter upon real property in the City without the consent of the owner or user for the purposes of fulfilling the provisions of this section. (Ord. 14-29. Passed 10-27-14.)

1129.12 PENALTY.

Any person, business, firm, corporation, partnership, organization or association violating any provision of this Chapter or failing to obey any lawful order issued pursuant to its terms shall be guilty of a misdemeanor of the first degree and punished as provided in Section 501.99. Each day, or portion thereof, during which the violation is committed, continued or permitted to continue shall constitute a separate offense. The Director of Public Safety shall have concurrent jurisdiction with the zoning inspector to enforce all violations under this Chapter and to delegate such enforcement to law enforcement officers pursuant to Chapter 765 of the Ohio Revised Code. Subsequent to issuance of a ticket and notice to comply, the law enforcement officer may cite the property owner, permit holder or person maintaining the sign into Mayor's court or to the Franklin County Environmental Court for violations under this Chapter. (Ord. 14-29. Passed 10-27-14.)

1129.13 APPEALS.

(a) Appeal from an Administrative Decision or Planning and Zoning Commission Decision. Any person aggrieved by the decision of the zoning inspector or of the Planning and Zoning Commission in authorizing or denying a sign may appeal that decision to the Board of Zoning Appeals ("Board") within twenty (20) days of the decision. The Board shall hold a hearing and approve with or without modifications or disapprove the application at its next regularly scheduled meeting following receipt of notification from the zoning inspector that an applicant has appealed. Notice of the hearing shall be as provided in Section 1106.06. (Ord. 15-26. Passed 7-13-15.)

1129.16 MURAL PROGRAM.

(a) For purposes of this Section, the following phrases and words have the meaning set forth herein:

- (1) “Mural” is defined as a work of art or graphic illustration painted or otherwise directly applied to an outside wall, façade, or exterior surface of a commercial building on any public or private property which is observable and accessible to the public from the public right-of-way. Murals, for purposes of this Section, are not considered Signs as defined in 1105.08 of the Codified Ordinances (upon the receipt of a permit from the Public Arts Commission), provided it does not relate by language, logo, or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business. Murals are typically located on one exterior wall.
- (2) “Applicant” is defined as an individual artist or a group of individual artists, a building owner, or a not-for-profit organization with an IRS 501(c)(3) designation.

(b) An Applicant shall submit an application to the Public Arts Commission, which at a minimum, shall contain the following:

- (1) Name and address of the creator of the mural;
- (2) Name and address of the owner or operator of the building where the mural is to be located, including a statement of consent by the property owner for an exterior mural;
- (3) Clear and legible drawings with description showing the location of the mural which is the subject of the application and all other existing artwork whose construction requires permits, when such artworks are on the same premises;
- (4) Drawings showing the dimensions, construction supports, sizes, foundation, materials of the mural and methods of attachment to be used;
- (5) Description of the type of lighting, if any, to be used to illuminate the mural;
- (6) A statement by the applicant that application of a mural to the building is not prohibited in any way by language included in a restrictive deed or covenants placed on the owner's property;
- (7) The resume of each artist involved in project;
- (8) 6 slides/digital images highlighting artist's original work that best illustrates ability as a muralist;
- (9) 7 copies of one color image of the proposed mural;
- (10) History of the sponsoring organization (if applicable) including brief narrative, date established and community served;
- (11) Letter of support from adjacent property owners, both residential and businesses;
- (12) A nonrefundable application fee of \$150.00 must be paid by the applicant. Application fees shall be deposited into the City's Public Art Fund.
- (13) Details showing that:
 - A. The materials of the mural ensure longevity and durability;
 - B. Paint will be applied on a surface and structure that is stable and ready (or will be stable and ready) for painting;
 - C. Acceptable graffiti/UV coating on the finished mural will provide resistance to vandalism and weather;

- D. The mural is accessible to the public; and
- E. A plan has been developed for the continued maintenance and repair of the mural.

(c) Following receipt of an application, the Public Arts Commission shall review the application based on the following criteria:

- (1) Accessibility: the project will be viewable by the public, meets City accessibility codes;
- (2) Artist Quality: strength of the artist's concept and demonstrated craftsmanship;
- (3) Contemporary Relevance: the project's appropriateness for our time;
- (4) Context: the project displays architectural, geographical, socio?cultural and historical attributes;
- (5) Feasibility: budget, timeline, experience, etc.;
- (6) Originality: the project is unique;
- (7) Permanence: the project will last a minimum of five years and is resistant to vandalism and weather;
- (8) Scale: the project possesses an appropriateness of scale to the surrounding neighborhoods;
- (9) Suitability: appropriateness to surrounding neighborhood; and
- (10) Technical proficiency: the project artist or team displays applicable technical skills and artistic experience.

(d) Approval Process.

- (1) Before submitting an application, the applicant shall request a meeting with the Public Arts Commission for initial review of the mural, location, and building owner's approval.
- (2) After submitting an application to the Public Arts Commission, the applicant shall present the mural to the Public Arts Commission at one of its regularly scheduled meetings.
- (3) The Public Arts Commission shall make a decision based on the criteria listed above, and shall forward their recommendation to City Council through its Clerk of Council for scheduling on a Council agenda. Council shall vote to approve or disapprove the mural, or approve the mural with modifications that are agreed to by the applicant-artist.
- (4) The approval, if granted, is for the specific design of the mural as approved by Hilliard City Council. Any proposed changes shall be submitted to the Public Arts Commission for consideration, with final approval subject to a majority vote of City Council. This permit is revocable by the City, with prior consultation with the Public Arts Commission, if it is determined at any time that the mural being installed does not comply with the mural as approved by City Council and for which the permit was issued. Upon revocation of a permit, all work on the mural shall stop immediately.

(e) Completion and Maintenance.

- (1) Upon approval of a mural, the permit for that mural expires within six months from the date of issuance. Work on installing/applying the mural must commence within 180-days of issuance and murals shall be fully complete within six months from the date the permit was issued, and shall expire if not completed within that six-month period. The applicant may request one extension from the Public Arts Commission for a period not to exceed 45 days.
- (2) Once the Mural is complete, the owner of the building on which the mural was placed shall keep the mural unchanged for a minimum of 5 years and shall be responsible to maintain the appearance of the mural as approved by the City. A mural that is not maintained, or that is only partially installed, or is in a condition of disrepair, shall constitute a public nuisance. The City is authorized to take all measures in law and in equity to abate such nuisance.
(Ord. 18-21. Passed 10-22-18.)

CHAPTER 1131 Site Plan Review

1131.01 Purpose.	1131.06 Review standards.
1131.02 Applicability.	1131.07 Conditions.
1131.03 Exemptions.	1131.08 Changes to an approved plan.
1131.04 Application and review.	1131.09 Expiration.
1131.05 Site plan requirements.	

CROSS REFERENCES

Development Impact Fees - see P. & Z. Ch. 1187
Design Standards - see P. & Z. Ch. 1190
Improvements - see P. & Z. Ch. 1191

1131.01 PURPOSE.

The purpose of this chapter is to establish a uniform set of requirements for the planning and design of developments within the City in order to achieve the following objectives:

- (a) To determine compliance with the provisions of this code;
- (b) To promote the orderly development of the City;
- (c) To prevent depreciation of land values;
- (d) To ensure a consistent level of quality throughout the community;
- (e) To ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
- (f) To achieve the goals and principles of the City of Hilliard Comprehensive Plan;
- (g) To promote consultation and cooperation between applicants and the City in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this code and the comprehensive plan.
(Ord. 14-29. Passed 10-27-14.)

1131.02 APPLICABILITY.

Site plan review shall be required, as applicable, under the following conditions, unless exempted by Section 1131.03:

- (a) Level "A" Review. The zoning inspector shall review site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 - (1) Any "permitted" nonresidential use within any zoning district, if the proposed building is less than 15,000 square feet.
 - (2) Any addition to an existing building or parking area in any zoning district constituting less than a 25 percent increase in size.

- (3) Changes in the use of any existing building in any zoning district; provided the use is a "permitted" use in that zoning district.
- (4) When, in the opinion of the zoning inspector, a project which otherwise qualifies for level "A" site plan review does not meet the standards of Section 1131.06, the zoning inspector may, at his/her discretion, submit the site plan to the Planning and Zoning Commission for review. In such cases, the Planning and Zoning Commission shall follow the review procedure for level "B" site plans and may require any additional information needed to make an informed decision.

(b) Level "B" Review. The Planning and Zoning Commission shall act upon all site plans, other than those provided for as a level "A" review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

- (1) Any "permitted" nonresidential use within any zoning district occupying a building of 15,000 square feet or more.
- (2) Any addition to an existing building or parking area in any zoning district constituting a 25 percent or greater increase in size.
- (3) Any "conditional" use in any district.
- (4) Any Planned Unit Development
- (5) Any multiple family residential or manufactured home community
- (6) As otherwise required by this code. (Ord. 14-29. Passed 10-27-14.)

1131.03 EXEMPTIONS.

Site plan review shall not be required for a single or two-family dwelling on a lot on which there exists no other building or use, or for any home occupation or accessory building in a residential district. However, a zoning certificate, in accordance with Section 1141.03, shall be required. (Ord. 14-29. Passed 10-27-14.)

1131.04 APPLICATION AND REVIEW.

The process of reviewing a site plan shall be as follows:

- (a) Level "A" reviews shall be performed by the zoning inspector as follows:
 - (1) One copy of a complete site plan and an electronic version, in a format specified by the City, shall be submitted to the zoning inspector along with an application for that purpose and a fee, as established by the City Council.
 - (2) The zoning inspector shall review the site plan for completeness, and shall obtain comments from City departments or other relevant review agencies or consultants.
 - (3) The zoning inspector shall consider the site plan, any comments received, and the applicable standards of this code, and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met.
 - (4) The reasons for the zoning inspector's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.

- (5) If approved, two copies of the site plan shall be signed and dated by the zoning inspector and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative. If the plan is approved with conditions, two copies of the revised site plan shall be submitted reflecting those conditions and shall be signed and dated by the applicant and zoning inspector, one copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative, prior to issuance of any permits.
- (b) Level "B" reviews shall be performed by the Planning and Zoning Commission as follows:
 - (1) One copy of a complete site plan and an electronic version, in a format specified by the City, shall be submitted to the zoning inspector along with an application for that purpose and a fee, as established by the City Council. The zoning inspector shall review the site plan for completeness. Incomplete applications and site plans shall be returned to the applicant and shall not be forwarded to the Planning and Zoning Commission. Complete plans shall be distributed, as applicable, to City departments, other relevant review agencies and consultants to obtain comments.
 - (2) Once the zoning inspector determines that the site plan is complete, the site plan shall be transmitted to the Planning and Zoning Commission for consideration at its next meeting. The zoning inspector shall not be required to submit any site plan for review which is incomplete or which is submitted less than 20 days prior to the next regularly scheduled Planning and Zoning Commission meeting. Comments, if any, from City departments or others shall also be transmitted to the Planning and Zoning Commission prior to its review of the site plan.
 - (3) The Planning and Zoning Commission shall consider the site plan and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan if applicable requirements and standards have not been met. The Planning and Zoning Commission review shall be based on the requirements of this chapter, comments received from City departments and others, and, specifically, the review standards of Section 1131.06.
 - (4) If approved, two copies of the site plan shall be signed and dated by the chairperson of the Planning and Zoning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, two copies of the revised site plan shall be submitted reflecting those conditions and shall be signed and dated by the applicant and the Planning and Zoning Commission chairperson, one copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative, prior to issuance of any permits.
(Ord. 14-29. Passed 10-27-14.)

1131.05 SITE PLAN REQUIREMENTS.

(a) Required Content. Each site plan submitted shall contain the following information, as applicable:

Table 1131.05 Required Site Plan Review		
Required Information	Level “A”	Level “B”
General Information		
Date, north arrow, and scale	X	X
Name and firm address of the professional individual responsible for preparing site plan	X	X
Name and address of the property owner or petitioner	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres or square feet	X	X
Boundary survey	X	X
Preparer’s professional seal		X
Existing Conditions		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements	X	X
Location and dimension of all existing structures on the subject property	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X	X
Abutting street right-of-way width	X	X
Location of all existing structures, driveways, and parking areas within 300 feet of the subject property’s boundary		X
Existing water bodies (rivers, creeks, wetlands, etc.)	X	X
Existing landscaping and vegetation on the subject property		X
Size and location of existing utilities	X	X
Location of all existing surface water drainage facilities	X	X

Table 1131.05 Required Site Plan Review		
Required Information	Level “A”	Level “B”
Proposed Development		
Location and dimensions of all proposed buildings	X	X
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and loading and unloading areas	X	X
Type and location of exterior mechanical equipment	X	X
Setback for all buildings and structures	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basements and finished floor elevations of all buildings		X
Landscape plan (showing location, size and type of proposed materials)		X
Layout and typical dimensions of proposed parcels and lots		X
Number of proposed dwelling units (by type), including typical floor plans for each type of unit		X
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units		X
All deed restrictions or covenants		X
Brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X
Engineering		
Proposed method of handling sanitary sewage and providing potable water	X	X
Location and size of proposed utilities, including connections to public sewer and water supply systems	X	X
Location and spacing of fire hydrants and fire department connections		X

Table 1131.05 Required Site Plan Review		
Required Information	Level "A"	Level "B"
Engineering (Cont.)		
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than two foot contour intervals		X
Proposed streets (including pavement width, materials, and easement or right-of-way dimensions)		X
Building Details		
Typical elevation views of all sides of each building type		X
Gross and net floor area	X	X
Elevation views of building additions	X	X
Building height	X	X
Additional Information		
Any other information required by the zoning inspector or Planning and Zoning Commission and/or Board of Zoning Appeals to demonstrate compliance with the review standards or other applicable provisions of this code	X	X

(b) Information Waiver. Specific requirements of either a Level "A" or "B" site plan may be waived by the respective reviewer (zoning inspector or Planning and Zoning Commission) where it is determined that such information is not applicable to the subject request.
(Ord. 14-29. Passed 10-27-14.)

1131.06 REVIEW STANDARDS.

A site plan shall be approved only upon a finding of compliance with the following standards:

- (a) The site plan must comply with all standards of this chapter, all applicable requirements of this code and all other applicable laws and regulations.
- (b) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (c) The site must be designed to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- (d) Unless a more specific design standard is required by the City through other provisions of this Code or other City policies, laws and regulations, all uses and structures subject to site plan review shall comply with the following:

- (1) Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
- (2) Storm Water. Storm water detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system. Low Impact Design solutions, however, such as rain gardens and green roofs are encouraged.
- (3) Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
- (4) Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided, in accordance with Chapter 1125, to shield residential properties from noise, headlights, lighting and glare.
- (5) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
- (6) Utility Service. All utility service shall be underground, unless impractical.
- (7) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be visually and acoustically screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- (8) Emergency Access. All buildings and structures, including any fire department connections, shall be readily accessible to emergency vehicles.
- (9) Water and Sewer. Water and sewer installations shall comply with all City specifications and requirements.
- (10) Signs. Permitted signs shall be allowed, in accordance with Chapter 1129, and shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.
(Ord. 14-29. Passed 10-27-14.)

1131.07 CONDITIONS.

Conditions which are designed to ensure compliance with the intent of this code and other regulations of the City of Hilliard may be imposed on site plan approval.
(Ord. 14-29. Passed 10-27-14.)

1131.08 CHANGES TO AN APPROVED PLAN.

Changes to an approved site plan shall be permitted only under the following circumstances:

- (a) The holder of an approved site plan shall notify the City Planner of any proposed change to an approved site plan.
- (b) Changes to a Level "A" site plan may be approved by the City Planner.
- (c) Minor changes to a Level "B" site plan may be approved by the City Planner upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (1) Reduction in building size or an increase of up to five percent of total approved floor area.
 - (2) Movement of buildings or other structures by no more than ten feet; provided such building or structure meets the required setbacks for the zoning district.
 - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size with equal or greater opacity.
 - (4) Changes in building materials to a comparable or higher quality.
 - (5) Changes in floor plans which do not alter the character of the use.
 - (6) Changes required or requested by the City or county, state, or federal regulatory agencies in order to conform to other laws or regulations.
- (d) A proposed change to a Level "B" site plan, not determined by the City Planner to be a minor change, shall be submitted to the Planning and Zoning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. (Ord. 15-26. Passed 7-13-15.)

1131.09 EXPIRATION.

Site plan approval shall expire 12 months after the date of approval, unless substantial construction has been commenced and is continuing. The City Planner, in the case of a Level "A" site plan, or the Planning and Zoning Commission, in the case of a Level "B" site plan, may grant one extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void. (Ord. 15-26. Passed 7-13-15.)

CHAPTER 1137
Nonconforming Uses, Structures and Lots

1137.01	Intent.	1137.04	Nonconforming lots of record.
1137.02	Nonconforming uses.	1137.05	Unlawful nonconformities.
1137.03	Nonconforming buildings and structures.		

CROSS REFERENCES
Conditional uses - see P. & Z. Ch. 1123

1137.01 INTENT.

(a) It is recognized that there exist within zoning districts certain lots, buildings, structures and uses which were lawful before this code was passed or amended, but are now prohibited, regulated or restricted under the terms of this code. It is the City's intent to permit these legal nonconformities to continue until they are removed, but not to encourage their growth or survival.

(b) Nonconforming lots, buildings, structures and uses are declared by this code to be incompatible with the provisions of the districts in which they are located. It is the intent of this code that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this chapter, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.

(c) Nothing in this code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently pursued.

(d) Nothing in this code shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of a zoning regulation in effect at the time of the adoption of this code. (Ord. 14-29. Passed 10-27-14.)

1137.02 NONCONFORMING USES.

(a) Conditions Applicable to Nonconforming Uses. Uses that were lawfully established but are no longer permitted within the zoning district in which the property is located are subject to the following extension and change limitations:

- (1) Extension within structure or site. The nonconforming uses may not be extended throughout those parts of a building or site which was not arranged or designed for such use at the time this code was enacted, unless approved by the Board of Zoning Appeals. The Board of Zoning Appeals may approve up to a 50 percent extension or expansion of a nonconforming use in accordance with the provisions of Chapter 1106.
- (2) Change to conforming use. Any nonconforming use may, subject to site plan review and all applicable requirements of the zoning district, be changed to a use allowed within the zoning district in which the property is located. When a nonconforming use is changed to one that is conforming to the requirements of this code, the use shall not be changed back to a nonconforming use.
- (3) Change to other nonconforming use. In accordance with the provisions of Chapter 1106, the Board of Zoning Appeals may permit the change of a nonconforming use to another nonconforming use, provided the new use is determined to be less obtrusive than the original use and more consistent with the zoning district in which the property is located. A nonconforming use shall not be changed to another nonconforming use if the original nonconforming use was not lawfully established.
(Ord. 14-29. Passed 10-27-14.)
- (4) Limitations on change of use. Any change of use shall conform to the development standards required by this code and the applicable City of Hilliard Design Manual. (Ord. 15-26. Passed 7-13-15.)

(b) Discontinuance. If a nonconforming use of land or structure is discontinued for 12 consecutive months (except where government action impedes such use), any future use of the land or structure shall only be in conformity with the provisions of the zoning code. Discontinuance of a nonconformity shall terminate the right to continue the nonconformity.

(c) Non-Reversion. Any nonconforming use or structure that is changed, in whole or in part, for any reason to a conforming use or structure, or to a use or structure that is closer to conformity than it was prior to the change, shall not revert to its prior nonconforming status, or to a less conforming use or structure, at any time in the future.

(d) Open Uses. Uses consisting of lots occupied by storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf courses and similar open uses, where the only buildings on the property are ancillary to the open use and where the use is nonconforming, shall be subject to the following restrictions, in addition to all other applicable provisions of this chapter.

- (1) When a nonconforming open use of land has been changed to a conforming use, it shall not be used again for any other nonconforming use.
- (2) Nonconforming open uses of land shall only be converted to a conforming use.
- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

- (4) When any nonconforming open use of land is discontinued for a period of more than six consecutive months, any future use of the land shall be limited to those uses permitted in the zoning district under which the property is governed. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision. (Ord. 14-29. Passed 10-27-14.)

1137.03 NONCONFORMING BUILDINGS OR STRUCTURES.

Where a lawful building or structure exists at the effective date of this Zoning Ordinance, or an amendment thereto, that does not comply with the requirements of this ordinance because of restrictions such as lot area, lot coverage, width, height, or setbacks, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

- (a) Reconstruction Due to Damage. The right to rebuild a nonconforming structure shall cease to exist when the nonconforming structure is damaged in any manner from any cause whatsoever, and the cost of repairing the damage exceeds 50 percent of the fair market value of the structure, prior to such damage or destruction, on the date of the damage; provided, the Board of Zoning Appeals may, upon application, permit the reconstruction of the nonconforming building or structure if all of the following conditions are met:
 - (1) The prior nonconforming condition(s) shall not be increased.
 - (2) All building materials and architectural details shall conform to the requirements of this code, as applicable.
 - (3) The new building or structure shall not extend beyond the limits of the original foundation, unless the building or structure could be so located as to reduce the extent of its nonconformity on the lot.
 - (4) The application to reconstruct the nonconforming building or structure shall be filed with the zoning inspector within six months of the event in which the building or structure was damaged or destroyed.
 - (5) The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.
- (b) Reconstruction Due to Obsolescence. The right to rebuild a nonconforming structure and operate a nonconforming use within a nonconforming structure shall cease to exist when the nonconforming structure becomes obsolete or substandard under any City ordinance, and the cost of repairing the damage exceeds 50 percent of the fair market value of the structure on the date the Building Official determines the structure to be obsolete or substandard.
- (c) Renovation. For any nonconforming structure or structure containing a nonconforming use, work may be done to repair or replace nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing, to an extent not exceeding 10 percent of the fair market value of the structure prior to the repairs; provided, the cubic content existing when it became nonconforming shall not be increased.

- (d) Repair. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of its physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (e) Extension or Enlargement. A nonconforming structure may be extended or enlarged if the improvement can be made in compliance with all applicable requirements of this code, and if the improvement will not increase the nonconformity of the structure. Extension or enlargement must be approved by the Board of Zoning Appeals in accordance with the provisions of Chapter 1106.
- (f) Moving. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this code. (Ord. 14-29. Passed 10-27-14.)

1137.04 Nonconforming Lots of Record.

(a) Nonconforming Lots of Record. A lot of record that exists at the time of adoption or amendment of this code that does not meet the minimum requirements for lot width or lot area may be used for any permitted use in the district in which the lot is located; provided, that any building or structure constructed on the lot complies with all other requirements of the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements for those uses.

(b) Completion of Pending Projects. Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently conducted.

(c) Contiguous Nonconforming Lots. If two or more vacant lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this code, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this code, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this code. (Ord. 14-29. Passed 10-27-14.)

1137.05 UNLAWFUL NONCONFORMITIES.

Any lot, use, building or structure established in violation of the provisions of this code or any prior zoning code or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies and safeguards of this chapter. (Ord. 14-29. Passed 10-27-14.)

CHAPTER 1139 Amendments and Rezoning

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| <p>1139.01 Amendments.</p> <p>1139.02 Application, notice and hearing procedure.</p> | <p>1139.03 Limited overlay.</p> |
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CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1106
Planning Commission and City Council - see P. & Z. Ch. 1107

1139.01 AMENDMENTS.

(a) Whenever the public necessity, convenience, general welfare or good zoning practices require, City Council may, after receipt of a recommendation from the Planning and Zoning Commission, pass legislation to amend, supplement or change the regulations, district boundaries or classification of property, established by this code, subject to the procedures specified in this chapter.

(b) It shall be the duty of the Planning and Zoning Commission to submit its recommendations to City Council regarding all applications for zoning amendments, supplements or changes to zoning regulations, changes to planned districts, changes in district boundaries or changes to classifications of property. (Ord. 14-29. Passed 10-27-14.)

1139.02 APPLICATION, NOTICE AND HEARING PROCEDURE.

(a) Applications. Applications shall be submitted to the City Planner on a form for that purpose, along with supporting information, materials and documentation that may be required or helpful in explaining the request to assure the fullest presentation of facts. Incomplete applications shall not be considered. Each application shall be verified by the owner(s) of the property that is the subject of the application, attesting to the truth and correctness of all facts and information. Zoning amendments initiated by the Planning and Zoning Commission shall be accompanied by a copy of the motion and vote pertaining to the proposed amendment.

(b) Fees. Application fees shall be charged and paid in accordance with Chapter 190 of the City's Codified Ordinances, from which the City and the Planning and Zoning Commission is exempt.

(c) Notice of Public Hearing by Commission. The Commission shall hold a public hearing for Zoning Code and Map amendments. For Zoning Map amendments and conditional uses, each application shall contain the names and addresses of all property owners lying within a certain distance of any part of the property which is the subject of an application, as provided in subsections (1) and (2) below.

- (1) Not less than fourteen (14) days prior to the hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to all property owners within 400 feet of the subject property.
- (2) The minimum number of notices that must be mailed to surrounding property owners is twenty (20). If the number of property owners within 400 feet of the property does not equal or exceed twenty (20), then the distance from the subject property must be increased by a radius of 100 feet until the minimum number of twenty (20) is reached.
- (3) Notice to the general public of the Planning and Zoning Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the hearing.
- (4) It is the intention of this section to provide, so far as possible, due notice to persons substantially interested in the application that is before the Planning and Zoning Commission. Mailed notices to surrounding property owners (within 400 feet or as provided by subsection (c)(2) above, if necessary) are not required for subsequent hearings on the same application.
- (5) Fourteen (14) days prior to a hearing date, the agenda of a Planning and Zoning Commission meeting shall be displayed on the City's website and on the public bulletin board in City Hall, containing information as to the place or places and times at which applications, including text and maps, may be examined by members of the public.
- (6) At least fourteen (14) days prior to a public hearing, the City shall place public notification signs on the subject property as described hereafter. For subject properties that face more than one public street or roadway, City staff shall place one (1) hearing notice sign for each street frontage or roadway. These public notice signs shall be placed on the subject property in locations within five (5) feet from each side facing frontage in a manner clearly visible from the street. No such notifications signs shall be placed in the public right of way. Each public notice sign shall include: the date, time, and place of the public hearing, the type of request which the subject of the hearing, the City's website address, and the phone number of the City's Planning Division. The City shall remove public notification signs within 24 hours after the public hearing.
- (7) The size and material of such public notification signs shall be as prescribed by the City's Director of Public Service taking into account required print visibility and the ability of the sign to withstand various weather conditions.

(d) Action of Commission on Applications. At the hearing, the Planning and Zoning Commission may vote to recommend that the application be granted, as requested, or it may recommend that the application be approved based on certain conditions being met or more modifications being made, or it may recommend that the request not be granted. All motions shall be made in the affirmative. The clerk of the Commission shall then forward the recommendation to City Council within fourteen (14) calendar days after the hearing.

(e) Public Hearing by City Council. City Council shall hold and provide notice of public hearings on zoning applications consistent with the City's Charter and notice to property owners consistent with subsection (c)(1), (c)(2), (c)(4), and (c)(6) above. It is the intention of this section to provide, so far as possible, due notice to persons substantially interested in the application that is before City Council. Mailed notices to surrounding property owners are not required for subsequent hearings before City Council on the same application.

(f) Action of City Council. After holding the public hearing, City Council shall consider the Planning and Zoning Commission's recommendation on the application and shall vote on the request to either approve, approve with supplementary conditions or not approve the request. Any Council action to approve the recommendation with new or different supplementary conditions from what the Commission recommended shall only take effect if passed or approved by not less than a majority of the membership of City Council.
(Res. 19-R-09. Passed 2-25-19.)

1139.03 LIMITED OVERLAY.

(a) Purpose. The Limited Overlay is created as an alternative response to those situations where the minimum developments standards of an underlying zoning district are deemed inadequate to protect or maintain compatibility of land uses. The Limited Overlay is intended to be used only where special circumstances or conditions apply to the subject parcel that do not apply generally to other parcels in the same underlying zoning district; and where such limitations will be beneficial to neighboring properties and to the public interest. It is intended that an applicant for rezoning may voluntarily seek to commit the subject property and its owner to limitations and conditions not provided by the existing or proposed underlying zoning classification, or even any other zoning classification, through the establishment of a Limited Overlay.

- (1) This section establishes a classification which provides the means to modify the application of the provisions of an underlying zoning district to a particular parcel by:
 - A. Limiting the permitted uses;
 - B. Increasing one or more of the minimum development standards;
 - C. Adding conditions for items not covered by the minimum standards, or any of the above.
- (2) All standards of the underlying district shall be applicable unless specifically superseded in the ordinance establishing the overlay for the subject parcel.

(b) Application. Any person desiring the establishment of a Limited Overlay on any lot proposed to be rezoned for any permitted use may file an application in conformance with the provisions of Section 1139.02.

(c) Development Plan.

- (1) In addition to filing the application, the applicant shall provide a signed and dated development plan composed of text and a plot plan, or both as required by the zoning inspector, for the Limited Overlay proposed, setting out the means for addressing the above stated purpose and specifically identifying:
 - A. Any limitation to be imposed on the normal range of permitted uses by the underlying zoning district;
 - B. Any increase in a minimum development standard for the underlying zoning district;
 - C. Any additional limitation or condition to be imposed and enforced;

D. The intended result to be obtained by any limitation or condition set out pursuant to the above.

- (2) The minimum standards of the underlying zoning district shall govern unless the development plan approved by Council specifically stipulates a more stringent standard. The development plan shall be used only to increase standards and shall in no way be used or construed to grant a variance from or to decrease standards or requirements of the underlying zoning district. The development plan shall set out each characteristic of the proposed limitations and conditions and shall be referenced in the body of the ordinance establishing a Limited Overlay for the subject lot.

(d) Project Size. There is no minimum size for a parcel to be subject to a Limited Overlay, except that the special circumstances must apply to the entire parcel and it shall include at least one entire lot. An application may include more than one lot; provided, all lots in a specific application must be contiguous to one another. For the purposes of this section, lots separated only by a public highway, street, or alley are considered contiguous.

(e) Permitted Uses. In conformity with all other pertinent code provisions, within a Limited Overlay the premises or building may be used or a building may be erected which is arranged, intended, or designed to be used for any one or more of the uses permitted by the underlying zoning classification unless the normal range of permitted uses is specifically limited in the development plan referenced in the ordinance passed by Council, in which event only the more limited use or range of permitted uses shall apply.

(f) Minimum Requirements. Any use of a lot subject to a Limited Overlay shall meet or exceed each minimum development requirements of the underlying zoning classification unless more restrictive requirements are specifically identified in the Limited Overlay development plan, in which case the more restrictive requirements shall apply. The Limited Overlay requirements shall comply with the following criteria by being:

- (1) Reasonably related to the accomplishment of specified goals in the Comprehensive Plan;
- (2) Fair, protecting the legal rights of those affected;
- (3) Understandable for those in the marketplace; and
- (4) Simple for effective interpretation and enforcement by the administration.

(g) Conditions and Limitations. Any use on a lot subject to a Limited Overlay shall conform to each condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council.

(h) Amendment. All procedures required for amending or determining a zoning designation will be applied to amending any Limited Overlay permitted use standard, condition, or limitation.

(i) Map Designation. Upon approval of a Limited Overlay on a particular lot by the City Council, the zoning map shall be amended to indicate that the lot is subject to a Limited Overlay and its development plan by the addition of "L" immediately preceding the symbolic designation of the underlying zoning district.

(j) Effect of the Approved Development Plan. A development plan approved hereunder shall be binding upon the applicant and the applicant's heirs, successors, and assigns, and shall limit and control the issuance or validity of any certificate of zoning compliance subject, however, to any valid and reasonable use of legislative authority in zoning regulations thereafter. The site plan for such certificate shall clearly indicate each condition and limitation of the approved development plan. The approved development plan shall be recorded as a deed restriction. (Ord. 14-29. Passed 10-27-14.)

CHAPTER 1141
Zoning Administration and Enforcement

1141.01	Zoning Inspector or duly appointed authority.	1141.04	Application fees.
1141.02	Injunction.	1141.05	Performance guarantees.
1141.03	Zoning certificates.	1141.06	Penalty and enforcement.

CROSS REFERENCES
Violation of zoning ordinances - see Ohio R.C. 713.13

1141.01 ZONING INSPECTOR OR DULY APPOINTED AUTHORITY.

(a) Zoning Inspector. It shall be the duty of the zoning inspector or designee to enforce this Chapter 1141. It shall also be the duty of all officials and employees of the City to assist the zoning inspector by reporting new construction, reconstruction, land uses or seeming violations.

(b) Appeal from the decision of the zoning inspector may be made to the Board of Zoning Appeals as provided in Chapter 1106. (Ord. 14-29. Passed 10-27-14.)

1141.02 INJUNCTION.

In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of this code or any amendment or supplement thereto, the zoning inspector, the City Law Director, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. (Ord. 14-29. Passed 10-27-14.)

1141.03 ZONING CERTIFICATES.

(a) Certificate Required. It shall be unlawful for an owner to use or to permit the use of any structure, building, land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the zoning inspector. It shall be the duty of the zoning inspector to issue a certificate, provided he/she is satisfied that the structure, building or premises, and the proposed use thereof conform to all the requirements of this zoning code. No permit for excavation, construction or reconstruction shall be issued by the zoning inspector unless the plans, specifications and intended use conform to the provisions of this zoning code.

(b) Time Limits.

- (1) For purposes of obtaining a building permit, a zoning certificate shall be valid for 12 months from the date of issuance. If a building permit is not obtained within that period, the zoning certificate shall lapse and a new zoning certificate request and approval shall be required before a building permit may be issued.
- (2) All zoning certificates shall expire two years after their issuance, unless construction has reached 25 percent of completion. The zoning inspector may grant extensions of up to one year if the applicant can show that delays in completion of the project are due to circumstances not under control of the applicant (e.g., weather, delays in receiving materials, etc.). (Ord. 14-29. Passed 10-27-14.)

(c) Existing Use Certified. Upon written request from the owner or tenant, the zoning inspector shall issue a zoning verification letter for any building or premises certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this zoning code. A fee may be charged as provided in Chapter 190.

(Ord. 15-26. Passed 7-13-15.)

(d) Requirement. No building permit or other permit required to allow construction and no certificate of occupancy shall be issued for any of the above, unless a zoning certificate has been issued by the zoning inspector. A zoning certificate shall be required for any of the following, except as otherwise provided:

- (1) Prior to the construction, occupancy or use of any proposed structure or addition to an existing structure, or prerequisite to the continued occupancy of a newly altered, reconstructed, enlarged or relocated structure.
- (2) Prior to any change of use of any building or land, even if the changed use is of the same general type as its predecessor;
- (3) Prior to occupancy and use of vacant land;
- (4) Prior to the reoccupation or reuse of any nonresidential lot or structure, unless the zoning inspector finds that all of the following apply:
 - A. The reoccupation or reuse results in a land use that is authorized by right in the zoning district;
 - B. The reoccupation or reuse is of the same or less intensity of use than the predecessor use;
 - C. The reoccupation or reuse does not require any exterior changes to the approved site, other than signs or aesthetic changes (e.g., exterior painting, etc.); and
 - D. The reoccupation or reuse does not require a greater number of off-street parking spaces, according to Chapter 1127, than are provided on the site.

(e) Exemptions. A zoning certificate shall not be required for the following:

- (1) An accessory structure on a lot zoned or used for residential purposes that is less than 144 square feet in ground floor area and no higher than 10 feet;
- (2) A swing set or similar child's play structure;
- (3) Cosmetic (non-structural) changes to any structure, including the replacement of windows in existing openings, re-roofing, installation of siding material and repainting;

- (4) Resurfacing of existing parking lots without increasing the number of spaces;
- (5) Residential TV towers, satellite dishes and similar structures; and
- (6) Modifications to comply with accessibility requirements, unless proposed to encroach in a public right-of-way.

(f) Application. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. At the request of the owner or operator, the zoning inspector shall issue a zoning certificate for any building, structure or premises existing on the effective date of this zoning code that certifies the extent and kind of use made of the building, structure or premises and whether the use conforms to the provisions of this code.

- (1) Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
- (2) Each plan shall show:
 - A. The street providing access to the lot and the exact location of the lot in relation to the nearest cross-street;
 - B. The name of the concerned plat, if any, and the lot numbers of the concerned and abutting properties;
 - C. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon;
 - D. The location and size of the proposed structure, and the proposed enlargement of the existing structure; and
 - E. Any other information which in the judgment of the zoning inspector may be necessary to provide for the enforcement of this zoning code;
 - F. All exterior lot lines, with dimensions based upon an actual survey;
 - G. Dimensions of existing and proposed buildings and structures;
 - H. Setback of all existing and proposed structures from property lines;
 - I. Required setback distances, according to the zoning district;
 - J. Height of existing and proposed buildings and structures;
 - K. Location of off-street parking, including dimensions of parking spaces and access aisles, and distance of parking areas from property lines.
- (3) Each application shall include certification statements:
 - A. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure; and
 - B. That if any abutting land was formerly owned by the applicant and sold, the approximate date of title transfer is listed.

- (4) Where complete and accurate information is not readily available from existing records, the zoning inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- (5) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- (6) A file of such applications and plans shall be kept in the office of the zoning inspector.

(g) Approval. The zoning certificate shall state that the plans for the proposed improvement, addition, relocation, change of use or reoccupancy/reuse have been inspected by the zoning inspector, have been approved according to the procedures outlined in this zoning code and are in compliance with the provisions of this code and other applicable regulations.

(h) Record Keeping. Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the zoning inspector and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected. (Ord. 14-29. Passed 10-27-14.)

1141.04 APPLICATION FEES.

(a) Filing fees and service charges for all types of applications, permits and lot split reviews shall be paid as set forth in Chapter 190.

(b) All fees and service charges listed are to cover investigation, legal notices, acquiring data, preparing necessary maps and plats, and other expenses incidental to the determination of the matter in question.

(c) Once the correct filing fee or service charge has been paid for a specific application, item or purpose, it shall not be refundable nor creditable towards any other filing fee or service charge.

(d) Fees shall be paid to the Finance Director for deposit in the General Fund of the City. (Ord. 15-26. Passed 7-13-15.)

1141.05 PERFORMANCE GUARANTEES.

The City may require an applicant to deposit a performance guarantee to ensure compliance with this code, the completion of improvements and to protect natural resources and the health, safety and welfare of City residents and the future users or inhabitants of the project.

- (a) A "performance guarantee" shall mean a cash deposit, certified check, letter of credit or other legal surety approved by the City in an amount equal to the estimated cost for any improvements to be made, as determined by the applicant and confirmed and verified by a representative of the City.
- (b) The performance guarantee shall be deposited with the Finance Director before any building permits will be issued. The Finance Director shall retain the performance guarantee, in accordance with this section.

- (c) When a performance guarantee is required as a condition of approval, the approving body shall also specify when the related improvement must be completed.
- (d) As the project is constructed, the City may rebate money to the applicant based on a reasonable proportion of the completed work, provided that at least 10 percent shall be retained for each related element until the entire project has been satisfactorily completed. The City may solicit the opinion of a civil engineer or other licensed professional in the State of Ohio to determine the value of the completed work.
- (e) Once a project has been satisfactorily completed, as determined by the zoning inspector, and all the landscaping (if required) has been established, the Finance Director shall return any remaining funds to the applicant. The City may retain up to 10 percent of the performance guarantee to cover any administrative or consultant costs directly associated with reviewing and/or inspecting any improvements.
- (f) In the event an applicant does not make the improvements for which the performance guarantee was required within the established time period, or if improvements are not constructed in accordance with this zoning code and/or any required conditions and attempts to attain compliance are unsuccessful, the City may enter the subject property and complete the improvements using the performance guarantee to cover costs.
- (g) In the event an applicant does not make or complete the improvements and the performance guarantee is insufficient to allow the City to complete them, the applicant shall be required to pay the City an amount necessary to complete the improvements, plus any administrative or legal fees.
(Ord. 14-29. Passed 10-27-14.)

1141.06 PENALTY AND ENFORCEMENT.

(a) **Penalty.** It shall be unlawful to occupy, locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation or provision of this zoning code or any amendment or supplement thereto adopted by Council.

- (1) Any person, firm or corporation who violates any such regulation or provision, where no other penalty is provided, shall be guilty of a minor misdemeanor.
- (2) Each and every day during which such occupying, illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- (3) The penalties associated with a violation of this zoning code are in addition to, not in lieu of, any other penalty applicable under Ohio law or any legal remedy available to the City.

(b) **Enforcement Process.** The zoning inspector, along with such other person or persons necessary, shall enforce the provisions of the zoning code. The following process shall be followed in the enforcement of this code:

- (1) Upon complaint and/or credible information of a possible zoning code violation, based upon personal knowledge or other information, the zoning inspector will investigate the matter and submit a written report (including relevant photos of the violation, map of the property or other attachments) to the Law Director.

- (2) If the zoning inspector believes there is probable cause that a violation has or is occurring, then he or she shall take one or more of the following actions to resolve the violation:
- A. The zoning inspector may speak to the property owner and attempt to resolve the matter through discussion and/or request that the property owner work with the City in regards to the issue. If discussion resolves the matter, the zoning inspector shall inspect the property for compliance as soon as practical. If the zoning inspector does not believe that the discussion is resolving or would resolve the matter, he/she does not have to engage in or continue with mediation.
 - B. In addition to, or in lieu of the mediation procedure, the zoning inspector may also send a certified letter to the property owner(s). Below the return address on the envelope, the words "Address Service Requested" will appear. Alternatively, the letter may be served in any manner as provided for a civil complaint in the State of Ohio. The letter shall cite the section number of the ordinance and the offense and explain what must be done to bring the property into compliance with the ordinance. The property owner will be given a deadline to bring the property into compliance. The property address and parcel identification number shall be referenced in the letter and any photos of the violation as it existed on the date of investigation shall also be included. The letter will be signed by the zoning inspector or other City official who has direct knowledge of the violations.
 - C. The property will be inspected on or as soon as possible after the specified compliance date.
 - D. If the property owner(s) has not complied, the matter will be referred to the City's Law Director.
(Ord. 15-26. Passed 7-13-15.)

(c) Legal Action. The City may bring legal action to address any violation of this zoning code, any enforcement order of the zoning inspector, or any term or condition of a planned unit development, conditional use, site plan approval, variance or other entitlement issued under this code, or to collect unpaid fines.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1187
Development Impact Fees

1187.01	Declarations.	1187.05	Waivers.
1187.02	Payment of impact fees.	1187.06	Requirements for open space
1187.03	Refunds.		preservation and land
1187.04	Appeals.		dedication for recreation
			facilities.

CROSS REFERENCES
Municipal fees - see ADM. Ch. 190

1187.01 DECLARATIONS.

- (a) The City Council of the City of Hilliard has determined that:
 - (1) The City has a legitimate governmental interest in providing additional public facilities to meet projected public facilities demand generated by new development;
 - (2) Additional public facilities are necessary to provide for demand generated by new development;
 - (3) Additional public facilities will provide a benefit to new development by maintaining or increasing the existing level of service standard currently provided to City residents, employees and businesses;
 - (4) The respective public facilities development impact fees are necessary to offset the costs associated with providing future public facilities and services demand pursuant to development and growth projections;
- (b) The purposes and intent of this chapter are as follows:
 - (1) To provide for the public facilities that will be needed to meet the demands created by new growth and new development taking place within the City of Hilliard, and to provide for a fair and equitable method to share the costs of such public facilities.
 - (2) To ensure that new development pays its proportionate and fair share of the cost of system improvements needed to serve the projected new development.
 - (3) To incorporate as one of the public facilities described herein, the Norwich Township Fire Department and the services it provides, in certain enumerated circumstances.

(c) The City recognizes that the services of the Norwich Township Fire Department may be impacted by development of real property intended to be used for residential development when such real property is granted tax increment financing status by the City, or granted such other real property tax status resulting in the exemption or abatement of real property taxes, and therefore authorizes the City to allocate a portion of development impact fees collected on those types of new development, pursuant to the terms and conditions of this Chapter 1187, to the Norwich Township Fire Department, in such amounts and at such times as the City Council determines by resolution. (Ord. 14-29. Passed 10-27-14.)

1187.02 PAYMENT OF IMPACT FEES.

(a) Amount of Impact Fee. The impact fee charged under this chapter shall be two thousand dollars (\$2,000) for each residential unit to be constructed and the impact fee shall be two thousand five hundred dollars (\$2,500) for each residential unit to be constructed in the Big Darby Accord area. For residential development, the impact fee is charged and payable for each residential housing unit multiplied by the number of residential housing units to be developed. (Ord. 15-26. Passed 7-13-15.)

(b) For each \$2,500 impact fee paid for residential units located in the Big Darby Accord area, the City shall deposit \$250.00 of each paid impact fee into a special account titled the "New Norwich Township Fire/EMS Station" (the "Special Account"). Funds on deposit in this Special Account shall be used towards the cost of constructing a new Norwich Township Fire and EMS Station servicing the Big Darby Accord Area ("Station No. 84"), pursuant to one or more agreements entered into by the City and the Norwich Township Trustees under Section 715.02 of the Ohio Revised Code. Impact fees paid into this Special Account shall be used for the purposes stated in this subsection (b) within ten (10) years of deposit into that Special Account. Funds not used within the defined 10-year period for the construction of Station No. 84 shall be refunded to the Developer, plus interest. (Res. 17-R-67. Passed 8-28-17.)

(c) Payment of Impact Fee. Impact fees shall be paid by the applicant prior to the issuance of a building permit.

(d) Failure to Pay Fee. The City may withhold the requested development approval or development permit, including but not limited to a certificate of occupancy, or a building permit if no certificate of occupancy is required, until the development impact fee is paid in full. The City may withhold utility services to the applicable development project until the development impact fee is paid in full. The City may impose a lien for failure of the developer to make timely payment of a development impact fee.

(e) Development Subject to Impact Fees. Only residential development is subject to the imposition of the development impact fee. (Ord. 14-29. Passed 10-27-14.)

(f) Development Not Subject to Impact Fees. The following structures and activities are exempt from the imposition of development impact fees:

- (1) Previously-issued building permits. No impact fee shall be imposed on land development for which a building permit has been issued prior to January 11, 2006, the effective date of this section. In the event that a building permit has been issued prior to the effective date of this section, but construction has not commenced within six months from the date of issuance of the permit, then the impact fee shall be imposed and paid prior to the issuance of an occupancy permit.

- (2) No net increase in dwelling units. No impact fee shall be imposed on any new residential development project which does not add a new dwelling unit. (Ord. 15-26. Passed 7-13-15.)
- (3) Other uses. No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for capital improvements. (Ord. 14-29. Passed 10-27-14.)

1187.03 REFUNDS.

(a) Expiration or Revocation of Building Permit. An applicant who has paid an impact fee for a land development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction shall be eligible to apply for a refund of impact fees paid on a form provided by the City for such purposes.

(b) Abandonment of Development After Initiation of Construction. An applicant who has paid an impact fee for a new land development for which a building permit has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished. (Ord. 14-29. Passed 10-27-14.)

(c) Administrative Fee. A fee of fifty dollars shall be deducted from the amount of any refund granted and shall be retained by the City in the appropriate impact fee account to defray the administrative expenses associated with the processing of a refund application. (Ord. 15-26. Passed 7-13-15.)

(d) Time Period For Filing Applications For Refund. Applications for refunds under divisions (a) or (b) of this Section shall be filed within sixty (60) days following expiration or revocation of the building permit or demolition of the structure. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the City in calculating the amount of the refunds. (Ord. 14-29. Passed 10-27-14.)

1187.04 APPEALS.

(a) Appeals. An appeal from any decision of a City official pursuant to this Chapter shall be taken to the City Board of Zoning Appeals by filing a written appeal pursuant to the appropriate City form with the City Clerk within thirty (30) days following the decision which is being appealed. The burden of proof shall be on the appellant to demonstrate that the decision of the City is erroneous. All appeals shall detail the specific grounds therefor and all other relevant information and shall be filed on a form provided by the City for such purposes.

(b) Letter of Credit. If the notice of appeal is accompanied by an irrevocable letter of credit in a form satisfactory to the Law Department and the Finance Director in an amount equal to the impact fee calculated to be due, a building permit may be issued for the new land development. The filing of an appeal shall not stay the imposition or the collection of the impact fee as calculated by the City, unless a bond or other sufficient surety has been provided. (Ord. 14-29. Passed 10-27-14.)

1187.05 WAIVERS.

(a) Filing of Application. An application for a waiver of the provisions of this Chapter or waivers from specific impact fees shall be filed with City Council on forms provided by the City.

(b) Effect of Grant of Waiver. If the City Council grants a waiver in whole or in part of impact fees otherwise due, the amount of the impact fees exempted or waived shall be provided by the City from non-impact fee funds, as may be provided in the particular impact fee ordinances establishing such fees for particular capital improvements, and such funds shall be deposited to the appropriate impact fee account within a reasonable period of time consistent with the applicable City capital improvements program. (Ord. 14-29. Passed 10-27-14.)

1187.06 REQUIREMENTS FOR OPEN SPACE PRESERVATION AND LAND DEDICATION FOR RECREATION FACILITIES.

(a) Open Green Space Requirement for Single-family and Multi-Family Residential Sites. This Section applies to all residential developments in the City unless provided otherwise in this code.

- (1) Upon the submission of a preliminary plat, concept plan or final development plan for a proposed residential subdivision/development, the applicant shall reserve on said preliminary plat and/or plan, areas reserved as open green space for use and enjoyment by residents of the development or new dwelling units. The applicant shall reserve a minimum of ten percent (10%) of the gross land to be developed to meet the City's open space requirement, which shall be located and designed in a manner ensuring accessibility to all residents within the residential development. Developments within a Planned Unit Development shall be governed by Section 1117.04(c) for open space requirements.
- (2) Said reservation shall be exclusive of existing streets, parking areas, land to be dedicated as right-of-way on the site, private and public roads, highways, sidewalks and private yards within subdivided lots. While the City encourages the construction of bike paths in new residential developments, the land used for such purpose cannot be counted toward meeting the open green space reservation requirement.
- (3) The reserved land can include areas that are incorporated into the developer's overall plan for aesthetic purposes, woodlands, natural and preserved lakes or ponds, tree stands or areas reserved as green space in the plat or plan submitted, unless excluded in subsection (a)(2) above.
- (4) Land reserved for open green space hereunder shall not be dedicated nor conveyed to the City of Hilliard and shall not be deemed public parks. The owner/developer of said land(s), or a lawfully formed homeowner's association, shall at all times own said property and shall be responsible for maintaining the open green space in compliance with all city codes. Legal instruments setting forth the ownership and perpetual maintenance of the required reserved open space by the developer, homeowner's association or similar entity shall be submitted to the Law Director for review and approval. (Ord. 15-26. Passed 7-13-15.)

(b) Land Dedication for Recreational Facilities. The provisions of this subsection (b) apply to all residential development, including those for which new dwelling units are developed. The requirements set forth herein are exclusive of and in addition to the open green space requirements defined in subsection (a) above. This Section applies to all residential developments in the City unless provided otherwise in this code.

- (1) The City's goal is to provide ten (10) acres of developed and usable parkland or recreational areas for every one thousand (1,000) residents and to create an appropriate mix of recreational facilities in order to meet the needs of the City's citizens. The formulas below were developed to assist the City in meeting this goal and planning appropriately for the parks and recreational needs of new residential developments.
- (2) The parkland dedication requirement of this section (b)(2) shall be computed as follows for all single-family and for multi-family residential developments, including those in which new dwelling units are developed:
 - A. Determine the number of proposed residential dwelling units as shown on the preliminary plat and/or the development plan submitted by the owner/developer.
 - B. Multiply the number of proposed units times 3.5 for single family housing. For multi-family units, use a figure of one (1) occupant per bedroom in the residential unit. For age restricted units targeted towards residents aged 55 and over, use a figure of 1.5 occupants per residential unit.
 - C. Divide the figure determined in subsection (2)B. above by one thousand (1,000).
 - D. Multiply the figure determined in subsection (2)C. above by ten (10). This figure represents the amount of acreage that must be reserved on the plat/development plan at the time of submission to the City in order to satisfy the Recreational Facilities Land Dedication requirement of this section for single-family and multi-family residential developments.
- (3) Land to be dedicated under this subsection (b) shall not include any street, road, highway, sidewalk, storm water management facilities, or storm water retention or detention areas.
- (4) In determining whether the land proposed by the developer is suitable to meet the parkland and recreation requirements herein, the characteristics stated in (c)(3)A. to G. below shall be considered by the approving entity.

(c) Payment in Lieu of Dedication. Every owner/developer who files with the Planning Commission, or other entity as permitted by the Code, any application for residential development of land, or for the development of new dwelling units, within the City shall dedicate a portion of such land (as set forth above in subsection (b) above) for parkland and recreational purposes. However, the City may authorize the developer to pay a fee-in-lieu of land dedication, as set forth in this subsection (c), for the purpose of providing park and recreation facilities to serve primarily future residents of the proposed subdivision/dwelling(s).

- (1) The City's Planning Department and the Planning and Zoning Commission shall forward a recommendation to City Council regarding whether the owner/developer shall dedicate land (on and/or off-site), pay a fee-in-lieu of dedication, provide for off-site recreational amenities to the City, or provide a combination of any of these options that result in a value to the City of not more than the total amount of the fee-in-lieu of payment that would be required to be made by the Developer to the City.

- (2) Planning and Zoning Commission's recommendation shall be made during review of the initial development plan for the property. Insofar as practicable, the determination of the Planning and Zoning Commission shall be compatible with the City's most recent Recreation and Parks Master Plan, if that Plan is not more than ten (10) years old, or compatible with the City's current five-year Capital Improvement Plan for the Department of Recreation and Parks.
- (3) In making the determination required in (c)(1) above, City staff, the Planning and Zoning Commission and the City Council, shall consider the following criteria:
 - A. Suitability of soils and geology for the proposed use;
 - B. Suitability of topography and drainage for the proposed use, with no more than forty percent (40%) of the dedicated land comprised of environmentally sensitive areas and no more than fifty percent (50%) of the dry ground exceeding three percent (3%) grade or the remaining dry ground exceeding five percent (5%) grade, unless it is determined that such areas would be of unique natural or environmental value for future subdivision residents;
 - C. Adequacy of the configuration of each proposed area, with preference given to one contiguous parcel sufficiently geometric to be usable for active and/or passive recreational pursuits, or, if the proposed dedication is located so that it could create a contiguous recreation area when combined with a neighboring parcel at the time of conveyance or in the near future;
 - D. Adequacy of the location of the dedicated land within the subdivision relative to its centrality, proximity to all residents, and pedestrian accessibility;
 - E. Extent of natural vegetation and tree cover, with priority given to the preservation of wooded areas and other natural features of scenic beauty which will add attractiveness and value to the dedicated land;
 - F. The degree and quality of vehicular and non-vehicular access provided to the public to use the land, and for land maintenance purposes.
 - G. The availability of existing recreation and parkland areas within one mile of the proposed development.
- (4) Should City Council deem that the proposed dedication, or a portion thereof, does not significantly contribute to meeting the Recreational and Parks Planning goals of the City or finds the land unsuitable to use as parkland or for recreational facilities for reasons stated in (c)(3)A. through G. above, the City shall require the developer of the residential development or new dwelling units to pay to the City, prior to issuance of a building permit, an amount equal to the appraised per acre value of Developer's land to be developed, as established by an MAI certified appraiser, who is acceptable to the City and whose services are paid for by the Developer. If the land is being rezoned as part of its application to the Planning and Zoning Commission, the land shall be appraised using a post-rezoning per acre value.

- (5) If the City disagrees with the per acre appraised value provided by the appraiser, the City shall have the right to engage one or more additional MAI appraisers, at its cost, to provide one or more additional appraisals. Should the developer disagree with the value placed on such parcel by the appraiser, the Developer shall have the right to engage additional MAI appraisers at its cost to provide additional appraisals. The City may at its option accept as payment the average per acre value of appraisals obtained by the City and the Developer.
- (6) The per acre amount to be paid by the Developer as a fee-in-lieu of parkland dedication shall be documented in the zoning ordinance or resolution for the Development, or in a Developer's Agreement entered into with the City.
- (7) Any such fee in lieu of payments to the City must be made prior to the issuance of a building permit, in cash or surety bond assuring future performance, and shall be deposited in the City's Park Capital Improvement Account. The City shall plan to expend all or part of the funds, no later than issuance of the occupancy permit for the last residential unit developed, for the acquisition, development and improvement of park and recreational facilities within approximately one (1) mile of the exterior boundary of the subdivision or development that the funds are meant to benefit, or within a further distance if such parkland and/or recreational facility will benefit the development and is planned for use by, and is likely to be used by, the residents thereof, as determined by the Director of Recreation and Parks. (Ord. 14-29. Passed 10-27-14.)

(d) Construction of Recreational Asset/Amenity/Facility. City Council may, should it deem necessary and/or appropriate, permit a developer to purchase or construct a recreational asset, amenity and/or facility as long as the actual cost does not exceed the total value of the land that would be donated or the payment in lieu amount, or combination thereof, that would be paid under this Chapter. Once purchased or constructed to the City's specifications, the developer shall convey to the City, by sufficient deed, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances, and all title to the recreational asset, amenity or facility purchased or constructed, if constructed or installed on land other than the Developer's property being developed. The City shall maintain such recreational asset, amenity or facility once purchased, constructed, installed or conveyed to the City. In addition, Council may determine whether the owner/developer shall dedicate land (on and/or off-site of the development), pay a fee-in-lieu of dedication, provide for on or off-site recreational amenities to the City, or provide a combination of any of these options, that result in amounts paid or costs incurred by the Developer of not more than the total amount of the fee-in-lieu of payment that would be required to be made by the Developer to the City. (Ord. 15-26. Passed 7-13-15.)

(e) Hardship Cases. In the event that the owner/developer can demonstrate by a preponderance of evidence that the application of the provisions discussed in subsections (b), (c), or (d) above would prevent the owner/developer from undertaking and completing the proposed development project, then such owner/developer may request a waiver or modification from City Council of the imposition of some or all of subsections (b), (c), and (d) above. In any approval thereof, Council shall make findings consistent with its determination that such hardship exists and warrants a deviation or waiver from this code requirement. (Ord. 14-29. Passed 10-27-14.)

CHAPTER 1188
Subdivision Regulations, General Provisions

1188.01	Interpretation and purpose.	1188.05	Plat approval required.
1188.02	Scope.	1188.06	Public hearing.
1188.03	Administration and authority.	1188.07	Effective date.
1188.04	Area of Jurisdiction.	1188.08	Amendments.

1188.01 INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public among other purposes, such provisions are intended to provide for a permanently wholesome community environment, adequate public services and safe streets and highways.
 (Ord. 14-29. Passed 10-27-14.)

1188.02 SCOPE.

(a) The provisions of these Subdivision Regulations shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of these Regulations. Nor is it intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or regulations, except those specifically repealed by these Regulations, or with private restriction placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where the provisions of these Regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Regulations shall control.

(b) Commercial and Industrial. Subdividers or developers of shopping centers and other commercial as well as industrial uses shall comply with the same requirements as residential developers. Plans or written and signed statements regarding highway access points and planted areas and buffer strips may be required where applicable.
 (Ord. 14-29. Passed 10-27-14.)

1188.03 ADMINISTRATION AND AUTHORITY.

A major highway plan having been adopted by the City Planning and Zoning Commission according to statutory requirements, Council by virtue of the provisions of Ohio R.C. Chapter 711 is authorized subject to the holding of required public hearings, to adopt rules and regulations covering plats for subdivisions of land, and to approve, conditionally approve or disapprove plats or subdivisions of land falling within their jurisdiction. Administration of the rules and regulations contained herein, insofar as the adoption of proposed plats and related matters are concerned, shall be the responsibility of the Commission. Where reference is made herein for the administration of rules and regulations pertaining to any development or construction of improvements, such as streets, water lines, sanitary and storm sewers, but not limited solely to these improvements, the Director of Public Safety or the respective authority of Franklin County shall be responsible for the administrative duties rather than the Commission. (Ord. 14-29. Passed 10-27-14.)

1188.04 AREA OF JURISDICTION.

The following provisions of these Subdivision Regulations shall apply to all plats, subdivisions and conveyances of land in the City or within three miles of the corporate limits thereof as described in Ohio R.C. 711.09. The City Planning and Zoning Commission shall have the power of final approval of the plats, except that the provisions in Section 1188.03 in the three-mile radius shall be the jurisdiction of the County Engineer. (Ord. 14-29. Passed 10-27-14.)

1188.05 PLAT APPROVAL REQUIRED.

(a) It shall be unlawful for any person to subdivide or lay out into lots any land within the City or three-mile area unless it is by a plat complying with the regulations herein contained, and no plat shall be recorded and no lot or land shall be sold from any such plat until the plat has been approved as herein required. (Ord. 14-29. Passed 10-27-14.)

(b) The design and layout of all subdivisions shall conform with the requirements of the Hilliard Design Manual. The subdivider shall make improvements and shall submit preliminary and final plans, all in accordance with the Hilliard Design Manual.

(c) The division of a tract into five parcels or less, fronting upon an existing street, and where the transfer is to be accomplished by the recording of a deed rather than a plat, requires the approval of the City Planning and Zoning Commission before it can be recorded. Such approval may be accomplished in the manner provided in Section 2.3 of the Hilliard Design Manual. (Ord. 15-26. Passed 7-13-15.)

1188.06 PUBLIC HEARING.

The Planning and Zoning Commission, on its own initiative or upon petition by a citizen or neighboring property owner, may, prior to acting on a preliminary map of a subdivision, hold a hearing thereon at such time and upon such notice as the Commission may designate. (Ord. 14-29. Passed 10-27-14.)

1188.07 EFFECTIVE DATE.

The provisions of these Subdivision Regulations shall be effective following approval by the City Planning and Zoning Commission and adoption by City Council, after public hearing and certification to the Recorder as provided by law. Henceforth, any other regulations previously adopted by Council or the Commission shall be repealed. The provisions of these Regulations shall in no way affect any subdivision which has received preliminary approval from the Commission prior to the effective date of these Regulations, provided that no changes to the preliminary plan, as approved, are introduced by the subdivider.
(Ord. 14-29. Passed 10-27-14.)

1188.08 AMENDMENTS.

Council may, after public hearing, amend, supplement or change the provisions of these Subdivision Regulations. Notice shall be given of the time and place of the public hearing pursuant to Council rules and the City's Charter. The amendment or amendments shall be on file in the office of the Planning and Zoning Commission for public examination during this period.
(Ord. 14-29. Passed 10-27-14.)

CHAPTER 1190
Design Standards

1190.01 Design standards.

CROSS REFERENCES
Improvements - see P. & Z. Ch. 1191

1190.01 DESIGN STANDARDS.

On October 27, 2014, Hilliard City Council adopted the Hilliard Design Manual, which is on file with the City's Engineering Department and is available on the City's website. All requirements, standards, specifications and guidelines contained in the Hilliard Design Manual are made a part of this Section as if the requirements, standards, specifications and guidelines were fully rewritten herein. (Ord. 15-26. Passed 7-13-15.)

CHAPTER 1191 Improvements

1191.01	Performance bond.	1191.04	Construction drawings,
1191.02	Utility improvements.		specifications, and inspections.
1191.03	Maintenance and operation.		

CROSS REFERENCES Design standards - see P. & Z. Ch. 1190

1191.01 PERFORMANCE BOND.

(a) Prior to the granting of final approval the subdivider shall have installed the required improvements, or shall have furnished a performance bond for the amount of the estimated construction cost of the ultimate installation of improvements listed and described herein. The performance bond submitted to the City shall assure the City that the subdivider, the subdivider's heirs, successors and assigns, and its agent or servants, shall comply with all applicable terms, conditions, provisions and requirements of these Subdivision Regulations, and shall faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with these laws and regulations. Before the bond is accepted, it shall be approved by the proper administrative officials. In lieu of a performance bond, the subdivider may request that the City accept a cashier's check/bank check, cash deposit, or irrevocable, unconditional letter of credit as an alternative form of security. A determination by the City shall be made on the size and the scope of the improvements to be installed. The term of the bond, and the City's receipt of the alternative forms of security, shall extend twelve months beyond the completion date of the project. Any cash or cash equivalent that is returned shall not be returned with interest. (Ord. 14-29. Passed 10-27-14.)

(b) The subdivider or developer shall submit a set of construction plans for the improvements of the road, street or alley, prepared by a registered professional engineer. The construction plans shall include all information as outlined in the Hilliard Design Manual.

(c) When deemed desirable, the City Engineer or his representative may require the construction or vacation of part or all of any intersecting roads, streets, or alleys in order to assure that no hardship or added expense is endured by abutting property owners.

(d) All the required improvements shall be made in full compliance with the specifications for each of the various units of work as required by the Hilliard Design Manual. (Ord. 15-26. Passed 7-13-15.)

1191.02 UTILITY IMPROVEMENTS.

- (a) Water Lines. - See Hilliard Design Manual for standards and specifications
- (b) Sanitary Sewers. - See Hilliard Design Manual for standards and specifications
- (c) Drainage. - See Hilliard Design Manual for standards and specifications
(Ord. 15-26. Passed 7-13-15.)
- (d) Street Improvements.
- (e) Driveways.
- (f) Sidewalks.
- (g) Street name signs.
- (h) Street lighting.
- (i) Improvement bond.

The improvements and standards described in this chapter have been adopted by Council, and no final subdivision shall be approved unless the improvements listed in the sections of these regulations have been satisfactorily completed prior to such approval, or the subdivider files with the City a surety bond, cashier's check/bank check, cash deposit or irrevocable, unconditional letter of credit for the estimated amount of construction cost which shall be approved by the City Engineer, guaranteeing to the City that such improvements shall be constructed and completed in a satisfactory manner and within a period specified by the City Engineer, but this period shall not exceed one year beyond completion. The form of bond or letter of credit shall be approved by the Law Director and shall be enforceable by and made payable to the City. Upon satisfactory completion of the improvements and approval of them in writing by the City Engineer and with the presentation of letters of certification of payment in full of all contractors, subcontractors, suppliers of material, engineers and surveyors, and the payment of all inspection fees or other fees incurred by the installation of the improvements by the subdivider, the bonds, checks, cash or letters of credit shall be returned to the developer; provided, however, that any cash or cash equivalent that is returned shall not be returned with interest.
(Ord. 14-29. Passed 10-27-14.)

1191.03 MAINTENANCE AND OPERATION.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the City or other public agency does not desire to maintain them, provisions shall be made by trust or other form of legal agreements, which are a part of the deed restrictions and which are acceptable to Council for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.
(Ord. 14-29. Passed 10-27-14.)

1191.04 CONSTRUCTION DRAWINGS, SPECIFICATIONS, AND INSPECTIONS.

(a) Construction Drawings. Upon approval and acceptance of the improvements, the original construction drawings shall become the property of the City and shall be on file in the office of the City Engineer.

(b) Specifications, Supervision and Inspection. The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. It shall be completed within the time fixed or agreed upon by the City Engineer.

(c) Inspection Costs. The cost of City inspection of public improvements, site grading and site erosion control shall be paid by the applicant prior to City approval of any construction activity. The amount of the inspection fee is listed in Chapter 190. The applicant shall submit for review and approval an estimate of said improvements to the City Engineer, who shall approve said cost estimate prior to approval on construction documents. Said fees shall be non-reimbursable to the applicant.

(d) Plan Review for Public Improvements. The cost of City review of construction documents and calculations for public improvements, site grading and site erosion control shall be paid by the applicant prior to City approval of any construction documents. The amount of the plan review fee is listed in Chapter 190. The applicant shall submit for review and approval an estimate of said improvements to the City Engineer, who shall approve said cost estimate prior to approval on construction documents. Said fees shall be non-reimbursable to the applicant.

(e) Plan Review of Private Improvements. The cost of City review of construction documents and calculations for private civil site improvements, site grading and site erosion control plans, parking lots, onsite lighting, detention and retention ponds, driveways and sidewalks shall be paid by the applicant prior to City review and/or approval of such documents. The amount of the plan review fee is listed in Chapter 190.

(f) Payment of Plan Review Fees for Public and Private Improvements. One-half of the estimated plan review fees shall be paid prior to review of any plans by the City based on a preliminary approved Engineer's estimate. All plan review fees shall be paid prior to approval of construction plans and documents by the City Engineer. The final review fees shall be based on the final Engineer's cost approved by the City Engineer.
(Ord. 14-29. Passed 10-27-14.)

