



City of Ontario, Ohio

Zoning Code

Part Eleven, Planning and Zoning
Title Five, Zoning Ordinance

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CITY OF ONTARIO, OHIO
PART ELEVEN, PLANNING AND ZONING
TITLE FIVE, ZONING CODE

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CHAPTER 1131. GENERAL PROVISIONS AND INTERPRETATIONS

1131.01 TITLE

Title Five, Zoning Administration of Part Eleven, Planning and Zoning Code of the City of Ontario, Ohio Codified Ordinances shall be known and cited as the City of Ontario, Ohio Zoning Code (hereinafter referred to as “this Code”)

1131.02 STATEMENT OF LEGISLATIVE PURPOSE.

These Zoning Regulations are created for the purposes of promoting the public health, safety, and welfare of the residents of the City of Ontario, Ohio to include:

- (a) Promoting the orderly development of residential, commercial, industrial, recreational, and public and institutional uses.
- (b) Managing future development and growth based on the availability of infrastructure, public and city services.
- (c) Providing for adequate light, air, and convenience of access to private property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.
- (d) Providing for the compatibility of adjacent land uses; and,
- (e) Providing for the administration of this code.

1131.03 AUTHORITY

This Zoning Code is adopted under the powers granted by laws of the state of Ohio, including the statutory authority granted in Chapters 711 and 713 of the Ohio Revised Code (hereinafter referred to as “ORC”).

1131.04 COMPLIANCE REQUIRED

The regulations set forth by this chapter shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- (a) No building, structure, or land shall be used, occupied, erected, constructed, reconstructed, moved, or structurally altered except in compliance with the regulations applicable to its zoning district, unless otherwise provided in Sections 1145.09 and 1145.10 for nonconforming uses, lots, and structures.
- (b) Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this Code.

1131.05 RELATIONSHIP TO THE COMPREHENSIVE PLAN

This Code implements the Ontario Comprehensive Community Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan.

- (a) The administration, enforcement, and amendment of this code should be consistent with the adopted Ontario Comprehensive Community Plan, as herein referred to as the “comprehensive plan.”
- (b) Amendments to this code should maintain and enhance the consistency between this code and the comprehensive plan.

1131.06 INTERPRETATION AND CONFLICT

- (a) Provisions of this Code are declared to be the minimum requirements.
- (b) Highest Standard or Requirement Applies. Where the requirement of this Code varies from another provision of this Code or with other applicable regulations, the most restrictive requirement imposing the highest standard or regulation shall govern.
- (c) In case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.
- (d) Requirements versus Guidelines. The use of the word “shall,” “must,” “required,” or similar directive terms, mean provisions of this code are mandatory. The use of the word “should,” “encouraged,” “may,” or similar terms, mean the provisions are recommended.
- (e) Words used in the present tense shall include the future; and used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (f) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- (g) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and” or “or” the conjunction shall be interpreted as follows:
 - 1) “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (i) Terms not herein defined shall have the meaning customarily assigned to them.

- (j) Resolution of Conflict. Where a code interpretation may have significant citywide policy implications, the Zoning Inspector may refer the matter directly to the Planning and Zoning Board for review and interpretation. A copy of the final interpretation shall become the official policy, and this code may be amended to clarify the interpretation.

1131.07 ZONING OF ANNEXED AREAS.

Land annexed to the City of Ontario shall remain subject to the township zoning resolution in effect prior to the annexation until and unless City Council designates the zoning district into which such land is to be placed. Modifications that are subject to a zoning permit or other development approvals may be required to comply with other parts of this code.

1131.08 AMENDMENT TO ZONING PROVISIONS

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Council may, by ordinance, after receipt of a recommendation from the Planning Commission, and subject to the procedures provided by law, amend, supplement, or change the regulations, district boundaries or classification of property, now or hereafter established by this chapter or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

1131.09 TRANSITIONAL RULES

- (a) Continuation of Permits and Approvals. Any approval or permit issued for a building, development or use of property prior to the effective date of this Zoning Code, shall continue to be valid according to the terms under which such approval or permit was granted.
 - 1) If such building, development, or use of property has not been completed, it may be completed in conformance with the issued permit and other applicable permits and conditions.
 - 2) If such building, development, or use of property has not been started or completed at the time that the issued permit expires it shall become invalid.
- (b) Pending Applications. Any type of land development application which has been officially filed and accepted as complete with the Zoning Inspector prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the zoning rules and regulations in effect at the time the application was submitted.
 - 1) The application approval process for such applications must be completed within 1 year of the filing date.
 - 2) If the application approval process is not completed within 1 year, the specified time may be extended by the Planning Commission for just cause or due to delays in approvals due to external agencies; the municipality or unforeseen disasters.

1131.10 REPEAL OF PREVIOUS ZONING CODE

After the effective date of this Ordinance, all provisions of the Zoning Ordinance of the City of Ontario, Ohio, as adopted on December 1, 2001, and as amended from time to time, are expressly repealed in their entirety. This repeal only applies to the provisions of the Title Five, Zoning Ordinance.

1131.11 SEVERABILITY

If any section or specific provision of this ordinance, or any regulating district boundary established herein, is found by a court of competent jurisdiction to be unconstitutional, invalid, or otherwise unenforceable for any reason, such decision shall not affect the validity or enforceability of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional, invalid, or otherwise unenforceable. All other sections and provisions within this Code shall not be affected.

1131.12 EFFECTIVE DATE

The effective date shall be the date of the ordinance adopting the City of Ontario, Ohio Zoning Code Ordinance, and including any amendments to this Code thereof.

CHAPTER 1133. DEFINITIONS

1133.01 PURPOSE AND INTENT

- (a) Purpose. The purpose of this Chapter is to promote consistency, clarity, and precision in the interpretation and application of this Zoning Code. Since the specialized terms used in land-use regulation often differ from everyday dictionary meanings, these definitions are established to ensure that the intent of the city's development standards is clearly understood and legally enforceable.
- (b) Applicability. The definitions contained within this Chapter shall apply to all regulations, standards, restrictions, and procedures established throughout this Zoning Code. These terms shall take precedence over general or colloquial definitions whenever a conflict in interpretation arises during the administration or enforcement of this code. Terms not herein defined shall have the meaning customarily assigned to them.

1133.02 DEFINITIONS

- (a) The following definitions shall apply to this code unless otherwise stated in this Code.
 - 1) Accessory Building or Structure. It is a structure located on a lot under common ownership with the principal building, and which is secondary in importance to the main building. Accessory buildings shall include, but not be limited to, detached garages, storage buildings, gazebos, and barns.
 - 2) Accessory Use. Is a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as the principal use to which it is related.
 - 3) Adult Use Business. A business, establishment, facility, or use that is classified or regulated as a sexually oriented business under Chapter 741 of the Codified Ordinances, as amended. Adult Use Business does not include a business solely by reason of its showing, selling, or renting materials that may depict sex, unless the business is otherwise classified or regulated as an Adult Use Business under this Zoning Code, Chapter 741, or applicable state law.
 - 4) Advanced Manufacturing. The fabrication, assembly, or processing of high-technology goods, precision instruments, medical devices, or electronic components using highly automated, computerized, or robotic processes. This classification is characterized by a high proportion of technical, engineering, or research staff and cleanroom environments. All operations, including the storage of all materials and equipment, must be fully enclosed within a principal building, creating zero external environmental impacts beyond the property line.
 - 5) Agricultural Activities. The use of land, buildings, or structures for traditional farming practices, including growing crops (grains, vegetables, fruits, and trees) and raising livestock (cattle, horses, sheep, goats, swine, and poultry). This

definition includes the storage of farm machinery, barns, grain bins, and the basic processing or packing of goods grown directly on the property. It excludes commercial slaughterhouses and industrial-scale feedlots (CAFOs).

- 6) Alley. Is any dedicated public way affording a secondary means of access to an abutting property and not intended for general traffic circulation.
- 7) Ambient Sound Level. The existing background sound level at a specific location, measured in A-weighted decibels, or dB(A), and represented by the L90 sound level, which is the sound level exceeded 90 percent of the time during the measurement period.
- 8) Animal Care Facility. A facility, other than a veterinary clinic, used for the care, custody, boarding, sheltering, grooming, training, daycare, adoption, or temporary housing of domestic animals or household pets. An animal care facility may include animal boarding facilities, commercial kennels, pet daycare facilities, grooming establishments, training facilities, animal shelters, rescue facilities, adoption centers, and similar animal service uses.
- 9) Applicant. Is a person or landowner that has submitted an application for review under applicable provisions of this Code.
- 10) Assembly and Banquet Hall. A facility primarily used for organized meetings, banquets, receptions, conferences, ceremonies, fraternal or club gatherings, civic events, or similar indoor assembly functions, including accessory food and beverage service when incidental to the principal use.
- 11) Basement. The portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to the ceiling. A basement shall not be considered as a story.
- 12) Bond, Performance or Surety. An instrument approved by the City, by and between the developer and the City, for one hundred percent (100%) of the estimated construction cost guaranteeing the completion of the required improvements within a prescribed period of time.
- 13) Boutique Inn or Guest House. A small-scale, locally managed hospitality facility that provides short-term overnight accommodation to the traveling public for compensation and may or may not serve food. The facility shall contain a maximum of six (6) guest rooms.
- 14) Buffer. Is the area on the lot, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and or fences, and designed to limit views and sounds between adjoining land uses of different types and/or intensities of development.

- 15) **Build-to Zone.** The area between the street lot line and the required build-to line, parallel to the primary street frontage, within which the primary building façade shall be located to satisfy the frontage standards of this Zoning Code.
- 16) **Building and Lumber Supplies.** An establishment primarily engaged in the storage, wholesaling, distribution, and sale of lumber, timber, and basic bulk construction materials (including but not limited to brick, stone, concrete, drywall, roofing, insulation, and fencing). Such uses may include an enclosed warehouse, an open-air or covered outdoor storage yard, and a secondary indoor retail showroom for the sale of hardware, tools, electrical, plumbing, and paint supplies. This use excludes heavy manufacturing, the raw milling or processing of logs, and the salvage or recycling of used building scraps.
- 17) **Building.** Is any structure permanently affixed to the ground, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, process, equipment, or goods.
 - A. A “building” shall not include such structures as billboards, fences, radio communication towers, or structures with interior surfaces not normally accessible for human use, such as oil or gas tanks, grain elevators, overhead cranes, or similar structures.
- 18) **Building Alterations.** Is any change, addition, or modification in construction or type of occupancy; or the structural members of a building, such as walls or partitions, columns, beams or girders; or any relocation of a building from one location or position to another, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
- 19) **Building Height.** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
- 20) **Building Contractor.** A contractor or trade business that performs construction, repair, installation, maintenance, demolition, excavation, or similar building or site-related work primarily off-site, including related office functions and limited indoor storage of tools, supplies, equipment, materials, or service vehicles.
- 21) **Building, Principal.** A structure on which the main or primary use of the lot is conducted, as contrasted to an accessory building in which uses are subordinate to the primary use of the zoning lot.
- 22) **Canopy.** A roofed structure attached to or projecting from a building and supported in whole or in part by the building. A canopy may provide shelter over entrances, walkways, loading areas, drive-through lanes, or similar areas.

- 23) Car Rental Business. A business that rents passenger vehicles, vans, or light trucks to customers for short-term use, including related vehicle pick-up, return, and temporary on-site parking of rental vehicles.
- 24) City. The municipal corporation of the City of Ontario, Richland County, Ohio.
- 25) Commercial Cleaning Plant. A heavy commercial or industrial facility where garments, linens, uniforms, or textiles are dry cleaned, laundered, or dyed in high volumes. This use handles wholesale or commercial-tier operations, utilizes industrial-scale machinery, generates frequent delivery truck traffic, and is restricted exclusively to light or heavy industrial zoning districts.
- 26) Commercial Recreation. A privately-owned, for-profit establishment or area designed and equipped for sports, fitness, leisure, and athletic training.
 - A. Indoor uses take place entirely within an enclosed building and include, but are not limited to, gymnastics centers, martial arts studios, indoor tennis/pickleball courts, and athletic training facilities.
 - B. Outdoor uses take place primarily in an open or partially enclosed area and include, but are not limited to, golf driving ranges, outdoor tennis centers, and sports playing fields.
- 27) Common Open Space. Is an open space area within or related to a site designated as a development and designed and intended for the shared use or enjoyment of residents and owners of a development.
- 28) Cross-Access Easement. A recorded easement providing shared vehicular and/or pedestrian access between two (2) or more adjacent lots or parcels for the purpose of common ingress, egress, circulation, and access management.
- 29) Conditional Use. A use that may be permitted within a zoning district only upon review and approval by the Planning Commission and subject to any applicable conditions, standards, and safeguards established by this Zoning Code.
- 30) Cultural Facility. A public or non-profit building open to the public for the purpose of art, history, education, or science. This use includes museums, art galleries, libraries, and botanical gardens. It allows for small, accessory gift shops or cafes that directly serve the visitors of the facility.
- 31) Data Center. A facility primarily used for the hosting, housing, management, and operation of a centralized network of computer servers, data storage systems, and associated telecommunications equipment. This use includes ancillary infrastructure such as cooling towers, electrical substations, backup generators, and specialized fire suppression systems,
- 32) Day Care Center. A nonresidential facility, or a portion thereof, licensed or required to be licensed by the State of Ohio to provide child day care to children, including

head start programs required to be licensed as childcare centers under ORC 5104.02. A child day care center shall be regulated as a principal use subject to the zoning district regulations and any applicable supplementary standards of this Code.

- 33) Demolition. means the tearing down and/or removal of any part or whole of a structure permanently affixed to the ground (excluding fences) on any site, including moving off- site intact of any part or whole of a structure.
- 34) Density. Is the total number of dwelling units per gross acre of land developed or used for residential purposes.
- 35) Developer. The legal or beneficial owner or owners of a lot or of land proposed to be included in a development including the holder of an option or contract to purchase, or any other person having an enforceable propriety in such land.
- 36) Development. Is the division of land into two (2) or more parcels; or the erection, construction, reconstruction, material structural alteration, relocation or enlargement of any building or structure; any excavation or cut and fill; or any use or change in use of any structure or land, or extension or increase in the use of land.
- 37) Drive-Through Facility. A facility or portion of a use designed to allow customers to order, purchase, receive, or drop off goods or services while remaining in a motor vehicle, including drive-through windows, lanes, menu boards, speaker boxes, teller lanes, automated transaction equipment, or similar service points. A drive-through facility shall be accessory to a permitted principal use and shall comply with applicable supplemental regulations for vehicle stacking, circulation, pedestrian safety, screening, lighting, noise, and access management.
- 38) Driveway. Is the paved, stone or gravel part of a lot used by a motor vehicle to travel over the lot to or from a public or private street.
- 39) Duplex. A structure containing two (2) dwelling units.
- 40) Dwelling Unit. Is a building or portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 41) Easement. Is a right to use the land of another for a specific purpose, such as for a right-of-way or utility easement.
- 42) Eating and Drinking Establishments. A retail business or commercial business where food and/or beverages are prepared, cooked, or otherwise made ready, and offered for sale to the general public for consumption within the premises or off-site.

- A. Retail Food and Beverage Production. A retail eating or drinking establishment where food or beverages are prepared, baked, roasted, brewed, fermented, packaged, or otherwise produced on-site primarily for direct sale, service, tasting, sampling, or consumption by customers. A minimum of twenty-five percent (25%) of the gross floor area shall be devoted to customer-facing retail.
- 43) Educational Facility, Private. A building, structure, or site operated by a private individual, corporation, board of trustees, or religious institution, funded primarily by tuition, endowments, or private donations, which may charge admission. This use includes parochial, private, boarding, independent, and non-profit elementary, middle, high schools and post-secondary schools providing academic instruction equivalent to public school standards. This definition excludes commercial driving schools, trade schools, or athletic training schools.
- 44) Educational Facility, Public. A building, structure, or site operated by a local school district, state agency, or public charter authority, funded primarily by public tax revenues, providing tuition-free instruction in compliance with state-mandated curriculum standards. This use includes public elementary, middle, and high schools, as well as vocational or technical high schools.
- 45) Efficiency, Dwelling Unit. A dwelling unit with no separate bedroom, consisting of a single principal room used for combined living and sleeping purposes, together with a kitchen or kitchenette and bathroom facilities.
- 46) Egress. A point or means of exiting from a lot, parcel, building, parking area, driveway, or development.
- 47) Electric Vehicle Charging Station (EVCS). An electric vehicle charging station is a public or private parking space(s), served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
- 48) Entertainment Facility. An indoor retail establishment designed for performing arts, shows or indoor amusement such as movie theaters, bowling alleys, and arcades.
- 49) Evergreen. A plant with foliage and needles; remains green and functional throughout the year.
- 50) Excavation. Is any excavation or disturbance of ground, except agriculture, farming or home gardening and landscape maintenance.
- 51) Existing Tree Stand. A contiguous grouping of living trees and associated natural vegetation existing on a lot or development site prior to development approval, excluding isolated trees, nursery stock, dead or hazardous trees, and invasive species as determined by the City.

- 52) Facade (Façade). Any exterior wall or face of a building exposed to public view from a street, parking area, open space, or adjacent property.
- 53) Family. One or more persons, living together as a single household unit in a dwelling unit.
- 54) Family/In Home Child Care. Childcare provided in a residence and that is licensed, required to be licensed, or otherwise regulated as a Type A or Type B family childcare home under Ohio Revised Code Chapter 5104. A family childcare home shall be considered a residential accessory or home-based use when operated in compliance with applicable state licensing requirements.
- 55) Flex Office/Warehouse. A building unit designed to combine professional office space with the limited warehousing of inventory, tools, or business equipment. This use is intended to allow local contractors, trade professionals, and startups to operate administrative desks and secure indoor storage within the same unit. Office space must occupy between fifteen (15%) and fifty (50%) of the unit's total floor area.
- 56) Fence. A structure, barrier, or partition erected for the purpose of screening, security, privacy, containment, protection, or delineation of property boundaries and which is not considered a building.
- 57) Fitness Studio. An indoor facility used for exercise, physical fitness training, athletic instruction, or similar health and wellness activities.
- 58) Floor Area, Gross. Is the area within the inside perimeter of the exterior walls of a building with no deduction for corridors, steps, open or enclosed porches, stairwells, closets, thickness of walls, columns, or other features, exclusive of areas open to the sky.
- 59) Frontage. The portion of a lot that abuts a public or private street. Where a lot abuts more than one (1) street, frontage shall be measured along each street lot line.
- 60) Garage, Private. An accessory building or portion of a main building designed and used exclusively for the storage of automobiles, boats, vehicles owned and used by the occupants of the building or the incidental storage of personal property.
- 61) Garden Center. A commercial establishment engaged in the retail sale of horticultural products, plants, seeds, and related lawn and garden care supplies directly to consumers. This use includes the sale of packaged fertilizers, soils, mulches, pottery, hand tools, and motorized equipment. It allows for the outdoor display and storage of plants and contained landscaping goods, provided such areas are screened and accessory to the primary indoor retail building. This

definition excludes bulk commercial quarries, soil-processing facilities, and heavy industrial machinery sales.

- 62) **Grade.** Is the ground level established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by computing the average elevation of the ground between each face of the building and the lot line and taking the average of said total averages.
- 63) **Greenhouses and Nurseries.** A permanent or temporary enclosed structure or plot of land used for the propagation, growing, cultivation, and storage of plants, shrubs, trees, seeds, and other horticultural products.
- 64) **Group Home.** A state-licensed residential group living facility, including an Adult Care Facility licensed or regulated under Ohio Revised Code Chapter 5119 and a residential facility for persons with developmental disabilities licensed under Ohio Revised Code § 5123.19, where residents live together in a residential setting and receive supervision, personal care, habilitation, or related supportive services.
- 65) **Heavy Equipment Sales and Service.** A business engaged in the sale, rental, leasing, maintenance, or repair of heavy equipment, machinery, construction equipment, agricultural equipment, trucks, trailers, or similar commercial or industrial vehicles and equipment. This use does not include salvage, junk, wrecking, dismantling, or storage of inoperable vehicles or equipment.
- 66) **Heavy Manufacturing.** The primary processing or manufacturing of materials or products from raw materials, or any industrial process that inherently generates significant external impacts including, but not limited to, smoke, dust, intense odors, continuous high-volume noise, or ground vibration. This classification includes operations that require extensive outdoor storage of raw materials or heavy equipment, major truck loading facilities, rail spurs, or high-risk chemical storage. Examples include steel fabrication, chemical manufacturing, concrete batch plants, and sawmills.
- 67) **Home Occupation.** An accessory use of a dwelling unit for gainful employment which is incidental and subordinate to the use of the dwelling unit as a residence in accordance with Section 1145.06.
- 68) **Hotel or Motel.** A commercial building, or group of buildings, providing short-term overnight lodging for guests on a temporary basis (usually less than 30 consecutive days). Rooms are rented by the day or week and are accessed either through interior hallways (hotel) or directly from an outdoor parking lot (motel). This use excludes permanent apartments.

- 69) Industrial Park. A planned, unified development designed for multiple compatible employment-generating uses, such as light industrial, office, research, flex, or similar uses, with coordinated access, circulation, utilities, landscaping, signage, buffering, and other shared site improvements.
- 70) Ingress. A point or means of entering into a lot, parcel, building, parking area, driveway, or development.
- 71) Junk, Salvage, Scrap, and Wrecking Uses. Any use involving the storage, dismantling, processing, or sale of junk, scrap, salvage materials, inoperable vehicles, vehicle parts, tires, appliances, equipment, refuse, or debris, including junk yards, salvage yards, scrap yards, automobile wrecking.
- 72) Landscape Area Is that portion of a site devoted to living plant material and non-living landscape material, such as rocks, pebbles, sand, or mulch used in conjunction with living plant materials.
- 73) Light Manufacturing. The assembly, fabrication, packaging, or treatment of pre-processed materials, semi-finished products, or components. This use includes, but is not limited to, commercial bakeries, apparel manufacturing, and wood cabinet assembly. All manufacturing operations and material storage must be conducted completely within an enclosed building. Any noise, odor, dust, or vibration generated by the use must be fully mitigated so that it is undetectable at the property line.
- 74) Loading Space. An off-street space on the same lot with a building, or group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 75) Lot. A parcel of land occupied or intended to be occupied, by a main building or a group of buildings and accessory buildings or for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance.
- A. Lot, Corner. A lot at the point of intersection of and abutting on two (2) or more intersecting streets.
- B. Lot, Double Frontage. A lot other than a corner lot, which abuts two (2) or more streets.
- 76) Lot Coverage. That part or percentage of the lot covered by buildings including accessory buildings and structures.
- 77) Lot Line. A line of record bounding a lot which divides one lot from another lot or from a public street, alley, or private right-of-way. Lot lines establish the legal limits of property ownership and serve as the baseline from which all building setbacks, buffer yards, and structural separations are measured.

- 78) Lot of Record. A lot, parcel, or tract of land that has been legally established and recorded by plat, deed, or other legal instrument in the office of the Richland County Recorder or other recording agency having jurisdiction.
- 79) Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the minimum required front setback line. For irregularly shaped, pie-shaped, or cul-de-sac lots, lot width shall be determined by the average horizontal distance between side lot lines measured parallel to the street right-of-way line.
- 80) Manufactured Home. Under Ohio Revised Code (ORC) Section 3781.06, a manufactured home is defined as a building unit or assembly of closed construction fabricated off-site, built to federal HUD standards (24 CFR Part 3280), and bearing a permanent certification tag.
- 81) Master Plan. A graphic and written document presenting the proposed location and space standards for residential, business, and industrial land uses, streets, parks, schools, and open space areas, including any unit or part of such plan, and any amendments to such plan or parts thereof.
- 82) Medical Office or Clinic. A facility used by licensed health care professionals or medical service providers to provide outpatient diagnosis, consultation, examination, treatment, therapy, testing, collection, similar health care services. This use includes urgent care and specialty outpatient clinics.
- 83) Mini-Warehouse. A building or group of buildings containing individually leased storage units for the passive storage of personal property, household goods, business records, inventory, equipment, or similar nonhazardous materials and including self-storage facilities.
- 84) Mixed Use, Residential. A development that combines residential dwelling units with one or more compatible nonresidential uses, such as retail, office, service, civic, or similar uses, within a single building or unified site.
- 85) Multi-Family Dwelling. A building containing three or more dwelling units.
- 86) Multi-Tenant Commercial Building. A single building designed, constructed, and partitioned to house two or more independent business tenants under a single roof, inclusive of business and industrial buildings.
- 87) Non-Conforming Building or Structure. A building or portion of a building that was lawfully established before the effective date of this code, or any applicable amendment, no longer complies with one or more current dimensional standards of the zoning district in which it is located, including standards for lot area, setbacks, building height, coverage, or similar bulk requirements.

- 88) **Non-Conforming Use.** A use of land, a building, or a structure that was lawfully established before the effective date of this code, or any applicable amendment, and that may continue to operate even though the use is no longer permitted or otherwise does not comply with the current use regulations of the zoning district in which it is located.
- 89) **Open Space.** Is the land area within the boundaries of a development that is intended to provide light, air, views and/or quality or a general appearance of openness, and is designed for scenic, recreation, privacy, or environmental purposes. Open space may include, but shall not be limited to, walkways and trails, active and passive recreation areas; undisturbed natural areas; wooded areas; natural creeks and streams.
- 90) **Outdoor Display.** The outdoor placement of merchandise, products, equipment, vehicles, or similar items that are actively offered for sale, rental, or customer selection as part of an approved principal retail, commercial, or service use. Outdoor Display is explicated related to the display of products for marketing purposes.
- 91) **Outdoor Storage.** The keeping, placement, or storage of goods, materials, equipment, vehicles, trailers, containers, supplies, inventory, or similar items outside of a fully enclosed building for purposes other than immediate retail sale or customer viewing. Outdoor Storage does not include Outdoor Display.
- 92) **Overlay Zoning District.** A zoning district which lies on top of a zoning district and is intended to protect critical features and resources. Where the standards of the overlay district are different from those of the zoning district, the standards of both districts will apply.
- 93) **Parking Lot.** An open, off-street area, other than a public street, right-of-way, or private driveway, used for the temporary parking of operational motor vehicles. This area includes all associated parking spaces, loading zones, internal drive aisles, maneuverability areas, and painted striping, as well as required landscaping and stormwater management features.
- 94) **Parking Space.** An area of definite length and width, exclusive of drive aisles or entrances giving access thereto, and fully accessible for the parking of motor vehicles.
- 95) **Person.** An individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, except the City of Ontario, Ohio, county or state agency, federal government, or any combination thereof.
- 96) **Personal Services.** A business primarily engaged in providing routine wellness, grooming, repair, or convenience services directly to individual customers. This

use includes, but not limited to, barber shops, nail salons, spas, massage therapy, tailoring, shoe repair, laundry facilities and pick-up or drop-off establishments.

- 97) Principal Use. The primary use of land or structures on a lot, as distinguished from an accessory use.
- 98) Renewable Energy System. equipment, devices, or structures used to collect, convert, store, or distribute energy derived from renewable resources, including solar, wind, geothermal, or similar naturally replenished sources.
- 99) Production Studio. An establishment entirely enclosed within a building used for the creation, recording, editing, and broadcasting of audio, video, television, film, photography, or digital media. This use includes recording booths, small sound stages, editing suites, and podcast spaces. This use explicitly excludes outdoor storage of equipment or production vehicles, live studio audiences, and the physical manufacturing of media discs or records.
- 100) Professional Office. A facility used primarily for administrative, professional, business, financial, consulting, governmental, or similar office-based services. This use does not include Medical Office or Clinic, Retail Sales, Personal Services, contractor operations, warehousing, manufacturing, or vehicle-related services.
- 101) Recreation Facility, Public. A park, playground, building, or structure owned, operated, or maintained by a government entity, school district, or certified non-profit organization, designed for free or low-cost use by the general public. This use includes public parks, community centers, public swimming pools, neighborhood playgrounds, and public athletic fields (such as soccer, baseball, or pickleball courts). This definition excludes privately owned, for-profit sports complexes, gym franchises, and commercial recreation facilities.
- 102) Research and Development. A business primarily engaged in scientific, technological, industrial, or product research, design, development, testing, analysis, or prototype development conducted within an enclosed building. Prototype fabrication or testing shall be incidental to the research and development use and shall not constitute commercial manufacturing. This use does not include animal testing, animal research, animal boarding, or the keeping of live animals on-site
- 103) Residential Care Facility. Is a building or portion thereof, licensed or certified by the applicable state agency, which provides room, board, and personal care services to persons who require assistance with activities of daily living due to age, illness, disability, or infirmity, but who do not require the level of continuous medical or nursing care provided in a hospital or Nursing Facility. Personal care services may include, but are not limited to, assistance with bathing, dressing, grooming, medication management, mobility, meal preparation, and

housekeeping. This use includes, without limitation, any "residential care facility" as defined in Ohio Revised Code 3721.01, commonly known as, or operated as an assisted living facility.

- 104) Retail Sales. A business establishment primarily engaged in the sale, rental, or lease of new or used consumer goods, merchandise, and commodities directly to the end consumer.
- 105) Senior Housing. A residential use intended and operated as housing for persons fifty-five (55) years of age or older which may include individual dwelling units or sleeping units, with or without, shared common dining, food preparation, recreation, and social facilities or the use of residents. Senior Housing does not include any use that provides licensed personal care services or skilled nursing care as part of the housing arrangement.
- 106) Setback. The minimum horizontal distance required by zoning regulations between a designated lot line and the nearest projection of a building or structure, excluding minor encroachments such as roof eaves, gutters, and residential fence as defined in these regulations.
- 107) Shared Parking. Parking spaces used jointly by two or more uses, buildings, or properties where their peak parking demand occurs at different times.
- 108) Shade Tree. A large deciduous tree planted primarily for its high crown of foliage or overhead canopy.
- 109) Shared Driveway. A driveway serving two (2) or more lots, parcels, buildings, or uses and providing common vehicular access to a public or private street.
- 110) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground up or small branches near the ground. Shrubs may be deciduous or evergreen.
- 111) Sidewalk. A paved path provided for pedestrian use and generally located within the street right-of-way.
- 112) Sight Triangle (Visibility Triangle). The triangular area located at the intersection of streets, driveways, alleys, or other access points that shall remain free of visual obstructions in order to provide adequate visibility and promote traffic safety.
- 113) Sign. Any identification, description, illustration, symbol, statue, or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public view, which directs attention to a product, service, place, activity, person, institution, business, or solicitation. This definition includes any permanently installed structure, bracket, or surface designed specifically to display such copy and any temporary signs. This definition does not include murals.

- 114) Site Plan. A map, drawn to scale, showing the boundaries of a site and the location of all buildings, structures, uses, and principle site development features such as street rights-of-way, landscaped areas, and public utility easements for a specific parcel of land.
- 115) Skilled Nursing Facility. Is a residential use, licensed as a nursing home under Ohio Revised Code 3721.02 or 3721.09, or certified as a skilled nursing facility or nursing facility under Title XVIII or Title XIX of the Social Security Act as referenced in Ohio Revised Code § 5165.01, that provides skilled nursing care, as defined in Ohio Revised Code § 3721.01, to individuals who by reason of illness or physical or mental impairment require care beyond the level of personal care services provided by a Residential Care Facility.
- 116) Solar Energy System. An energy system that converts solar energy into electricity or thermal energy and includes solar collectors, panels, mounting equipment, inverters, batteries, wiring, and other accessory equipment necessary for operation.
- A. Building-Integrated Solar Energy System. A solar energy system that is designed and constructed as an integral part of a principal or accessory building or structure, including roofing, shingles, glazing, siding, or other building materials, and that maintains a generally uniform profile with the building surface.
 - B. Freestanding Solar Energy System. A solar energy system that is mounted on a rack, frame, pole, or other structure constructed primarily to support the system and that is not attached to a building.
 - C. Roof-Mounted Solar Energy System. A solar energy system attached to or mounted on the roof of a building or structure, including related solar-based architectural elements.
- 117) Special Event, Temporary. Any short-term, infrequent, or seasonal gathering, exhibition, festival, or commercial activity conducted on private property that is inconsistent with the permanent primary permitted use of the underlying zoning district, and which meets or exceeds any of the following thresholds:
- A. Concurrent attendance exceeding one-hundred (100) people at any single time.
 - B. An operational duration exceeding eight (8) consecutive hours or spanning multiple consecutive calendar days.
 - C. The inclusion of mechanical amusement rides, carnivals, or temporary tents/canopies exceeding 400 square feet in aggregate area.

- D. The simultaneous presence of three (3) or more independent mobile food trucks or transient retail vendors.
- 118) Stormwater Detention Basin. A structural best management practice (BMP) or engineered basin designed to temporarily hold a specified volume of stormwater runoff, slowly releasing it through a controlled outlet structure at a post-development rate that does not exceed the pre-development peak runoff rate.
- 119) Stormwater Retention Basin. A structural best management practice (BMP), such as a wet pond or infiltration basin, designed to capture and permanently contain a specified volume of stormwater runoff without a surface outlet, except during emergency overflow conditions that exceed the design storm capacity.
- 120) Story. Is that part of a building between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.
- 121) Street. Is a public dedicated right-of-way used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.
- 122) Structure. Anything constructed or erected, the use of which requires a location on the ground or attachment to something having location on the ground. This includes, but is not limited to, buildings, towers, smokestacks, overhead transmission lines, gas or liquid storage tanks, signs, fences, retaining walls, decks, swimming pools, and solar arrays.
- 123) Swimming Pool. Any artificial, man-made tank or basin used for swimming, wading, or bathing that can hold water three (3) feet deep or more. This includes both in-ground and above-ground structures, as well as their pumps and filters. It does not include small, temporary kiddie pools under 2 feet deep.
- A. Above-Ground Swimming Pool. A swimming pool constructed, assembled, or placed entirely on top of the ground surface, or partially recessed into the ground, which can be disassembled for storage or relocation. This includes rigid-frame pools, inflatable ring pools, and soft-sided pools capable of holding a water depth of twenty-four (24) inches or more.
- B. In-Ground Swimming Pool. Any man-made structure constructed of material other than natural earth or soil, whether in-ground or above-ground, used for holding water for recreational or swimming purposes and is capable of holding water exceeding two feet in depth at any point.

- 124) Temporary Use or Building. A use or building permitted by the Planning Commission to exist during periods of construction of the main building or use, or for special events.
- 125) Tool, Die and Machine Shops. Establishments engaged in machining, tool and die manufacturing, metal fabrication, assembly, and similar processes conducted primarily within enclosed buildings. Operations involving foundries, smelting, large-scale forging, or other intensive industrial processes shall be classified as Heavy Manufacturing.
- 126) Townhouse or Townhome. A residential building containing three or more dwelling units arranged side-by-side, with each dwelling unit having its own exterior entrance and being attached to one or more adjoining dwelling units by a common wall extending from foundation to roof. A townhouse may be located on an individual lot or within a condominium or common ownership development.
- 127) Tree. A long-lived, upright woody plant with a mature height ranging from twelve (12) feet to one hundred (100) feet or more. Deciduous trees drop their leaves in the fall. Small ornamental trees are planted for flowers and/or foliage. An evergreen tree retains its needles year-around.
- 128) Under Ground Storage Tank (UST). Underground Storage Tank (UST). A tank system, including any connected underground piping and ancillary equipment, used or intended to be used to contain petroleum products, chemicals, hazardous substances, or other regulated substances, where ten percent (10%) or more of the total volume of the tank system is beneath the surface of the ground, as regulated by Ohio Revised Code Chapter 3737 and Ohio Administrative Code Chapter 1301.7-9, as amended.
- 129) Use. Is the principal purpose for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
- 130) Variance. Is a departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. The crucial points of a variance are (1) undue hardship and (2) unique circumstances applying to the property. A variance is not justified unless both factors are present in the case.
- 131) Veterinary Clinic. A facility where licensed veterinary professionals provide medical, dental, surgical, diagnostic, therapeutic, or preventive care for household pets or other small domestic animals. A veterinary clinic may include examination rooms, treatment areas, laboratories, pharmacies, grooming, and short-term indoor boarding or observation when incidental to medical care.

- 132) Warehouse and Distribution. A building or premises used for the indoor storage, handling, sorting, packaging, staging, fulfillment, or distribution of goods, products, cargo, or materials prior to being sold, shipped, delivered, or otherwise transported to another location. This use may include long-term or short-term storage, order fulfillment, cross-docking, loading and unloading, fleet or commercial vehicle activity, and related accessory office or administrative functions.
- 133) Wellfield Protection Zone. The area designated within the City of Ontario to protect groundwater and drinking water sources from contamination subject to the provisions of the Ohio Environmental Protection Agency, and any amendments to the Safe Drinking Water Act of 1986, and shall apply to any present and/or future wells and wellfields which comprise the source of the public water supply for the city.
- 134) Wetland. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas, and are delineated in accordance with federal and state regulatory standards.
- 135) Wind energy system. Equipment, devices, structures, and related facilities that convert wind energy into usable mechanical, thermal, or electrical energy, including wind turbines, towers, foundations, guy wires, generators, alternators, inverters, batteries, controllers, wiring, and associated accessory equipment.
- A. Wind turbine. A device that converts wind energy into mechanical or electrical energy through the use of blades, a rotor, or similar moving components.
- 136) Yard. Open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation, and further defined as follows:
- A. Yard, Front. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.
- B. Yard, Rear. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street.
- C. Yard, Side. An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the

horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.

- 137) Zoning Permit. A document submitted to the Zoning Inspector for review and approval or denial, authorizing a permitted use allowed by this Ordinance for a specific property.
- 138) Zoning Compliance Certificate. means a certificate issued by the City Zoning Inspector indicating that the project permitted under a particular zoning or conditional zoning permit is in full compliance with this ordinance, the approved site plan, and all requirements and conditions of approval.
- 139) Zoning District. A specifically defined land area included within one of the zoning districts set forth in Chapter 1135 which cumulatively includes all land within the City of Ontario. Within these zoning districts specific designated permitted uses, densities, area, and dimensional requirements are allocated for land areas within the corporate limits of the City of Ontario.
- 140) Zoning Inspector. Is the official charged with the interpretation, administration, and enforcement of these regulations. The Zoning Inspector shall be so designated in writing by such person as may be specified by the mayor.

CHAPTER 1135. ZONING DISTRICTS AND MAPS

1135.01 ESTABLISHMENT OF ZONING DISTRICTS

The City of Ontario is hereby divided into the following zoning districts and overlay districts:

(a) Zoning Districts:

- R-1 Single-Family Low Residential District
- R-1a Single-Family Medium Residential District
- R-2 Two Family Residential District
- R-3 Multi-Family Residential District
- NB Neighborhood Business
- B Business District
- I-1 Light Industrial
- I-2 Heavy Industrial
- PI Public Institutional District
- AG Agricultural District

(b) Overlay and Special Districts

- O-OO Olde Ontario Overlay District
- PUD Planned Unit Development
- WP Wellhead Protection Overlay District

1135.02 OFFICIAL ZONING MAP

The boundaries of the standard zoning districts, overlay and zoning districts cited in section 1135.01, Establishment of Zoning Districts, are shown on the Official Zoning Map of the City of the City of Ontario, Ohio, which, together with all notations, references, and other information shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- (a) The Official Zoning Map shall be identified by the signature of the mayor, attested by the City Clerk-Treasurer, under the following words: "This is the Official Zoning Map of the City of Ontario" referred to in Section 1135.02 of the Zoning Ordinance of the City of Ontario," together with the date of adoption.
- (b) If, in accordance with the provisions of this Ordinance, changes are made in the standard zoning district or overlay and special zoning district boundary lines or other matter portrayed on the Official Zoning Map, such changes shall be made on the to the Zoning Map after an amendment has been approved by the Ontario City Council, together with a notation on the that states, "On (date), by official action of the Ontario

City Council, the following change(s) were made to the Official Zoning Districts Map: (brief description and reference number), which entry shall be signed by the Mayor and attested by the City Clerk.

- (c) Amendments to the Official Zoning Map shall become effective upon final adoption of the ordinance, as certified by the Mayor and City Clerk.
- (d) Interpretation of Zoning District Boundary Lines. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1) Boundaries shown as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
 - 2) Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
 - 3) Boundaries shown as approximately following the corporation lines of the City of Ontario shall be construed as following the corporation lines.
 - 4) Boundaries shown as following the centerlines of railroad right-of-way lines shall be construed to follow such centerlines.
 - 5) Boundaries shown as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
 - 6) Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Districts Map, or in other circumstances are not covered by subsections (1) through (6) above, the City Planning Commission shall interpret the zoning district boundary line.
- (e) Zoning of Vacated Areas. Whenever any street, alley or other public right-of-way within the City of Ontario shall have been vacated by action Ontario City Council, said lands will be divided at the centerline and a part of the adjoining respective parcels, and be subject to the same zoning regulations as are applicable to the respective parcel district regulations.

CHAPTER 1137. ZONING DISTRICT REGULATIONS

1137.01 ZONING DISTRICT REQUIREMENTS

Permitted or conditionally permitted uses are as listed in Section 1137.02. Uses not list shall be prohibited. Interpretation of said uses shall be in accordance with Chapter 1133, Definitions.

1137.02 PERMITTED AND CONDITIONAL USE TABLE

TABLE 1137.02 - PERMITTED USE TABLE										
P = Permitted, C = Conditional Use, (S) = Supplementary Regulations										
Use Type	R-1	R-1a	R-2	R-3	NB	B	I-1	I-2	PI	AG
<i>Agricultural Uses</i>										
Agricultural Activities	P	P						P		P
Greenhouses and Nurseries						C		P		P
<i>Residential Uses</i>										
Single-Family, Residential	P	P	P	C						P
Townhouse				P	P	C				
Duplex			P	P	C					
Mixed Use, Residential					S	C, S				
Multi-Family, Residential				S	S	C, S				
Group Homes	S	S	S	S	C, S					
Residential Care Facility				C	C	C				
Senior Housing			P	P	C	C				
<i>Commercial and Office Uses</i>										
Adult Use Business								C, S		
Animal Care Facility					C	P	P			P
Assembly and Banquet Halls					C	P				
Automotive Repair and Service						C, S		P		
Banks and Financial Institutions					P	P				
Boutique Inn or Guest House					P	C				
Car Rental Business						P	P	P		
Car Wash						C, S				
Commercial Recreation					C, S	P, S	C, S	C, S		C
Day Care Centers				C, S	C, S	S				

TABLE 1137.02 - PERMITTED USE TABLE

P = Permitted, C = Conditional Use, (S) = Supplementary Regulations

Use Type	R-1	R-1a	R-2	R-3	NB	B	I-1	I-2	PI	AG
Eating and Drinking Establishments					P	P	C	C		
Entertainment Facility					C	P				C
Fitness Studios					P	P		C		
Funeral Homes						P				
Garden Center					C	P				P
Gas Station					C, S	C, S		C		
Golf Courses	C, S	C, S	C, S			C, S				
Hotels or Motels						P				
Medical Clinics and Offices					C	P				
New and Used Car Sales (S)						S		C, S		
Personal Services					P	P				
Production Studios						C		P		
Professional Office					P	P		P		
Retail Sales (15K square feet or less)					P	P				
Retail Sales (More than 15,000 square feet)					C	P	C			
Skilled Nursing Facility				C	C	P				
Veterinary Clinics					P	P	P			
<i>Industrial Uses</i>										
Advanced Manufacturing and Assembly							P	P		
Automobile Assembly Plant								P		
Building Contractors							P	P		
Commercial Cleaning Plant								P		
Building and Lumber Supplies						P	P	P		
Data Centers								C, S		
Flex Office/Warehouse							P	P		
Heavy Equipment Sales and Service								P		
Heavy Manufacturing								P		

TABLE 1137.02 - PERMITTED USE TABLE

P = Permitted, C = Conditional Use, (S) = Supplementary Regulations

Use Type	R-1	R-1a	R-2	R-3	NB	B	I-1	I-2	PI	AG
Light Manufacturing							P	P		
Mini-Warehousing (S)								S		
Railroad Transfer, Storage Yards								P		
Research and Development							P	P		
Tool, Die and Machine Shops							C	P		
Warehouse and Distribution								P		
<i>Public and Institutional Uses</i>										
Cemeteries									P	
Cultural Facilities					P	P			P	
Education Facilities, Public	C	C							P	
Educational Facilities, Private					C, S	C, S				
Government Facilities	P	P	P	P	P	P	C	P	P	
Hospitals						P			P	
Parks and Public Spaces	P	P	P	P	P				P	
Recreation Facility, Public	P	P	P	P	P	P	C	C	P	
Places of Worship					C, S	P, S			P	
<i>Accessory Uses</i>										
Accessory Uses/Structures	P	P	P	P	P	P	P	P		
Drive-Through Facilities						P, S				
Electric Vehicle Charging Stations			P, S	P, S		P, S	P, S	P, S		
Family/In Home Childcare	P	P	P	P	C					P
Home Occupations	P, S	P, S	P, S	P, S						
Outdoor Display of Merchandise					C, S	P, S	P, S	P, S		
Outdoor Storage						C, S	P, S	P, S		
Solar, Wind and Renewable Energy	P, S	P, S	P, S	P, S	C, S	C, S	P, S	P, S		
Telecommunications Towers and Facilities								C, S		

1137.03 PROHIBITED USES

The following uses shall be prohibited in the City of Ontario, Ohio:

- (a) Asphalt manufacture or refinery operations.
- (b) Commercial incineration, treatment, or reclamation of any material, including, but not limited to, burning or heating soil or aggregate contaminated with petroleum products or any other pollutant or industrial waste.
- (c) Disposal, storage shredding, or processing of tires for commercial purposes.
- (d) Drilling for and removing oil, gas, or other substances.
- (e) Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals, or other refuse.
- (f) Fat rendering or the production of vegetable products by boiling or distillation.
- (g) Hazardous waste or radioactive waste disposal facilities.
- (h) Junk, Salvage, Scrap, and Wrecking Uses. Junk yards, salvage yards, scrap yards, automobile wrecking yards, vehicle dismantling yards, and similar uses involving dismantling, processing, recycling, purchase, or sale of junk, scrap, salvage materials, discarded materials, inoperable vehicles, vehicle parts, tires, appliances, machinery, equipment, refuse, or debris.
- (i) Manufacture or storage of creosote, fertilizer, pesticides, roofing materials, rubber products or rubber reclamation, glue, gelatin, tanning, curing, or processing of hides or animal skins.
 - 1) "Infectious wastes" as currently defined in Section 3734.01(R) of the Ohio Revised Code.
 - 2) "Hazardous wastes" as defined in Section 3734.01(J) of the Ohio Revised Code.
 - 3) "Nuclear" and "radioactive wastes" as defined by Section 3734.01(R) of the Ohio Revised Code.
- (j) Truck terminals.

1137.04 RESIDENTIAL DISTRICT AREA, HEIGHT, AND SETBACKS

Zoning District	Minimum Lot		Minimum Setbacks			Max Height	Max Lot Coverage
	Area (sf)	Width (ft)	Front	Side	Rear		
R-1 (Single-Family)	14,450	85	35	8.5	40	35	25%
R-1a (Single-Family)	11,600	80	35	8	40	35	30%
R-2 (Two-Family)							

Single-Family	9,500	70	35	8	40	35	35%
Duplex	12,300	90	35	10	40	35	35%
R-3 (High Density)							
Single-Family	7,200	60	35	8	40	35	35%
Duplex	10,800	80	35	10	40	35	40%
Townhouse (b)	4,000 per unit	-	20	10 (c)	20	35	40%
Multi-Family (d)							
One Bedroom or less	3,000 per unit	-	30	10 (c)	40	45	50%
Two Bedrooms or more	3,500 per unit	-	30	10 (c)	40	45	50%

(a) Where municipal sewer and water services are not available, the minimum lot size shall be one (1) acre and minimum lot width one hundred (100) feet.

(b) Where a multi-family development abuts single-family residential, there shall be a minimum side setback of thirty (30) feet.

(c) Minimum Floor Area per Dwelling Unit (Square Footage) of Living Area:

Zoning District	Single-Family	Duplex	Multi-Family (per bedroom)		
			Efficiency	One (1)	Two (2) +
AG	1,200	-	-	-	-
R-1	1,200	-	-	-	-
R-2	1,000	1,000	-	-	-
R-3	1,000	1,000	600	750	1,000

(d) Maximum Density, High Density Residential (R-3), per gross acre are as follows:

- 1) Single-Family. Six (6) dwelling units per acre.
- 2) Duplex. Eight (8) dwelling units per acre.
- 3) Townhouse. Ten (10) dwelling units per acre.
- 4) Multi-Family.
 - A. Efficiency and One Bedroom. Fourteen (14) dwelling units per acre.
 - B. Two Bedrooms or more. Twelve (12) dwelling units per acre.

- (e) Landscape, loading and off-street parking requirements shall be in accordance with Chapter 1141, Development Standards.

1137.05 NON-RESIDENTIAL DISTRICT AREA, HEIGHT, AND SETBACKS

Zoning District	Minimum Lot		Minimum Setbacks			Max Height	Max Lot Coverage
	Area (sf)	Width (ft)	Front	Side	Rear		
AG (Agricultural)	3 acres	200	35	25	N/A	35	10%
NB (Neighborhood Business)	11,800	80	30	10	20	35	65%
B (Business)	15,000	100	30	10 &	40	50	75%
I-1 (Light Industrial)	15,000	120	50	20	50	50	65%
I-2 (Heavy Industrial)	15,000	120	50	20	50	50	65%
Public/Institutional	-	-	30	20	50	50	-

- (a) Landscape, loading and off-street parking requirements shall be in accordance with Chapter 1141, Development Standards.

1137.06 SUPPLEMENTARY USE REGULATIONS

This section establishes specific, additional standards for certain land use types listed in Section 1137.02, Permitted and Conditional Use Table that, while generally permitted or conditionally allowed within their respective zoning districts, possess unique characteristics that require extra regulation to protect public health, safety, and neighborhood character. Therefore, the following additional regulations shall apply:

- a) Accessory Uses. Accessory use regulations shall be in accordance with Chapter 1145, Supplemental Regulations.
- b) Adult Use Business.
 - 1) License required. Any adult use business as defined by this chapter and sexually oriented business defined in the Codified Ordinances requires a license in accordance with Section 741, Sexually Oriented Business, shall be subject to the regulation thereto.
 - 2) An adult use business shall be located no closer than eight hundred feet (800) from the property line of any lot occupied by a residential dwelling unit; or used for a church, school, park or playground, neighborhood center, library, social services facility, child day care center, or historical site.

- 3) An adult use business shall be located no closer than eight hundred feet (800') from the property line of a lot occupied by an existing sexually oriented business use granted a conditional zoning certificate.
 - 4) The interior parts of any building or structure used for viewing booths and viewing areas or used as an adult arcade, adult bookstore, adult video store, adult motion picture theatre, or adult theatre, singularly or in combination, shall be visible from a continuous main aisle open and absent of any curtain, door, wall or other enclosure.
 - 5) No sexually oriented activities or materials may be sold, furnished, displayed to or involve any person under the age of twenty-one (21) years.
 - 6) Notwithstanding any other provisions of this Zoning Ordinance, the Planning Commission shall hear, decide, and issue a written decision on an application for a conditionally permitted use for a sexually oriented business within thirty (30) days of the date a complete application is filed with the Zoning Inspector. Failure to do so shall constitute approval.
- c) Automobile Repair, Service and Gas Stations.
- 1) Minimum Lot Area: Twenty Thousand (20,000) square feet.
 - 2) Minimum Lot width: One hundred feet (100').
 - 3) Maximum Building Coverage of Total Lot Area: Fifty percent (50%).
 - 4) Underground storage tanks shall be placed above the floor surface of a below grade vault. Such underground storage tanks shall be located no less than fifty feet (50') from the property line of any residential use. Said vault shall allow access for physical inspection of the tank for leakage, and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.
 - A. Underground storage tanks shall further meet the Bureau of Underground Storage Tank requirements of Section 1139.02; Wellhead Protection Overlay District.
 - 5) Buildings and storage areas shall be screened from adjacent residential property lines by a continuous and obscuring year-around buffer in accordance with Section 1141.08, Landscape and Buffering Requirements
 - 6) All pump islands shall be located at least twenty-five feet (25') from the street right-of-way line.
 - 7) The surfaced area for motor vehicle storage shall be paved with asphalt or concrete.
 - 8) All curb cuts shall be located no less than one hundred feet (100') from a street intersection, measured from the street right-of-way lines or the boundary lines of abutting residential districts. Curb cuts shall be limited to a specific number as approved by the City Planning Commission. Curb cuts shall not be more than twenty-four feet (24') in width.

- 9) All repairs shall be conducted within an enclosed building.
- 10) No vehicles shall be stored on the premises except those which are currently being worked on.

(b) Car Washes.

- 1) All buildings and activity areas shall be located fifty feet (50') from all residential property lines.
- 2) Stacking space shall be provided outside the public right-of-way for the storage of at least eight (8) motor vehicles.
- 3) Curb cuts shall be located at least seventy-five feet (75') from any street intersection, measured from the street right-of-way lines.
- 4) The discharge of wastewater shall meet the industrial pre-treatment standards of the Mansfield Wastewater Treatment Plant.

(c) Reserved (Data Centers)

(d) Day Care Centers.

- 1) A minimum of sixty (60) square feet per child shall be maintained in outdoor play area which shall be fenced.

(e) Education Facilities, Private

- 1) Minimum Lot Area: Two (2) acres
- 2) Maximum Building Coverage: Twenty-five (25%) percent
- 3) Minimum Lot Width: One hundred (100) feet
- 4) A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from off-street parking lots. No less than five thousand (5,000) square feet of outdoor play area shall be provided on the property.

(f) Golf Courses.

- 1) Golf courses may include those features which are customarily associated with such uses such as clubhouses, pro-shops, and restaurants.
- 2) Minimum Lot Size: Fifty (50) acres.
- 3) All buildings and other structures shall meet the following minimum setback requirements:
 - A. Front Yard: One hundred (100) feet.
 - B. Side Yard: Fifty (50) feet (50).
 - C. Rear Yard: One hundred (100) feet.
- 4) Outside loudspeakers shall be prohibited.

- 5) A permanent year around buffer shall be required along those lot lines abutting an R-Residential District, in accordance with Section 1141.08, Landscape and Buffering Requirements.
- (g) Group Homes. State-licensed group homes as defined by Ohio Revised Code shall be allowed in residential districts in compliance with ORC 5119.341 and ORC 5123.19, subject to the following regulations and restrictions.
 - 1) Permitted Uses (By-Right) in R-1 and R-2
 - A. Adult Family Homes (1 to 5 Residents)
 - B. Group Homes for Developmental Disabilities (6 to 8 Residents)
 - 2) Permitted Uses (By-Right) in R-3
 - A. Adult Group Homes (6 to 16 Residents):
 - 3) Additional Requirements for all group homes in all districts.
 - A. Shall be located at least 500 feet away from any other state-licensed group home.
 - B. Group homes shall be compliant with all other district regulations and be constructed in a manner consistent with the neighborhood character.
 - C. Group homes shall register with City and provide a copy of its active license from the State of Ohio. Registration shall be in the form of a zoning permit or rental registration.
 - i. The Zoning Inspector may exempt a group home from rental inspections if it is subject to State inspections. A copy of the most recent inspection report shall be provided in lieu of inspection.
- (h) Mini Warehousing.
 - 1) Storage items shall not include volatile liquids or substances such as oil, gasoline, or other hazardous materials.
 - 2) Compartmentalized storage units shall not be used for the operation of any on-site or off-site business or industry.
- (i) Mixed Use, Residential. The mixing of commercial and residential uses may be permitted in business districts, subject to the following provisions:
 - (a) The mixing of uses on a single parcel or development may be achieved throughout the site or vertically in a single building.
 - A. Residential uses within a mixed-use building shall be located on upper floors and shall not be located on the ground floor.
 - B. Mixed use developments shall be organized in a manner to concentrate higher intensity commercial uses closer to the street with a transition to the residential uses when not integrated into a single building.
 - (b) Mixed use developments shall provide dedicated pedestrian connections to the other uses on site and connect to external multi-modal facilities, such as sidewalks and paths.

- (c) In the Business (B) District mixed use developments are subject to conditional use approval by the Planning Commission which may attach conditions to the development, including but not limited to:
 - A. Public plazas, streetscape elements, and outdoor seating.
 - B. Bicycle parking, cross access or other public improvements.
 - C. Additional conditions of approval, recommended by the Planning Commission, shall not be arbitrary and shall be of direct benefit to the development.
- (j) Multi-Family Residential. The following supplementary regulations apply to all multi-family developments:
 - 1) Townhouse. Maximum of six (6) attached dwelling units.
 - 2) Building Separations.
 - A. Townhouse. Minimum building separation, ten (10) feet.
 - B. Multi-family. Minimum building separation, thirty (30) feet for buildings containing eight (8) or more dwelling units.
 - 3) Common open space areas shall be maintained for the enjoyment of its residents. Common open space shall be owned permanently through the following mechanisms:
 - A. Dedication and acceptance of open space to the city.
 - B. Common ownership by the property owner or homeowners' association.
 - C. Deed restricted private ownership or conservation easement, preventing future development and providing for maintenance.
- (k) New and Used Car Sales. All buildings and off-street parking spaces used for exhibiting automobiles for sale or lease shall be setback a minimum of ten feet (10') from the street right-of-way line.
 - 1) Exterior lighting shall be provided according to the requirements set forth in Section 1145.09, Exterior Lighting.
 - 2) Outside loudspeakers shall be prohibited.
- (l) Places of Worship.
 - 1) Minimum Lot Area: Two (2) acres.
 - 2) Maximum Building Coverage of Total Lot Area: Twenty five percent (25%).
 - 3) Minimum Lot Width: One hundred feet (100').
 - 4) Minimum Yard Setbacks:
 - 5) No loudspeakers shall be located outside nor used to broadcast outside of any building from within.
 - 6) Points of ingress and egress shall only be located on arterials or collectors.
 - 7) All points of ingress and egress shall be located no closer than one hundred feet (100') from the intersection of two streets.

(m) Recreation Facilities, Private

- 1) Minimum Lot Area: Three (3) acres.
- 2) Points of ingress and egress will be directly onto a major arterial or collector thoroughfare and all driveways shall exit onto such streets.
- 3) Swimming pools and areas used by patrons shall be so walled or fenced as to prevent uncontrolled access by children from the street and adjacent properties. The enclosure shall not be less than six feet in height and shall be maintained in good condition.
- 4) All structures and activity areas shall be located at least eighty feet (80) feet from all property lines.
- 5) Development features including principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent house lots.
- 6) All plans for storm sewers, sanitary sewers and water lines shall be reviewed and approved by the City Engineer.

CHAPTER 1139. OVERLAY AND SPECIAL DISTRICTS

1139.01 OLD ONTARIO OVERLAY DISTRICT

- (a) Purpose. The purpose of the Old Ontario Overlay District (OO-O) is to implement the community vision outlined in the City of Ontario Comprehensive Plan. Positioned at the strategic intersection of Park Avenue West (SR 309) and Shelby Ontario Road, this district is established to transition the historical core of Ontario into a compact, walkable, mixed-use neighborhood center. These regulations are designed to cultivate a vibrant, pedestrian-friendly environment directly adjacent to the local school and Marshall Park, ensuring high-quality architectural standards, human-scale infrastructure, and balanced economic vitality.
- (b) District Boundaries. The boundaries of the OO-O District shall encompass all parcels as delineated on the Official Zoning Map of the City of Ontario, Ohio. Where conflicts arise between the base zoning district and this overlay, the regulations of this section shall govern.
- (c) Bulk and Space Dimensional Regulations. Buildings within the OO-O shall conform to the spatial configuration detailed below to reinforce a coherent, street-facing continuous storefront edge.

Development Standard	Minimum Requirements	Planning Intent/Rationale
Minimum Lot Width	Fifty (50) feet	Encourages a pedestrian scale between properties

Build-to Zone	Five (5) – Fifteen (15) Feet	Brings storefronts closer to the street for walkability
Side Setback	Minimum six (6) feet	Enables continuous shopping streetscape or defined paths.

(d) Access and Parking.

- 1) Parking Placement. Vehicle parking spaces shall be located exclusively to the rear or side of principal structures. No parking lot shall sit between a building and a public street or sidewalk.
- 2) Parking Reductions. The Zoning Inspector shall have the discretion to reduce the minimum number of parking spaces by twenty (20%)
- 3) On-street parking adjacent to any use may count toward minimum off-street parking requirements.

(e) Pedestrian and Multi-Modal Connectivity.

- 1) There shall be a clear pedestrian connection from the public sidewalk to the entrance of the business, paved, and/or stripped, a minimum of four (4) feet wide.
- 2) Public sidewalks within the right-of-way along Park Avenue West and Shelby Ontario Road shall be a minimum of eight (8) feet wide and shall connect to the existing sidewalk network. There shall be a landscaped amenity zone buffering the sidewalk from the roadway.
- 3) Bicycle parking shall be provided at a minimum of five (5%) percent of the required off-street parking.
 - A. Bicycle parking shall be located in a manner that is visible and does not conflict with pedestrian access.
 - B. Bicycle parking spaces shall be a minimum of two (2) feet wide by six (6) feet long.
 - C. Bicycle racks must support the bicycle frame at two points, keeping it upright without letting the front wheel twist or the bike fall over.
- 4) Marshall Park and School Connectivity. Properties abutting Marshall Park, Ontario Local school campus shall provide a minimum 8-foot-wide illuminated paved path connecting to Park Avenue West. Access may be shared by two properties and shall require a public easement for use. This requirement may be waived if it is determined by the Zoning Inspector there is adequate pedestrian connectivity being planned or built near the property.

- (f) Access Management. Where possible, cross-access easements allowing vehicles to move between commercial lots fronting Park Avenue West (SR 309) shall be required to reduce curb cuts along Park Avenue West.

- 1) Shared driveways are encouraged, particularly where cross access is provided.

(g) Landscaping and Screening.

- 1) Landscaped Amenity Zone (right-of-way). There shall be a landscaped amenity zone, within the right-of-way, a minimum of four (4) feet wide buffering the roadway from the public sidewalks along Park Avenue West and Shelby Ontario Road.
 - A. Street Trees. Within the landscaped amenity zone there shall be one (1) deciduous shade tree planted for every forty (40) linear feet of street frontage.
 - B. The landscaped amenity zone may also include street lighting and other street furnishings.
- 2) Landscape Requirement Reductions. Required landscaping, pursuant to Section 1141.08, Landscape Requirements, may be reduced the Zoning Inspector or Planning Commission by up to fifteen (15%) percent if other amenities, such as outdoor seating, sidewalks or multi-modal connections, are provided on-site.
- 3) Parking Lot Screening. Any parking area visible from a public street or adjacent residential lot must be screened by a continuous three and a half (3.5) foot decorative masonry wall or a dense vegetative hedge. Properties with existing parking fronting a public street shall provide direct pedestrian access in accordance with Section 1139.01(e), Pedestrian and Multi-Modal Connectivity.
- 4) Lighting. Parking lot lighting shall be required to comply with Section 1141.06, Exterior Lighting, however multi-modal and pedestrian path lighting shall be at a pedestrian scale, not to exceed fourteen (14) feet in height.

(h) Sign Requirements. Sign requirements shall follow the regulations in Chapter 1147, Signs, unless otherwise regulated within this section. Signs should be at a pedestrian scale and complement the architectural style of buildings rather than dominate the visual landscape.

- 1) Permitted and Modified Sign Types. All sign types in Chapter 1147 shall be permitted unless expressly prohibited by this section. The following sign types shall comply as follows:
 - A. Wall Signs. Signs attached flat against the building facade. Maximum area shall not exceed one (1) square foot per linear foot of building frontage, up to a maximum of 40 square feet.
 - B. Freestanding Monument Signs. The total display area per sign face must not exceed twenty-four (24) square feet, shall not exceed five (6) feet in height, including the base, which shall be mounted on an integral architectural base with cladding.
- 2) Prohibited Signs. The following sign types and illumination styles are strictly prohibited within the OO-O to maintain a neighborhood character.

- A. Freestanding pole signs.
 - B. Electronic Message Centers (EMCs), dynamic digital displays, or signs featuring flashing, blinking, or moving lights.
 - C. Exposed neon neon-style LED trim, or highly reflective fluorescent finishes.
 - D. Internally illuminated plastic box or 'cabinet' signs (push-through letters or reverse-channel halo lighting are preferred alternatives).
- 3) Material and Aesthetic Requirements.
- A. Signs must be constructed from durable, high-quality materials including finished wood, painted metal, architectural brass, bronze, stone, or high-density urethane (HDU).
 - B. External illumination via shielded goose-neck down-lights, architectural sconces, or discreet halo-lit elements is highly encouraged.

1139.02 WELLHEAD PROTECTION (WHP) OVERLAY DISTRICT

- (a) Purpose. The Wellhead Protection Overlay District is established to safeguard the health, safety, and general welfare of the residents of the City of Ontario, and all those who receive, or will receive, the benefits of the municipal water system. This district includes standards of prohibitive activity within designated wellhead protection areas.
- (b) Application. This Overlay District, duly made and adopted in accordance with the provisions of the Ohio Environmental Protection Agency, and the Amendments to the Safe Drinking Water Act of 1986, shall apply to any present and/or future wells and well field which comprise the source of the public water supply for the City of Ontario.
- (c) Relationship to Base Zoning. The regulations of this Overlay District shall apply in addition to the regulations of the underlying base zoning district. The property remains subject to all permitted uses, yard requirements, setbacks, and density limitations of the base zone, except where specifically modified or prohibited by this ordinance.
- (d) Wellhead Protection (WHP) Zone Designations. Two (2) wellhead protection zones are hereby established within the overlay district:
 - 1) WHP Zone One (1) is the area within the one (1) year time-of-travel contour and as delineated on the State of Ohio EPA Drinking Water Source Protection Map, Inner Management Zone
 - 2) WHP Zone Two (2) is the area within the five (5) year time-of-travel contour and as delineated on the State of Ohio EPA Drinking Water Source Protection Map, Outer Management Zone
- (e) Prohibited or Registered Uses. The following uses shall be prohibited or permitted as a registered:

Land Use	WHP Zone (1)	WHP Zone (2)
Animal Feed Lots.	Prohibited	Registered Use
Chemical and bacteriological laboratories.	Prohibited	Registered Use
Commercial wood finishing, stripping, and painting establishments.	Prohibited	Registered Use
Disposal of hazardous and solid waste.	Prohibited	Prohibited
Dry cleaning and commercial laundry establishments.	Prohibited	Registered Use
Electrical component manufacturing or assembly.	Prohibited	Registered Use
Industrial uses which discharge processed waters on-site.	Prohibited	Registered Use
Machine shops or foundries	Prohibited	Registered Use
Metal polishing, finishing, and plating establishments.	Prohibited	Registered Use
Motor vehicle service, repair, salvage, and car washes.	Prohibited	Registered Use
Outside storage of herbicides, pesticides, fertilizers, or fungicides.	Prohibited	Registered Use
Leather tanning and finishing.	Prohibited	Registered Use
Storage and disposal of road salt or other de-icing chemicals.	Prohibited	Registered Use
Storage of liquid petroleum products in excess of fifteen (15) gallons except for a free-standing for heating of that building.	Prohibited	Registered Use
Storage of petroleum, and/or any other regulated substances in underground storage tanks.	Prohibited	Registered Use
Trucking and bus terminals	Prohibited	Registered Use
All other business and industrial uses that handle toxic or hazardous waste and as defined in O.R.C Chapter 3734.01	Prohibited	Prohibited

- (f) Registration with the City Required. All existing non-conforming uses established after 2002 and registered land uses indicated in Section 1139.02 (e) shall be required to register with the City Water Supervisor or City designee every two (2) years.

- 1) In the event of an ownership change within the two (2) year registration reporting period the new owner or operator shall be required to submit a new registration for the facility.
- (g) Registration Procedures. Registration shall be submitted by the owner or operator on forms provided by the City and shall include the following:
- 1) Name of use.
 - 2) Street and mailing address of the use.
 - 3) The designated individual to be contacted at the use.
 - 4) A complete list of all chemicals, pesticides, fuels, and other regulated substances as defined in Chapter 1139.02(e) to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect such materials from vandalism, corrosion and leakage, and to provide for control of spills.
 - 5) A complete list of potential toxic or hazardous wastes to be generated, indicating storage and disposal methods.
 - 6) Underground Storage Tanks. For underground storage of regulated substances, the Ohio State Fire Marshall's Bureau of Underground Storage Tank (BUSTR) identification number and including:
 - A. Provide proof of certification that underground storage tanks (UST) were upgraded in accordance with the Bureau of Underground Storage Tank Registration, Ohio Administrative Code [1301: 7-9-06](#);
 - B. Have monitoring systems installed in accordance with the Bureau of Underground Storage Tank Registration, Ohio Administrative Code [1301: 7-9-07](#).
 - C. Installation of New Underground Storage Tanks. Any petition to install new underground storage tanks for liquid petroleum and/or chemical products shall require City Council approval based on its relative position to the wellfield, and its potential impact on the aquifer.
 - 7) Filing of Ohio Environmental Protection Agency Reports. All land uses, which through the generation, transportation, disposal, or storage of hazardous substances, and filing reports to the Ohio Environmental Protection Agency under the guidelines of the Resources Conservation and Recovery Act, shall also provide a copy of the report with its registration.
 - 8) Any land use or establishments wishing to establish a new use regulated under the WHP Overlay District shall provide proof of conformance with the underlying zoning district.
- (h) Monitoring Wells. The Water Supervisor shall establish monitoring wells for all permitted business and industrial activities using or storing hazardous or toxic materials. The location, number and construction of the monitoring wells shall be determined by the

Water Supervisor. Once constructed, the wells shall be analyzed for volatile compounds on the list of "Target Compounds" (TCL), "Semi-Volatile Organic Compounds" (SVOC's), "Inorganic Target Analysis Metals" (TAL) and "Pesticides and PCB's" in Appendix A, to determine background levels for the location.

- 1) After initial testing, wells will be analyzed for TCI Volatile Compounds, and any other Compounds detected in the background analysis that may pose a threat to the well field on an annual basis. The Water Supervisor shall determine the sampling schedule for each site on an individual basis.
- (i) Variance. A variance may be granted by the City Planning Commission for a non-conforming business or industrial use that applies for the upgrading or expansion of its operation. The Planning Commission shall base its decision on the recommendation of the Water Supervisor that the business or industry has demonstrated that an overall reduction of risk to the aquifer and/or well field will occur, through a pollution prevention program instituted by the owner or operator.
 - (j) Discontinuance of Non-Conforming Use. Any non-conforming use which has been discontinued for more than six (6) months is hereby deemed to be abandoned and shall not be permitted to be reopened. No new or similar non-conforming use may open at the site.
 - (k) Administration of the Well Field Protection Plan. The Water Supervisor or City designee shall be authorized to conduct enforcement of this section to include:
 - 1) Inspections. Subject to applicable provisions of law, the Water Supervisor, or the authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination pertaining to the requirements of this overlay district to ensure that activities are in accordance with the provisions of this district. Upon request of the entity which is the subject of the inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry for the above-stated purposes, the City may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
 - 2) Record Keeping. A copy of the records pertaining to any uses or structures registered under the WHP Overlay District shall be retained for not less than seven (7) years and shall be made available for public review by the Water Supervisor upon written request. All such copies of the records shall be transferred to any owner or operator of an establishment that is sold, leased, transferred to, or received by a new owner or operator. The transfer of copies of the records shall in no way eliminate or prevent the necessity of the new owner or operator to register with the Water Supervisor as required under the Overlay District regulations.

- (l) Enforcement and Violations. Any person found in violation of any provision of this district, any order, requirement, rule, or regulation issued under the authority of such sections will be served with a written notice stating the nature of the violation and providing reasonable time for compliance. If the Water Supervisor has previously issued a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the City may extend the schedule for compliance for good cause.
 - 1) Notice shall be served in the manner provided by law for the service of civil process to the owner of record at the address pursuant to the Richland County Auditor's Office.
- (m) Penalties. Any person, firm, corporation, or business entity who violates or continues to violate any provisions of this overlay district beyond the time limit for compliance set forth by the City shall be guilty of a misdemeanor of the first degree and upon convictions shall be punished by a fine not more than one thousand dollars (\$1,000.00) and/or six (6) months imprisonment. Each day a violation continues, after notification, shall constitute a separate offense.

1139.03 PLANNED UNIT DEVELOPMENT DISTRICT

The Planned Unit Development (PUD) district is to promote innovative land planning and site design concepts that support quality of life, economic development, conservation, and ingenuity as an alternative to conventional zoning. The PUD District allows for creative planning strategies and development standards; enables a greater range and mix of uses for master planned developments; and provides a framework to retain and enhance the character of the city, its resources and the health, safety, and general welfare of its residents.

(a) General Provisions.

- 1) The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the Comprehensive Plan and the land uses and zoning districts adjacent to said proposal.
- 2) The establishment of any PUD shall include master regulations for the development and shall be accomplished through a rezoning of the property to PUD, accompanied by a map amendment to be shown on the official zoning map.
- 3) Minimum design and construction standards for streets, alleys and other infrastructure shall meet the requirements adopted in the Subdivision Regulations or other policies on record.
- 4) Any PUD located in an overlay district shall comply with the development standards thereof, except as otherwise modified by City Council.
- 5) PUD containing commercial or industrial land uses shall comply with any supplemental regulations related to the specific use.

- 6) The basis for review and approval of a PUD application shall be the PUD Narrative and Development Master Plan Map (Development Plan), which shall be adopted as a part of the ordinance for rezoning in conformance with the requirements described in the regulations.
- (b) Permitted Uses. A master permitted use list shall be established as part of the specific PUD and shall serve as part of the regulating documents.
- 1) Permitted Uses. Uses permitted in all residential (R) and business (NB and B) districts and in the Industrial Park (IP) district may be considered for adoption as part of a PUD subject to City Council approval.
 - 2) Prohibited Uses.
 - A. Any use prohibited pursuant to Section 1137.03.
 - B. Any permitted or conditional use in the Heavy Industrial (I-2) and Agricultural (AG) districts that are not permitted in other zoning districts.
 - 3) Supplemental Regulations. Supplemental use regulations pursuant to Chapters 1137 and 1147, Zoning District and Supplemental Regulations shall apply, unless otherwise modified by City Council.
- (c) Development Standards. The following standards represent guidelines and regulations under which all PUD developments must comply:
- 1) Minimum Lot Area. The minimum lot area for a PUD shall be three (3) acres.
 - 2) Layout and Design. The design and layout of all PUD districts shall display excellence in design by carefully considering significant and sensitive site features, such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and public welfare.
 - 3) Front, Side, and Rear Setback Standards for Perimeter Lots. All lots and buildings located along the perimeter of the PUD shall have minimum front, side, and rear setbacks, landscaping and buffering equal to those that would normally be specified in the zoning district or supplemental regulations prevailing at the time of application for PUD designation.
 - 4) Off-Street Parking and Loading Facilities. For all land uses located within the PUD, off street parking and loading standards in Chapter 1141, Development Standards.
 - 5) Multi-modal Connectivity. In addition to any requirements pursuant to the Title Three, Subdivision Regulations, there shall be internal and external pedestrian and bicycle connectivity, which may include sidewalks, bike lanes, and/or multi-use paths.
 - 6) Vehicular Connectivity. Where there are existing roads, sidewalks and paths adjacent to a PUD the development shall connect to the existing roadway and multi-modal system.

- 7) Common open space or recreational uses, such as plazas, parks or walking paths shall be provided at a minimum of 10% of the gross acreage. A reduction of 3% of required open space may be granted by City Council for developments that do not include residential uses or that include semi-private recreational amenities. Open space shall be maintained in accordance with Section 1137.05(c), Supplementary Use Regulations, regardless of use.
 - 8) Perimeter lots fronting rights of way or adjacent development, shall be similar in size and scale to provide for visual compatibility of development(s) and transition area(s) into the PD District.
- (d) Residential and Mixed-Use Development Standards. In addition to the general development standards described in Section (d) above, PUDs with a residential component shall meet the following development standards:
- 1) A PUD may include a mixture of dwelling types, including single-family, townhouse, duplex, and multi-family dwelling units.
 - 2) Setbacks. Setbacks for residential developments may be modified from existing residential (R) standards when the PUD provides for a concentration of public spaces, private amenities, natural conservation, or another public purpose.
 - 3) Building Separation. There shall be a minimum fifteen (15) foot building separation for residential use.
 - 4) Mixed residential and business uses may be integrated horizontally across a development or vertically within a building.
 - 5) Density. Density may vary from the underlying base zoning but shall be compatible with adjacent zoning districts and developments.
 - A. Maximum density is not by-right and shall be determined based on compatibility with adjacent land uses, mix of uses on site and proposed dwelling unit types for the specific PUD.
 - B. Maximum density shall not exceed that which is permissible in the R-3 district unless modified by City Council.
- (e) PUD Development Review Process. The PUD Narrative and Master Development Plan shall serve as the basis for review and approval of all site plans, subdivision plans and permits within the PUD district.
- 1) Pre-submittal Meeting. Prior to submitting a PUD application, the applicant shall meet with the Zoning Inspector and Engineer to review the existing zoning classification, proposed development pattern, compatibility of the development with adjacent uses and procedures for establishment of a PUD district.
 - 2) Rezoning Application Procedures. The application accompanied by the PUD Narrative and Master Development Plan shall be processed as a zone change in

accordance with Section 1149.08, Zoning Amendment Procedures. Applicants may process site plans or subdivision plans concurrently.

3) Technical Review of Application.

- A. The Zoning Inspector, Engineer and other City Staff shall review the application, including the development plan, and proposed map amendment for completeness and compliance with all state, federal, and local regulations.
- B. The city may engage consulting engineers and other outside experts to assist in the review of plans, for which the applicant shall be responsible for reimbursement to the city of said fees pursuant to the adopted Fee Schedule.
- C. Upon review, the city shall provide the applicant with written comments, recommendations, and regulatory deficiencies, if applicable, to be addressed for resubmittal.
- D. Upon determination that a PUD application is complete, the Zoning Inspector shall refer the application to the Planning Commission for review.

4) Planning Commission Review and Recommendation

- A. Planning Commission shall review and make a recommendation on the application, including the development plan and proposed map amendment during a public hearing properly noticed to the public.
- B. Planning Commission shall review the application, including the Master Development Plan and proposed map amendment and transmit a recommendation to City Council recommending approval, approval with conditions or disapproval of the application.
- C. The Planning Commission shall set forth as part of its deliberations, the reasons substantiating said recommendation. Within a reasonable timeframe the Zoning Inspector shall transmit said recommendation to City Council and the City Clerk to schedule for Public Hearing.

5) Public Hearing and City Council Consideration.

- A. City Council shall review the application, including the development plan, proposed map amendment and Planning Commission recommendation during a public hearing scheduled within 40 days of receipt of the completed application and Planning Commission recommendation.
- B. City Council shall follow all the rezoning procedures pursuant to Section 1149.08, Zoning Amendment Procedures.
- C. City Council shall be the final authority in determining approval, approval with conditions or disapproval.

- (f) PUD Submittal Requirements. In addition to the items required for any concurrent applications, the following shall be included as part of the narrative and Master Development Plan:
- 1) Complete rezoning application, and any other plans that shall be processed concurrently.
 - 2) Master Development Plan, to include:
 - A. Cover page with the name of the project, location map, existing zoning, and the names of the developer, engineer, agent for the owner and other professionals, if applicable.
 - B. A survey and legal description of the proposed development site, showing dimensions and bearings of the property lines; area in acres, topography, and existing features of the development site, including major wooded areas, streets, easements, utility lines, and existing land uses.
 - C. A conceptual drawing showing the locations of specific land uses, general dimensions, setback requirements, and building types for the proposed development. Include a table showing general lot area devoted to general use categories; proposed building square footages by use type; and number of dwelling units by unit type, if applicable.
 - D. Conceptual drawings for sewer, water, and drainage facilities.
 - E. Conceptual drawing of internal and external vehicular and multi-modal circulation, open space, parking, and site access.
 - F. Conceptual landscaping plan for all buffers and other common areas.
 - 3) PUD Narrative, shall include:
 - A. A summary of the proposed project including mix of uses; project goals; timing and any special considerations that would be requested as part of the project.
 - B. A description of proposed management, maintenance, association documents, or deed restrictions for the PUD
 - C. A list of permitted conditional and accessory uses by type and any supplemental requirements that shall become part of the PUD regulations. guiding the development.
 - D. Concept drawings of building elevations and architectural style. If proposed, include any architectural or sign guidelines.
 - 4) Additional studies or plans, such as traffic impact, economic impact analysis, environmental review, or other relevant studies may also be required at the discretion of the City Engineer.

CHAPTER 1141. DEVELOPMENT STANDARDS

1141.01 ARCHITECTURAL PROJECTIONS

- (a) Open structures such as porches, canopies, balconies, platforms, decks, carports, covered patios, and similar architectural projections may project not more than ten (10) feet within the minimum front or rear yard setback.
 - 1) On a corner lot, such porches or terraces shall not project into any front yard.
- (b) Roof overhangs, inclusive of eave spouts and gutters, shall not project more than two (2) feet beyond the structure and may project into the front, side, or rear setback.

1141.02 ADDITIONAL LOT REQUIREMENTS

- (a) Corner Lots. Lots having frontage on more than one street shall provide the required front setback along both streets.
- (b) Dual Frontage Lots. Lots that have frontage on a street both in the rear and the front, inclusive of parcels under single ownership used for a single primary use, shall be required to provide a buffer along the designated rear frontage.
- (c) Lot Requirements for Attached Structures. A subdivision or lot split for construction of a common wall business or residential unit may be subdivided along the common wall for fee simple sale under the following conditions.
 - 1) Side setbacks, building separations and any other requirements, shall comply with the underlying zoning. The common wall shall be exempt from side setback requirements.
 - 2) Frontage shall be located on a primary street, public or private.
 - 3) Common area maintenance, easements, and restrictions shall be submitted with the application and shown on the final plat or attached and recorded with the deed.

1141.03 CORNER LOT TRAFFIC VISIBILITY

No fence, wall, plant materials, sign or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet (25') from their point of intersection.

1141.04 DRIVEWAYS

- (a) All driveways shall be located in accordance with generally accepted traffic engineering standards established by the Ohio Department of Transportation.
- (b) All driveways shall be designed to complement, and not interfere with, drainage along any public street or highway.

(c) Driveway Development Standards. Driveway design, including but not limited, to grade, curb cut, drainage, culvert, material, inspection, and construction specifications to shall be in accordance with Chapter 965, Engineering Standards Manual.

(d) Residential Driveways

- 1) In residential (R) zoning districts there is a maximum one (1) driveway opening per unit.
 - A. Additional driveway openings may be permitted in the R-1 and R-2 residential districts if they are at least seventy-five (75') feet from the side lot line and at least one hundred fifty (150') feet from other existing driveways.
 - B. For R-2 and R-3 residential districts, duplexes, multi-family, and townhomes that are attached may be located a minimum of (10') from any side lot line.
- 2) Each residential driveway shall not exceed twenty-four (24) feet in width when measured at the right-of-way line.
- 3) No residential curb cut shall exceed twenty-eight (28) feet.
- 4) A residential driveway shall be at least sixteen feet (16') wide at the curb and ten feet (10') wide at the back of sidewalk.

(e) Non-Residential Driveways

- 1) Each driveway shall be at least twenty-four (24) feet wide and not more than thirty-six feet (36') wide when measured at the right-of-way line, unless otherwise directed by the City Engineer.
- 2) Driveway radii or tapers shall not be less than fifteen (15) feet.

(f) Permit Required

- 1) No curb or driveway shall be changed or removed as part of constructing a driveway or point of access to a public street unless a permit is first obtained from the City Engineer or Service/Safety Director.
- 2) A permit is not required under this section when the work is performed by the City of Ontario, under a contract administered by the City, or as part of a curb cut or new access for a property with a site plan approved by the Planning Commission.

1141.05 DUMPSTER ENCLOSURES

- (a) Solid fencing or a wall shall be installed around any trash dumpsters or receptacles to provide year-round visual screening for the purpose of effectively shielding those units, and shall meet the following minimum standards:
- 1) Screening shall be a minimum height of six (6') feet.
 - 2) All four sides of the dumpster must be screened.

- 3) The screen should incorporate access to the dumpster by using a wooden fence or another opaque device to serve as a gate.
- 4) Fencing and/or screening around dumpsters shall be maintained in good condition and free of any advertisement.

1141.06 EXTERIOR LIGHTING

(a) General Standards. Exterior lighting shall be designed, installed, and maintained in accordance with the following general standards:

- 1) All exterior lighting fixtures shall be fully shielded and directed downward. Wall-mounted lights shall be designed so that the light source is not directly visible from adjacent properties or public rights-of-way.
- 2) Only energy-efficient lighting sources approved by the city may be used. The same type of lighting source shall be used for the same or similar types of lighting on any one site or planned unit development, unless otherwise approved by the Zoning Inspector.
- 3) Architectural, landscape, sign, and flagpole lighting may be permitted provided such lighting does not produce glare onto adjacent properties or public rights-of-way and complies with the light trespass standards of this section.
- 4) Lighting not required for public safety, security, or business operations shall be reduced, dimmed, or extinguished during nonoperating hours through automatic controls such as timers, photocells, motion sensors, building management systems, or similar technology.
- 5) No flashing, blinking, laser, or moving lights shall be permitted.
- 6) Electrical service to exterior light fixtures shall be placed underground, except where otherwise approved by the City Engineer or other reviewing authority.
- 7) Outdoor lighting shall be designed to present a uniform color temperature throughout a site. Exterior lighting shall not exceed 3,000 Kelvin (K) when located within one hundred (100) feet of a residential district and shall not exceed 4,000 Kelvin (K) elsewhere unless otherwise approved by the Planning Commission.
- 8) All permanently installed exterior lighting shall incorporate automatic controls designed to reduce unnecessary lighting during periods of inactivity.

(b) Lighting Plan Required. A lighting plan shall be required for all development applications subject to site plan review. The Zoning Inspector may waive the lighting plan requirement for minor site modifications, replacement fixtures that do not increase illumination levels or expand the area illuminated, or other improvements determined not to impact surrounding properties.

(c) Lighting Plan Contents. When required, a lighting plan shall include sufficient information to demonstrate compliance with this Section, including:

- 1) The location, type, and mounting height of all proposed exterior lighting fixtures.
 - 2) Fixture specifications, including shielding, distribution pattern, color temperature, and fixture output in lumens.
 - 3) A photometric plan showing illumination levels at property lines and within parking areas, pedestrian areas, drive aisles, outdoor use areas, and other areas proposed to be illuminated.
 - 4) The location of adjacent residential districts or uses, public rights-of-way, and other sensitive areas that may be affected by exterior lighting.
 - 5) The proposed method of automatic control, including timers, photocells, motion sensors, building management systems, or equivalent technology.
 - 6) Any additional information determined necessary by the Zoning Inspector, Planning Commission, or other reviewing authority to verify compliance with this Section.
- (d) Exemptions from Lighting Plan Requirements. The following shall be exempt from lighting plan requirements unless otherwise required by the Zoning Inspector due to potential impacts on adjacent properties or public rights-of-way:
- 1) Single-family dwellings.
 - 2) Two-family dwellings.
 - 3) Replacement of existing fixtures that do not increase illumination levels or expand the area illuminated.
 - 4) Minor site improvements as determined by the Zoning Inspector.
- (e) Canopy Lighting. The maximum light intensity allowed under a canopy, measured at three and one-half (3.5) feet above grade, shall be thirty-five (35) foot-candles. Canopy lighting shall be recessed, shielded, or otherwise designed to prevent glare beyond the canopy area.
- (f) Maximum Height of Light Fixtures. Exterior light fixtures shall not exceed the following maximum heights unless otherwise approved by the Planning Commission as part of a development plan or site plan review:

Zoning District	Maximum Fixture Height
Residential Districts	20 feet
All Nonresidential Districts	30 feet

- (g) Outdoor Recreational and Sports Facility Lighting. Outdoor recreational and sports facility lighting shall comply with the following standards:
- 1) Fixture mounting height shall not exceed eighty (80) feet unless otherwise approved by the Planning Commission.

- 2) All fixtures shall be equipped with glare-control devices and shielding.
 - 3) Lighting shall be directed onto the playing field or activity area and shall not project illumination beyond the intended use area.
 - 4) Light trespass shall not exceed 0.2 foot-candle at any residential property line.
 - 5) A photometric plan shall be submitted demonstrating compliance with this Section.
 - 6) Lighting shall be extinguished no later than 11:00 p.m. unless otherwise approved by the Planning Commission.
- (h) Light Trespass and Light Pollution. Exterior lighting shall be designed, located, and maintained to prevent glare and light trespass onto adjacent properties and public rights-of-way. Where an approved screening fence or wall is required between uses, light trespass measurements may be taken at the location of the screening structure when determined by the Zoning Inspector to provide a more accurate assessment of impacts on adjacent properties.
- (i) Location and Setback. Exterior light fixtures shall be located to minimize impacts on adjacent properties and public rights-of-way. When a light pole abuts a residential zoning district, the setback from the property line shall be no less than the height of the light pole unless otherwise approved by the Planning Commission as part of a development plan or site plan review.
- (j) Exempt Lighting. The following lighting shall be exempt from the requirements of this Section, provided such lighting does not create a nuisance, hazard, or unsafe condition:
- 1) Public street lighting and other lighting installed or maintained by a public utility or governmental agency.
 - 2) Lighting required by federal, state, or local law.
 - 3) Temporary emergency lighting used by police, fire, emergency medical, utility, or other emergency service providers.
 - 4) Seasonal or holiday decorative lighting.
 - 5) Temporary decorative lighting associated with civic, cultural, or community events occurring for a period not to exceed sixty (60) days.
 - 6) Replacement of existing fixtures that do not increase illumination levels or expand the area illuminated.

1141.07 MECHANICAL EQUIPMENT SCREENING REQUIREMENTS

- (a) All rooftop mechanical equipment shall be screened with parapets or other screening methods that are architecturally integral to the building. Rooftop equipment shall not be visible from a point of view that is five feet above grade at 200 feet from the walls of the structure.

- (b) No exterior components of plumbing, processing, heating, cooling, and ventilating systems shall be mounted on the exterior wall of any building unless they are integrated architectural design features of the building.
- (c) Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable noncombustible enclosure of a design configuration acceptable to the appropriate utility company. Where possible refuse containers and transformers should be integrated into the same enclosure.

1141.08 LANDSCAPE AND BUFFERING REQUIREMENTS

- (a) General Landscape Provisions. The purpose of this section is to establish uniform landscaping and buffer yard requirements to mitigate visual, noise, and light glare impacts between incompatible adjacent land uses, enhance the aesthetic quality of commercial, industrial, and multi-family developments, reduce urban heat island effects and manage stormwater runoff through sustainable landscape practices, and promote the use of native and non-invasive plant species suited for USDA Hardiness Zone 6a/6b (North-Central Ohio).
- (b) All landscaping materials shall be installed and maintained in accordance with accepted nursing standards. The owner of the property shall be responsible for the continued maintenance of all landscaping materials and keep them in orderly appearance at all times.
- (c) All residential and non-residential development shall comply with the following:
 - 1) Plant and Tree Standards. Plant materials used in conformance with these provisions shall conform to the American Nursery and Landscape Association and shall have passed any inspection required under state regulations.
 - 2) Trees shall be balled and burlapped or in containers and properly maintained. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.
 - 3) All tree calipers shall be measured in accordance with diameter of breast height (DBH) in accordance with commonly accepted forestry standards.
 - 4) The following are specific standards for landscaping materials.
 - A. Deciduous Trees. Deciduous trees shall be at least two (2) inches in caliper and shall meet accepted nursery industry standards. When deciduous trees are used for screening, additional landscape materials required by this chapter shall be provided to create a dense buffer.
 - B. Evergreen Trees. Evergreen trees shall be at least six (6) feet tall at the time of planting. When used for buffer screening, evergreen trees shall be planted at a maximum distance of twenty (20) feet on center and shall be arranged to create an effective, dense screen within four (4) years after planting.

C. Ornamental and Understory Trees. Ornamental and understory trees shall have a minimum height of five (5) feet or at least one and a quarter (1.25') inch.

D. Shrubs and Hedges. Shrubs and hedges shall be at least twenty-four (24') inches tall at the time of planting.

(d) Residential Landscape Requirements.

- 1) Residential lots shall contain a minimum of 15% landscape area.
- 2) Residential subdivisions or multi-family developments in Residential High (R-3), Neighborhood Business (NB) or Business (B) shall be required to comply with subsection, 1141.08(e), Non-Residential Landscape Standards, along the perimeter of the development.
- 3) Residential developments abutting US Route 30 shall provide a landscape buffer adjacent to US Route 30, in accordance with 1141.08(f), Buffer Yard Requirements.

(e) Non-Residential Landscape Standards.

- 1) Perimeter Landscape. A minimum ten (10) foot landscape strip shall be provided adjacent to all rights of way, subject to the following:
 - A. One (1) shade tree per forty (40) linear feet of frontage shall be planted along a street or roadway.
- 2) Perimeter Building Landscape. A minimum five (5) foot landscape area, planted with decorative trees, shrubs, flowers, or other plant materials shall be planted adjacent to the building facades that directly face a public right-of-way, primary driving aisle, or customer parking area. This does not include dedicated service areas where landscape would interfere with operations.
 - A. For single-tenant buildings exceeding 50,000 square feet of gross floor area, the required five (5) foot landscape area does not need to be continuous. The total required square footage of perimeter landscaping may be aggregated and redistributed into larger, clustered landscape beds, raised planters, or green architectural features flanking the primary customer entrances,
 - B. Shopping Centers and Multi-Tenant Retail Exempted. Buildings within planned commercial shopping centers or multi-tenant buildings where individual tenant spaces are structurally connected and served by a unified, continuous pedestrian walkway shall be exempted from this requirement.
- 3) Buffer Yard Abutting Residential. For non-residential uses abutting a residential, screening and buffering shall be required in accordance with Section 1141.08(f), Buffer Yard Requirements.

(f) Buffer Yard Requirements.

- 1) A landscape buffer yard shall be comprised of a minimum fifteen (15) foot deep landscape area or opaque wall or fence, with a five (5) foot deep landscape area.

- A. Landscaped buffer yards shall include a mix of deciduous trees, evergreen trees, and shrubs pursuant to this section and shall provide for continuance visual screening, a minimum of six (6) feet in height.
 - B. Landscaped buffers that include a fence or wall. The wall or fence shall be erected with a landscape buffer area five (5) foot deep on the exterior of the fence or wall to provide an attractive natural appearance compatible with the surrounding residential area. Weed control and fence maintenance shall be the responsibility of the property owner.
 - C. Buffer yards shall be kept free of structures, dumpsters, outdoor storage, and principal vehicular circulation lanes.
- 2) Earth Mounds may be approved as an alternative landscape buffer or screen at the discretion of the Planning Commission.
- A. Earth mounds shall be a minimum of three (3) feet in height if other screening materials are used (fences or plant materials). If no other screening materials are used, the mounds shall be a minimum of six (6) feet in height.
 - B. When mounds are to be used in conjunction with planting materials to screen residential uses, the mound plus any trees shall be of sufficient height to screen the first story of the residential uses.
- (g) Tree Preservation. An existing tree stand may meet or count toward the landscape requirements of this section if it is of quality, native, non-invasive species.
- 1) The existing tree stand shall provide the same level of screening and buffering consistent with the intent of this section.
 - 2) A tree survey or tree conservation plan may be required, prior to approval and shall be submitted with a site plan or zoning permit application.
- (h) Stormwater Retention. Landscaping shall be installed along the perimeter of stormwater retention area and shall use native plants that perform well in moist environments to create a natural littoral edge.
- (i) Stormwater Detention. Stormwater detention areas may use landscape, and soil mixes appropriate that would include deep rooted native vegetation. Bioretention, such as rain gardens may also be used as an alternative.

1141.09 OFF STREET PARKING REQUIREMENTS

General requirements. In all districts in connection with every industrial, business, institutional, residential, or other use, there shall be provided, at any time any building or structure is erected, enlarged or altered in any way which would provide for an increased number of people, the number of off-street parking spaces in accordance with this chapter shall be provided.

- (a) Parking Stall Dimensions.

TABLE 1141.09 – PARKING STALL DIMENSIONS			
Parking Stall Type	Width	Length	Drive Aisle Width
Parallel (180°)	8 feet	22 feet	13 feet
Perpendicular (90°)	9 feet	18 feet	24 feet
Angled (45°)	9 feet (Measured line to line)	18 feet	12 feet (one way) 22 feet (two way)

- 1) Perpendicular parking spaces abutting curbed landscape areas may receive a two-foot reduction in stall length provided there is a two-foot clear overhang over grass or a concrete ribbon.
- 2) All spaces shall be provided with adequate access by means of a maneuvering lane. Backing directly onto a street shall be prohibited.
- 3) Only one-way traffic shall be permitted in maneuvering lanes serving single row parking spaces placed at an angle other than ninety (90) degrees.
- 4) Adequate ingress and egress to the parking lot by means of clearly defined drives should be provided for all vehicles.
- 5) Installation of curbs or wheel stops for parking stalls along the perimeter of the property to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure.

(b) Landscaping.

- 1) A minimum of six (6%) percent of all parking lots shall be landscaped.
- 2) For parking lots containing eighteen (18) or more parking spaces a landscape island shall be provided at no less than ten (10) parking stall intervals.
 - A. Landscape islands shall be the length of an adjacent parking space and minimum of eight (8) feet wide.
 - B. Parking lot trees shall be of a deciduous shade tree variety to diminish heat island effects.
 - C. All trees shall be a minimum of eight (8') feet tall and two and a half (21/2") inch caliper at time of planting.
 - D. Landscaped islands shall contain a minimum of one deciduous shade tree. Additional shrubs or low groundcover may be planted within the required landscaped islands no taller than two (2) feet.
 - E. Screening. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins premises situated in any "R" district, or institutional premises, by a fence or hedge as determined by the Zoning Inspector.

- (c) Surfacing and Drainage. All drainage from the parking lot must be managed on site. No sheet drainage off the paved area will be permitted.
 - 1) Parking areas for more than five (5) spaces shall be paved and curbed as directed by the Engineer. Any deviation from established drainage procedures shall require approval from the Planning Commission.
 - 2) Parking areas for five (5) or less vehicles shall be graded for proper drainage and may use a properly stoned surface, free of dust and mud.
 - 3) A design drawing of the parking area and drainage must be submitted for review and approval before a zoning permit is approved.
- (d) Lighting. Commercial and industrial parking lots with more than five (5) parking spaces are required to have lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining properties and in accordance with Section 1141.06, Lighting Standards.
- (e) Cross Access. Adjacent parking lots on internal parcels are encouraged to provide cross access connections, pedestrian connections like sidewalks and paths, and shared driveways whenever possible to minimize curb cuts off highways and collectors.
- (f) Change of Use. Any change of use that increases the minimum number of required vehicle parking spaces as noted below, shall be required to comply with the requirements of the zoning code:
 - 1) More than ten (10) parking spaces; or
 - 2) More than twenty-five percent (25%) of the parking spaces that currently exist on-site or on permitted off-site locations.

1141.10 PARKING SPACES REQUIRED

- (a) Computation of Required Parking Spaces.
 - 1) Fractional Spaces. When calculations for required parking spaces result in a fractional number, any fraction of one-half (0.5) or greater shall be rounded up to the next whole number.
 - 2) Gross Floor Area (GFA). Unless otherwise specified, parking requirements tied to square footage shall be calculated using the total gross-floor area of the building, measured from the exterior walls.
 - 3) Multiple Occupancies. Where a single building or parcel contains multiple distinct uses (e.g., a golf course with an attached banquet restaurant), the total parking requirement shall be the cumulative sum of the individual requirements for each specific use.
 - 4) Reduction of Parking. The Zoning Inspector shall have the discretion to reduce the minimum number of parking spaces by ten (10%) percent, which may or may not

include conditions such as alternative or temporary parking accommodations for developments that do not require Planning Commission approval.

(b) The following, Table 1141.10(b) provides the minimum parking space requirements by use type, unless otherwise specified in this subsection or Code.

TABLE 1141.10(b) – PARKING SPACE REQUIREMENTS	
Use Type	Minimum Parking Requirement
Residential Uses	
Single-Family, Duplex, Townhome	• Two (2) spaces per dwelling unit.
Residential, Multi-Family	• Studio or One (1) Bedroom. One (1) space dwelling unit; and/or • Two+ Bedrooms. Two (2) per dwelling unit; and, • Guest and Employee. One (1) space per every five (5) dwelling units.
Group Homes and Residential Care Facility	• One (1) space per four (4) beds or units; and, • One (1) space per employee on the largest shift.
Business Uses	
Assembly and Banquet Halls	• One (1) space per every three (3) persons allowed under fire code maximum capacity.
Golf Courses	• Two (2) spaces per golf hole; and, • One (1) space per employee on the largest shift;
Outdoor Recreation Facilities, Private	• One (1) space per four (4) persons of maximum facility capacity; and, • One (1) space per employee on the largest shift.
Entertainment Facilities, Movie Theaters	• One (1) space per four (4) seats or eight feet (8') of benches;
Banks and Financial Institutions	• One (1) space per three hundred (300) square feet of gross floor area.
Beauty parlors and barber shops	• Two (2) spaces per service chair; or • One (1) space per two hundred fifty (250) square feet of gross floor area, whichever is less.
Bowling alleys	• Three (3) spaces per bowling lane; and • One (1) space per employee on the largest shift.
Car wash	• One (1) space per employee on the largest shift.
Funeral homes	• One (1) space per four (4) seats in the largest chapel or assembly area; and • One (1) space per employee on the largest shift.

TABLE 1141.10(b) – PARKING SPACE REQUIREMENTS	
Use Type	Minimum Parking Requirement
Hotels, Motels and Bed and Breakfast	One (1) space per guest room, plus one (1) space per employee on the largest shift.
Medical Clinics and Office	One (1) space per two hundred (200) square feet of gross floor area.
Professional Office	One (1) space per three hundred (300) square feet of gross floor area.
Eating and drinking establishments,	One (1) space per one hundred fifty (150) square feet of customer dining or drinking.
Retail Sales	Three (3) spaces for each one thousand (1,000) square feet of floor space open to the public.
Automobile Sales and Service	- One (1) space per four hundred (400) square feet of showroom or office area; and - Two (2) spaces per service bay.
Industrial Use	
Warehouses	One (1) space for each employee on the largest shift.
Manufacturing, research, and assembly	One (1) space for each employee on the largest shift; and one (1) space for each three thousand (3,000) square feet of gross floor area.
Research and Development	One (1) space per five-hundred (500) square feet.
Institutional Use	
Houses of Worship	- One (1) space per four (4) seats; or - Eight feet (8') of pews in the main assembly area.
Hospitals	- One (1) space per three (3) beds; and - One (1) space per employee on the largest shift.
Elementary and Middle school	- One (1) space per employee on the largest shift; and - One (1) space per ten (10) seats in the largest assembly area.
Senior High school	- One (1) space per employee on the largest shift, and - One (1) space per six (6) students of legal driving age;
Post Secondary Schools	- One (1) space per three (3) students present during the largest class period; and - One (1) space per employee on the largest shift.

(g) Shared Parking. Shared parking may be approved when uses have different peak parking periods or when a common parking facility can adequately serve multiple uses without creating unsafe circulation or spillover parking.

1) Shared Parking Agreement. A shared parking agreement may be considered under the following conditions.

- A. Shared parking may include parking off-site but must be within three-hundred (300) linear feet of the business or use.
- B. Parking Demand Study. The city may require a parking demand study calculating the parking demand by use, time factor, and peak hours. Shared parking shall be calculated using a model that considers parking demand, time-of-day factors and peak hours.
- C. Alternative parking models such as valet or tandem parking may be considered as part of a shared parking agreement if it does not interfere with access or circulation.
- D. A site plan showing the existing off-site parking, delineating the shared parking, location and number of spaces shall accompany the zoning permit application.
- E. Shared parking agreements shall be approved as to form by the City Attorney and authorized through a site plan or zoning permit application by the Planning Commission.

1141.11 OFF STREET LOADING AND UNLOADING

(a) In any district, in connection with every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, funeral home, or other uses similarly requiring the receipt or distribution by vehicle or materials or merchandise, shall provide and maintain on the same lot at least one off-street loading space, plus one additional such loading space for each additional 20,000 sq. ft.

(b) Each loading space shall be no less than fourteen (14 feet) in width, forty-five (45) feet in length.

1141.12 PUBLIC ACCESS

No structure shall be constructed on any parcel of land unless that does not have direct access off of a public or private street.

1141.13 STORMWATER MANAGEMENT

No building or structure shall be constructed which does not meet the Storm Water Management regulations set forth in Chapter 937 of the Codified Ordinances, City of Ontario.

CHAPTER 1143. RESERVED

CHAPTER 1145. SUPPLEMENTAL REGULATIONS

1145.01 PURPOSE AND APPLICABILITY

The regulations of this chapter shall apply to the uses, structures, activities, and exceptions identified herein in addition to the zoning district regulations contained in Chapter 1137 and development standards contained in Chapter 1141. Where the requirements of this chapter conflict with another provision of this Code, the more restrictive standard shall apply. Existing use-specific regulations contained in Section 1137.05 shall remain applicable unless expressly modified herein.

1145.02 ACCESSORY STRUCTURES OR USES

- (a) The structure or use shall be incidental too and customarily found in connection with a principal building or use permitted in the district in which it is located and shall include, but not limited to:
 - 1) Private swimming pools or ponds for use by occupants and their guests.
 - 2) Domestic storage in a tool shed, barn or similar accessory building or other structure.
 - 3) Gazebo or garden structures.
 - 4) Storage of merchandise normally carried in stock in connection with business or industrial uses, pursuant to the regulations of this code.
 - 5) Rooftop solar power collection systems.
 - 6) Rooftop wind turbines intended to reduce consumption of electrical utility power.
- (b) The structure or use shall be located on the same lot as the principal use for which it serves. An accessory structure or use may be located on an adjacent lot if the adjacent lot is under the same ownership as the lot on which the principal use is located.
- (c) Unless otherwise stated in this section, a zoning permit shall be required prior to construction or establishment of an accessory use or structure.
- (d) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this code.
- (e) Where the accessory structure is attached to the main building, it shall be subject to, and must conform to, all regulations of this code applicable to the main building.
- (f) Accessory buildings shall only be permitted in the rear yard.
- (g) No detached accessory structure, porches or patios shall be located closer than five feet (5) to any side or rear lot line. In no case shall an accessory structure be located within a dedicated easement or right-of-way.

- (h) Detached structures or buildings shall be located not less than ten (10) feet from the principal structure.
- (i) Open, unenclosed, and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front or rear yard setback. On a corner lot, such porches or terraces may not project into any front yard.
- (j) Where an accessory structure is located on a corner lot, the structure shall not project beyond the minimum front yard setback line on either street.
- (k) No detached accessory building in a Residential District shall exceed fourteen (14) feet in height.
- (l) Accessory structures in all other districts shall not exceed the height of the principal building.
 - 1) Accessory structures may be permitted to exceed the height of the principal building with Planning Commission approval.
 - 2) No accessory structure shall exceed the maximum height permissible under this zoning code.

1145.03 DEMOLITION

- (a) No person, except a general contractor licensed and registered in accordance with the requirements of Chapter 1343, shall demolish or undertake to demolish or represent capabilities of demolishing any building or other structure or part thereof.
- (b) Demolition Permit Required. A permit shall be required for the demolition of any building or structure having more than one hundred twenty (120) square feet of floor area.
 - 1) Exemptions. No permit shall be required for residential properties that do not involve the abandonment of utilities or are not covered under US Environmental Protection Administration (EPA) rules and regulations.
- (c) Application. An application for a demolition permit shall be in the form prescribed by, and filed with, the Zoning Inspector and City Engineer. Such application shall describe the demolition to be accomplished, designate the manner, method, and equipment to be used and accompanied by any required fees.
 - 1) The application shall indicate the date upon which demolition is intended to begin and the probable date of completion thereof. Applications shall be submitted a minimum of three (3) business days prior to demolition.
 - 2) Proof of Ownership. Written authorization from the property owner of record allowing the designated contractor to perform the work.
 - 3) Utility Verifications. If abandoning utilities, written sign-off from all respective utility companies including electric, natural gas, public water, and sanitary sewer, certifying

that services have been completely disconnected, terminated, or safely capped at the property boundary.

- 4) Asbestos Report. A certified asbestos survey and compliance report in strict accordance with Ohio Administrative Code Chapter 3745-20. If hazardous materials are present, proof of an Ohio EPA notification must be attached.
- (d) Commencement of Work. The contractor or authorized agent shall give the Zoning Inspector twenty-four (24) hour notice before commencing demolition work under an approved permit. The work shall be conducted in an orderly and timely manner according to the following timeframe for the demolition of the type of structure the contractor or owner is applying to demolish:
- 1) Residential - One (1) week
 - 2) Commercial (non-industrial structures) – One (1) month
 - 3) Industrial structures – Three (3) months
- (e) Bond Required. Prior to authorization of permit, the city may require a bond in an amount as determined by based on type, cost, and scope of the demolition.
- 1) Bonds shall be approved as to form by the Law Director indemnifying the City for all liability arising by reason of the acts of the demolition contractor or his employees while in the pursuit of his business under a demolition permit issued by the City.
- (f) Completion of Work. The contractor or owner shall remove all lumber, rubble and other building or structural materials and debris and all demolition equipment from the graded premises, or, at the owner's request, has piled it neatly upon the premises, in such a manner as not to constitute a public nuisance or hazard.
- 1) All foundations or slabs shall be broken and removed to not less than two feet below the ground surface, and has filled all basements, trenches or other depressions with not less than two feet of compacted earth, or as otherwise provided herein, graded neatly to the existing established grade level, unless a building permit has been issued for a structure which will make use of the foundation or slab remaining after demolition.
- (g) Final Inspection. The Zoning Inspector or City Engineer shall conduct a final inspection and issue a certificate of final inspection if the demolition is completed in accordance with this code and the permit.

1145.04 DRIVE THROUGH FACILITIES

- (a) Drive-through facilities shall provide adequate on-site stacking, safe internal circulation, and appropriate screening to prevent adverse impacts on public streets, sidewalks, parking areas, and adjacent properties.

- (b) Required stacking spaces shall be located entirely on-site and not block parking spaces, drive aisles, fire lanes, pedestrian walkways, loading areas, driveway entrances, or public rights-of-way.
 - 1) Each stacking space shall be at least nine (9) feet wide by twenty (20 feet) long.
 - 2) Restaurants and similar food or beverage use(s) provide a minimum of eight (8) stacking spaces per drive-through lane.
 - 3) All other business or commercial uses such as banks, pharmacies, and similar service windows shall provide a minimum of three (3) stacking spaces per lane.
- (c) The Zoning Administrator may require additional stacking or a traffic study where site conditions, traffic volumes, or operational characteristics warrant additional review.
 - 1) Drive-through lanes shall be clearly marked, located to minimize conflicts with pedestrians and parking areas, and screened from streets and residential uses with landscaping, walls, fences, or similar treatments.
 - 2) Menu boards, speakers, lighting, and service windows shall be located and oriented to minimize noise, glare, and visual impacts on adjacent properties.

1145.05 ELECTRIC VEHICLE CHARGING STATIONS

- (a) An electric vehicle charging station is a public or private parking space(s) that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
- (b) Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the standards in this Section.
 - 1) Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, the Zoning Inspector or Planning Commission may authorize variations from these standards, so long as the intent and goal of the standards and this Section are addressed.
 - 2) Level 1, level 2, and Level 3 chargers may be used.
- (c) Reserved Parking. Except when located in conjunction with single-, two- and three-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.
- (d) Service Fees. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to residents, employees, and visitors to the property. Collection of charging station fees shall not affect the zoning land use classification of properties where electric vehicle charging stations are installed as accessory uses.
- (e) Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items

contained in subsection (f) Sign age Notification, of this Section and shall be no larger than 4 square feet. Wayfinding signs conveniently located to guide motorists to the charging stations are permitted with approval of the Zoning Inspector.

(f) Equipment Standards. Equipment for electric vehicle charging stations shall comply with the following standards:

- 1) Installation shall meet applicable electric code.
- 2) Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging stations shall be designed and located so as to not impede pedestrian travel or create trip hazards within the right-of-way.
- 3) Charging station outlets and connector shall be no less than thirty-six (36) inches or no higher than forty-eight (48) inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.
- 4) Equipment for public use shall be protected by concrete-filled bollards.

(g) Signage Notification. The following information shall be posted at all electric vehicle charging stations:

- 1) Voltage and amperage levels.
- 2) Hours of operation if time limits or tow away provisions are to be enforced by the property owner.
- 3) Usage fees.
- 4) Safety information.
- 5) Contact information for reporting when the equipment is not operating or other problems.

(h) Calculation for Required Parking. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking space.

(i) Yard Location. Electric vehicle charging stations may be located in any yard.

1) Residential:

- A. A minimum fifteen (15) foot front setback is required.
- B. Must be located in accessible from a paved surface.

2) Non-residential uses must follow the requirements outlined in Section 1141.10, Off-Street Parking Requirements.

1145.06 FENCES, HEDGES AND WALLS

(a) Fences shall not obstruct visibility within required sight triangles.

- (b) Fences located within required front yards shall not exceed four (4) feet in height.
- (c) Fences located within side or rear yards shall not exceed six (6) feet in height unless otherwise authorized.
- (d) Barbed wire, razor wire, and similar materials shall be prohibited except public facilities as determined by the city.
- (e) The finished side of a fence shall face adjoining properties or public rights-of-way.
- (f) Hedges used as screening shall be maintained in a healthy condition and shall not obstruct visibility.
- (g) Existing landscaping, walls, fences, or earth berms may be used to satisfy screening requirements when determined by the Zoning Inspector to provide equivalent buffering.

1145.07 HOME OCCUPATIONS

Home occupations are permitted as an accessory to residential use under the following conditions:

- (a) No more than twenty-five percent (25%) of the gross area of a dwelling unit shall be used for such purpose. Use of an accessory building is permitted.
- (b) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- (c) There shall be no outside storage of any kind related to said occupation and no more than one additional vehicle at a time.
- (d) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time.
- (e) One (1) home occupation sign shall be permitted. It may display the names of the occupants and/or the name of the home occupation. It shall not exceed six (6) square feet in area, shall be non-illuminated, and attached flat to the main structure or visible through a window.
- (f) Permitted Home Occupations:
 - 1) Artists, crafters and sculptors, including one on one instruction.
 - 2) Writers, musicians, and composers.
 - 3) Dressmakers, seamstresses, and tailors.
 - 4) Family day care home, in compliance with Ohio Department of Jobs and Family rules.

- 5) Office facility of a counselor, psychiatrist or other professional that provides counsel mental and/or emotional counsel one on one.
 - 6) Office facility for professionals that service customers off-site or remotely.
 - 7) Office facility for an individual providing professional services such as architecture, financial services, attorney, or real estate agent.
 - 8) Cottage food production operator in compliance with State of Ohio rules and regulations.
 - 9) Computer operations where the residents can conduct their work at home.
 - 10) Personal services such as barbers, health and wellness services limited to one station only for provision of services, and one customer at a time.
 - 11) Home occupations similar in size and impact as determined by the Zoning Inspector may also be permitted.
- (g) Hours of operation for a home occupation that entails client visits or incoming deliveries are restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.

1145.08 HOURS OF CONSTRUCTION ACTIVITY

- (a) Construction activity such as excavating, carpentry work, brick laying, cement work, operations involving chain saws, any form of labor performed on the construction, maintenance or repair of underground utility lines, mains, sidewalks, streets and structures or the operation of such tools or equipment that would disturb the good peace and quiet of the community shall only be permitted within 1,000 feet of any residence between the hours of 7:00 a.m. to 9:00 p.m. However, said activities may be performed within an enclosed structure or by the owner or a resident of the subject premises if said activity does not cause a nuisance.
- (b) The provisions of this section shall not apply to emergency work of public service or such circumstances that are similar to emergency work of public services or state, county, and local governments.

1145.09 MANUFACTURED HOMES

A manufactured home shall be permanently sited, in accordance with ORC 3781.184 and ORC 519.212, and any other applicable state and local regulation.

1145.10 NON-CONFORMING USES

- (a) Any use, building, structure, land or premises that exist at the time of the effective date of this code that was legally established under a previous code amendment, or versions may be continued although such use, building, structure, or use of land does not conform to the provisions of this code.

- (b) Passage of this code in no way legalizes any illegal use(s) existing at the time of its adoption.
- (c) An applicant for any development review procedure that deals with a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.
- (d) It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use or structure under the regulations of this code.
- (e) Nothing in this code shall be deemed to require a change in 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 zoning code and upon which actual building construction has been carried on in a diligent manner.
- (f) Non-Conforming Uses. Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:
 - 1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of this subsection.
 - 2) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
 - 3) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
 - 4) Change of Non-Conforming Use.
 - A. The lawful use of an existing building or structure can be continued, although such use does not conform to the provisions of this code. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use (as determined by the Zoning Inspector) or to a conforming use.
 - B. Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.
 - 5) Expansion of Non-Conforming Use.
 - A. Notwithstanding the foregoing provisions to the contrary, a structure containing non-conforming residential use may be increased or improved, regardless of the applicable zoning district, provided the structure continues to be used for residential purposes only, and complies with other regulations required in the zoning district.

- B. Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.
 - C. The Planning Commission shall review a request to expand a nonconforming use pursuant to Section 1149.07, Variance
- 6) Termination of a Non-Conforming Use.
- A. Termination of Use through Discontinuance. A nonconforming use which is discontinued for a period of one year shall not again be used except in conformity with the regulations of the district in which it is located (unless the same is in litigation and the litigation has started within the first 12 months).
 - B. Termination of Use by Damage or Destruction. Re-establishment of a non-conforming use shall require a zoning permit and shall be subject the following.
 - i. If a nonconforming single-family residential use in a nonresidential district is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot.
 - ii. If a nonconforming, nonresidential use in a residential district is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction.
 - iii. If a nonconforming, nonresidential use in a residential district is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished with approval by the Planning Commission after consideration of surrounding uses and the impact of the nonconforming use.

1145.11 NON-CONFORMING LOTS AND STRUCTURES

- (a) A nonconforming building or structure may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:
 - 1) Any nonconforming structure may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure, unless otherwise specified in this code.
 - 2) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
 - 3) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all

regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

- 4) The governmental acquisition of a portion of a lot for a public purpose resulting in a reduction in required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- 5) A nonconforming trailer or mobile home, once removed, shall not be replaced by another unit, unless the replacement is installed within one week of the removal of the previous unit.

(b) Damage to a Non-Conforming Structure

- 1) If a nonconforming structure is damaged beyond fifty (50%) percent of the principal structure's value, such structure shall only be rebuilt in compliance with the requirements of this code.
- 2) If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

(c) Adjacent Existing Lots of Record. Where two or more adjacent lots of record held by one owner do not individually meet the minimum yard requirements of the zoning districts in which they are located, the Zoning Inspector may require that the lots be combined prior to any new construction to make the lots conforming.

(d) Non-Conforming Lots and Structures in Residential Districts. If an existing lot of record in a residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized, or altered, provided that:

- 1) The building shall not enlarge the original floor area unless the enlarged section complies with all regulations of this code, with the exception of the lot area and the lot width regulations.
- 2) The number of dwelling units shall not be increased unless in conformance with this code.

1145.12 OUTDOOR DISPLAY OF MERCHANDISE

(a) Districts Permitted. Outdoor Display of Merchandise is permitted accessory to a principal use in any Business or Industrial district in which the retail use is permitted.

(b) Location.

- 1) Outdoor Display of Merchandise shall be located immediately adjacent to, and within ten feet (10) of, the wall of the principal building from which the associated retail use is conducted, with the exception of those uses that require outside inventory, such as car sales, nurseries, and other similar uses.

- 2) Outdoor Display of Merchandise shall not be located within a required parking space, drive aisle, fire lane, loading area, or accessible route, and shall not reduce a public sidewalk to less than a four (4) feet clear, unobstructed pedestrian path.
- (c) Area Limit. The area occupied by Outdoor Display of Merchandise shall not exceed fifteen percent (15%) of the gross floor area of the principal building devoted to the associated retail use, except for car sales, nurseries, or other merchandise the Zoning Inspector determines impractical to remove daily.
- (d) Hours. Merchandise shall be displayed only during the hours the business is open to the public, and shall be removed or secured inside the building, or in an Outdoor Storage area meeting when the business is closed, except for car sales, nurseries or other merchandise the Zoning Inspector determines is impractical to remove daily.
- (e) No Additional Signage. Outdoor Display of Merchandise shall not include or incorporate signage beyond what is otherwise permitted under Chapter 1147, Signs; a display of merchandise is not, by virtue of its display, exempt from the Sign chapter.
- (f) Maintenance. The display area shall be maintained in a neat, orderly condition, free of trash and debris.

1145.13 OUTDOOR STORAGE

- (a) Districts Permitted. Outdoor Storage is not permitted in any residential district, except as an accessory use to an active construction site. Outdoor Storage is permitted as an accessory use in business, office service, and industrial districts, subject to this section.
- (b) Location.
 - 1) Outdoor Storage shall be located to the side or rear of the principal building and shall not be located within any required front yard setback or between the principal building and a public right-of-way.
 - 2) Outdoor Storage shall not be located within a required parking space, drive aisle, loading area, fire lane, or easement.
 - 3) Outdoor Storage shall maintain a minimum setback of ten feet (10) from any side or rear property line, and fifty feet (50) from any residential district boundary.
- (c) Screening. An Outdoor Storage area shall be screened from view from any public right-of-way and from any adjoining residential district by screening not less than six (6) feet in height, or the height of the stored materials, whichever is greater.
 - 1) Screening materials shall be compatible with the architecture and materials of the principal building and shall be maintained in good repair.
- (d) Height and Area Limits.
 - 1) Materials stored outdoors shall not be stacked or piled higher than the height of the required Screening, or fifteen (15) feet, whichever is less.

- 2) An Outdoor Storage area shall not exceed twenty-five percent (25%) of the gross floor area of the principal building, or twenty percent (20%) of the lot area, whichever is less, unless a larger area is approved as part of a conditional use.

(e) Prohibited Outdoor Storage or Display

- 1) Solid waste, junk, salvage, or scrap materials, except as an accessory use to a lawfully permitted recycling or salvage business, and then only if fully screened.
- 2) Inoperable, unlicensed, or unregistered motor vehicles.
- 3) Hazardous or flammable materials in excess of the quantity permitted for on-site storage under the Ohio Fire Code.
- 4) Merchandise, materials, or equipment stored or displayed within a required parking space, drive aisle, fire lane, or accessible route at any time.

- (f) Site Plan Required. An application for a zoning permit involving Outdoor Storage shall include a site plan showing the location, dimensions, screening, and surfacing of the proposed area.

1145.14 PERFORMANCE STANDARDS

- (a) No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- 1) Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved. The City Fire Inspector shall have final enforcement authority of this provision.
- 2) Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 3) Noise. Noise which is objectionable as determined by the Zoning Inspector due to volume, frequency or beat shall be muffled or otherwise controlled.
- 4) Vibration. No vibration shall be permitted, which is discernible without instruments on any adjoining lot or property.
- 5) Smoke. Smoke requirements shall be under Ohio E.P.A. jurisdiction.

- 6) Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
 - 7) Air pollution. No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling. Air requirements shall be under Ohio E.P.A. jurisdiction.
 - 8) Glare. No direct or reflected glare shall be permitted which is visible from any property outside a Business or Industrial District or from any public street, road, or highway.
 - 9) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
 - 10) Water pollution. Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
- (b) Measurement procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures established by E.P.A. or other agencies.

1145.15 SWIMMING POOLS

- (a) Above-ground swimming pools shall not require a permit, subject to compliance with applicable regulations for accessory structures and uses.
- (b) In-Ground Swimming Pools Requirements. Shall comply with all of the requirements of an accessory use or structure and shall require a Zoning Permit. The following shall also apply:
 - 1) The Richland County Building Department has issued a Pool Permit.
 - 2) The pool, including any decks, walkways, or accessory uses adjacent thereto, shall only be located in the rear yard and shall be located at least ten feet from all property lines.
 - 3) The pool shall be completely enclosed by a fence not less than four (4) feet high or more than six (6) feet high equipped with one or more lockable gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children.
 - 4) The pool is intended and used solely for the enjoyment of the occupants and guests of the owners of the property on which it is located.
 - 5) Any pool which stands empty of water or in disrepair for more than one year shall be filled in or removed.

1145.16 SOLAR, WIND AND RENEWABLE ENERGY SYSTEMS

(a) Purpose. To promote efficient implementation of renewable energy systems, while setting practical guidelines for such implementation in residential and commercial districts that will be respectful of surrounding neighborhoods and land uses.

(b) General Provisions.

- 1) Renewable energy systems are permitted as an accessory within all zoning districts and shall be subject to all provisions for accessory structures within the respective zoning district unless otherwise provided for within this chapter.
- 2) Renewable energy systems shall not constitute an increase in maximum lot coverage or rear yard coverage and shall be included in the overall calculation for that zoning district.
- 3) Transmission and/or distribution lines shall be underground or use existing utility routes or utility right-of-way as permitted by the facility owner.
- 4) Logos, signs, advertising, or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on renewable energy equipment.
- 5) Noise. Noise from any renewable energy system shall be limited to no more than ten decibels above the original ambient sound level beyond the property line, considering both daytime and night measurements pursuant to measurement with a sound decibel meter.
- 6) To accommodate changing technologies, other types of renewable energy systems such as geothermal energy or hydrogen, may be permitted with Planning Commission, as a conditional use.
- 7) All renewable energy systems require a zoning permit and may require a conditional use, requiring Planning Commission approval based on the following:

A. Zoning District Permissions

System Type	Residential Districts	Commercial Districts	All Other Districts
Roof Mounted Solar	Permitted	Permitted	Permitted
Freestanding Solar	Permitted	Permitted	Permitted
Roof Mounted Wind	Prohibited	Prohibited	Conditional
Freestanding Wind	Conditional	Conditional	Permitted
Other Renewables	Conditional	Conditional	Conditional

B. Conditional use approvals may include conditions to protect and minimize impacts to adjacent properties and uses.

- 8) Decommissioning. When a solar, wind or other renewable energy system has not generated electricity for twelve (12) consecutive months it shall be deemed

abandoned and shall be removed by the property owner, at the owner's expense, within ninety (90) days of notice from the Zoning Inspector.

- A. As a condition of a conditional use approval the Planning Commission may require financial security (such as a bond or escrow) in an amount sufficient to cover the estimated cost of decommissioning and removal. Failure to comply with this section, or with any condition attached to a permit issued under it, is grounds for permit revocation by the City.

(c) Wind Energy Requirements.

- 1) Height. Maximum height shall be considered the total vertical height calculated by measuring the length of the blade or vane at the maximum vertical rotation to the original/normal grade.
 - A. Residential. The maximum height of any wind turbine in a residential zoning district shall not exceed the maximum height permitted within the zoning district.
 - B. Heights exceeding forty (40) feet in non-residential districts may be reviewed and determined by the Planning Commission as a conditional use.
- 2) Setbacks. Any wind turbine erected on a parcel of land shall be located within the rear yard and shall meet the required setbacks of the zoning district and will need to establish a "clear fall zone" equal to the 1.1 times the maximum height of the wind turbine from all neighboring property lines, structures, as well as any structures on the parcel intended for the wind turbine.
 - A. No wind turbine, battery storage or appurtenance shall be located in a front yard.
- 3) Ice. The potential ice throw or ice shedding for the wind turbine shall not cross the property lines of the site nor impinge on any public right-of-way or overhead utility line. Compliance shall be demonstrated in the zoning permit application.
- 4) Sound Thresholds. Audible sound from a small wind turbine must not exceed 55 dBA when measured at the closest neighboring property line.
- 5) All systems must feature an automatic braking system to prevent over-speeding in high-wind conditions.
- 6) A zoning permit shall be required before construction can commence on a wind generation system. The permit application shall contain the following items:
 - A. The total size and maximum height of the wind turbine unit.
 - B. The total size and height of the tower, pole, or support structure and method of mounting.
 - C. Site plan showing the "clear fall zone" and the manufacturing recommendations.
 - D. For ground mounted wind turbines shall include sealed structural design calculations from a professional engineer.

(d) Solar Energy Requirements.

- 1) Solar Energy Generation Systems, Accessory. Solar energy generation systems shall be allowed in all zoning districts accessory to principal use subject to the following regulations:
 - A. Solar collector systems and solar equipment shall be located in a manner to minimize view blockage of surrounding properties and shading.
 - B. The solar collectors do not emit unreasonable glare and negatively impact adjacent properties.
- 2) Roof mounted system.
 - A. Roof mounted solar collectors may project eighteen (18) inches above the maximum building height from the roof to the highest edge or surface of the system.
 - B. Roof mounted solar collectors installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - C. Solar collectors mounted on a flat roof shall be placed no higher than six feet above the roof at its highest point.
- 3) Building integrated system. Building-integrated photovoltaic (BIPV) systems shall be permitted subject to the requirements of the Ohio Building Code.
- 4) Freestanding system. Solar collectors that are not attached to a building shall be permitted as an accessory structure subject to the following regulations:
 - A. Freestanding solar collectors shall be permitted in the rear yard only.
 - B. Freestanding solar collectors shall be setback according to the setback requirements of the zoning district.
 - C. Freestanding solar collectors in residential zoning districts shall not exceed six feet at their highest point.
 - D. Freestanding solar collectors in all other districts shall not exceed ten feet at their highest point in all other zoning districts.
 - E. The surface area covered by a freestanding system shall not exceed 2% of the lot and shall be calculated as part of the maximum lot coverage for the zoning district.

1145.17 TELECOMMUNICATIONS TOWERS AND FACILITIES

- (a) All newly constructed towers or equipment facilities must meet strict architectural integration standards to eliminate blight.

- (b) Tower Structure. All new towers must utilize a monopole design. Lattice towers or guyed configurations are prohibited.
- (c) Screening Mandate. Ground equipment must be enclosed by an opaque wall or fence.
- (d) Exterior Lighting. Lighting on telecommunications facilities is restricted exclusively to security fixtures that shield glare downwards.
- (e) Fall Zone Safety. To mitigate damage from structural collapse or falling ice, macro towers must be set back from any property line a distance equal to 110% of the total height of the tower.
- (f) Small Cell Siting Standards (Public Right-of-Way). In accordance with ORC Section 4939.0314, small cell facilities deployed inside municipal rights-of-way are permitted uses but must adhere to local design standards:
 - 1) Stealth Architecture. Antennas, brackets, and cabling must be enclosed inside a single utility pole shroud. It must be painted to match existing municipal fixtures.
 - 2) Volume Limits. Equipment enclosures mounted outside the pole structure may not exceed 28 cubic feet in total volume.
- (g) Abandonment and Removal. Any facility or tower that remains inactive for 12 consecutive months is legally deemed abandoned.
 - 1) The structure owner must clear the tower site and restore it to its natural landscape state within 90 days of receiving a formal notice of abandonment from the City of Ontario.

1145.18 TEMPORARY STRUCTURES AND USES

- (a) Temporary structures and uses shall require a zoning permit.
- (b) Unless otherwise noted in this section, temporary structures or storage in any zoning districts may be permitted for no more than one (1) year, in compliance with zoning district regulations. The Zoning Inspector may require conditions of approval and stipulate requirements related to installation, placement, and materials.
- (c) Temporary buildings for uses incidental to construction shall be allowed upon the construction site for a period not to exceed one (1) year.
 - 1) Temporary buildings required for a period longer than one (1) year shall be approved by the City Planning Commission on such terms and conditions as it deemed to be in the public interest.
 - 2) No temporary construction building shall be located within the public dedicated right-of-way.
 - 3) Temporary buildings and equipment used for construction shall be removed within thirty (30) days of completion.

- (d) The following temporary uses are permitted in the City of Ontario, subject to the following conditions:
- 1) Christmas tree sales for a maximum of sixty (60) days. Commercial tree sales lots shall be located in business districts. However, tree sales lots run by non-profit organizations may be located in other zoning districts if located on a non-profit or institutional lot, as certified by the Zoning Inspector.
 - A. Tree sale lots shall be located on a major arterial or collector street.
 - B. Tree sale lots shall not have any adverse impacts on adjacent properties.
 - 2) Garage Sales. The sale of specific or miscellaneous goods or materials on a lawn, driveway, porch, garage, in a basement, or any other building shall be deemed to be a garage sale.
 - A. No more than three (3) garage sales shall be permitted on the same residential property in a twelve (12) month period. No garage sale shall last for more than three (3) consecutive days.
 - B. No garage sale shall begin earlier than 9:00 A.M. nor shall any such sale last later than 5:00 P.M.
 - C. Garage sales shall be exempt from permitting requirements.
 - 3) Special Events as defined in Chapter 1133 Definitions, shall obtain a zoning permit no later than fourteen (14) business days prior to the event.
 - A. Zoning permit application shall be accompanied by a plot plan delineating location of tents, food vendors, signage, and other applicable information as requested by the Zoning Inspector.
 - B. Sign plan, location and number for on-site Special Event and off premises signs.
 - C. Attach permits or authorizations related to the event from external entities such as the Richland County Health Department or Building Department.

1145.19 WETLANDS

- (a) Purpose. To protect and conserve wetlands by promoting avoidance of alterations to jurisdictional wetlands as the optimum goal, or where avoidance is not possible, to restore and maintain integrity of these lands in as near a natural state as possible.
- (b) Mitigation Practices Required. Where alteration of a wetland cannot be avoided, mitigation to compensate for the loss of wetlands shall be required through any combination of restoration, enhancement, creation, buffering, monitoring, best management practices, and legal protection. The methods and techniques used to mitigate the alteration of the wetlands, along with a site plan, shall be approved by the Planning Commission.

CHAPTER 1147. SIGNS

1147.01 PURPOSE AND INTENT

- (a) Purpose. The purpose of this Chapter is to promote public health, safety, and welfare through the establishment of standards for signs throughout the city. This chapter controls the type, design, size, location, illumination, enforcement, and maintenance of signs to:
 - 1) Reduce the hazards to motorists and pedestrians from the distraction and obstruction that may be caused by unsafe signs, or an excessive amount, or proliferation of signs.
 - 2) Enhance and protect the quality of all land uses, property values, and aesthetics of the community, through reasonable and appropriate controls relating to size, type, and design of signs.
 - 3) Ensure appropriate safety of signs through controls on construction and maintenance; and
 - 4) Ensure fair and consistent enforcement of this Chapter.
- (b) Intent. This Chapter regulates sign size, height, number, duration, and locations standards based on a sign's physical and locational characteristics rather than its message, while preserving the city's legitimate interests in traffic safety, aesthetics and property values as recognized in this section.

1147.02 APPLICABILITY.

- (a) Statutory Authority. This chapter is enacted pursuant to the home rule powers granted to municipal corporations by Article XVIII, Section 3 of the Ohio Constitution, and the statutory authority delegated under the Ohio Revised Code (ORC). This includes, but is not limited to, ORC 715.27 (authorizing the regulation and structural safety of signs, billboards, and fences), ORC 715.65 (authorizing the regulation of advertising and bill-posting), and ORC Chapter 713 (empowering the city to establish zoning regulations to protect public health, safety, and the general welfare).
- (b) Relationship to other Regulations. The issuance of a zoning permit issued by the City of Ontario shall not exempt any applicant from the obligation to secure all mandatory building and electrical permits from the Richland County Building Department in accordance with the Ohio Building Code and National Electrical Code, nor shall it relieve the applicant from strictly complying with all State of Ohio rules governing outdoor advertising and highway advertising along state and interstate highways pursuant to Ohio Revised Code Chapter 5516.
- (c) Compliance Required. This Chapter regulates signs visible from a public right-of-way or an adjoining property. Signs exempt from permit requirements shall remain subject to all

applicable standards of this Chapter, including standards for location, safety, maintenance, illumination, and removal.

1147.03 DEFINITIONS, SIGNS

- (a) Advertising Vehicle. A vehicle, trailer, or similar mobile unit bearing a sign or advertising display that is parked or stored in a visible location primarily for the purpose of attracting attention or advertising, rather than for customary transportation, commuting, deliveries, service calls, or other bona fide personal or business use.
- (b) Awning or Canopy Sign. A sign painted, printed, attached to, or otherwise displayed on an awning or canopy attached to a building.
- (c) Banner. A temporary sign made of flexible lightweight fabric, vinyl, or similar material with no enclosing framework that is mounted or secured to a building or two or more posts.
- (d) Billboard. A sign that directs attention to, advertises, or identifies a business, commodity, service, entertainment, or commercial activity offered at a location other than the lot on which the sign is located.
- (e) Box or Cabinet Sign. A sign where the internal lighting, electrical components, and structural frame are completely enclosed within a self-contained box or "cabinet."
- (f) Changeable Copy. Characters, letters, illustrations, or similar marks that may be changed or rearranged without altering the face or structure of the sign. Changeable copy does not include an electronic message display or a sign that displays only time and temperature information.
- (g) Channel Letter Sign. A sign that consists of individual, three-dimensional letters or logos that are crafted separately and have their own self-contained light source inside.
- (h) Directional or Incidental Sign. A sign that uses words, numbers, symbols, or arrows to direct motorists or pedestrians to entrances, exits, parking areas, loading areas, drive-through lanes, buildings, departments, or similar on-site locations, and that is incidental to the principal use of the property.
- (i) Electronic Message Display. A sign or portion of a sign on which the copy or message may be changed by electronic or mechanical means, including digital, LED, video, or similar display technology.
- (j) Feather Flag. A temporary sign made of cloth, plastic, vinyl, or similar flexible material that is elongated, mounted to a pole or bow, and intended to move or blow in the wind.
- (k) Flag. A sign of cloth or similar material anchored along one side and displayed from a single pole, either freestanding or attached to a building, which does not display commercial advertising, product names, or business logos.

- (l) Freestanding Sign. A sign supported by a structure anchored in or upon the ground and independent of support from any building. A freestanding sign includes ground signs, pole signs, subdivision monument signs, multi-tenant freestanding signs, and similar ground-mounted signs.
- (m) Multi-Tenant Freestanding Sign. A sign which is permanent, ground-mounted sign and physically separate from any building and displays the names or logos of two or more separate businesses operating within the same shopping center or office complex.
- (n) Nonconforming Sign. A sign that was lawfully established before the effective date of this Chapter, or any applicable amendment to this Chapter, but that does not conform to one or more current sign standards.
- (o) Off-Premises Sign. A sign that directs attention to, advertises, or identifies a business, commodity, service, entertainment, commercial activity, product, or message that is not located, sold, offered, conducted, or available on the lot where the sign is located.
- (p) Pole Sign. A freestanding sign supported by one or more poles, pipes, or posts.
- (q) Portable Sign. A sign that is not permanently attached to the ground, a building, or another structure and is designed or intended to be moved from place to place, including a-frame, sandwich board, or similar signs.
- (r) Projecting or Hanging Sign. A sign attached to and projecting from a building wall, canopy, arcade, or similar structure, including a sign suspended beneath a canopy or walkway.
- (s) Roof Sign. A sign constructed, erected, or maintained on, over, or above the roof of a building, or that extends above the roofline of a building.
- (t) Sign. Any display, device, object, structure, fixture, placard, or visual communication that is designed or used to identify, advertise, direct attention to, or communicate information, whether permanent or temporary, and whether containing words, symbols, images, logos, lights, other visual elements.
- (u) Sign Face. The surface or display area of a sign upon which copy, graphics, symbols, logos, or other information is placed or displayed.
- (v) Subdivision Monument Sign. A permanently installed freestanding sign used to identify a residential subdivision, apartment buildings, or similar residential development.
- (w) Temporary Sign. A sign constructed of temporary materials or designed, intended, or permitted to be displayed for a limited period of time and not permanently attached to the ground, a building, or another permanent structure.
- (x) Unified Master Sign Plan. A coordinated sign plan for a property or development containing multiple tenants, buildings, sign types, or sign locations, intended to provide

consistent sign design and predictable sign placement while allowing reasonable flexibility for tenant identity.

- (y) Wall Sign. A sign applied, attached, painted, or otherwise mounted onto the exterior surface of a building or structure.
- (z) Window Sign. A sign affixed to, painted on, placed behind, or otherwise displayed through a window and visible from the exterior of a building or structure.

1147.04 GENERAL MEASUREMENT STANDARDS

(a) Sign Area Measurements.

- 1) Area computation for individual signs. The area of the face of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign, together with any material or color forming an integral part of the background of the display of the sign face or structure against which it is placed. Any supporting framework, bracing, or decorative fence or wall when clearly incidental to the display shall not be computed as part of the total sign face.
- 2) Area computation of multi-faced signs. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches apart, the sign area shall be computed by the measurement of one face.
- 3) Area computation by spherical signs. For a spherical sign, sign area shall be calculated as the surface area of one-half of the sphere, measured by bisecting the sphere through its center.

(b) Computation of height. For freestanding signs, height is measured from the average grade at the base of the sign to the highest point of the sign structure. For all other signs, height is measured by the vertical dimension of the sign face or copy area.

(a) Determination of Street Frontage. Street frontage shall be measured along the lot line abutting a public street right-of-way. Lots abutting more than one public street shall be considered to have separate frontage on each street. Alleys, private drives, access easements, and internal circulation drives shall not be counted as street frontage, unless the Zoning Inspector determines that it is necessary to delineate as an entrance.

(b) Sign Setback Measurement. Required setbacks shall be measured from the closest point of the sign structure, including the sign face, cabinet, frame, base, and supporting structure, to the applicable lot line, right-of-way line, pavement edge, building, or other reference point.

1147.05 GENERAL STANDARDS APPLICABLE TO ALL SIGNS

- a) Right-of-Way and Public Property. No sign shall be erected, installed, placed, or maintained within a public right-of-way unless expressly authorized by the City. Any sign located in the public right-of-way without authorization shall be considered a nuisance and may be removed by the City.
- b) Sight Triangle and Visibility. No sign shall be constructed above a height of two (2) feet from established street grade within the sight triangular area formed by lines drawn between points along intersecting right-of-way lines at a distance of twenty-five (25) feet from their point of intersection.
- c) Utility Clearance and Overhang. No sign shall overhang a public street or sidewalk unless expressly authorized by the City, and no sign shall be located within six (6) feet horizontally or twelve (12) feet vertically of any electrical line or appurtenance.
- d) Structural Standards. Signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure, except for temporary signs allowed under this Chapter.
- e) Maximum Aggregate Signage. In all non-residential zoning districts, the combined total sign area of all signs shall not exceed two (2) square feet for each linear foot of lot frontage.
- f) Maintenance. All signs shall be maintained in a safe, secure, upright, legible, and structurally sound condition and shall be kept free of tattered, frayed, torn, faded, bent, broken, missing, rusted or unsafe components.
- g) Interference with Traffic Control Devices. No sign shall be erected, installed, placed, or maintained in a manner that may be confused with, obstruct, impair the visibility of, or interfere with any authorized traffic control device, traffic sign, signal, or warning device, including devices governed by the Manual on Uniform Traffic Control Devices. No sign shall use words, symbols, colors, lighting, movement, or placement in a manner that misleads, distracts, or confuses vehicle, bicycle, or pedestrian traffic.
- h) Pedestrian and Accessible Routes. No sign shall obstruct a sidewalk, accessible route, building entrance, fire lane, accessible parking space, or accessible access aisle. Where a sign is allowed on a sidewalk or pedestrian area, a minimum clear pedestrian path of four (4) feet shall be maintained.
- i) Illumination. Signs may be illuminated only by steady, stationary, shielded, and directed light sources. Illumination shall be arranged, designed, installed, and maintained so that light is directed only onto the sign face and does not shine, glare, spill, or reflect onto adjacent properties, public streets, sidewalks, or rights-of-way in a manner that creates a nuisance, interferes with visibility, causes unsafe conditions, distracts motorists or pedestrians, or creates confusion with any traffic control device, traffic signal, or warning light. Temporary signs shall not be illuminated unless expressly allowed elsewhere in this Chapter.
- j) Accessibility Wayfinding. Any sign that also serves a building-code-required accessibility wayfinding function shall comply with all applicable accessibility, building code, and

mounting requirements, and shall not interfere with any required accessible route or accessible feature.

- k) **Electronic Display Components.** Any sign that includes an electronic message display, digital display, changeable electronic copy, or similar electronic display component shall comply with the applicable standards for the sign type and district in which it is located. Electronic display components shall not create glare, excessive brightness, flashing, animation, scrolling, video, movement, traffic-signal confusion, or other conditions that distract motorists or pedestrians, interfere with visibility, or affect neighboring properties. Electronic displays shall include automatic dimming controls and shall be blank, static, or turned off in the event of malfunction.
- l) **Conflict with Specific Standards.** Where a specific regulation within this Chapter conflicts with any other regulation in this code, the stricter requirement shall apply.

1147.06 SIGNS EXEMPT FROM PERMITTING

The following signs are exempt from permit requirements, subject to the regulations of this Chapter and all applicable safety, location, maintenance, and right-of-way standards.

- (a) **Address Numbers.**
 - 1) For residential buildings address numbers or plates shall not exceed two (2) square feet in area.
 - 2) For commercial or industrial buildings address numbers or signs shall not exceed six (6) square feet in area unless the address number is an integral component of a sign that is subject to a zoning permit.
- (b) **Directional or Incidental Signs.** Directional or signs incidental to a use shall not exceed four (4) square feet with a maximum height of four (4) feet. Such signs shall not contain the business name or logo. On-site traffic directional signs are not included in the sign area calculations.
- (c) **Flags.** Flags shall be exempt from a permit provided they do not display commercial advertising, product names, or business logos, and in compliance with the following standards:
 - 1) Flags shall be flown on a pole, with a maximum of three flags per lot.
 - 2) **Setback.** Flagpole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or setback a distance which is at least equal to the height of the pole, whichever is greater.
 - 3) **Height.** Flagpoles in residential districts shall not exceed twenty (20) feet; in all other districts, flags shall not exceed thirty-five (35) feet.
 - 4) No individual flag shall exceed twenty-four (square feet).
 - 5) The flags and flagpoles shall be maintained in good condition.

- (d) Home Occupation. Where permitted, a home occupation may have one (1) nameplate or plaque, not to exceed two (2) square feet in area, attached to the dwelling or located immediately adjacent to the primary entrance.
- (e) Government and Public Safety Signs. Any sign erected by the city, the State of Ohio, or the Federal government in furtherance of their governmental responsibility, such as traffic control signs and devices, public notice, or other related sign type.
- (f) Memorial Signs. One (1) memorial or commemorative sign shall be permitted per site or building not to exceed two (2) square feet in area, with a maximum height of ten (10) feet.
- (g) Temporary Signs. The following temporary signs shall be subject to the regulations in Table 1147.09.
 - 1) Construction, Development and Real Estate Signs (non-residential)
 - 2) Banners
 - 3) Directional Signs, Off Premises
 - 4) Feather Flag
 - 5) Non-Residential Signs, six (6) square feet or less.
 - 6) Residential Signs.
 - 7) Portable Signs.
 - 8) Window Signs, Temporary.
- m) No permit is required for a change to an existing sign that does not increase its size or involve a change in its structural nature, unless it is non-conforming, pursuant to 1147.13, Nonconforming Signs

1147.07 PROHIBITED SIGNS

- (a) Advertising Vehicles. No vehicle, trailer, or similar mobile unit shall be parked or stored in a visible location primarily for the purpose of displaying a sign or advertising message. For purposes of this subsection, a vehicle or trailer may be considered an Advertising Vehicle when it is not registered, operable, or regularly used for transportation, deliveries, service calls, commuting, or other customary personal or business use.
 - 1) This subsection does not apply to a personnel, employee, or company vehicle that is registered, operable, and used in the ordinary course of transportation, commuting, deliveries, service work, or business operations, even if the vehicle displays a business name, logo, contact information, or other vehicle graphics.
- (b) Attention-Getting Devices. Beacons, searchlights, laser lights, strobe lights, and similar attention-getting devices used for advertising, display, or sign visibility are prohibited in all zoning districts. This prohibition does not apply to devices used for governmental, emergency, public safety, or utility services.

- (c) Billboards.
- (d) Inflatable Signs.
- (e) Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this chapter.
- (f) Signs emitting sounds.
- (g) Signs in the Public Right-of-Way. Signs located within a public right-of-way without express authorization from the city are prohibited and shall be removed by the city.
- (h) Streamers, Ribbons, Pennants

1147.08 TEMPORARY SIGNS

- a) General Requirements.
 - 1) All temporary signs are restricted to non-residential zoning districts unless otherwise authorized by the Zoning Inspector or Table 1147.09(b), Temporary Sign Regulations.
 - 2) Location.
 - A. Temporary signs shall be located outside of the public right-of-way, unless expressly authorized by the city.
 - B. Temporary signs shall not be located in drive aisles, parking lots, or fire lanes.
 - 3) Removal. All temporary signs and off-premises signs shall be removed within twenty-four (24) hours after an event or activity.
 - 4) Temporary signs shall not be illuminated, unless expressly approved by the city.
- b) Temporary Sign Regulations shall be in accordance with the following, Table 1147.09(b)

TEMPORARY SIGNS, TABLE 1147.09(b)					
Temporary Sign Type	Number	Area	Height	Duration	Setback / Location
Banners	1	32 SF	N/A	Counts toward Non-Residential Sign display duration(s)	If over a walkway, 9 feet clear.
Construction and Real Estate Signs.	2	32 SF	6 FT	2 Years	10 feet from the right-of-way.
Directional Signs	2	4 SF	3 FT	No earlier than 2 days before activity	Off-premises, all zoning districts.
Feather Flag	2	3 FT in Width	10 FT	14 consecutive days; 2 times per year	10 feet from the right-of-way.
Non-Residential Signs	2	32 SF	6 FT	14 consecutive days; 8 times per year	10 feet from the right-of-way.

TEMPORARY SIGNS, TABLE 1147.09(b)					
Temporary Sign Type	Number	Area	Height	Duration	Setback / Location
Portable Signs	1	6 SF	4 FT	During business hours only	5 feet or less from entrance; 4-foot clear pedestrian zone.
Residential Sign	2	6 SF	4 FT	60 days or 5 days after sale of real estate	Residential (R) districts only.
Special Event Sign	2	32 SF	6 FT	14 days in advance	10 feet from the right-of-way.
Window Signs, Temporary	N/A	6 SF	N/A	30 days	Included in maximum window coverage for permanent signs

1147.09 PERMANENT SIGNS

(a) General Requirements. Permanent signs shall comply with the general standards applicable to all signs in Section 1147.05.

PERMANENT SIGNS, TABLE 1147.10(a)					
Sign Type	Number	Area	Height	Setback / Location	Additional Standards
Freestanding Sign; under 10 acres	1 per street frontage	32 SF per Face	8 FT	The structure shall be 15 feet from the right-of-way.	Located within a landscape area
Freestanding Sign; greater than 10 acres	1 per street frontage	50 SF per Face	10 FT	The structure shall be 15 feet from the right-of-way.	Located within a landscape area
Pole Sign	1 per property	50 SF per Face	20 FT	15 feet from the right-of-way	Minimum of 50 feet from any residential lot line.
Subdivision Monument Sign	1 per street frontage	20 SF	6 FT	10 feet from the right-of-way	Permitted in residential districts; developments of 10 or more units
Multi-Tenant Freestanding Sign	1 per street frontage	- Multi-Tenant Freestanding Signs, 1147.10(b) - Unified Master Sign Plan, 1147.10(c), required for all multi-tenant properties			
Wall Signs	2 per business	- Primary Sign. 1.5 SF per linear foot of building or tenant frontage. Shall not occupy more than 20% of façade. - Secondary Sign may be at a secondary entrance no more than 50% of the size of the primary sign.			

PERMANENT SIGNS, TABLE 1147.10(a)					
Sign Type	Number	Area	Height	Setback / Location	Additional Standards
Projecting or Hanging Signs	1 per business	6 SF per Face	N/A	Shall not project more than four (4) feet from the façade	Minimum clearance eight (8) FT;
Awning and Canopy Signs	1 per business	20% of valance area, centered		Valance Only	Where there are 2 awnings facing different directions and each may have the same message at the same scale or smaller.
Window Signs	1	20% of window area		Glass Only	Hand-painted or vinyl lettering.
Changeable Copy Sign	1	18 SF	10 FT	15 feet from the right-of-way; 50 feet from residential	Message shall be displayed without missing characters, numbers, or symbols
Electronic Message Display	1	18 SF	10 FT	15 feet from the right-of-way; 50 feet from residential	See Section 1147.11, Illumination and Electronic Display
Institutional Campus Signage	See Section 1147.10(d)				

(b) Multi-Tenant Freestanding Sign. Shall be permitted in developments containing two (2) or more separate businesses, tenants, or commercial users on a single lot or within a common development.

- 1) Shall be considered a Freestanding Sign, in accordance with Table 1147.10(a).
- 2) Shared Identification. A multi-tenant sign shall be designed as a single coordinated sign structure. Individual tenant panels, names, logos, or identification areas shall be integrated into the sign and shall have a consistent size, alignment, and general design.
- 3) Tenant Identification. Each tenant may have no more than one (1) identification panel on a multi-tenant sign. A tenant may also have wall, projecting, hanging, awning, canopy, or window signage otherwise permitted subject to the applicable limitations.
- 4) No Additional Freestanding Signs. Individual tenants within a multi-tenant development shall not install separate freestanding signs when the tenant is identified on the required multi-tenant sign, except for permitted directional or incidental signs.

- 5) Existing Developments. Where a development contains an existing freestanding sign that identifies multiple tenants, replacement, alteration, or expansion of the sign shall comply with this subsection to the maximum extent practicable.
 - 6) When a tenant ceases to operate, the tenant identification panel shall be removed within thirty (30) days and replaced with a blank opaque sign panel until such time as a new tenant is added to the sign.
- (c) Unified Master Sign Plan. A unified master sign plan shall provide for consistent and coordinated signage for properties containing multiple tenants, buildings or sign types while allowing for reasonable flexibility in tenant identity.
- 1) A Unified Sign Master Plan shall be required for any new multi-tenant development containing two (2) or more tenants where more than one (1) permanent sign is proposed for each tenant or a multi-tenant sign is proposed.
 - 2) Plan Contents. The Unified Sign Master Plan shall include, at a minimum:
 - A. The location and type of all proposed permanent signs.
 - B. The maximum number, area, and height of each sign type.
 - C. The location and general dimensions of multi-tenant sign structures and tenant identification panels.
 - D. The general materials, colors, illumination, and design standards to be used for signs.
 - E. A site plan or other drawing sufficient to demonstrate compliance with this Chapter.
 - 3) Approval. A Unified Master Sign Plan shall be reviewed and approved by the Zoning Inspector as part of the sign permit process. The Zoning Inspector may require revisions necessary to ensure compliance with this Chapter.
 - 4) Subsequent Tenant Signs. Once a Unified Master Sign Plan has been approved, an individual tenant may obtain a sign permit without resubmitting the entire Master Plan, provided the proposed sign complies with the approved plan and all applicable requirements of this Chapter.
 - 5) Changes to Master Plan. A change to the number, location, size, or type of permanent signs established by an approved Unified Sign Master Plan shall require approval of an amended Master Plan before the change is implemented.
 - 6) Transfer and Continuation. An approved Unified Sign Master Plan shall remain applicable to the property notwithstanding a change in ownership or tenancy.
- (d) Institutional Campus Signage. Institutional Campus Signage may be used on large institutional or public-service properties containing multiple buildings, entrances, facilities, or internal circulation areas, including hospitals, medical campuses, colleges or universities, schools, public institutions, assisted living or continuing-care campuses, and similar uses.

- 1) Threshold. A site may utilize Institutional Campus Signage when the property:
 - A. Contains at least ten (10) acres; or
 - B. Contains at least three (3) principal buildings or facilities under common ownership, operation, or management; or
 - C. Has a demonstrated need for multiple internal identification or wayfinding signs due to the size, layout, or number of buildings and entrances.
- 2) Campus Sign Plan Required. Institutional Campus Signage shall be established through a Campus Sign Plan submitted with the zoning permit application. The plan shall identify the general location, type, maximum size, and purpose of proposed campus signs.
- 3) Types of Campus Signs. A Campus Sign Plan may include:
 - A. One (1) primary identification sign at each principal public entrance.
 - B. Building identification signs.
 - C. Internal directional and wayfinding signs.
 - D. Identification signs for parking areas, emergency entrances, or major facilities; and
 - E. Other signs necessary to identify or direct traffic to facilities located within the campus.
- 4) Primary Entrance Signs. A maximum of one (1) primary identification sign shall be permitted at each principal public entrance from a public street. Primary entrance signs shall comply with the maximum area and height established for freestanding signs in Table 1147.10(a) unless a different standard is specifically approved as part of the Campus Sign Plan.
- 5) Internal Campus Signs. Internal directional, building identification, parking, and wayfinding signs located within the campus and not primarily intended to identify the campus to passing motorists shall not be counted toward the number of freestanding signs permitted under Table 1147.10(a), provided such signs comply with the Campus Sign Plan and do not exceed six (6) square feet per sign and six (6) feet in height.
- 6) Tenant and Facility Identification. Individual departments, offices, medical practices, or other occupants of an institutional campus shall not be entitled to separate freestanding signs. Identification shall be incorporated into approved campus, building, or wayfinding signage.
- 7) Approval. The Zoning Inspector may approve a Campus Sign Plan when the plan demonstrates that the number, size, location, and design of signs are reasonably related to the size and function of the campus and comply with this Chapter.

- 8) Amendments. Minor changes to individual tenant, department, building, or directional signs that remain consistent with an approved Campus Sign Plan may be approved through the normal sign permit process. Changes that increase the number, size, height, or general location of campus signs shall require an amended Campus Sign Plan.
- 9) No Automatic Exception. Approval of Institutional Campus Signage does not exempt the property from applicable setbacks, sight-visibility, illumination, electronic display, maintenance, or other requirements of this Chapter.

1147.10 ILLUMINATION AND ELECTRONIC MESSAGE DISPLAY STANDARDS.

(a) Illumination Types.

- 1) External Lighting. Ground-mounted or building-mounted fixtures that project light directly onto the sign face. All external light fixtures must be fully shielded and directed downward so that light falls entirely on the sign surface and does not shine into the sky or onto neighboring properties.
- 2) Internal Lighting. Light sources contained entirely within the sign structure. This includes halo-lit (reverse channel) lettering or internal illumination behind an opaque or solid-color sign face where only the letters, logos, or design elements emit light.

(b) Prohibited Illumination Types. The following lighting types are strictly prohibited to protect traffic safety and neighborhood character:

- 1) Flashing, blinking, strobe, fluttering, or rotating light sources.
- 2) Exposed neon tubing or incandescent bulbs, unless specifically approved as part of an architectural design variance.
- 3) Strings of lights, searchlights, or bare unshielded bulbs outlining building edges or sign frames.

(c) Brightness and Illumination Standards.

- 1) Signs must not exceed a maximum brightness level of 0.3 foot-candles above ambient light conditions when measured at a distance dictated by the sign size.
- 2) Automatic Dimming. All internally illuminated digital signs and EMCs must be equipped with an operational automatic photo-cell sensor that dims the sign's brightness to match changing daylight and nighttime conditions.
- 3) Curfew. For signs adjacent to or facing residential zoning districts, all illumination must be turned off daily between the hours of 11:00 PM and 6:00 AM, or within one hour after the close of business, whichever is later.

(d) Electronic Message Displays

- 1) Maximum luminance of 5,000 nits between sunrise and sunset, and 500 nits between sunset and sunrise, measured from the face of the sign. Each sign shall be equipped with an automatic sensor to adjust brightness.

- 2) Transitions between messages shall be instantaneous, without scroll, fade, dissolve, or similar transition effect lasting longer than one (1) second.
- 3) Upon a malfunction affecting the sign's ability to display a complete, legible message, the sign shall default to a static display or go dark.

1147.11 ABANDONED AND UNSAFE SIGNS.

- a) Determination. A sign is considered abandoned if the business, tenant, activity, product, or service for which the sign advertises, is no longer operating or located on the property and the sign has not been removed or covered with a blank, opaque, unlighted panel within thirty (30) days after the business or tenant has ceased operations.
- b) Unsafe Signs. The Zoning Inspector may determine that a sign is unsafe if it presents a physical risk to persons or property or is not maintained in a safe, secure, upright, legible, and structurally sound condition.
- c) Notice and correction. Written notice shall be provided to the property owner and, when applicable, the tenant or sign owner, which shall identify the required corrective action, timeframe for correction and other information related to the violation under this section.
- d) Emergency removal. If a sign is found to be an immediate threat to public health or safety, the Zoning Inspector may have the sign removed or made safe without prior notification to the property owner.
 - 1) The cost of removal or correction may be assessed to the property owner as permitted by law.
- e) Responsibility. The property owner, tenant under lease, and sign owner, when applicable, are jointly and severally responsible for correcting or removing an abandoned or unsafe sign.

1147.12 NON-CONFORMING SIGNS.

- (a) A sign which was issued a sign permit and which conformed to the regulations prevailing on the effective date of this chapter, but which does not conform to this chapter, or any amendment hereto, shall be construed as a legal Nonconforming Sign.
- (b) Signs which were made legal nonconforming by the adoption of this code shall be allowed to remain in place, shall not be modified, enlarged, altered, or reconstructed unless in accordance with this chapter, except:
 - 1) When an existing use has a new owner or is occupied by a similar use and no structural alterations to the sign are required. Changes shall be limited to the sign face only.
 - 2) The sign has not been determined to be abandoned or unsafe in accordance with section 1147.12, Abandoned and Unsafe Signs.
 - 3) For the purposes of routine maintenance.

- (c) Nonconforming signs shall be removed, and any subsequent modification or replacements shall conform to this chapter when:
 - 1) The sign is damaged and repairs shall constitute more than fifty (50) percent of the value of the sign.
 - 2) The sign is determined to be abandoned or unsafe.

1147.13 MAINTENANCE

- (a) Maintenance. For the purposes of this chapter, a sign is not legally maintained if any of the following there is the appearance of rust, cracks, electrical defects, fraying, chipped paint or other materials, structural defects, or other defects.
- (b) Illumination. All lighting of signs shall be fully functional as designed or the lighting shall be turned off until such time as such non-functioning lighting has been fixed.
- (c) Notice and Correction. The property owner and tenant shall be jointly responsible for the repair and maintenance of a sign. If not in compliance with this chapter, written notice shall be provided to the property owner and, when applicable, the tenant or sign owner, which shall identify the required corrective action, timeframe for correction and other information related to the violation under this section.

1147.14 PERMIT PROCEDURES

- (a) Zoning Permit Required. Unless otherwise exempted under this chapter, no person, firm, or corporation shall erect, enlarge, or structurally alter any sign within the city without first obtaining a zoning permit from the City of Ontario.
- (b) Permit Requirements. A zoning permit or other form of application, as determined by the Zoning Inspector shall be submitted and accompanied by the following items:
 - 1) An elevation drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination.
 - 2) A site plan with the exact location of the sign in relation to the building and property lines.
 - 3) Construction and illumination specifications.
- (c) Building Permit Required. All signs shall be constructed in accordance with the Ohio Building and Electrical Code. Upon issuance of a zoning permit by the city the applicant shall obtain permits from the Richland County Building Department, including final inspections.
- (d) Contractor Registration Required. All contractors and subcontractors shall be registered with the City of Ontario in accordance with Chapter 1343, Licensing of Contractors, and Subcontractors.
- (e) Permit Fees. All applications shall be accompanied by a permit fee, as determined by the city.

1147.15 APPEALS AND VARIANCES

- (a) Appeals shall to a decision shall follow Section 1151.02, Appeals to Zoning Inspector Decision.
- (b) A variance from this section may be requested in accordance with Section 1149.07, Variances.

1147.16 VIOLATIONS AND ENFORCEMENT REMEDIES.

Any violation of this chapter shall be subject to enforcement, remedies and penalties set forth in Chapter 1151, Administration and Enforcement, and any other civil and criminal actions authorized under that chapter.

CHAPTER 1149. DEVELOPMENT REVIEW PROCEDURES

1149.01 APPLICATION FOR DEVELOPMENT REVIEW

The requirements of this section shall apply to all applications and procedures subject to development review under this code, unless otherwise stated.

- (a) Application Required. Unless otherwise specified in this code, development review applications may be initiated by:
 - 1) The owner of the property that is the subject of the application; or
 - 2) The owner's authorized agent.
- (b) Application Submission Schedule. The schedule for submission of applications in relation to scheduled meetings and hearings of review bodies shall be established by the Zoning Inspector and made available to the public.
- (c) Application Contents. Applications filed under this section shall be submitted in a form and in such numbers as established by the Zoning Inspector and made available to the public.
- (d) Schedule of Fees. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for all applications, permits, appeals, and other matters pertaining to this section and other regulations contained in the Codified Ordinances. The schedule of fees shall be made available to the public and may be altered from time to time by City Council.
 - 1) Application Fees. Each applicant shall pay a non-refundable submittal fee at the time of application. This fee shall be established as part of the schedule of fees and is intended to cover administrative processing fee for initial review.
 - 2) Cost Recovery. The City may employ the services of professionals to assist in the review of applications such as engineering, architecture, or other professional services, of which the applicant shall bear the cost. City Council may establish

minimum and maximum fees for said services. consultants required for application review shall be the responsibility of the applicants and shall be reimbursed to the municipality at cost.

- 3) Material Costs. Material costs such as advertising, postage or mailings related to an application should be the responsibility of the applicant on a reimbursable basis.
- (e) Completeness of Application. Within thirty (30) days after filing, the Zoning Inspector shall determine whether the application is complete. If incomplete, the applicant shall receive written notice identifying the deficiencies.
- 1) No review period shall commence until a complete application has been accepted.
 - 2) No application review period will commence until initial application fees or other outstanding fees have been paid.
 - 3) If an application is submitted but deemed incomplete and there has been no action to address deficiencies within ninety (90) days, said application will become null and void.
- (f) Building Permits. No building permit shall be issued by Richland County Building Department for the erection, alteration or use of any building or structure or part thereof, which is not in accordance with all provisions of this code and the Codified Ordinances.
- (g) Expiration. Development approvals under this chapter shall be valid for twelve (12) months, unless otherwise indicated in this code.
- 1) A permit or approval shall become null and void If construction does not commence within one (1) year from the date of issuance.
 - 2) An extension may be granted prior by the Zoning Inspector for an additional six (6) months. Extension requests shall be submitted in writing and prior to permit expiration.
 - 3) The Planning Commission may extend a permit or approval beyond eighteen (18) months or as a pre-condition of a development approval.

1149.02 AUTHORITY

- (a) Pursuant to this code, each development type or application requires a different level of review, the following table delegates decision making authority:

Application Type	Zoning Inspector	Consultants/ Engineer	Planning Commission	City Council
Zoning Permit	Approve/Deny	—	—	—
Minor Site Plan	Approve/Deny	Review	—	—
Major Site Plan	Review	Review	Approve/Deny	—
PUD	Review	Review	Recommendation	Approve/Deny
Variance	Review	—	Approve/Deny	—
Conditional Use	Review	—	Approve/Deny	—

Rezoning	Review	—	Recommendation	Approve/Deny
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- (b) Nothing in this section precludes the city from requiring additional review steps based on the scope of the project or as prescribed by other regulations in the Codified Ordinances.

1149.03 ZONING PERMITS

- (a) It shall be unlawful to construct, alter, or to commence the construction or alteration of a building or structure, without first filing with the Zoning Inspector an application in writing and obtaining a formal permit.
- (b) No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this chapter.
- (c) The Zoning Inspector, Engineer or other city designee may conduct inspections periodically and as a condition of permit closeout.
- (d) A zoning permit shall be required for any of the following:
 - 1) Construction or enlargement of any building or structure,
 - 2) A change of use or occupancy requirements
 - 3) Temporary structures and uses.
 - 4) Accessory structures
 - 5) Fences and walls
 - 6) Signs, in accordance with Chapter 1147, Signs.
 - 7) Off-site or shared parking
- (e) Application. A zoning permit application in such form as prescribed by the city shall be submitted with applicable fees to the Zoning Inspector. Said application shall include the following:
 - 1) Application shall contain the full names and addresses of the applicant, owner, and contractor(s), if applicable.
 - A. If the application is made by a person other than the owner, it shall be accompanied by a duly verified authorization signed by the owner of record.
 - 2) Applications shall include a description of the proposed work.
 - 3) Applications requiring a Plot Diagram shall include at a minimum:
 - A. Location, lot dimensions, and setbacks
 - B. Location of existing and proposed structure(s),
 - C. The Zoning Inspector may establish additional Plot Diagram requirements based on permit type.

- 4) Applications may include any additional information or specifications pursuant to this code and as requested by the Zoning Inspector.
 - 5) Applications shall not be considered complete until all information and fees have been received by the Zoning Inspector.
- (f) Condition of Permit All work performed under a permit issued by the Zoning Inspector shall conform to the approved application and plans, and approved amendments thereof.
- (g) Revocation of Permit. The Zoning Inspector may revoke a permit or approval issued under the provisions of zoning regulations if it is found that there were false statements.

1149.04 MINOR SITE PLAN REVIEW PROCEDURES

- (a) Site Plan Approval Required.
- 1) Any new principal commercial, industrial, institutional, or multifamily development.
 - 2) Expansion of an existing principal building resulting in:
 - A. An increase in gross floor area exceeding twenty percent (20%); or
 - B. An increase of more than 5,000 square feet, whichever is less.
 - 3) Redevelopment involving:
 - A. New or expanded parking lot
 - B. Drive-through facilities.
 - C. Outdoor storage.
 - D. Stormwater modifications.
 - E. Significant change of use or occupancy that does not comply with zoning district regulations or development standards.
- (b) Minor Site Plan. Developments that meet the following criteria shall be reviewed and approved administratively:
- 1) Does not require conditional use, zone change or other modifications to code requirements.
 - 2) An increase of less than 5,000 square feet.
 - 3) Residential developments, three (3) units or less.
- (c) Review Procedures. A site plan shall be accompanied by a zoning permit application, and other applicable forms and shall include at a minimum the following:
- 1) Survey
 - 2) Site location and site data table
 - 3) Location of all buildings, site access, and parking areas
 - 4) Setbacks and easements

- 5) Landscaping, if applicable
- 6) Elevations and materials, if applicable
- 7) Stormwater calculations, if applicable
- 8) Additional information as required by the Zoning Inspector or City Engineer.

1149.05 MAJOR SITE PLAN REVIEW PROCEDURES

A site plan or development that exceeds the thresholds established under Section 1149.04(b), Minor Site Plan Review, shall require major site plan review.

- (a) The Zoning Inspector may refuse to accept any site plan application upon the determination that it is inaccurate, illegible, or not in compliance with the requirements of this section.
- (b) Pre-application conference. Applicants are encouraged to schedule a pre-application conference to provide the applicant an opportunity to submit a concept plan showing the basic scope, character, and nature of a proposed project without incurring undue cost.
 - 1) This is not mandatory and intended for exploratory purposes.
 - 2) Neither the applicant nor the city staff or city representatives shall be bound by any aspect of the discussions, opinions, or suggestions.
 - 3) The city reserves the right to limit the number of pre-application conferences or informal reviews on a specific project and may assess a fee for administrative costs for multiple reviews.
- (c) Application Required. A site plan shall be accompanied by the site plan application on a form prescribed by the Zoning Inspector. The application shall be accompanied by the applicable fees, required documentation and supplemental applications required for the project.
- (d) Site Plan Submittal Requirements
 - 1) Site plans shall be drawn at minimum scale of one inch (1") equals twenty feet (20').
 - 2) The Zoning Inspector shall establish the number and format of site plans submittals and shall make that available to the public, including a site plan application checklist.
 - 3) Site Plans shall include the following:
 - A. Site plans shall include a title sheet including location map, names and addresses of developer or owner, engineer, architect, landscape architect, and other applicable professionals.
 - B. Plan drawings or survey showing all right-of-way lines, property lines, and easements.

- C. Site plan submittal shall include location and dimensions of parking lot, access, setbacks, landscape areas, buildings and structures, fire hydrant and fire lane locations and adjacent right-of-way.
- D. Landscape and lighting plans, if applicable
- E. Sign plans, if applicable
- F. Existing topographic elevations on site and on adjacent properties, any additional information pursuant to Chapter 937, Stormwater Management, and any other relevant information as determined by the city.
- G. Utility Plans. Utility plans showing locations and sizes, types of material, and elevations of proposed sewer, water and stormwater lines and structures and including an existing utilities map.
- H. Proposed building elevations including finished grade, number of stories and building heights and a chart of materials.
- I. Utility Plans. Utility plans showing locations and sizes, types of material, and elevations of proposed sewer, water and stormwater lines and structures and including an existing utilities map.
- J. Additional reasonable requirements as determined by the city or Planning Commission concerning protection of the public which includes but is not limited to traffic studies, economic impact analysis or environmental studies and plans.

(e) Planning Commission Consideration

- 1) Submittal deadline. Applications submitted for consideration shall be submitted no later than thirty (30) days prior to the next scheduled Planning Commission meeting.
 - A. The Zoning Inspector may recommend delaying the Planning Commission meeting if the plans are deemed substantially incomplete or out of compliance with this code.
- 2) Planning Commission Meeting.
 - A. Attendance required. The applicant, owner or authorized agent shall be required to attend the Planning Commission meeting.
 - B. The Planning Commission shall have the authority to approve, approve with conditions, or deny a site plan, unless it requires additional City Council consideration.
- 3) Appeals. Appeals of any binding action of the Planning Commission shall be referred to City Council for consideration.
 - A. Appeals shall be submitted in writing to the Zoning Inspector within thirty (30) days of said action.
 - B. City Council has sixty (60) days from receipt of the appeal to schedule a meeting for consideration.

1149.06 CONDITIONAL USE

- (a) All conditional use(s), require Planning Commission approval.
- (b) Application required. An application in a form prescribed by the Zoning Inspector, and a site plan, if applicable, shall include at a minimum:
 - 1) A description of the proposed use
 - 2) Location, size, and hours of operation
 - 3) Zoning district
 - 4) Number of employees and patrons
 - 5) Additional information deemed necessary by the Zoning Inspector due to the nature of the use.
- (c) Public Hearing Required.
 - 1) Submittal deadline. Applications submitted for consideration shall be submitted no later than thirty (30) days prior to the next scheduled Planning Commission meeting.
 - 2) Public Notice Required.
 - A. Public notice shall state the date, time, and physical or virtual location of the hearing, the specific parcel(s) involved, the proposed conditional use requested, and the location where the public may review the full application materials.
 - B. Notice of the public hearing shall be given by at least one (1) publication in a newspaper of general circulation within the City of Ontario at least thirty (30) days prior to the date of the scheduled public hearing.
 - i. Conditional use applications involving ten (10) or fewer distinct parcels shall require notice via first-class mail, to all adjacent property owners at least twenty (20) days prior to the date of the public hearing.
- (a) Conditional Use Review Criteria. The Planning Commission shall review the following criteria when considering a conditional use:
 - 1) The use will not substantially or permanently impact the appropriate use of adjacent properties.
 - 2) The use complies with all supplementary use regulations in Chapters 1137 and 1145, if applicable
 - 3) The proposed use shall be adequately served by essential public facilities and services.
 - 4) The use complies with the intent of the Community Comprehensive Plan.
 - 5) The proposed use will not impede the normal and orderly development and improvement of the surrounding properties for use permitted by right in the district.

1149.07 VARIANCE

A variance from these regulations may be considered if a property exhibits unique physical characteristics that create an undue burden on the use of the property when complying with the full force of this code. An undue burden does not include economic hardship or conditions created by the owner or applicant.

- (a) Authority and Proceedings. The Planning Commission is granted to the authority to hear and decide variance requests. Variance requests before the Planning Commission are a quasi-judicial proceeding and is legally binding.
- (b) Application Required. An application for a variance shall be filed on forms approved by the Zoning Inspector and may contain justification statements based on the review criteria as prescribed by this section.
 - 1) Submittal Deadline. Applications submitted for consideration shall be submitted no later than thirty (30) days prior to the next scheduled Planning Commission meeting.
- (c) Public Notice Required.
 - 1) Notice of the time, date, and place of the public hearing for a variance shall be given at least seven (7) days prior to the date of the hearing by posting notice in a prominent, publicly accessible location at the City of Ontario City Hall and on the City's official website.
 - 2) Written notice of the hearing shall be sent by regular first-class mail at least seven (7) days before the date of the hearing to property owners contiguous to or directly across the street from the property that is the subject of the variance request.
- (d) Variance Review Criteria. The Planning Commission may grant a variance if there is a finding of undue burden, hardship or practical difficulty based on the strict application of the zoning code and only if all the following findings are made:
 - 1) Unique physical circumstances or conditions, including irregularity, narrowness, or depth of lot size or shape, or exceptional topographical or other physical conditions make the strict application of this code difficult.
 - 2) The granting of the variance is necessary and not for the convenience of the property owner, but to preserve the use of the property and not infringe on property rights.
 - 3) That such unnecessary hardship has not been willfully created by the applicant.
 - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
 - 5) That the variance if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- 6) The Planning Commission shall give due regard to the nature and condition of adjacent uses and may impose conditions as part of its granting of a variance to protect adjacent properties and the health, safety, and welfare of the public.
- (e) Finding of Fact. The Planning Commission decision shall include a finding of fact based on the above-mentioned its final motion and vote. The finding of fact shall list the criteria under subsection 1149.07(c) above and reasoning for approval, disapproval, or approval with conditions.
- (f) Expiration. A variance shall expire if not acted on within two (2) years and may be revoked by the Planning Commission if any of the conditions of approval are violated.
- (g) Appeals. Any party adversely affected by a decision of the Planning Commission may appeal to the Court of Common Pleas of Richland County, on the grounds that the decision was unreasonable or unlawful.

1149.08 ZONING AMENDMENT PROCEDURES

- (a) Initiation. The provisions of this Zoning Code and the Official Zoning District Map may, from time to time, be amended by City Council by ordinance. Such amendment may be initiated by one of the following procedures:
 - 1) Application. An application for a zoning amendment shall be filed on forms approved by the Zoning Inspector and signed by the property owner of the land seeking the amendment. Such application shall be accompanied by a fee pursuant to Subsection 1149.01(d), Schedule of Fees.
 - 2) By motion of City Council directed to the Planning Commission and requesting a recommendation concerning an amendment to the text or a change to the Official Zoning District Map any parcel of land within the city.
 - 3) By motion of the Planning for Commission directed to City Council recommending an amendment to the text of this Zoning Ordinance or a change to the Official Zoning District Map of a zoning district or overlay district of any parcel of land.
- (b) Amendment Procedure.
 - 1) An application or motion by City Council referring the matter to Planning Commission shall be considered at the next regular Planning Commission meeting thirty (30) days after receipt of an application or the adoption of a motion by City Council.
 - 2) Upon review and consideration of the proposed amendment the Planning Commission shall make a recommendation to City Council which shall:
 - A. Recommend that the zoning amendment to the map or zoning code text be adopted in accordance with the application or council motion; or
 - B. Recommend that the zoning amendment to the map or zoning code text be adopted with modifications as recommended by the Planning Commission; or

- C. Recommend that the application for the zoning amendment to the map or zoning code text be denied.
- D. The recommendation to City Council shall be accompanied by a justification statement or rationale for said recommendation by the Planning Commission.
- 3) Such recommendation shall be transmitted to City Council no later than Council's second regular meeting following the Planning Commission's recommendation.
 - A. Failure by the Planning Commission to make a recommendation or consider the zoning amendment in the time provided herein shall be transmitted to City Council for final consideration.
- (c) Public Hearing. Upon receipt of a recommendation from the Planning Commission, City Council shall set a public hearing date. Such hearing may be held at either a regular or special City Council meeting.
- (d) Public Notice Required. In accordance with ORC Section 713.12, public notice of hearing shall be required and include:
 - 1) Notice of the time, date, and place of the public hearing for a zoning amendment shall be given at least thirty (30) days prior to the date of the public hearing published in a newspaper of general circulation with the City.
 - 2) Notice shall be posted in a prominent, publicly accessible location at the City of Ontario City Hall and on the City's official website.
 - 3) The notice must state that the proposed ordinance, text amendment, or maps are on file for public examination at the office of the Clerk of Council and the Zoning Inspector,
- (e) Notice to Property Owners. In the event a proposed amendment involves no more than ten (10) parcels of land, as listed on the Richland County Auditor's current tax duplicate, the city shall also give notice of the time and place of the public hearing by first class mail at least twenty (20) days before such hearing to all owners of property contiguous and directly across the street from the parcel or parcels involved in accordance with ORC Section 713.12.
 - 1) Posting of Sign on Premises. If a zoning amendment includes ten (10) or less a sign shall be posted on the property thirty (30) days prior to a public hearing.
 - A. The sign shall indicate that the property is subject to a proposed zoning amendment and may include the place date and time of the public hearing or other information as determined by the city.
- (f) Council Action. The proposed amendment shall be placed before City Council in the form of an amendment to an Ordinance and may be considered at a regular or special meeting.

- 1) Three Readings Required. Each ordinance amending the zoning Code or zoning Map shall be fully and distinctly read by title at three (3) different days prior to final passage. Council may require any reading to be read in full by a majority vote of its members.
 - A. Suspension of the Rules. The legislative authority may dispense with the rule requiring three (3) separate readings three (3) different days by an affirmative roll-call vote of at least three-fourths (3/4) of all members elected to Council provided that the thirty (30) day public notice requirement has been fully satisfied.
 - B. Final Passage. The vote on final passage shall require an affirmative vote of at least a majority of all members of City Council. Any amendment which differs in any respect from the recommendation of the Planning Commission may be adopted by only a three-fourths vote of City Council.
- 1) Adoption. All amendments shall go into effect thirty (30) days after final passage adoption the ordinance adopting the same is declared to be an emergency measure, in which case the amendment shall go into immediate effect.

CHAPTER 1151. ADMINISTRATION AND ENFORCEMENT

1151.01 DUTIES OF THE ZONING INSPECTOR

- (a) Creation and Appointment. There is hereby created the position of Zoning Inspector for the City of Ontario, Ohio. The Zoning Inspector shall be appointed by the mayor and may be removed by the mayor at any time. He or she shall be paid such compensation as City Council shall direct.
- (b) Powers and Duties of the Zoning Inspector. The Zoning Inspector shall have the following powers and duties:
 - 1) Issuance of zoning permits
 - 2) Review and make recommendations on applications for zoning text and zoning map amendments.
 - 3) Review and make recommendations to the city engineer on minor subdivisions.
 - 4) Review and make recommendations on applications for site plan review.
 - 5) Review and make recommendations on applications for conditional uses.
 - 6) Review, inspect property, and make decisions on zoning compliance inspections to ensure compliance with this code.
 - 7) Maintain permanent and current records of all amendments to this code, all subdivision plans and plats, and all applications and decisions on said applications.
 - 8) Prescribe such rules and forms deemed necessary for the execution of these duties.
 - 9) Investigate complaints, issue a notice of violation, and keep adequate records of all violations.
 - 10) Revoke a zoning permit or approval issued contrary to this code or based on false statement or misrepresentation on the application.
 - 11) Investigate and enforce alleged violations of the Zoning Code
 - 12) Attend all regular and special meetings of the Planning Commission and such other meetings as the Mayor and City Council shall direct.
 - 13) Maintain the Official Zoning Map of the City and make all changes to the boundaries of zoning districts and overlay districts immediately after their approval by City.

1151.02 APPEALS TO A ZONING INSPECTOR DECISION

- (a) Appeals to the Planning Commission may be taken by any person, firm, or corporation, deeming itself to be adversely affected by the decision of the Zoning Inspector regarding the interpretation of this code. All appeals shall be initiated by filing with the Zoning Inspector, a written appeal within ten (10) calendar days of the decision appealed. The

appeal request shall be accompanied by a fee which shall be refunded if the Zoning Inspector's decision is reversed.

- (b) An appeal filed with the Zoning Inspector shall immediately stay all proceedings in furtherance of the action for which there is an appeal, unless it is deemed that the immediate stay would create an imminent danger.
- (c) Planning Commission shall hear the appeal at the next regular Planning Commission meeting occurring more than fourteen (14) days after the application is filed or at a special meeting called for this purpose.
 - 1) In the case of an appeal, no new evidence shall be submitted. The Planning Commission shall rule solely on the merits of the application, additional information submitted by the applicant and the regulations that the Zoning Inspector used to make the decision.
- (d) The Planning Commission may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end it may direct the Zoning Inspector to issue a permit or formal opinion.

1151.03 ZONING COMPLIANCE CERTIFICATES

- (a) A Zoning Compliance Certificate shall be required confirming completion of work in compliance with an approved zoning permit prior to using or occupying any land or structure following an authorized project, addition, relocation, or change of use.
 - 1) Exemptions. Residential accessory structures that do not require a permanent foundation, as well as ordinary repairs and maintenance that do not alter a structure's footprint, height, setbacks, or land use, do not require a certificate.
- (b) Final Zoning Inspection. Upon completion of work, the applicant shall request a final inspection, in writing and submit an inspection fee, if required.
 - 1) The Zoning Inspector and/or City Engineer shall inspect the site to verify full compliance with the approved site plan, zoning or other city issued permits, and any conditions of approval.
- (c) Issuance. Upon confirming full compliance, the Zoning Inspector shall issue the Zoning Compliance Certificate.
- (d) A Temporary Zoning Compliance Certificate may be granted if the Richland County Building Department certifies that the structure is approved for occupancy and any remaining conditions of the site plan or zoning permit do not create a health or safety hazard.
 - 1) All remaining conditions of permit shall be completed within a specified period not to exceed six (6) months. A final inspection shall be required upon completion.

1151.04 VIOLATIONS AND ENFORCEMENT

- (a) Whenever the Zoning Inspector determines that there is a violation of any provision of this code, a notice of such violation shall be issued in writing, identify the reason for the notice, including the code section, and provide a time-certain by which the violation shall be corrected.
- (b) The Zoning Inspector, at its discretion, may extend timelines for correction if the owner is making timely progress or other good and just cause.

1151.05 REMEDIES

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this code or any amendment or supplement thereto, the Zoning Inspector, 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, or proceedings to prevent, enjoin, abate or remove such unlawful location, construction, reconstruction, enlargement, change, maintenance or use.

1151.06 PENALTIES

- (a) Whoever violates any of the provisions of this zoning code or fails to comply with any of the requirements thereof or builds or alters any building or commences to erect or alter any building in disregard or violation of any detailed statement or plan submitted or approved in connection with the issuance of any permit, shall be guilty of a minor misdemeanor and for which no penalty shall be fined not more than five hundred (\$500.00) dollars.
- (b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The owner of the building or lot where anything in violation of this zoning code is placed or permitted to exist, and any architect, builder, contractor, agent, lessee or person employed in connection with such violation, or who has assisted in the commission of any such violation, shall be deemed guilty of a separate offense and shall be subject to the penalty herein provided.

1151.07 OTHER ACTIONS AND REMEDIES

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing code violation or further civil action.