



Planning and Zoning Code

PART ELEVEN

DRAFT February 5, 2024

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TITLE ONE

General Regulations

1100.0 GENERAL PROVISIONS

1100.01 Purpose

The zoning code is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity and general welfare by regulating and restricting the location, bulk and height of buildings and structures and of premises to be used for trade, industry, residence or other specified uses, all in accordance with a comprehensive plan for the desirable future development of the community; and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described.

1100.02 Title

The City of Fairfield Planning and Zoning Code shall be known and may be cited and referred to as the “zoning code”, the “planning and zoning code”, or the “code”.

1100.03 Interpretation of Standards

In their interpretation and application, the provisions of the zoning code shall be held to be minimum requirements. Wherever the zoning code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the zoning code shall govern.

1100.0 General Provisions

1100.04 Validity and Repeal

1100.04 Validity and Repeal

- (A) **Validity.** The zoning code and the various parts, chapters, and sections thereof, are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence, or phrase of the zoning code is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the zoning code shall not be affected thereby.
- (B) **Authentication.** The Clerk of Council is hereby ordered and directed to certify the passage of the zoning code and to cause the same to be posted. The zoning code shall be effective 30 days after passage.
- (C) **Repeal.** All ordinances of the city, inconsistent herewith, are hereby repealed. Specifically, Ordinance 94-84 referred to as the zoning code and Ordinance 141-83 referred to as subdivision regulations of the City of Fairfield and any amendments thereto, are hereby repealed.

1100.05 Conformance Required

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such regulations including, but without limitation, the following; the use of buildings, structures or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use; the height, size or dimensions of buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

TITLE THREE

Zoning District and Use Regulations

1130.0 ZONING REGULATIONS

1130.01 Zoning Districts and Map

(A) **Districts Established.** For this zoning code, the city is hereby divided into 16 categories of zoning districts and six categories of overlay districts, as identified in the below table.

Table 1130.01 -1: Zoning Districts

Abbreviation	District Name
A-1	Agricultural and Estate Residence
R-0	One-Family Residence
R-1	One-Family Residence
R-2	One to Four Family Residence
R-3	Multi-Family Residence
R-4	Low-Density Multi-Family Residence
C-1	Neighborhood Business
C-2	Central Business
C-3	General Business
C-3A	General Business Modified
C-4	Commercial Transition
SE	Suburban Entertainment
B-1	Institutions and Office
D-1	Downtown
M-1	Industrial Park
M-2	General Industrial
Overlay Districts	
PUD	Planned Unit Development
AP	Airport
RCO	Route 4 Corridor Overlay
TCO	Town Center Overlay
JGPO	John Gray/Pleasant Overlay
SGMO	South Gilmore/Mack Overlay

1130.0 Zoning Regulations

1130.01 Zoning Districts and Map

(B) Districts and Boundaries Established

- 1) The zoning districts and boundaries thereof are hereby adopted and established as shown on the official City of Fairfield Zoning Map.
- 2) The City of Fairfield Zoning Map, together with all notations, references, data, district boundaries and other information shown thereon, shall be and are hereby made a part of the zoning code.
- 3) The City of Fairfield Zoning Map, properly attested, shall be and remain on file in the office of the Development Services Department.

(C) District Boundaries

- 1) Unless otherwise specified, the district boundary lines follow established lot lines or the centerline of the streets or alleys, as they existed at the time of the adoption of the zoning code.
- 2) Where a district line obviously does not coincide with a lot line or street centerline, or where it is not designated by dimension, it shall be determined by scaling.

(D) Lot Divided by District. When a lot under single ownership is divided into more than one zoning district, the least restrictive zoning district shall apply to the entire lot in terms of use and district regulations.

(E) Interpretation of Uncertain Boundaries. All questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it.

(F) Vacated Streets or Alleys. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall henceforth be subject to all regulations of the extended district or districts.

1130.02 Annexations

In every case where property has not been specifically included within a district, the same is hereby declared to be in the A-1 District. Township zoning regulations in effect for territory annexed to or consolidated with the city after the effective date of the zoning code shall, upon the effective date of such annexation or consolidation, remain in force and effect for a period not to exceed nine months. The Planning Commission shall recommend to the City Council, within a period of not to exceed six months from such date of annexation or consolidation, a zoning districting plan of such property in accordance with the provisions of Section [1170.04](#).

1130.03 Agricultural and Residential Zoning Districts

- (A) **Applicability.** The residential zoning districts within the zoning code include the “A-1” Agricultural and Estate Residence District, the “R-0” One-Family Residence District, the “R-1” One-Family Residence District, the “R-2” One to Four Family Residence District, the “R-3” Multi-Family Residence District, and the “R-4” Low-Density Multi-Family Residence District.
- (B) **Purpose.** The residential zoning districts, and their regulations, are hereby established to achieve, among others, the following purposes:
- 1) **“A-1” Agricultural and Estate Residence.** It is the purpose of the “A-1” Agricultural and Estate Residence District to promote and protect certain land areas for agricultural cultivation, low density one-family homes, and related compatible uses.
 - 2) **“R-0” One-Family Residence.** It is the purpose of the “R-0” One Family Residence District to reserve certain land area for one-family homes and related compatible uses.
 - 3) **“R-1” One-Family Residence.** It is the purpose of the “R-1” One Family Residence District to reserve certain land area for one-family homes and related compatible uses.
 - 4) **“R-2” One to Four Family Residence.** It is the purpose of the “R-2” One to Four Family Residence District to reserve certain land area that allows a mixture of residential uses, including one-family, two-family, three-family, and four-family residences, and related compatible uses.
 - 5) **“R-3” Multi-Family Residence.** It is the purpose of the “R-3” Multi-Family Residence District to reserve certain land areas for multi-family residential development that do not exceed a density of eight units per acre.

1130.0 Zoning Regulations

1130.04 Commercial Zoning Districts

- 6) **“R-4” Low-Density Multi-Family Residence.** It is the purpose of the “R-4” Low-Density Multi-Family Residence District to reserve certain land areas for multi-family residential development that do not exceed a density of six units per acre.

1130.04 Commercial Zoning Districts

- (A) **Applicability.** The commercial zoning districts within the zoning code include the “C-1” Neighborhood Business District, the “C-2” Central Business District, the “C-3” General Business District, the “C-3A” General Business District Modified, the “C-4” Commercial Transition District, the “SE” Suburban Entertainment District, the “B-1” Institutions and Office District, and the “D-1” Downtown District.
- (B) **Purpose.** The commercial zoning districts, and their regulations, are hereby established to achieve, among others, the following purposes:
 - 1) **“C-1” Neighborhood Business.** It is the purpose of the “C-1” Neighborhood Business District to promote and protect certain land areas for commercial uses that are neighborhood-oriented and generally serve the residents of the surrounding neighborhoods.
 - 2) **“C-2” Central Business.** It is the purpose of the “C-2” Central Business District to promote and protect certain land areas for commercial uses that serve the residents of the city.
 - 3) **“C-3” General Business.** It is the purpose of the “C-3” General Business District to promote and protect certain land areas for commercial uses that are generally located along the Route 4 Corridor. Such commercial uses are regionally oriented and serve both the residents of the city and visitors.
 - 4) **“C-3A” General Business Modified.** It is the purpose of the “C-3A” General Business District Modified to promote and protect certain land areas for commercial uses that are generally located along the Route 4 Corridor. Such commercial uses are regionally oriented and serve both the residents of the city and visitors.
 - 5) **“C-4” Commercial Transition.** It is the purpose of the “C-4” Commercial Transition District to promote and protect certain land area that is located between residential and commercial uses in order to provide an appropriate transition between such uses.
 - 6) **“SE” Suburban Entertainment.** It is the purpose of the “SE” Suburban Entertainment District to promote and protect certain land area for entertainment and commercial uses that are unique in nature and attract visitors from around the region.

- 7) **“B-1” Institutions and Office.** It is the purpose of the “B-1” Institutions and Office District to promote and protect certain land areas for office, institutional, and professional service establishments.
- 8) **“D-1” Downtown.** It is the purpose of the “D-1” Downtown District to promote and protect land in downtown Fairfield for a mix of uses designed in a harmonious mix of architecture, landscaping, land use, and planning.

1130.05 Industrial Zoning Districts

- (A) **Applicability.** The industrial zoning districts within the zoning code include the “M-1” Industrial Park District and the “M-2” General Industrial District.
- (B) **Purpose.** The industrial zoning districts, and their regulations, are hereby established to achieve, among others, the following purposes:
 - 1) **“M-1” Industrial Park.** It is the purpose of the “M-1” Industrial Park District to promote and protect certain land areas for light industrial development.
 - 2) **“M-2” General Industrial.** It is the purpose of the “M-2” General Industrial District to promote and protect certain land areas for general industrial development.

1131.0 Use Regulations

1131.01 General Use Provisions

1131.0 USE REGULATIONS

1131.01 General Use Provisions

- (A) **Permitted Uses.** A “P” in a cell in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) indicates that a use is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- (B) **Permitted Uses with Standards**
- 1) A “PS” in a cell in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) indicates that a use is permitted by-right in the respective zoning district if it meets the additional standards that are identified in the last column of the table.
 - 2) Permitted uses with standards are subject to all other applicable regulations of the code.
 - 3) If a permitted use with standards cannot meet the use specific standards, the use would not be permitted unless a variance is approved by the Board of Zoning Appeals per Section [1170.06](#).
- (C) **Conditional Uses**
- 1) A “C” in a cell in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) indicates that a use may be permitted if approved through the conditional use process (Section [1170.05](#)).
 - 2) Conditional uses may be subject to use-specific standards that are identified in the last column of [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#).
 - 3) Conditional uses shall be subject to all other applicable regulations of the code, including the conditional use review standards set forth in Section [1170.05 \(D\)](#).
 - 4) The Planning Commission may apply additional conditions, beyond the use standards, if deemed necessary during the review and approval process.
 - 5) The Planning Commission may waive use standards if deemed appropriate during the conditional use review process.

- (D) **Prohibited Uses.** A blank cell in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) indicates a use is prohibited in the respective zoning district. If a use is not listed in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#), then it shall also be considered prohibited, unless approved by the Board of Zoning Appeals through the authorization of additional uses per Subsection [1170.15 \(C\)7](#).
- (E) **Section Reference.** The section references contained in the “Section” column in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) are references to additional standards and requirements that apply to the use listed in the respective row. Standards referenced in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#) apply to all the zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated.
- (F) **Unsafe Buildings.** Nothing in this zoning code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- (G) **Pending Applications for Building Permits.** Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof for which official approvals and required building permits have been applied for before the enactment of the zoning code, the construction of which shall have been completed within 12 months after the effective date of the zoning code.

1131.02 General Use Standards

(A) **General Performance Standards**

- 1) **General Requirements.** No land or structure, in any district, shall be used or occupied in any manner so as to adversely affect an adjoining premises or surrounding area as described herein; provided that any use permitted or not expressly prohibited by this code may be undertaken and maintained if it conforms to the provisions of this section limiting dangerous and objectional elements at the point of the determination of their existence. No land or structure shall:
 - a) Create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, including potential hazards;
 - b) Produce noise or vibration; smoke dust, odor, or other form of air pollution;

1131.0 Use Regulations

1131.02 General Use Standards

- c) Generate heat, cold, dampness, electrical or other substance, condition, or element, referred to herein as dangerous or objectionable elements; or
- d) Attract the accumulation of pests, rodents, flies, or vermin.

2) Existing Uses

- a) *Review.* Whenever it is alleged that a use of land or structure creates, is likely to create, or otherwise produces dangerous or objectionable elements, the Planning Commission shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence, to City Council. In the event that the Planning Commission concurs in the allegation that there exist or are likely to be created such dangerous or objectionable elements, it shall request City Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and of practicable means of remedying such condition.
- b) *Enforcement.* Upon receipt of the findings and recommendations of such specialist or laboratory, the Planning Commission may approve, partially approve, or disapprove the measures recommended therein and instruct the Superintendent of Building and Zoning to proceed with the enforcement of such measures in accordance with the provisions of Section [1170.17](#).
- c) *Cost of Investigation.* The city shall bear the costs of the various tests, consultant fees or other investigations which are required herein; provided, however, that the owner of the property under investigation shall reimburse the city for all such expenses in the event that operation or use of such property is found to be in violation of the provisions of this chapter by the Planning Commission, or if the determination of the Planning Commission is contested and found to be in violation of the provisions of this chapter by a court of competent jurisdiction. Such reimbursement shall be made within 30 days of the date of the final Planning Commission ruling or court judgment.

3) Certain New Uses

- a) *Application for Building Permit, Zoning Certificate, or Certificate of Occupancy.* Applications for a building permit, zoning certificate, or certificate of occupancy together with plans and specification for the manufacture or processing of materials listed in subsection (b) hereof, and of such other uses which may be of similar character, in the opinion of the Development Services Director or their designee, shall be referred to the Planning Commission. The Planning Commission, in cases where

indicated, shall cause such plans and specifications to be examined by component specialist or laboratory in the manner prescribed in Subsection [1131.02 \(A\)2](#).

- b)** The following uses shall be subject to such performance standard review by the Planning Commission:
- i)** Manufacturing. Manufacturing involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulphuric acids; coal, coke, and tar products; explosives, fertilizers, gelatin, animal glue and size; gas manufacturing, unless incidental to a principal use; turpentine, matches, rubber, soaps, and fat rendering.
 - ii)** Processing. Processing involving the following: nitration of cotton or other materials; magnesium foundry, reduction, refining, smelting of metal or metal ores; refining of petroleum products such as gasoline, kerosene, naphtha, curing or tanning of raw green or salted hides of skins; melting and alloying of metals; stockyards, slaughter houses; slag piles, storage of fireworks or explosives, except where incidental to a permitted principal use.
- c)** *Continual Compliance*. Any use authorized under the provisions of this chapter shall comply continually therewith and the owner and/or operator shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.
- d)** *Cost of Review*. The applicant shall bear the actual costs of all tests, investigations, and review required under this section.

(B) Conformance Required. No building, structure or land shall be erected, altered, enlarged, or used which is arranged or designed for other than one of the following uses authorized in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#), except as provided in Section [1170.16](#)

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(C) **Setback Requirements from Uses or Zoning Districts.** Certain uses have specific setbacks from other uses or zoning districts. These setbacks shall be measured from the exterior boundaries of the property lines of the subject property to the exterior boundaries of the property lines of the closest use or zoning district as specified in the regulation. Other measuring regulations may be stipulated under certain uses, and in those cases that measuring regulation shall apply.

(D) **Sidewalks**

- 1) Unless sidewalks are already constructed, sidewalks for public use shall be installed along all public streets by the property owner of any abutting lot for all new developments, major expansions, and redevelopments.
- 2) The installation of sidewalks along the following streets are exempted from sidewalk installation:
 - Bobmeyer Drive
 - Bohlke Boulevard
 - Cinchris Drive
 - Commerce Center Drive
 - Constitution Drive
 - Cunagin Drive (Security Drive to terminus)
 - DDC Way
 - Distribution Circle
 - Diversion Road
 - East Airport Road
 - Easpointe Drive
 - Homeward Way (Acme Drive to Production Drive)
 - Ivy Lane
 - Iwata Drive
 - Leila Lane
 - Le Saint Drive
 - Mulhauser Road
 - North Gilmore Road (Busway Lane to Bobmeyer Road)
 - Northpoint Drive
 - Osborne Drive
 - Port Union Road
 - Production Drive
 - Profit Drive
 - Quality Boulevard
 - Security Drive
 - Seward Road (Stockton Road to Miami-Erie Canal)
 - State Route 4 Bypass
 - Symmes Road (Industry Drive to Seward Road)
 - Tedia Way
 - Thunderbird Drive
 - Union Centre Boulevard

- 3) A property owner may apply to the Public Works Director for exemption from the requirement to install a sidewalk. Each request will be reviewed on its own merit and as it affects the overall pedestrian network. If an exemption is granted from the Public Works Director, the property owner shall be required to pay a fee in lieu of the construction of a sidewalk. The fee shall be \$12 per square foot for the entire lot frontage abutting the public street that would have been required to install a sidewalk if an exemption had not been granted. A property owner may appeal the decision of the Public Works Director to the Planning Commission.
 - 4) Sidewalks are required in all subdivisions unless they have been waived by the Planning Commission.
 - 5) If the City of Fairfield Connectivity Plan requires a multi-use path in lieu of a sidewalk, the property owner shall be required to install the multi-use path in accordance with the connectivity plan along the entire frontage of the lot.
 - 6) The location of the sidewalk or multi-use path shall require approval of the Public Works Director.
 - 7) Sidewalks shall conform with the design and construction requirements as set forth in the Design, Construction and Material Specification Handbook.
- (E) **Sale of Motor Vehicles, Boats, and Trailers.** The display for sale of any motor vehicle, boat or trailer is not permitted, except under the following specific instances:
- 1) Motor vehicles, boats, and trailers may be displayed by duly and properly licensed dealers in areas properly zoned for motor vehicle sale areas.
 - 2) In areas which are not zoned for motor vehicle sales/rental area, no more than one motor vehicle, boat, or trailer at a time may be displayed for sale on a lot and no more than a total of four such motor vehicles, boats or trailers may be displayed on any lot during a consecutive 12 month period. Any motor vehicle, boat or trailer which is displayed under this subsection shall be titled in the name of an occupant of the property and any boat on a trailer may be displayed for sale together as a single unit. Motor vehicles do not include any vehicles as cited in Section [1151.03 \(P\)](#), machinery, or equipment.

1131.0 Use Regulations

1131.03 Agricultural and Residential Districts Use Table

1131.03 Agricultural and Residential Districts Use Table

(A) **Agricultural and Residential Districts Use Table**. Table 1131.03-1 lists the uses that are permitted, permitted with standards, conditional, accessory, and temporary within the agricultural and residential zoning districts.

Table 1131.03 -1: Agricultural and Residential Districts – Use Table

Use	A-1	R-0	R-1	R-2	R-3	R-4	Section
Agricultural/Residential Uses							
Agriculture	P	PS	PS				1131.05 (A)
Dwelling, Single Family Attached				PS	PS	PS	1131.05 (C)
Dwelling, Single Family Detached	PS	PS	PS	PS	PS	PS	1131.04 (H)
Dwelling, Two Family				P	P	P	
Dwelling, Multi-Family Small Scale				PS	PS	PS	1131.05 (D)1
Dwelling, Multi-Family Large Scale					PS	PS	1131.05 (D)2
Residential Facility, Small	P	P	P	P	P	P	
Residential Facility, Medium					C	C	1131.05 (E)
Residential Treatment Facility, Small	P	P	P	P	P	P	
Residential Treatment Facility, Medium					C	C	1131.05 (F)
Public/Institutional Uses							
Cemetery	C						1131.05 (B)
Education Facility, Public or Private	C	C	C	C	C	C	
Essential Service	PS	PS	PS	PS	PS	PS	1131.04 (G)
Public Park and Open Space	P	P	P	P	P	P	
Public Recreation Facility, Indoor	C	C	C	C	P	P	

Table 1131.03 -1: Agricultural and Residential Districts – Use Table

Use	A-1	R-0	R-1	R-2	R-3	R-4	Section
Public/Institutional Uses							
Public Recreation Facility, Outdoor	C	C	C	C	P	P	
Religious Facility	P	P	P	P	P	P	
Commercial Uses							
Bed and Breakfast	C	C	C	C	C	C	
Club and Lodge	C	C	C	C	C	C	
Day Care Center				C	C	C	1131.06 (A)
Greenhouse, Wholesale	C						1131.06 (B)
Landscaping Service Facility	C						1131.06 (C)
Renewable Energy Facility	C						1131.06 (D)
Residential Accessory Structures							
Accessory Structure	PS	PS	PS	PS	PS	PS	1131.07 (A)
Animal Enclosure	PS	PS	PS	PS	PS	PS	1131.07 (B)
Charitable Drop-Off Receptacle	PS	PS	PS	PS	PS	PS	1131.07 (C)
Composting Facility	PS	PS	PS	PS	PS	PS	1131.07 (D)
Dumpster, Garbage and Recycling				PS	PS	PS	1131.07 (E)
Electric Vehicle Charging Station	PS	PS	PS	PS	PS	PS	1131.07 (F)
Garage, Detached Residential	PS	PS	PS	PS	PS	PS	1131.07 (G)
Greenhouse, Accessory	PS	PS	PS	PS	PS	PS	1131.07 (H)
Outdoor Recreational Structure	PS	PS	PS	PS	PS	PS	1131.07 (I)

1131.0 Use Regulations

1131.03 Agricultural and Residential Districts Use Table

Table 1131.03 -1: Agricultural and Residential Districts – Use Table

Use	A-1	R-0	R-1	R-2	R-3	R-4	Section
Residential Accessory Structures							
Rain Barrel	PS	PS	PS	PS	PS	PS	1131.07 (J)
Sign	PS	PS	PS	PS	PS	PS	1155.0
Solar Panel	PS	PS	PS	PS	PS	PS	1131.07 (K)
Swimming Pool	PS	PS	PS	PS	PS	PS	1131.07 (L)
Wind Turbine	PS	PS	PS	PS	PS	PS	1131.07 (M)
Residential Accessory Uses							
Accessory Use	PS	PS	PS	PS	PS	PS	1131.08 (A)
Day Care, Home Type A	C	C	C	C	C	C	1131.08 (B)
Day Care, Home Type B	PS	PS	PS	PS	PS	PS	1131.08 (C)
Garden	PS	PS	PS	PS	PS	PS	1131.08 (D)
Home Occupation	PS	PS	PS	PS	PS	PS	1131.08 (E)
Short Term Rental	PS	PS	PS	PS	PS	PS	1131.08 (F)
Residential Temporary							
Contractor’s Office/Trailer	PS	PS	PS	PS	PS	PS	1131.09 (A)
Dumpster, Roll-off/Construction	PS	PS	PS	PS	PS	PS	1131.09 (B)
Portable Storage Unit (Residential)	PS	PS	PS	PS	PS	PS	1131.09 (C)
Produce Stand, Temporary	PS	PS	PS				1131.09 (D)
Residential Outdoor Sale	PS	PS	PS	PS	PS	PS	1131.09 (E)
Tent	PS	PS	PS	PS	PS	PS	1131.09 (F)

1131.04 Agricultural and Residential Districts General Use Regulations

- (A) **Conversion of Dwellings.** The conversion of any building into a dwelling, or the conversion of any dwelling to accommodate an increased number of dwelling units or families, shall only be permitted within a zoning district that permits multiple dwelling units. Such use shall be subject to all the applicable regulations contained within the code. Any conversion which would result in one or more dwelling units containing less than 600 square feet of gross floor area shall be permitted only upon authorization by the Board of Zoning Appeals in accordance with the provisions of Section [1170.06](#).
- (B) **Number of Dwellings.** In the A-1, R-0, and R-1 Districts, one dwelling unit is permitted per lot, unless specifically permitted herein.
- (C) **Single Family House Size.** All single family houses shall be a minimum of 1,000 square feet.
- (D) **Rear Dwellings.** In any A or R District, no building in the rear of a principal building on the same lot shall be used for residential purposes.
- (E) **Non-Residential Uses in Residential Zoning Districts.** Non-residential uses that are located in residential zoning districts shall be subject to all the applicable use standards for non-residential uses in this zoning code.
- (F) **Dwelling on any Lot of Record.** In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of the zoning code, irrespective of its area or width, provided that yard spaces satisfy requirements stipulated for the district in which such lot is located, or requirements as may be modified by the Board of Zoning Appeals.
- (G) **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this code.

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1131.05 Agricultural and Residential Use Specific Standards

(H) **Architectural Standards for Infill Residential Structures.** The purpose of these architectural standards is to ensure that principal residential structures built on infill parcels as defined in Section [1171.02](#) (Infill Parcel) respect and are responsive to their physical context and compliment the architectural character and property values of the surrounding area. For purposes of this section, elements that define architectural character of the surrounding area include, but not limited to, building size and mass, building materials, colors, architectural styles, roof types, and ancillary elements such as building setbacks and private deed or subdivision restrictions. Refer to Section [1170.08](#) for the review and approval process for infill residential structures.

1131.05 Agricultural and Residential Use Specific Standards

(A) **Agriculture.** Agriculture uses in the R-0 and R-1 Districts are subject to the following:

- 1) The minimum lot size shall be two acres.
- 2) There shall be no animal keeping, other than domesticated personal pets on lots less than three acres and shall conform with Section [505.01](#) of the City of Fairfield Codified Ordinances.

(B) **Cemetery.** Cemeteries are subject to the following:

- 1) The minimum site area shall be 20 acres.
- 2) Graves are to be set back a minimum of 100 feet from any property line.

(C) **Dwelling, Single Family Attached.** Attached single family dwellings are subject to the following:

- 1) Single family attached dwellings may be built to the side property lines when a shared wall is located on the shared property line. Where a shared wall is not located on the property line, the dwelling shall meet the required side setback.
- 2) In the R-2 District, there shall be a maximum of four single family attached dwellings in a row.
- 3) A minimum of 10 feet shall be maintained between each separated group of dwelling units.

(D) **Dwelling, Multi-Family.** Multi-family dwellings are subject to the following:

- 1) **Small Scale.** Small scale multi-family dwellings are permitted with standards in the R-2, R-3, and R-4 Zoning Districts subject to the following:
 - a) Each individual dwelling unit shall have its own exterior entrance to the outside.
 - b) A private yard shall be provided for each dwelling unit that is a minimum of 350 square feet. A portion or all of the required yard may be located in a shared open space or recreation area if approved by the Planning Commission.
 - c) Each unit shall include a minimum of one parking space that is located in an enclosed garage (either detached, attached, or underground).
- 2) **Large Scale.** Large scale multi-family dwellings are permitted with standards in the R-3 and R-4 Zoning Districts subject to the following:
 - a) A minimum of 20 percent of the development shall be occupied by open or green space that may include landscaping/screening areas, drainage areas, active and passive recreation areas, and other similar uses.
 - b) The development shall include a minimum of two amenities that are to be utilized by the residents of the development and/or the public. Such amenities may include club houses, pools, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, and other similar uses.
 - c) Such uses shall be set back a minimum of 100 feet from any single family residential zoning district or use.

(E) **Residential Facility, Small and Medium.** Residential facilities, as defined in this zoning code, are permitted in the residential zoning districts as regulated by the State of Ohio and this zoning code. A residential facility, medium shall be located at least 500 feet from any other residential facility.

(F) **Residential Treatment Facility, Small and Medium.** Residential treatment facilities, as defined in this zoning code, are permitted in the residential zoning districts as regulated by the State of Ohio and this zoning code. A residential treatment facility, medium shall be located at least 500 feet from any other residential treatment facility.

1131.0 Use Regulations

1131.06 Commercial Use Specific Standards in the A and R Districts

1131.06 Commercial Use Specific Standards in the A and R Districts

- (A) **Daycare Center**. Daycare centers in R Districts shall comply with Section [1131.12 \(I\)](#).
- (B) **Greenhouse, Wholesale**. Wholesale greenhouses in the A-1 District are subject to the following:
- 1) A wholesale greenhouse shall be set back a minimum of 200 feet from any structure used for residential purposes.
 - 2) All material stored outside shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
- (C) **Landscaping Service Facility**. Landscaping service facilities in the A-1 District are subject to the following:
- 1) A principal building is required on site and shall be a minimum of 1,000 square feet.
 - 2) Landscape service facilities shall be set back a minimum of 200 feet from any structure used for residential purposes.
 - 3) All material stored outside shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
 - 4) All bulk material shall be kept in bins that are enclosed on at least three sides.
 - 5) All vehicles and equipment for road use, including trailers, shall be parked on paved surfaces as described in Section [1151.04 \(D\)](#) at all times and no inoperative equipment or inoperative or unlicensed motor vehicles are permitted on site.
- (D) **Renewable Energy Facility**. Renewable energy facilities in the A-1 District are subject to the following:
- 1) **Solar Farm**
 - a) Solar panels shall be set back a minimum of 200 feet from any structure used for residential purposes.
 - b) The minimum site area shall be two acres.
 - c) Ground mounted solar panels shall not exceed 15 feet in height and shall be subject to all applicable setbacks of the A-1 District.
 - d) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.

2) Wind Farm

- a) Wind turbines shall have a minimum side, rear, and front yard setback that equals the height of the wind turbine plus 20 feet.
- b) The minimum site area shall be two acres.

1131.07 Agricultural and Residential Accessory Structure Standards

(A) General Accessory Structure Requirements. All accessory structures in the A and R Districts are subject to the following, unless specifically exempted or otherwise regulated:

1) Location

- a) An accessory structure shall be located on the same lot as the principal use.
- b) An accessory structure shall be located in the rear yard, unless specifically exempted.

2) Quantity

- a) A maximum of three enclosed accessory structures are permitted per lot. Enclosed accessory structures are those which are greater than 100 square feet in area and are enclosed or partially enclosed with a roof. Examples of such enclosed accessory structure include, but are not limited to, detached garages, storage sheds, greenhouses, gazebos, pergolas, porches, and patio covers.
- b) Only one of the maximum three permitted enclosed accessory structures may be a detached garage.
- c) Accessory structures which are not enclosed include, but not limited to, fences, decks, swimming pools (in-ground or above-ground), and outdoor recreation equipment are not included in the maximum three accessory structures.
- d) Accessory structures which are connected to and constructed as an integral part of the primary structure are not included in the maximum three accessory structures.

- 3) **Size.** The cumulative square footage of all enclosed accessory structures, excluding detached garages, is 300 square feet. On lots which are greater than one acre in size, the cumulative square footage of all enclosed accessory structures, excluding detached garages, is 400 square feet. On lots which are greater than two acres in size, the cumulative square footage of all enclosed accessory structures, excluding detached garages, is 500 square feet.

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1131.07 Agricultural and Residential Accessory Structure Standards

- 4) **Area.** The maximum area occupied by accessory structures (inclusive of all accessory structures) shall be 20 percent of the rear yard.
- 5) **Setbacks.** An accessory structure shall meet the following setbacks, unless specifically exempted:
 - a) A minimum side and rear yard setback of six feet.
 - b) A minimum of six feet from any dwelling situated on the same lot, unless erected as an integral part thereof.
 - c) On a corner lot, accessory structures shall be located behind the rear building line parallel to the primary frontage, and behind the building line parallel to the secondary frontage, as illustrated in [Figure 1131-1](#).

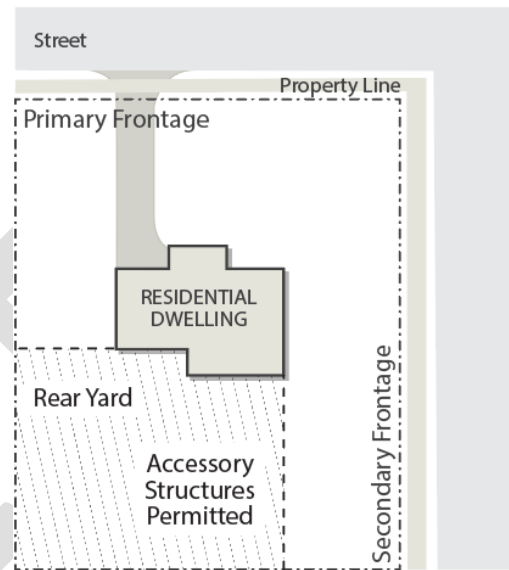


Figure 1131-1: Graphic illustration of approved location for accessory structures on a corner lot

- 6) **Height.** The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less. Accessory structures on parcels zoned A-1 which are two acres or greater in size are permitted to exceed this height.
 - 7) **Exterior Materials.** The exterior wall surface of the structure, if greater than 100 square-feet in area, shall not be made of metal, resin, plastic, fabric, non-finished composite material, or concrete masonry units (CMUs)/cinderblocks.
 - 8) **Roofing Materials.** Metal roofs are not permitted for accessory structures, except metal panel roofs which are factory finished with a rib or standing seam design.
 - 9) **Paved Access.** An accessory structure which has a door greater than six feet in width must have paved access in accordance with Subsection [1131.07 \(G\)1](#).
 - 10) **Construction Timing.** No accessory structure shall be constructed prior to the construction of the principal building on the lot.
- (B) **Animal Enclosures.** Animal enclosures shall be located in the rear yard and shall be included in the calculation of the accessory use limitation contained within Subsection [1131.07 \(A\)3](#). Animal enclosures, whether permanent or temporary, shall be no greater than eight feet in height from grade to the top of the enclosure.

- (C) **Charitable Drop-off Receptacle.** Charitable drop-off receptacles are only permitted on property used for non-residential purposes in the agricultural and residential zoning districts and are subject to the regulations set forth in Section [1131.13 \(D\)](#).
- (D) **Composting Facility.** In any A or R District, composting facilities serving only the occupants of that particular lot may be constructed and used by said occupants. The only yard waste which may be placed in a compost facility is that which is generated from the lot on which the compost facility is located. The compost facility shall be constructed as a bin or a structure and must be located in the rear yard and be a minimum of six feet from any adjacent lot lines. Additionally, no composting facility shall be permitted or maintained which is offensive due to disproportionate size or due to the emission of odor. Compost within the facility must be periodically "turned" to aerate the mass and mix the material for better decomposition.
- (E) **Dumpster, Garbage and Recycling.** Garbage and recycling dumpsters are permitted within multi-family residence developments for the regular collection of trash and recycling from the residents thereof, subject to all other applicable requirements for enclosures and screening set forth in Section [1131.13 \(F\)](#) and Section [717](#) of the City of Fairfield Codified Ordinances.
- (F) **Electric Vehicle Charging Station.** A Level 1 or Level 2 electric vehicle charging station may be permitted as an accessory use to any multi-family development or non-residential use in the A or R Districts subject to regulations set forth in Section [1131.13 \(G\)](#).
- (G) **Garage, Detached Residential.** Detached residential garages are subject to the following and other applicable regulations in Section [1131.07 \(A\)](#).
- 1) Residential detached garages shall be located in the side or rear yard and shall have paved access.
 - 2) Detached garages shall meet the required side and rear setbacks for the principal structure and shall be at least six feet from the principal structure.
 - 3) Detached garages are limited to 600 square feet in size or 70 percent of the square footage of the footprint of the principal structure, whichever is less. Detached garages on lots greater than one acre in size may be up to 850 square feet or 85 percent of the square footage of the footprint of the principal structure, whichever is less. Detached garages on lots greater than two acres in size may be up to 1,000 square feet in size or equal to the footprint of the principal structure, whichever is less.
 - 4) Metal carports are not permitted.

1131.0 Use Regulations

1131.07 Agricultural and Residential Accessory Structure Standards

- (H) **Greenhouse, Accessory.** Accessory greenhouses shall be regulated by the quantity, location, size, and other applicable regulations in Section [1131.13 \(A\)](#).
- (I) **Outdoor Recreational Structure.** Outdoor recreational structures such as, but not limited to, swing sets, trampolines, batting cages, and other similar sport structures are subject to the following:
- 1) Such uses shall be located in the rear yard.
 - 2) Such uses shall not exceed the height of the principal building or 15 feet, whichever is less.
 - 3) Such uses shall be set back a minimum of six feet from the side and rear property lines.
 - 4) A permit is not required for such uses.
 - 5) This section does not apply to private residential swimming pools, which are subject to regulations in Section [1131.13 \(Q\)](#).
- (J) **Rain Barrels.** Rain barrels are subject to the following:
- 1) Rain barrels and accessories are not permitted in the front yard and shall be located within 12 inches of a collecting structure.
 - 2) Rain barrels are to be earth tone colors. Rain barrels that do not meet this requirement are to be screened from view by either a collecting structure, or a vinyl or wood privacy fence that is of a white or an earth tone color.
 - 3) The height of a rain barrel, including any elevated platform, shall not exceed six feet in height from grade.
 - 4) The maximum capacity of a rain barrel shall not exceed 100 gallons. If two or more rain barrels are interconnected, they must be screened from view by either a collecting structure, or a vinyl or wood privacy fence that is of a white or earth tone color.
 - 5) Rain barrels shall be operated in such a manner as to avoid creating a public or private nuisance.
- (K) **Solar Panel.** Accessory solar panels are subject to the following:
- 1) Solar panels or solar film are permitted on the roof of any principal permitted structure and are permitted on the roof of any accessory structure over 100 square feet.
 - 2) Roof-mounted solar panels, on pitched roofs, shall be installed on the plane of the roof (flush mounted) and shall not extend above the ridgeline of the roof. In no case can the solar panels extend greater than 18 inches from the roof surface.

- 3) Roof-mounted solar panels, on flat roofs, shall not project more than 18 inches above the rooftop surface, and shall not exceed the maximum height allowance in the zoning district in which they are located.
 - 4) For rooftop solar panels, all exposed conduits, plumbing lines, and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
 - 5) No ground mounted or wall mounted solar panels greater than one square foot are permitted in any residential or agricultural zoning district.
 - 6) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity. The owner and/or occupant of the property on which the solar panels are located shall be responsible for correcting any violation of this subsection.
 - 7) Solar panels used exclusively for traffic control signals or devices are exempted from this section except Subsection [1131.07 \(K\)6](#) which shall apply.
- (L) **Swimming Pool.** No swimming pool shall be constructed or operated in any district, whether as an accessory use or as a principal use, unless it complies with the following:
- 1) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building(s) of the property on which it is located and their guests, or for the enjoyment of members of a residential homeowners' association or similar organization and their guests.
 - 2) Swimming pools shall be located in the rear yard of a property and shall be set back a minimum of 10 feet from any property line.
 - 3) Any mechanical equipment or pumps shall be set back a minimum of 20 feet from any property line.
 - 4) The swimming pool, or the entire property on which it is located, shall be so walled or fenced at a minimum of 48 inches high, so as to prevent uncontrolled access by children from the street or from adjacent properties. For above-ground pools that are 48 inches or taller in height, no fence is required around the top of the pool as long as the ladder can be locked in an upright position.
 - 5) Adequate provisions for drainage shall be made subject to approval by the Public Works Director and shall conform with Section [925](#) of the City of Fairfield Codified Ordinances.
 - 6) Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.

1131.0 Use Regulations

1131.08 Agricultural and Residential Accessory Uses

- 7) For the purposes of this section, a pond or stock tank shall not be considered to be a swimming pool. However, if such an installation is used for commercial recreational purposes, then it shall be classified as a swimming pool and the regulations contained herein shall apply.
- 8) Commercial accessory swimming pools shall be regulated by the standards in Section [1131.07 \(L\)](#).

(M) Wind Turbine. Wind turbines are subject to the following:

- 1) Wind turbines shall be located in the rear yard.
- 2) Wind turbines shall not be located on any lot less than two acres in size.
- 3) Wind turbines shall have a minimum side and rear setback that equals the height of the wind turbine plus 20 feet.

1131.08 Agricultural and Residential Accessory Uses

- (A) General Accessory Use Standards.** Any principally permitted use in the A and R Districts may have an accessory use that is subordinate to the principal use of the property. An accessory use shall be located on the same lot as the principal use. An accessory use may be located on a separate lot only if both properties are owned by the same person/entity and are developed as a single use with a single principal building/use. Accessory uses with specific regulations are identified in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and described herein.
- (B) Day Care, Home Type A.** Type A home day cares, as defined by this code and regulated by the Ohio Revised Code, are conditionally permitted as an accessory use to a principally permitted residential use subject to the conditional use requirements set forth in Section [1170.05](#).
- (C) Day Care, Home Type B.** Type B home day cares, as defined by this code and regulated by the Ohio Revised Code, are permitted as an accessory use to a principally permitted residential use.
- (D) Garden.** Vegetable gardens are permitted for personal use or consumption. Vegetable gardens are not permitted in the front yard.

(E) Home Occupation. Home occupations are subject to the following:

- 1) The area of such use shall not exceed 20 percent of the gross floor of the dwelling.
- 2) The use shall be conducted entirely within the confines of the dwelling unit and shall not be permitted within an accessory structure.
- 3) External evidence of the occupation shall not be detectible, except for a maximum one square foot nameplate attached to the primary structure.
- 4) The interior/exterior of the dwelling shall not be structurally altered to comply with non-residential construction codes, nor shall additional structures be built on the property to accommodate the home occupation.
- 5) The occupation shall not employ more than one person other than family members residing in the dwelling.
- 6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this code.
- 7) There shall be no entrance or exit way in the dwelling specifically provided for the home occupation.
- 8) No occupation that requires a federal license shall be permitted as a home occupation.
- 9) No product display areas or onsite retail sales of goods are permitted.

(F) Short Term Rental. Short term rentals shall be permitted as an accessory use to a dwelling unit, subject to the following:

- 1) For short term rentals of individual rooms, the principal dwelling shall remain occupied by the owner of the property. This does not apply to short term rentals that are for the entire structure.
- 2) Short term rentals shall be limited to two renters per designated sleeping area, but in no case shall exceed five renters at any one time.
- 3) No outdoor advertising signs related to the short term rental shall be allowed on site.
- 4) Short term rentals shall provide a minimum of two paved off-street parking spaces dedicated to the short term rental.

1131.0 Use Regulations

1131.09 Agricultural and Residential Temporary Uses

- 5) Short term rentals shall not be operated outdoors, in a tent, in an accessory structure, or in a recreational vehicle. All short term rental services shall be provided within the principal structure.

1131.09 Agricultural and Residential Temporary Uses

- (A) **Contractor's Office/Trailer.** A contractor's office or trailer shall only be permitted in conjunction with a demolition, construction, and/or rehabilitation project. Contractor's offices and trailers are only permitted during active construction projects and shall be removed upon completion of the project. This also applies to equipment sheds and temporary bathroom facilities.
- (B) **Dumpster, Roll-off/Construction.** Construction dumpsters are subject to the following regulations:
- 1) Roll-off/construction dumpsters at new structure construction sites shall not be permitted to remain for more than nine months without specific written approval of the Superintendent of Building and Zoning, and then not to exceed a period reasonably necessary to complete the construction.
 - 2) Roll-off/construction dumpsters at existing structure construction sites shall:
 - a) Be permitted to remain on-site for the duration of the remodeling, renovation, or expansion work but not to exceed a total of three months in any one year period without specific written approval of the Superintendent of Building and Zoning and then not to exceed a period reasonably necessary to complete the construction.
 - b) Be located on a hard, durable paved surface out of the public right-of-way and site distance triangle.
 - 3) Roll-off/construction dumpsters shall be removed from all residential premises after construction is complete or a certificate of occupancy has been issued, whichever is earlier.
 - 4) No more than one roll-off/construction dumpster at a time is permitted on a single-family residential lot without the written approval of the Superintendent of Building and Zoning.
 - 5) No trash, yard waste, garbage, building or construction debris, trees or limbs may be brought from other property or premises to a roll-off/construction dumpster located on residential premises, except to a dumpster specifically provided by the City of Fairfield on a temporary use basis for residential property.

- (C) **Portable Storage Unit (Residential).** Residential portable storage units are subject to the following:
- 1) Shall be permitted as a temporary use for a period not to exceed 30 days within any one year period.
 - 2) Shall be located on a hard, durable paved surface and out of the public right-of-way.
 - 3) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e., fire, flood, or other event where there is significant property damage), the Superintendent of Building and Zoning may extend the time period up to one year at their discretion.
 - 4) Shall not exceed a size of 1,200 cubic feet on the interior. All portable storage units in excess of 1,200 cubic feet are prohibited in residential areas.
- (D) **Produce Stand, Temporary.** A temporary produce stand is subject to the following:
- 1) The minimum lot size shall be two acres.
 - 2) The structure may be located in the front, side, or rear yard.
 - 3) The agricultural products that are for sale shall be grown on premise only.
 - 4) The produce stand use shall be limited to no more than six months per calendar year.
 - 5) Off-street parking spaces shall be provided on site as stated in Section [1151.03](#).
 - 6) Operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m.
 - 7) The property owner shall inform the Superintendent of Building and Zoning whether the structure for the stand is intended to be permanent or temporary. If the structure is to be permanent, it shall meet the applicable regulations for accessory structures per Section [1131.07 \(A\)](#).
- (E) **Residential Outdoor Sale.** A residential outdoor sale is subject to the following:
- 1) Residential outdoor sales shall be limited to a maximum of three sales per calendar year at any residential property. Each sale shall be for a maximum of three consecutive days.
 - 2) Such sales shall be held between the hours of 7:00 a.m. and 7:00 p.m. on each day of the sale.

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1131.09 Agricultural and Residential Temporary Uses

(F) **Tent.** A temporary tent shall be subject to the following:

- 1) A tent shall only be erected in the rear yard.
- 2) The maximum height of the tent shall not exceed 20 feet.
- 3) The tent shall be associated with an event or activity occurring on the subject property. Tents are limited to a maximum duration of 10 consecutive days and no more than two periods in a calendar year.
- 4) Tents shall not be permitted for overnight stays or sleeping purposes.

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1131.10 Non-Residential Districts Use Table and Standards

(A) **Non-Residential Use Table.** [Table 1131.10 -2: Non-Residential Districts – Use Table](#) lists the uses that are permitted, permitted with standards, conditional, accessory, and temporary within the non-residential zoning districts.

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Agricultural/Residential Uses											
Dwelling, Single Family Detached					P						
Mobile Home Park			C								1131.12 (W)
Residential Facility, Small					P						
Residential Facility, Large			C	C			C				
Residential Treatment Facility, Small					P						
Residential Treatment Facility, Large			C	C			C				
Public/Institutional Uses											
Community Facility	C	P	P	P			P	P			
Cultural Facility	C	P	P	P		P	P	P			
Education Facility, Public or Private	C	P	P	P			P	C			
Education Facility, University/College/	C	PS	PS	PS			PS	C			1131.12 (I)
Essential Service	P	P	P	P	P	P	P	P	P	P	1131.11 (F)
Governmental Facility	P	P	P	P			P	P	P	P	
Public Park and Open Space	P	P	P	P	P	P	P	P	P	P	
Public Recreation Facility, Indoor		P	P	P			P	P			

1131.0 Use Regulations

1131.10 Non-Residential Districts Use Table and Standards

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Public/Institutional Uses											
Public Recreation Facility, Outdoor		P	P	P			P	P			
Religious Facility	C	C	C	C	C	C	P	C	C	C	
Wireless Communication			C	C					PS	PS	1131.15
Commercial Uses											
Animal Boarding/Kennel		C	C	C					C	C	1131.12 (A)
Animal Day Care		C	C	C					C	C	1131.12 (B)
Animal Hospital, Veterinary Clinic	PS	PS	PS	PS		PS	PS	PS			1131.12 (C)
Art Studio	P	P	P	P	P	P		P			
Assisted Living Facility		C	P	P			P	C			
Bar/Night Club		C	C	C		C		C			
Brewery, Distillery, Winery, Cidery			C	C		C			C	C	1131.12 (C)4
Brewery, Distillery, Winery, Cidery		C	C	C		C		C	C	C	1131.12 (C)4
Building and Related Trade Shop		C	P	P					P	P	
Check Cashing, Short Term Loan			PS	PS		PS					1131.12 (F)
Club/Lodge, Private	C	C	C	C	C	C	C	C			
Commercial Kitchen			C	C					C		
Day Care Center	C	C	PS	PS	C	PS	PS	C			1131.12 (I)
Entertainment Venue			C	C		P					
Event Center			C	C		P					1131.12 (K)

1131.0 Use Regulations

1131.10 Non-Residential Districts Use Table and Standards

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Commercial Uses											
Financial Establishment	C	PS	PS	PS	C	PS	PS	PS	C		1131.12 (L)
Fitness/Dance Studio	P	P	P	P	P	P		P			
Flea Market			C	C							1131.12 (M)
Funeral Home	C	P	P	P				C			
Greenhouse, Wholesale									C	C	
Hospital		C	C	C			PS				1131.12 (N)
Hotel, Motel		C	P	P		P					
Landscaping Retail Facility		PS	PS	PS		PS		PS			1131.12 (P)
Landscaping Service Facility			C	C					PS	PS	1131.12 (Q)
Laundry, Commercial			P	P		P		P			
Media Studio	PS	PS	PS	PS		PS		PS			1131.12 (T)
Medical Office (High Intensity)		C	C	C		C	P	C	C	C	1131.12 (U)
Medical Office (Low Intensity)	P	P	P	P	P	P	P	P	C		
Micro-Fulfillment Center	PS	PS	PS	PS		PS		PS			1131.12 (V)
Mixed Use			C	C				C			
Motor Vehicle Fueling/Charging		C	PS	PS				C			1131.12 (X)
Motor Vehicle Repair			C	C					C	C	1131.12 (Y)
Motor Vehicle Sale/Rental Area			C	C							1131.12 (Z)

1131.0 Use Regulations

1131.10 Non-Residential Districts Use Table and Standards

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Commercial Uses											
Motor Vehicle Service		C	C	C		C		C	C	C	1131.12 (AA)
Motor Vehicle Washing Facility		C	PS	PS		PS					1131.12 (DD)
Nursing and Rehabilitation Facility		C	P	P			P	C			
Office, General	P	P	P	P	P	P	P	P	C		
Outdoor Amusement Ride and						P					
Personal Service	PS	PS	P	P	P	P		P			
Recreational Facility, Indoor	C	C	P	P		P	C	C	C	C	
Recreational Facility, Outdoor	C	C	C	C		P	C	C			
Restaurant, Full Service	C	P	P	P		P		P	C		
Restaurant, Quick Service	C	PS	PS	PS		PS		PS	C		1131.12 (GG)
Retail	P	P	P	P	P	P		P	C		
Self-Storage Facility			C	C						C	1131.12 (HH)
Sexually Oriented Business			C	C							1131.12 (II)
Showroom	C	P	P	P				P			
Storage Shed or Barn, Carport or Play			C	C							
Teen Club		C	C	C				C			
Theater, Cinema		C	P	P		P		C			
Tobacco/Vape Store			PS	PS		PS					1131.12 (LL)

1131.0 Use Regulations

1131.10 Non-Residential Districts Use Table and Standards

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Industrial Uses											
Building Material Yard										C	1131.12 (E)
Construction and Large Equipment										C	1131.12 (G)
Contractor Yard										C	1131.12 (H)
Crematorium										C	
Food Processing									C	P	
Junkyard										C	1131.12 (O)
Laundry, Industrial									C	P	
Manufacturing, Artisan			C	C					P	P	
Manufacturing, Light									PS	PS	1131.12 (S)
Manufacturing, Heavy										C	1131.12 (R)
Motor Vehicle Storage										C	1131.12 (BB)
Motor Vehicle Tow Yard										C	1131.12 (CC)
Renewable Energy Facility										C	1131.12 (EE)
Research, Development, Laboratory Facility			C	C			PS		C	C	1131.12 (FF)
Stone and Monument Works			C	C					P	P	1131.12 (II)
Trucking or Logistics Terminal										C	1131.12 (MM)
Warehouse			C	C					PS	PS	1131.12 (NN)

1131.0 Use Regulations

1131.10 Non-Residential Districts Use Table and Standards

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Accessory Uses											
Accessory Structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (A)
Accessory Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (B)
Automated Teller Machine (ATM),	PS	PS	PS	PS	PS	PS	PS	PS	PS		1131.13 (C)
Charitable Drop-off Receptacle	PS	PS	PS	PS	PS	PS	PS	PS			1131.13 (D)
Drive-Through Facility		C	PS	PS	C	PS		C	C		1131.13 (E)
Dumpster, Garbage and Recycling	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (F)
Dwelling, Accessory Commercial			C	C					C	C	1131.13 (G)
Electric Vehicle Charging Station	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (H)
Heliport							C		C	C	
Outdoor Dining	C	PS	PS	PS		PS		PS			1131.13 (I)
Outdoor Display and Retail	PS	PS	PS	PS		PS		PS			1131.13 (J)
Outdoor Storage, Accessory			C	C					PS	PS	1131.13 (K)
Parking, Structure		PS	PS	PS		PS	PS	PS			1131.13 (L)
Parking, Surface	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (M)
Retail, Accessory									PS	PS	1131.13 (N)
Showroom, Accessory									PS	PS	1131.13 (O)
Sign	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1155.0
Solar Panel	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.13 (P)
Swimming Pool	PS	PS	PS	PS	PS	PS	PS				1131.13 (Q)

Table 1131.10 -2: Non-Residential Districts – Use Table

	C-1	C-2	C-3	C-3A	C-4	SE	B-1	D-1	M-1	M-2	Section
Accessory Uses											
Warehouse, Accessory			PS	PS		PS			PS	PS	1131.13 (R)
Wind Turbine									PS	PS	1131.13 (S)
Temporary Uses											
Contractor's Office/Trailer	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.14 (A)
Dumpster, Roll-off/Construction	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.14 (B)
Farmers Market						PS		PS			
Food Truck/Mobile Food Unit		PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.14 (C)
Portable Storage Unit (Commercial)	PS	PS	PS	PS	PS	PS	PS	PS	P	P	1131.14 (D)
Seasonal Sale	PS	PS	PS	PS	PS	PS		PS	C		1131.14 (E)
Tent	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1131.14 (F)

1131.0 Use Regulations

1131.11 Non-Residential District General Use Regulations

1131.11 Non-Residential District General Use Regulations

- (A) **Business in Enclosed Buildings.** All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for uses that are specifically exempted and regulated herein including, but not limited to, off-street parking, outdoor display, outdoor dining, and motor vehicle sales.
- (B) **Night Operations.** No building customarily used for night operations, such as a bakery or 24-hour distribution station, shall have any open areas of the building or doors, other than stationary windows or required fire exits, within 100 feet of any A or R District. Any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District.
- (C) **Grading, Filling and Excavation.** Any development that requires grading, filling, excavation, or any change in the grade of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires compliance with Chapter [1159.0](#) and approval of the City Engineer. No grading shall be detrimental to surrounding property in appearance or in the diversion of storm-water drainage.
- (D) **Security Bars.** Security bars, grilles or similar devices shall be retractable, shall be installed on the interior of the window or door frames, and shall be retracted at all times during which the building is open for business.
- (E) **Residential Uses in Non-Residential Zoning Districts.** Residential uses that are located in non-residential zoning districts shall be subject to all of the applicable use standards for residential uses in this zoning code. This applies to the single-family dwellings permitted in the C-4 District.
- (F) **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this code.
- (G) **Airports, Airfields, and Heliports.** Airports, airfields, and heliports may be built within the city's limits only with the permission of the Planning Commission and City Council.
- (H) **Maximum Size for Primary Structures.** Primary structures in the C-1 and C-2 Districts are limited to a maximum of 5,000 square feet of gross floor area, except the following uses are exempt from this requirement:
- 1) Assisted living, nursing, and rehabilitation facility;
 - 2) Community and cultural facility
 - 3) Education facility;

- 4) Essential service;
- 5) Government facility; and
- 6) Recreation facility, public or private.

1131.12 Non-Residential Districts Use Specific Standards

(A) **Animal Boarding/Kennel.** Animal boarding and kennels are subject to the following:

- 1) Any building, outdoor run, or enclosure on the premises used for such purposes shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any structure in the C, B-1, and D-1 Districts.
- 2) Any outdoor run or enclosure shall not be used between the hours of 10:00 pm and 7:00 am.
- 3) Any outdoor run or enclosure shall not be located in the front yard, shall comply with the minimum building setback requirements of the district in which it is located, and be enclosed by an opaque fence or wall that is six feet in height.

(B) **Animal Day Care.** Animal day cares are subject to the following:

- 1) Any building, outdoor run, or enclosure on the premises used for such purposes shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any structure in the C, B-1, and D-1 Districts.
- 2) Any outdoor run or enclosure shall not be used between the hours of 10:00 pm and 7:00 am.
- 3) Any outdoor run or enclosure shall not be located in the front yard, shall comply with the minimum building setback requirements of the district in which it is located, and be enclosed by an opaque fence or wall that is six feet in height.

(C) **Animal Hospital, Veterinary Clinic.** Animal hospitals and veterinary clinics are subject to the following:

- 1) Any building or outdoor enclosure on the premises used for such purpose shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any structure in the C, B-1, and D-1 Districts.
- 2) Outdoor enclosures shall not exceed 300 square feet.

1131.0 Use Regulations

1131.12 Non-Residential Districts Use Specific Standards

- 3) Outdoor enclosures shall abut the building in the rear and shall be accessed directly from the building.
- 4) Outdoor enclosures shall only be used for patient visits and overnight stay is only permitted for patient care.

(D) Brewery, Distillery, Winery, Cidery (Macro and Micro). Breweries, distilleries, wineries, and cideries are subject to the following:

- 1) Each use shall manufacture and sell alcoholic beverages in accordance with the provisions of, and shall maintain current licenses as required by, The Ohio Division of Liquor Control and all other appropriate state agencies.
- 2) Outdoor storage for such use is only permitted in the M-1 and M-2 Districts and shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
- 3) Micro-scale uses shall be set back a minimum of 100 feet from any A or R District.
- 4) Macro-scale uses shall be set back a minimum of 200 feet from any A or R District.
- 5) Outdoor dining or gathering areas are subject to regulations in Section [1131.13 \(I\)](#).
- 6) All production shall be within completely enclosed buildings, except exterior storage tanks that hold products associated with the brewing/distilling process shall be located in the side or rear yard, unless waived by the Planning Commission. Such storage tanks shall be subject to the maximum height restrictions of the zoning district where they are located.

(E) Building Material Yard. Building material yards are subject to the following:

- 1) A principal building is required on site and shall be a minimum of 1,500 square feet.
- 2) Materials stored outside shall be located in the rear yard and shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
- 3) There shall be a minimum setback of 200 feet from any A or R District.

(F) Check Cashing, Short Term Loan. Check cashing and short term loan uses are subject to the following:

- 1) Such uses shall be limited to parcels that have frontage on State Route 4 within the City of Fairfield.
- 2) There shall be a minimum setback of 1,000 feet from any other check cashing or short term loan use.

(G) Construction and Large Equipment Rental, Sale, and Service. Construction and large equipment rentals, sales, and services are subject to the following:

- 1) A principal building is required on site and shall be a minimum of 1,500 square feet.
- 2) The site shall include sufficient ingress, egress, and internal circulation. Site distance and visibility shall not be impeded or blocked by construction vehicles or equipment.
- 3) Screening shall be provided as stipulated in [1152.08 \(A\)](#).
- 4) Inoperable vehicles or junk equipment are not permitted on site.
- 5) All construction vehicles and equipment shall be located on a paved surface.
- 6) There shall be a maximum of 50 construction vehicles or large equipment items located on the site outside of a completely enclosed building at any one time.
- 7) There shall be a minimum setback of 200 feet from any A or R District.
- 8) All repair and service work on vehicles and equipment shall be completed inside a fully enclosed building.

(H) Contractor Yard. Contractor yards are subject to the following:

- 1) A principal building is required on site and shall be a minimum of 1,500 square feet.
- 2) All materials stored outside shall be located in the rear yard and shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
- 3) There shall be a minimum setback of 200 feet from any A or R District.
- 4) All motor vehicles manufactured for road use, including trailers, shall be parked on paved surfaces as described in Section [1151.04 \(D\)](#) at all times and no inoperable equipment or inoperable or unlicensed motor vehicles are permitted on the premises.

(I) Day Care Center. Day care centers shall provide an outdoor recreation area for children that is directly accessed from the building, located in the side or rear yard, and is enclosed with a fence that meets the regulations of Chapter [1153.0](#).

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(J) **Education Facility, University/College/Trade School.** Universities, colleges, and trade schools are subject to the following:

- 1) A campus plan is required if there is more than one building being proposed.
- 2) If the proposed use includes a residential component, those uses shall meet the applicable regulations for the type of residential use that is proposed (i.e., if multi-family is proposed then such use shall meet the use-specific standards for large scale multi-family and the dimensional standards for the R-4 District), unless specifically approved otherwise by the Planning Commission.

(K) **Event Center.** Event centers are subject to the following:

- 1) There shall be a minimum setback of 100 feet from any A or R District.
- 2) The event center shall provide kitchen facilities for the preparation or warming of foods that are to be served during the events.

(L) **Financial Establishment.** Financial establishments that include drive-through facilities are not subject to the drive-through requirements in Section [1131.13 \(E\)](#). Outdoor automatic teller machine (ATM) facilities are subject to the requirements in Section [1131.13 \(C\)](#).

(M) **Flea Market.** Flea markets are subject to the following:

- 1) Flea Markets shall be located inside a fully enclosed building and there shall be no outdoor sales, display, or storage.
- 2) Flea markets shall be in compliance with all building code requirements and include enough room for aisles and emergency ingress and egress.

(N) **Hospital.** Hospitals are subject to the following:

- 1) There shall be a minimum setback of 100 feet from any A or R District.
- 2) If a heliport is proposed, it shall be subject to the heliport regulations in Section [1131.11 \(G\)](#).

(O) **Junkyard.** Junkyards are subject to the following:

- 1) All junkyards shall be enclosed by an opaque privacy fence or wall not less than eight feet high. The fence or wall for a junkyard is not subject to the height requirement for fences in Section [1153.04 \(A\)](#).
- 2) Stacking of materials is not permitted to exceed the height of the provided wall/fence.

- (P) **Landscaping Retail Facility**. Landscaping retail facilities may have multiple structures on the property including a retail center and greenhouses for the growing of landscape materials.
- (Q) **Landscaping Service Facility**. Landscaping service facilities are subject to the following:
- 1) A principal building is required on site and shall be a minimum of 1,500 square feet.
 - 2) There shall be a minimum setback of 200 feet from any A or R District.
 - 3) All materials stored outside shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#).
 - 4) All bulk material shall be kept in bins that are enclosed on at least three sides.
 - 5) All vehicles and equipment for road use, including trailers, shall be parked on paved surfaces as described in Section [1151.04 \(D\)](#) at all times and no inoperative equipment or inoperative or unlicensed motor vehicles are permitted on the premises.
- (R) **Manufacturing, Heavy**. Heavy manufacturing uses shall be set back a minimum of 500 feet from any A or R District. Heavy manufacturing uses that include outdoor storage, shall comply with Section [1131.13 \(K\)](#).
- (S) **Manufacturing, Light**. Light manufacturing uses shall be set back a minimum of 200 feet from any A or R District. Light manufacturing uses that include outdoor storage, shall comply with Section [1131.13 \(K\)](#).
- (T) **Media Studio**. Media studios shall not be permitted to have towers located on site.
- (U) **Medical Office (High Intensity)**. High intensity medical offices are subject to the following:
- 1) Medical offices shall provide adequate waiting room space to accommodate demand in order to prevent people waiting outside.
 - 2) High intensity medical offices that include opioid treatment programs shall comply with the applicable regulations in the Ohio Revised Code for such uses.
- (V) **Micro-Fulfillment Centers**. Micro-fulfillment centers are subject to the following:
- 1) Stand-alone centers are only permitted in the C-3, C-3A, and SE Districts.
 - 2) Stand-alone centers are not permitted to exceed 5,000 square feet.

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- 3) If operated in conjunction with a retail store, then it is permitted as an accessory use if attached to or co-located with a retail store open to the public, provided that the area of the micro-fulfillment center does not exceed 30 percent of the total square footage of the floor area.
- 4) Vehicular delivery of goods to off-site customers shall be permitted to operate primarily non-commercial vehicles.

(W) Mobile Home Park. A mobile home park is subject to the following:

- 1) The minimum area for a mobile home park is 15 acres.
- 2) Except as provided in this section, no mobile home unit shall be parked on the premises in any zoning district outside of an approved mobile home park.
- 3) The minimum area of a mobile home unit space within the park shall be 7,500 square feet.
- 4) The minimum width of a mobile home unit space within the park shall be 75 feet.
- 5) Each mobile home unit shall abut upon a private street and each unit space shall have direct access to a private, hard surface drive.
- 6) Each mobile home park shall have direct access to a public street.
- 7) Each mobile home unit shall be set back a minimum of 100 feet from exterior property line.
- 8) Each mobile home unit shall be set back a minimum of 20 feet from a neighboring mobile home unit.
- 9) Each mobile home unit shall contain a concrete slab of sufficient size to support the wheels and front parking jack, which shall be a minimum of four inches thick.
- 10) Each mobile home unit shall contain at minimum of:
 - a) One electric outlet.
 - b) A central sanitary sewer and central water system installed in accordance with the city's specifications.
- 11) All mobile home units and parks shall comply with all regulations prescribed by the State of Ohio Department of Health and all other appropriate state agencies.
- 12) The minimum roadway width of interior streets are as follows:
 - a) One-way streets with parking permitted on one side: 20 feet.
 - b) Two-way streets without parking permitted: 20 feet.

- c) Two-way streets with parking permitted on one side: 26 feet.
 - d) All streets shall be paved according to the city's specifications for residential streets, maintained in good condition, and lighted at night.
- 13) No mobile home shall remain in the park for a period exceeding one day without connection to the central sanitary sewer system and central water system of the park.
- 14) The location of the access drive for a mobile home park shall be located a minimum of 200 feet, as measured along the street, from any public or private educational facility, public parks or open space, religious facility, hospital, library or institution for dependents or children, except where such property is in another block or another street which the premises in question do not abut.
- 15) Mobile home parks shall provide public water and sewer utilities.
- 16) All areas, not including access, parking, circulation, buildings, and service buildings, shall be completely landscaped, and maintained in good condition permanently.
- 17) A landscape buffer of minimum of 50 feet in width shall be established and maintained within the mobile home park along its exterior boundaries.
- 18) Within the mobile home park, an adequate site or sites for recreation shall be provided for the use of the park occupants. Such recreation site or sites shall have a minimum in the aggregate of 400 square feet for each mobile home space.
- 19) No enlargements or extensions shall be permitted unless the existing park is made to conform substantially with all the requirements for new construction for such an establishment.
- 20) In addition to the requirements within this section, the Planning Commission may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such mobile home park as it may deem necessary for the protection of adjacent properties and the public interest.
- (X) **Motor Vehicle Fueling/Charging Facility**. Motor vehicle fueling/charging facilities are subject to the following:
- 1) Fuel canopies, gas pumps, electric vehicle charging stations, and similar equipment may be located in the front yard, but not within the required front yard setback.

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- 2) The only services permitted to be performed on a vehicle on site shall be the dispensing of fuel, electricity, oil, air, windshield wiper fluid, and other similar activities customarily incidental to a motor vehicle fueling or charging facility. An accessory motor vehicle washing facility is permitted and shall comply with Section [1131.12 \(DD\)](#).
- 3) Fuel price displays shall be subject to the standards in Section [1155.06 \(G\)](#).
- 4) The fuel canopy shall be constructed substantially of the same materials used on the principal building.
- 5) All structures on the property shall be set back a minimum of 100 feet from any A or R District.

(Y) Motor Vehicle Repair Facility. Motor vehicle repair facilities are subject to the following:

- 1) All repair work shall be conducted within an enclosed building.
- 2) All structures on the property shall be set back a minimum of 100 feet from any A or R District.
- 3) Any wrecked or damaged motor vehicle waiting for repair shall be stored in the rear yard and shall be completely screened from all property lines and public rights-of-way with an opaque wall or fence that is six feet in height.
- 4) No more than nine unlicensed, partially disassembled, wrecked or inoperable motor vehicles are permitted on site.
- 5) The parking lot shall be striped and all motor vehicles on site shall be parked in those spaces.
- 6) No outdoor storage of any items, including vehicle parts, is permitted.
- 7) No motor vehicle painting is permitted inside the building unless a paint spray booth is installed. A paint spray booth requires a building permit.

(Z) Motor Vehicle Sale/Rental Area. Motor vehicle sale/rental areas are subject to the following:

- 1) Motor vehicle sale/rental areas shall locate only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road.
- 2) The minimum size of the lot shall be one acre.
- 3) The minimum principal street frontage on State Route 4 shall be 100 feet in length.
- 4) A principal structure is required on site and shall be a minimum of 1,500 square feet.

- 5) There shall be sufficient ingress, egress, and internal circulation.
- 6) The display of motor vehicles shall not impede or block the sight distance triangle and visibility.
- 7) The display of motor vehicles shall be setback a minimum of five feet from the public right-of-way.
- 8) There shall be perimeter curbing and landscaping in accordance with Section [1152.08 \(A\)](#), located on the site.
- 9) All motor vehicles shall be located on a paved surface and in striped parking spaces in accordance with Section [1151.04 \(D\)](#).
- 10) No damaged, unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.
- 11) All repair and detailing beyond washing shall be completed in an enclosed building.

(AA) Motor Vehicle Service Facility. Motor vehicle service facilities are subject to the following:

- 1) All repair work shall be conducted within an enclosed building.
- 2) All structures on the property shall be set back a minimum of 100 feet from any A or R District.
- 3) The parking lot shall be striped and all motor vehicles on site shall be parked in those spaces.
- 4) No outdoor storage of any items, including vehicle parts, is permitted.
- 5) No damaged, unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.

(BB) Motor Vehicle Storage. Motor vehicle storage areas are subject to the following:

- 1) A principal building is required to be on site and shall be a minimum of 1,500 square feet.
- 2) All buildings and motor vehicle storage areas shall be located a minimum of 200 feet from any A or R District.
- 3) The parking lot shall be striped and all motor vehicles on site shall be parking in those spaces.
- 4) All motor vehicles shall be completely screened from all property lines and public right-of-way with an opaque fence or wall that is six feet in height.

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- 5) No damaged, unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.
- 6) The storage of semi-trailers, delivery vans/trucks, or shipping containers is not permitted on site.
- 7) The maximum lot size for the outdoor storage of motor vehicles is two acres.

(CC) Motor Vehicle Tow Yard. Motor vehicle tow yards are subject to the following:

- 1) A principal building is required to be on site and shall be a minimum of 1,500 square feet.
- 2) All buildings and motor vehicle storage areas shall be located a minimum of 200 feet from any A or R District.
- 3) The parking lot shall be striped and all motor vehicles on site shall be parked in those spaces.
- 4) All motor vehicles shall be completely screened from all property lines and public right-of-way with an opaque fence or wall that is six feet in height.
- 5) No more than nine unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.
- 6) The maximum lot size for the outdoor parking of motor vehicles is two acres.

(DD) Motor Vehicle Washing Facility. Motor vehicle washing facilities are subject to the following:

- 1) All structures on the property shall be set back a minimum of 100 feet from any A or R District.
- 2) Motor vehicle washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation. Vacuuming and/or steam cleaning equipment may be located outside a building, in the front, side, or rear yard, but shall not be placed in any yard adjoining an A or R District.
- 3) Stacking spaces shall be provided per Section [1151.03 \(H\)](#).
- 4) An exit drive, that is a minimum of 40 feet in length, is required between the exit door of the washing facility and the street.

(EE) Renewable Energy Facility. Renewable energy facilities shall have a minimum lot size of two acres and are subject to the following:

- 1) **Solar Farm**
 - a) Solar panels shall be set back a minimum of 200 feet from any A or R District.

- b) Ground mounted solar panels shall not exceed 15 feet in height and shall be subject to all applicable setbacks of the district that it is located.
 - c) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.
- 2) **Wind Farm.** Wind turbines shall have a minimum side, rear, and front yard setback that equals the height of the wind turbine plus 20 feet and shall comply with all applicable Federal Aviation Administration (FAA) regulations.

(FF) Research, Development, Laboratory Facility. Research, development, and laboratory facilities shall not be operated or conducted in a manner which creates hazardous, noxious, or offensive conditions. Such uses in the B-1 zoning district shall be associated with a hospital or a medically related facility.

(GG) Restaurant, Quick Service. Quick service restaurants are subject to the following:

- 1) Drive-through facilities are subject to the drive-through facility regulations in Section [1131.13 \(E\)](#).
- 2) No restaurant shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.

(HH) Self-Storage Facility. Self-storage facilities are subject to the following:

- 1) All storage units within the facility shall gain access from the interior of the building or site. No unit doors shall face an exterior property line.
- 2) All storage shall take place within a structure. No outside storage is permitted.
- 3) All buildings on the site shall be set back a minimum of 200 feet from any A or R District and 1,000 feet from any other self-storage facility.
- 4) No activities other than rental of storage units, and pick-up and deposit of long term storage shall be permitted on the premises. Examples of activities that are not permitted include commercial or wholesale sales, repair services, manufacturing, and recreational uses.
- 5) Building perimeter landscaping is required along the side and front exterior elevations. Such landscaping shall include a minimum of one tree and six shrubs for every 30 lineal feet of the front and side exterior elevations.

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(II) **Sexually Oriented Business.** Sexually oriented businesses are subject to the following:

- 1) No sexually oriented business shall be located within a radius of 1,000 feet of any residentially zoned or used property.
- 2) No sexually oriented business shall be located within a radius of 1,000 feet of any religious facility, education facility, library, park, or public playground.
- 3) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business and no building, premises, structure, or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.
- 4) Distances for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., “as the crow flies” and includes both property in the City of Fairfield and in any other political subdivision.

(JJ) **Stone and Monument Works.** Stone and monument work uses that are located in the C-3 and C-3A Districts shall be subject to the following:

- 1) All cutting and other similar operations shall be conducted within an enclosed structure.
- 2) No operation shall be constructed, or equipment used which would create excessive noise or dust.
- 3) The outdoor display of products shall comply with Section [1131.13 \(I\)](#).
- 4) There shall be a minimum setback of 200 feet from any A or R District.

(KK) **Storage Shed or Barn, Carport, or Play Structure Sales Area.** Storage shed or barn, carport, or play structure sales areas are subject to the following:

- 1) There shall be sufficient ingress, egress, and internal circulation.
- 2) All products for display or sale shall be placed on a hard, durable paved surface.
- 3) The display shall not impede or block the sight distance triangle and visibility.
- 4) The display shall be set back a minimum of 10 feet from the public right-of-way.
- 5) There shall be perimeter curbing and landscaping in accordance with Section [1152.08 \(A\)](#) located on the site.

(LL) Tobacco/Vape Store. Tobacco/vape stores shall be set back a minimum of:

- 1) 100 feet from any A or R District or property used for residential purposes;
- 2) 1,000 feet from another tobacco/vape store; and
- 3) 1,000 feet from any educational facility, pre-school, daycare, public park, or library.

(MM) Trucking or Logistics Terminal. Trucking or logistics terminals are subject to the following:

- 1) There shall be a minimum setback of 200 feet from any A or R District.
- 2) Accessory off-street parking facilities as required under Section [1151.03](#) shall be a maximum of 150 percent of the enclosed area of the structure or structures.
- 3) All work on vehicles, including but not limited to, cleaning, servicing, and repair shall be done only inside a suitable service building.
- 4) Vehicles shall not be parked in any of the required setbacks for the principal structure.
- 5) All vehicles shall be parked on a paved surface within striped spaces.
- 6) No outdoor storage is permitted.
- 7) Shipping or cargo containers shall not be stored on site.
- 8) Landscaping in accordance with Section [1152.08 \(A\)](#) shall be used to screen the site from the roadway.

(NN) Warehouse. Warehouses are subject to the following:

- 1) There shall be a minimum setback of 200 feet from any A or R District.
- 2) The size of all accessory off-street parking facilities as required under Section [1151.03](#) shall be a maximum of 100 percent of the enclosed area of the structure or structures.
- 3) Any outdoor storage shall comply with the outdoor storage requirements of Section [1131.13 \(K\)](#), except there shall be no outdoor storage of any materials in the C-3 or C-3A Districts.

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1131.13 Non-Residential Accessory Uses and Structures

1131.13 Non-Residential Accessory Uses and Structures

- (A) **Accessory Structures.** All accessory structures in the non-residential zoning districts are subject to the following, unless specifically exempted or otherwise regulated:
- 1) An accessory structure shall be located on the same lot as the principal use.
 - 2) Lots containing a principal structure and accessory structure may not be subdivided in order to create separate lots for the principal structure and accessory structure, unless the accessory structure is improved to be considered a principal structure. To be considered a principal structure, the proposed use, structure, and lot would need to be in conformance with the applicable provisions of this code and the building code, including providing adequate access, parking, landscaping, buffering, restroom facilities, accessibility features, and other applicable regulations for the use which is proposed.
 - 3) On a lot that contains a principal structure and accessory structure, if the principal structure is demolished the accessory structure shall not be deemed a principal structure, unless the accessory structure is improved to be considered a principal structure per (2) above.
 - 4) An accessory structure shall be located in the rear yard, unless specifically exempted.
 - 5) A maximum of two accessory structures are permitted per lot, which includes storage sheds, gas canopies, and other similar structures (this does not include fences, solar panels, and wind turbines).
 - 6) The combined square footage of all accessory structures on a property shall not exceed 35 percent of the square footage of the footprint of the principal building.
 - 7) An accessory structure shall meet the following setbacks, unless specifically exempted:
 - a) A minimum side and rear yard setback of six feet.
 - b) An accessory structure shall be a minimum of six feet from any building situated on the same lot, unless erected as an integral part thereof.
 - c) On a corner lot, accessory structures shall be located behind the rear building line parallel to the primary frontage, and behind the building line parallel to the secondary frontage (see [Figure 1131-1: Accessory structures on a corner lot](#)).
 - 8) The maximum height of an accessory structure is 20 feet or the height of the principal building, whichever is less.
 - 9) The exterior wall surface of the structure shall not be made of concrete masonry unit (CMU)/cinder blocks, resin, plastic, fabric, or non-finished composite material.

10) No accessory structure shall be constructed prior to the construction of the principal building on the lot.

(B) **Accessory Use.** Accessory uses are subject to the following:

- 1) The use shall be customarily accessory and incidental to any principal permitted or conditional use.
- 2) Accessory uses shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 0.

(C) **Automated Teller Machine (ATM), Outdoor.** Outdoor ATMs are subject to the following:

- 1) The ATM shall be located on the same lot as the principal use.
- 2) An ATM may be located in the front, side, or rear yard.

(D) **Charitable Drop-Off Receptacles.** Charitable drop-off receptacles are subject to the following:

- 1) A maximum of one charitable drop-off receptacle is permitted per lot.
- 2) No items shall be permitted to accumulate outside of the receptacle.
- 3) The receptacle and the immediate surrounding area shall be kept clean and free from trash and debris and shall be emptied on a regular schedule to prevent overflow.
- 4) The owner of the receptacle shall be clearly identified on the receptacle along with applicable contact information, a pick-up schedule, and a list of items that may be collected.
- 5) The receptacle shall not impede motorists' drive aisles or lines-of-site, or pedestrian walkways.
- 6) The receptacle shall be placed on a paved surface.
- 7) The receptacle shall be no larger than five feet wide, five feet deep, or six feet tall (150 cubic feet).

(E) **Drive-Through Facility.** A use that proposes to utilize a drive-through or pick-up window shall be subject to the following:

- 1) All drive-through areas, including, but not limited to, stacking lanes, trash receptacles, outdoor speakers, drive-up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property, and shall not cross, interfere with, or impede any public right-of-way.

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- 2) Drive-through structures shall be subject to the vehicle stacking requirements of Section [1151.03 \(H\)](#).
- 3) Any canopy structure shall be constructed of the same or complimentary materials used on the principal building.
- 4) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 100 feet from any A or R District and shall not be audible beyond the property line.
- 5) Menu board signage shall comply with Section [1155.06 \(F\)](#).

(F) **Dumpsters, Garbage and Recycling.** Garbage and recycling dumpsters shall be subject to the following:

- 1) Garbage and recycling dumpsters shall be located on a concrete pad and be enclosed by a three-sided structure constructed of concrete block, brick, stone or other similar masonry product, wood or vinyl opaque fence, or chain link with slats sufficient to provide complete visual screening of the dumpsters. The fourth side of the structure shall have a gate that provides an opaque screening. The height of the enclosure and associated gate shall be 12 inches above the top of the dumpster.
- 2) Garbage and recycling dumpsters, and associated enclosures shall be located in the rear yard and be a minimum of 15 feet from any rear or side lot lines when adjoining an A or R district.
- 3) Garbage and recycling dumpsters and associated enclosures shall be a minimum of 30 feet from any public right-of-way.
- 4) On corner lots, garbage and recycling dumpsters and associated enclosures shall be set back from the side street not less than the required setback for the adjacent principal structure on the lot plus an additional five feet.
- 5) Garbage and recycling dumpsters and associated enclosures shall be located a minimum of 15 feet from any combustible surface or opening of any structure.
- 6) Storm sewer catch basins are not permitted to be located within the enclosure.
- 7) Garbage and recycling dumpsters are not permitted to be located on lots with single family or two family dwellings.
- 8) Garbage and Recycling dumpsters shall comply with the requirements of Chapter [717](#) of the City of Fairfield Codified Ordinances.

(G) Dwelling, Accessory Commercial. Commercial accessory dwellings are subject to the following:

- 1) The dwelling shall be located within the principal structure.
- 2) The dwelling shall be occupied by the owner or operator of the use or have direct involvement with the use.
- 3) The dwelling shall not be rented as a short term rental.

(H) Electric Vehicle (EV) Charging Station. Electric vehicle (EV) charging stations are subject to the following:

- 1) Level 1 and Level 2 EV charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 EV charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.
- 2) Charging stations shall be reserved and designated for the charging of electric motor vehicles only. Information regarding amperage and voltage levels, time limits, cost, tow-away provisions, and contact information shall be posted in the spaces.
- 3) Where permitted, EV charging stations may be located in any yard, but shall be set back a minimum of five feet from any adjoining public right-of-way.
- 4) EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(I) Outdoor Dining. Outdoor dining is subject to the following:

- 1) An outdoor dining area, including the fence that surrounds such an area, is permitted in any yard, but cannot encroach in the required setback.
- 2) An outdoor dining area shall not be located in such a manner as to require customers or employees to cross driveways or parking areas to go between the food service area and the principal building.
- 3) If an outdoor dining area is used year-round, the area shall be included when determining parking requirements.
- 4) Outdoor dining shall not be located in any required parking spot or parking area.
- 5) An outdoor dining area that provides outdoor entertainment or utilizes speakers for music, live music, televisions, projecting screens, or other similar noise-producing elements shall be located a minimum of 500 feet from any residential zoning district or use.
- 6) Such uses shall require conditional use approval if:

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- a) They are adjacent to any residential zoning district or use.
- b) They are a bar or night club as defined by Section [1171.02](#)
- c) They include outdoor entertainment or utilize speakers for music, live music, televisions, projecting screens, or other similar noise-producing elements.

(J) Outdoor Display and Retail Area. Outdoor displays and retail areas are subject to the following:

- 1) The area of such display and retail shall not exceed five percent of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less.
- 2) The maximum height permitted is six feet measured from grade to top of display.
- 3) The display shall not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare.

(K) Outdoor Storage, Accessory. Outdoor storage accessory areas, where permitted, shall be paved with a hard durable surface located only in the rear yard, and shall be screened on all sides with an opaque fence or wall that is six feet in height.

(L) Parking, Structure. A parking structure is subject to the provisions of Chapter [0](#).

(M) Parking, Surface. A surface parking lot is subject to the provisions of Chapter [0](#).

(N) Retail, Accessory. A retail sales use may be included with non-retail uses provided it is an accessory use that does not occupy more than 10 percent of the total floor area of the principal building.

(O) Showroom, Accessory. A showroom may be included with non-retail uses provided it is an accessory use that does not occupy more than 20 percent of the total floor area of the principal building.

(P) Solar Panel. Accessory solar panels are subject to the following:

- 1) Solar panels or solar film are permitted on the roof of any principal permitted structure and are permitted on the roof of any accessory structure over 100 square feet in size.
- 2) Roof-mounted solar panels on a pitched roof shall not extend above the ridgeline of the roof and shall not extend greater than 18 inches from the roof surface.
- 3) Solar panels on a flat roof shall not project vertically more than the height of the parapet wall surrounding the roof or shall be screened by architectural features.

- 4) For rooftop solar panels, all exposed conduits, plumbing lines, and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
 - 5) Ground mounted solar panels are permitted in the C-2, C-3, C-3A, SE, B-1, M-1, and M-2 Districts. There shall be a minimum setback of 200 feet from any A or R District.
 - 6) Ground mounted solar panels shall be subordinate in size to the principal structure they serve, shall not exceed 15 feet in height, and are subject to all applicable setbacks of the district in which they are located.
 - 7) Ground mounted solar panels shall not be located in the front yard.
 - 8) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.
 - 9) Solar panels used exclusively for traffic control signals or devices are exempted from this section.
- (Q) Swimming Pool.** If a swimming pool is proposed as an accessory use in a non-residential zoning district, such use shall comply with the regulations set forth in Section [1131.07 \(L\)](#).
- (R) Warehouse, Accessory.** Accessory warehouses are subject to the following:
- 1) The warehousing shall be located on the same lot as the principal use and may be included within the principal building or within an accessory structure.
 - 2) Such use is limited to a maximum of 35 percent of the footprint of the building, unless specifically approved otherwise by the Planning Commission.
- (S) Wind Turbine.** Wind turbines are subject to the following:
- 1) Wind turbines shall be located in the rear yard.
 - 2) The support structure of a wind turbine shall not exceed the maximum allowable height for a principal structure in the district that it is located within. The blades may extend above the maximum height regulations.
 - 3) Wind turbines shall have a minimum side and rear setback that equals the height of the wind turbine plus 20 feet.
 - 4) Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) regulations.

1131.0 Use Regulations

1131.14 Non-Residential Temporary Uses

1131.14 Non-Residential Temporary Uses

- (A) **Contractor's Office/Trailer.** Contractor's offices and trailers shall only be permitted in conjunction with a demolition, construction, and/or rehabilitation project. Contractor's offices and trailers are only permitted during active construction projects and shall be removed upon completion of the project. This also applies to equipment sheds and temporary bathroom facilities.
- (B) **Dumpster, Roll-off/Construction.** Roll-off/construction dumpsters shall be subject to the following:
- 1) Roll-off/construction dumpsters at a new structure construction site shall not be permitted to remain for more than 12 months without specific written approval of the Superintendent of Building and Zoning, not to exceed a period reasonably necessary to complete the construction.
 - 2) Roll-off/construction dumpsters at an existing structure construction site shall:
 - a) Not be permitted to remain for more than six months in any one-year period without specific written approval of the Superintendent of Building and Zoning, not to exceed a period reasonably necessary to complete the construction.
 - b) Be located on a hard, durable paved surface out of the public right-of-way and site distance triangle.
- (C) **Food Truck, Mobile Food Unit.** Food trucks and mobile food units are subject to the following:
- 1) Food truck uses shall be located on private property, and with the permission of the property owner. The operator shall have written permission from the property owner to operate on their property. The written permission shall be kept with the vehicle and made immediately available to the city upon request.
 - 2) Food trucks are only permitted on lots with a principally permitted use and structure. Food trucks are not permitted to be located on vacant lots.
 - 3) Food truck uses shall be allowed at public and non-profit events with the approval of the city.
 - 4) Signage shall be attached to the vehicle and may not extend above the roof or beyond the sides of the vehicle.

- 5) The vehicle shall have all permits and licenses required by the State of Ohio and Butler County Health Department to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state, city, and county law.
- 6) The vehicle operator shall comply with the following site standards:
 - a) The vehicle shall be parked on a paved surface.
 - b) The vehicle shall be located at least 30 feet away from an entrance to a public road.
 - c) The vehicle shall not disrupt parking or traffic.
 - d) The vehicle shall be located a minimum of 200 feet from the property line of a restaurant located within a building.
 - e) Tables and chairs for customers are not permitted.
- 7) Hours of operation shall be limited to between 7:00 am and 10:00 pm.
- 8) Noise generated by the vehicle and the use shall not become a nuisance. No vehicle shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
- 9) Overnight parking is not permitted except in the case where the vehicle is associated with the principal use on the property and the vehicle is kept within 10 feet of the principal building.

(D) Portable Storage Unit (Commercial). Commercial portable storage units are subject to the following:

- 1) Shall not exceed 40 feet in length, 10 feet in width, or 10 feet in height.
- 2) Vertical stacking of portable storage units or the placement or stacking of other materials, or the staking of merchandise on top of any portable storage unit is prohibited.
- 3) Shall not be located within the public right-of-way or in a way that interferes with the property ingress or egress, or creates a traffic hazard for neighboring property owners.
- 4) Shall be placed on a hard, durable paved surface.

1131.0 Use Regulations

1131.14 Non-Residential Temporary Uses

- 5) Shall be placed at the rear of the property in such a manner as to minimize/screen their visibility from any public street and adhere to side and rear yard setback requirements, except that a temporary portable storage container for construction or remodeling may be located in another reasonable location not otherwise prohibited herein for a period not to exceed 180 days.
- 6) Shall be kept in good condition, free from evidence of deterioration, weathering, discoloration, rust, damage, and graffiti, and shall be properly maintained at all times.
- 7) Shall not be used for retail sales, office space or business operations, or to store waste, and shall comply with the requirements of Chapter [1511](#) of the City of Fairfield Codified Ordinances.

(E) **Seasonal Sale.** Seasonal sales, such as for Christmas trees, pumpkins, and similar items, are subject to the following:

- 1) A seasonal sale activity that is sponsored by a governmental entity is exempt from the requirements of this section.
- 2) A seasonal sale activity is required to submit a site plan to the Superintendent of Building and Zoning for approval that illustrates the location of the sales area, parking, circulation, pedestrian and vehicle ingress/egress, surface material, and sanitary facilities, as applicable.
- 3) The applicant for the seasonal sale activity shall provide a written agreement from the property owner granting permission for the proposed use.
- 4) No activities shall take place in the public right-of-way.
- 5) Signage for seasonal sales shall be limited to the size requirements of the zoning district in which they are located and shall be attached to and flush-mounted to the temporary sales structures, tent, trailer, or similar use.
- 6) A seasonal sale shall be a maximum of 60 days per calendar year.

(F) **Tent.** Tents are subject to the following:

- 1) A permit shall be secured from the Superintendent of Building and Zoning prior to erecting a tent.
- 2) Tents shall be associated with an event or activity occurring on the subject property. Tents are limited to a maximum duration of 30 consecutive days and no more than a total of two periods per calendar year with a minimum 30-day gap in between periods.
- 3) The maximum height of the tent shall be 20 feet.

- 4) Tents shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
- 5) The applicant shall certify that the tent meets the applicable requirements of the City of Fairfield Fire Prevention Code.
- 6) An application for a tent permit shall be granted by lot or parcel under this section, not by individual business, except that if a business occupies contiguous lots or parcels, those lots or parcels shall be considered as one lot or parcel for purposes of this section.

1131.15 Wireless Communication Facilities

(A) **Purpose.** It is the purpose of the regulations contained in this section to:

- 1) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the city;
- 2) Minimize adverse visual effects of communications towers and support structures through proper siting, design, and screening;
- 3) Avoid potential damage to adjacent properties from communications towers and support structure failure; and
- 4) Encourage the joint use of tall structures and any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

(B) **Effect on Other Zoning Regulations.** The provisions of any other zoning regulation of the zoning code notwithstanding, the provisions of this chapter shall apply to all wireless and cellular telecommunications towers and facilities and shall supersede any contrary zoning regulation, including, but not limited to, zoning regulations related to essential services, public utilities and height restrictions, modifications, and exceptions.

(C) **General Requirements**

- 1) Wireless and cellular telecommunications towers and facilities are either permitted uses or conditional uses in a variety of zoning districts contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.

1131.0 Use Regulations

1131.15 Wireless Communication Facilities

- 2) Registration of wireless and cellular telecommunication towers and facilities is needed as required in Section [1131.15 \(D\)](#).
- 3) Shared usage of towers and transmission facilities is encouraged, and towers should be designed to accommodate such uses including governmental telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- 4) The applicant must co-locate its facilities except where the applicant can demonstrate by clear and convincing evidence that its facilities cannot be located on any other existing communication tower, building, or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the “clustering” of towers within an area. The applicant must send a certified mail announcement to all other owners of existing towers and tall structure owners in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a facility can or cannot be located on another communication tower, building, or structure, the city shall consider the space available on an existing structure, the technological practicality of the co-location, the financial feasibility of the co-location, and such other factors as the city deems appropriate.
- 5) Any applicable airport land use compatibility criteria/policies and Federal Aviation Administration regulations shall be met, and requirements presented to the City of Fairfield prior to facility approval.
- 6) The owner of any tower or facility shall indemnify and hold the city harmless against any and all claims, demands, suits, causes of action or judgment due to any injury including death, damage caused by the operation or construction of the tower or facility.

(D) Registration of Wireless and Cellular Telecommunications Facilities, Carriers, and Providers

- 1) Registration is required by all telecommunication tower owners and carriers and providers that offer or provide any telecommunications services for a fee directly to the public from wireless and cellular telecommunications facilities within the City of Fairfield. The registration forms to be provided to the city are available from the Development Services Director. A fee shall be charged for the registration.
- 2) Each owner shall inform the city within 60 days of any change of the information set forth on the registration form.

- 3) Wireless communication towers and facilities registration must be renewed on a biennial basis, at the beginning of each even-numbered year. The registration must be accompanied by the fee. The telecommunications tower or facility owner/operator must submit the registration to the Development Services Department March 1 of the applicable year.

(E) Wireless and Cellular Telecommunication Towers and Facilities Structural Requirements.

No wireless and cellular telecommunication tower and/or facility shall be designed and/or sited such that it poses a potential hazard to nearby improvements or surrounding properties. The structural integrity of towers and facilities must meet the applicable OBBC and EIA/TIA 222 standards and be designed by a professional engineer qualified in electrical/structural design. A building permit will only be issued when these requirements are met to the satisfaction of the Superintendent of Building and Zoning.

(F) Zoning Districts and Locations Where Permitted

- 1) **Principally Permitted.** Towers and facilities are principally permitted in M- 1, Industrial Park District and M-2, General Industrial District subject to the provisions of Section [1131.15 \(J\)](#), Design Standards for Wireless and Cellular Telecommunication Towers and Facilities.
- 2) **Conditional Uses.** Towers and facilities not to exceed a total of 200 feet in height shall be permitted as a conditional use where expressly authorized by the Planning Commission and subject to the provisions of Section [1131.15 \(J\)](#), Design Standards for Wireless and Cellular Telecommunication Towers and Facilities in the following zones: C-3, General Business District and C-3A, General Business District, Modified.
- 3) **Administrative Approval.** Wireless and Cellular Telecommunication facilities of a height not to exceed the lesser of 25 feet or 25 percent of height of the principal structure, shall be permitted in all zoning districts subject to Section [1131.15 \(K\)](#).
- 4) **Public Lands.** Towers and facilities located on publicly owned property are subject to Section [1131.15 \(L\)](#).
- 5) **Existing Towers.** Wireless and cellular telecommunications towers and facilities are permitted to locate with existing electrical transmission towers in all zoning districts subject to Section [1131.15 \(M\)](#).

1131.0 Use Regulations

1131.15 Wireless Communication Facilities

(G) **Application Procedure**

- 1) Any person or company intending to apply for the placement or operation of a cellular or wireless communications tower or facilities within the City of Fairfield shall first schedule a pre-application conference with the Development Services Director. At the conference, the prospective applicant must present to the Development Services Director any proposed locations for siting of towers and equipment. The information should identify possible locations, tower and tall structure heights, and the possibility of co-location.
- 2) The purpose of the pre-application conference is to, generally, evaluate the impact on adjacent areas and neighborhoods, discuss co-location, or identify suitable sites that minimize any negative impact on surrounding areas.
- 3) Upon the completion of the pre-application conference, an application may be filed with the Development Services Director. The applicant must comply with the requirements of this chapter.
- 4) A fee will be charged for each new cellular or wireless communication tower or facility. This fee shall be in addition to any applicable building permit fee.

(H) **Application Requirements.** An applicant proposing to construct a new tower must submit construction plans in accordance with Section [1191.05](#) In addition to meeting the requirements of Section [1199.03](#) the plan must include:

- 1) The location of all existing facilities and towers owned or used by the applicant within the city and outside the city limits within a one-fourth mile radius. Provide the following information for each existing facility:
 - a) Type and size of the tower and facilities at each location.
 - b) The type and accessory equipment and/or building located at each site.
 - c) The ground network and associated land lines utilized by each tower.
- 2) The general location of planned future towers and facilities.
- 3) For each specific tower location shown on the plan, there must be a schedule showing:
 - a) Type and size of tower and facility at each location.
 - b) The type of accessory equipment located or proposed on each tower.
 - c) Type, size, and location of any support structure to be used by the tower for which the application is being submitted.

- d) The ground network and associated land lines, if any, are utilized by each site.
 - e) A site plan showing the parcel on which any existing tower is located.
 - f) Detailed drawing of screening plan and related design standards.
- 4) Copies of all certified mail announcements to all other owners of towers and tall structures must be attached to the application. See Subsection [1131.15 \(C\)4](#) herein.
 - 5) Notification from the FAA and local airport describing any requirements to be set forth on the tower and its location.

(I) Existing Wireless and Cellular Telecommunication Towers and Facilities. Existing wireless and cellular telecommunication towers and facilities which do not comply with the conditions of this chapter at the time of its adoption, shall be classified as nonconforming. However, the owner and/or operator must comply with any registration requirements set forth in this chapter. Future co-location of facilities on existing towers and changes to the towers or facilities must comply with the requirements of this chapter.

(J) Design Standards for Wireless and Cellular Telecommunications Towers and Facilities

- 1) All telecommunication towers, support structures, and associated facilities shall be enclosed with a six-foot-high fence or barrier and a continuous evergreen hedge a minimum of 30 inches in height on the outside of the fence or barrier. The applicant is responsible for installation and maintenance of the fence or barrier and hedge.
- 2) Proof shall be provided by the applicant in a form satisfactory to the Development Services Director that the proposed installation has been approved by and will be operated in compliance with all agencies and governmental entities having jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission, or the successors to their respective functions.
- 3) Lights, beacons, or strobes of any kind shall not be permitted on any tower, antenna, or facilities unless required by the Federal Aviation Administration. Any such requirements must be presented to the Development Services Director prior to city approval of the facility. Furthermore, telecommunication towers are discouraged from locating in areas which would require special painting or lighting by the FAA regulations.
- 4) Towers shall be located no closer than 500 feet from an A or R zoning district line and no closer than 250 feet to a public street right-of-way and no closer to any property lines than 25 percent of the height of the proposed tower.

1131.0 Use Regulations

1131.15 Wireless Communication Facilities

- 5) The minimum size of a parcel on which a tower is located shall be two acres and no more than one tower may be located on a parcel. Parcel means a separate tract of land as determined by the Butler County Auditor's Office.
- 6) No advertisement of any kind shall be installed on telecommunication towers and/or facilities.
- 7) The towers shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration. When permitted as a conditional use, the Planning Commission may require an alternative tower structure to blend into the existing environment. The towers shall be maintained in accordance with Chapter 1343 of the City of Fairfield Codified Ordinances.
- 8) The maximum height and design of any tower and/or facility in C-3 or C-3A Districts shall not exceed 200 feet in height.

(K) **Design Standards for Wireless and Cellular Telecommunication Facilities as Attachments to Existing Structures.** Telecommunication facilities on existing structures are permitted in all districts as specified in Section [1131.15 \(F\)](#), subject to the following standards:

- 1) Existing tall structures include water towers, smokestacks, buildings, lighting standards or other structures.
- 2) Telecommunication facilities on existing structures must be aesthetically and architecturally compatible with the surrounding environment.
- 3) The maximum height of such telecommunication facilities shall not exceed the lesser of 25 feet or 25 percent of the height of the structure on which it is located. If located on a building, such facilities must be set back from the edge of the building a distance equal to the height of the facility. Any facility which will not extend more than 10 feet above the height of the building and flush-mounted panel antennae are exempt from the setback requirement in this subsection.

(L) **Standards for Wireless and Cellular Towers and Facilities on Publicly Owned Property**

- 1) Towers and facilities may be permitted on any City of Fairfield owned property subject to the following:
 - a) The property must be leased from the city at its sole discretion.
 - b) The maximum height and design of any tower and/or facility on City of Fairfield property shall be determined by the City Council.

- c) All design standards in Section [1131.15 \(J\)](#) and [1131.15 \(K\)](#), shall apply to towers and facilities under this subsection except for the setback requirements in Subsection [1131.15 \(J\)4](#).
 - d) The City of Fairfield Parks and Recreation Board shall also approve the location and design of any tower or facility located on land under the control of the Board.
- 2) Towers and facilities may be permitted on any Fairfield City School District owned property subject to the following:
- a) Planning Commission approval of a conditional use for the tower or facility located on property located in an A or R District.
 - b) Fairfield City School Board approval is required.
 - c) The maximum height of any tower and/or facility shall not exceed 200 feet in height.
 - d) All design standards in Section [1131.15 \(J\)](#) and [1131.15 \(K\)](#), shall apply to towers and facilities under this section except for setback requirements in Subsection [1131.15 \(J\)4](#).
- 3) Towers and facilities may be permitted on any other publicly owned property subject to the following:
- a) A conditional use must be approved by the Planning Commission for any publicly owned property located in a district in which towers and/or facilities are not a principally permitted use.
 - b) The maximum height of any tower and/or facility shall not exceed 200 feet in height.
 - c) All design standards in Section [1131.15 \(J\)](#) and [1131.15 \(K\)](#), shall apply to towers and facilities under this section except for setback requirements in Subsection [1131.15 \(J\)4](#).

(M) Wireless and Cellular Telecommunication Tower and Facility Location Within Existing Electrical Transmission Towers

- 1) Wireless and cellular telecommunication towers and facilities are permitted and encouraged to utilize existing electrical transmission towers which have a height of at least 120 feet.
- 2) The height of the wireless and cellular telecommunication towers and facilities shall not exceed a total of 200 feet.

1131.0 Use Regulations

1131.16 Wireless and Telecommunication Definitions

- 3) Subsections [1131.15 \(J\)3](#) and [1131.15 \(J\)6](#) shall apply.

(N) **Removal of Abandoned Wireless and Telecommunication Towers and Facilities**

- 1) All wireless and cellular telecommunication towers and facilities shall be removed by the owner or operator of said tower or the owner of the property upon which it is situated within six months after they are no longer used. All owners or operators of such towers or facilities shall notify the Superintendent of Building and Zoning in writing of the date upon which such towers or facilities are no longer used.
- 2) Wireless and cellular telecommunication towers and facilities which are not removed within six months after they are no longer used are hereby declared to be a public nuisance and shall be abated by removal of such tower and/or facilities.
- 3) The Superintendent of Building and Zoning shall serve written notice on the owner or operator of the tower and/or facilities and the lessee and/or owner of the property upon which such tower and facilities are located ordering removal of the tower and/or facilities within 120 days of the receipt of the notice.
- 4) In the event that the tower and/or facilities are not removed within 120 days after the written notice, then the Superintendent of Building and Zoning is authorized and directed to abate such public nuisance by causing the removal of the tower and/or facilities at the expense of the owner or lessee of the tower, facilities, or property.
- 5) The cost of removal of the tower and/or facilities by the Superintendent of Building and Zoning shall be certified to the Butler County Auditor as a lien for assessment and collection against the real property upon which the tower and/or facilities were located in the same manner as general taxes and returned to the city's general fund.

1131.16 Wireless and Telecommunication Definitions

Alternative Tower Structure. Means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Means any exterior apparatus designed for telephonic, radio or television communications through the sending, relaying and/or receiving of electromagnetic waves; including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

Clear and Convincing Evidence. Means the measure of proof which will produce a firm belief as to the allegation sought to be established.

Co-Location. Means the process of providing space for more than one user on a tower or facility.

Cellular Communication Services. Means personal communications accessed by means of cellular equipment and services.

Cellular or Wireless Communications Support Structure. Means any building or structure, including equipment shelter, guy wire anchors, accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.

Height. When referring to a tower or other related structure, means the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.

Tall Structures. Means any structure or building, including but not limited to, smokestacks, water towers, buildings over 45 feet in height, antenna support structures of other cellular or wireless communication companies, and other communication towers.

Tower. Means any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

Wireless and Cellular Telecommunication Equipment. Means antennas and satellite dishes, etc., which are used for transmitting, receiving, or relaying communications signals, except as such equipment has been preempted from regulation by the Telecommunications Act of 1996.

Wireless and Cellular Telecommunication Facilities. Means any cable, wires, lines, wave guides, support structure, antennas and any other equipment or facilities associated with the transmission or reception of communications, as authorized by the Federal Communication Commission. However, the term "wireless telecommunications facilities" shall not include:

- (A) Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or which is granted approval as a conditional use.
- (B) Any satellite earth station antenna, one meter or less in diameter, regardless of zoning category.
- (C) Antennas used by amateur radio operators are excluded from this definition.

1132.0 Planned Unit Developments and Overlay Districts

1132.01 Planned Unit Developments

1132.0 PLANNED UNIT DEVELOPMENTS AND OVERLAY DISTRICTS

1132.01 Planned Unit Developments

- (A) **Purpose.** The intent of this section is to recognize the need to vary specific regulations of this zoning code and to provide creative approaches in order to meet the unique land and building demands of the city for residential, commercial, mixed use, and industrial areas by the use of planned unit developments (PUD). To accomplish this intent, the purpose of a PUD is:
- 1) To permit the flexible spacing of lots and buildings in order to encourage:
 - a) Compatibility of pedestrian and vehicle circulation;
 - b) The conservation of natural amenities of the landscape;
 - c) The provision of readily accessible open space;
 - d) The creation of functional and interesting residential, commercial, and industrial areas; and
 - e) The provision of a necessary complement of community facilities.
 - 2) To permit mixed use (residential/commercial, commercial/industrial, etc.) PUDs.
- (B) **Permitted Uses.** A building or land may be used, erected, or altered for any use which is approved as part of a PUD plan in accordance with this section. All permitted uses must be stated in the plan. Any uses not stated, shall be deemed prohibited.
- (C) **Evaluation Standards**
- 1) A PUD under this section is a zoning district change established by legislative action of City Council. Therefore, the City Council may approve, approve with conditions, or disapprove the PUD based upon considerations of the general health, safety, and welfare of the city and its inhabitants.
 - 2) Yard and setback requirements, the type of dwelling unit, frontage, height, density, and use restrictions contained in other chapters of the zoning code are hereby waived for PUDs, provided that the intent and objectives of Section [1132.01 \(A\)](#) are implemented in the total PUD as determined by City Council.

- 3) Similarly, because of the flexibility allowed regarding the location and orientation of structures in a PUD, additional provisions for screening, open space, lighting, underground utilities, and other safeguards not otherwise required by the zoning code or other ordinances of the city may be required as determined by City Council.
- 4) Development and design regulations for a PUD which are not stipulated within this section or within a Final Development Plan shall be subject to the regulations for the most similar zoning district to the proposed PUD as determined by the Development Services Director or their designee. This shall include signage, lighting, landscaping, dimensional standards, and other similar items.
- 5) Evidence shall be provided that the applicant has control over the land contained within the PUD application. Alternatively, a signed acknowledgement from the owner of the land granting permission for the proposed development may be provided at the time that the application is submitted.

(D) PUD Process

1) Process Flow Chart

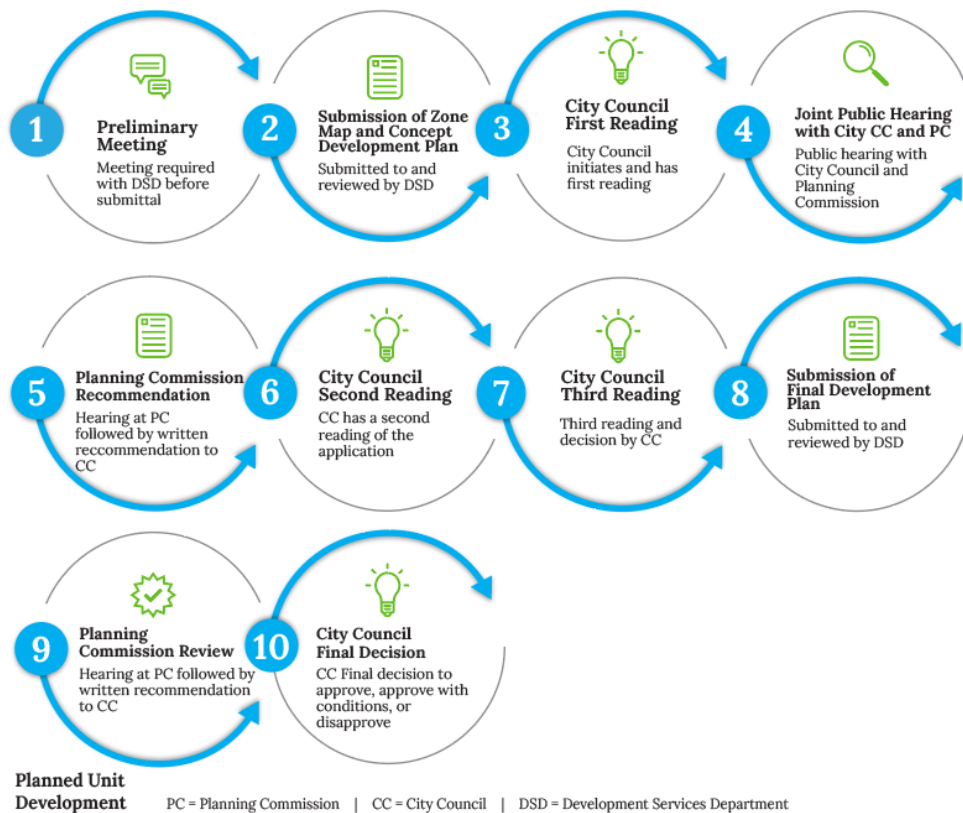


Figure 1132-1: Flow chart of a Planned Unit Development process

1132.0 Planned Unit Developments and Overlay Districts

1132.01 Planned Unit Developments

- 2) PUD Zone Map Amendment and Concept Development Plan Submittal.** A request for a PUD Zone Map Amendment shall be submitted with the Concept Development Plan and shall be a request to rezone land from its current zoning designation to Planned Unit Development. A Concept Development Plan is the conceptual design or configuration of the overall project. It shows the general location of streets, lots, landscaping, designated land uses, and residential units.
- a)** Prior to submitting a Concept Development Plan, the applicant is required to meet with the Development Services Director or their designee to discuss the proposed development. The purpose of this meeting is to discuss the intent of the development, the PUD process, and to identify any preliminary concerns with the plan.
 - b)** The applicant shall apply for a PUD Zone Map Amendment following the procedures set forth in Section [1170.04](#) and Concept Development Plan approval in accordance with this section.
 - c)** The Concept Development Plan shall comply with the Concept Development Plan requirements as outlined in Section [1132.01 \(H\)](#).
 - d)** The Development Services Director or their designee shall determine if the application is complete or if additional information is needed. The application shall not proceed until it is deemed complete.
 - e)** The procedure for the review and approval, approval with conditions, or disapproval of a PUD Zone Map Amendment and Concept Development Plan shall be the same procedure for changing zoning districts, which is set forth in Section [1170.04](#)
 - f)** If the PUD Zone Map Amendment and Concept Development Plan are approved or conditionally approved by City Council, the Development Services Director or their designee shall update the city's official zoning map to identify the property as being zoned "PUD", and the applicant may submit the Final Development Plan.
 - g)** Approval of the Concept Development Plan is approval of the concept of the project only. No excavation, construction, or site work is permitted under Concept Development Plan approval.
- 3) Final Development Plan Submittal.** A Final Development Plan shows the specific design of the project or part of the project. The detailed plans show the building design, lot layout, access, circulation, landscaping, signage, lighting, and pedestrian connections.

1132.0 Planned Unit Developments and Overlay Districts

1132.01 Planned Unit Developments

- a) Prior to submitting a Final Development Plan the applicant is encouraged to meet with the Development Services Director or their designee to discuss the proposed development.
 - b) The applicant shall apply for Final Development Plan approval in accordance with this section.
 - c) The Development Services Director or their designee shall determine if the application is complete or if additional information is needed. The application shall not proceed until it is deemed complete.
 - d) The Planning Commission shall review the Final Development Plan to determine if:
 - i) The Final Development Plan is consistent with the Concept Development Plan;
 - ii) The applicant has satisfied the conditions of approval identified in the Concept Development Plan.
 - iii) The Final Development Plan complies with the Final Development Plan Requirements as outlined in Subsection [1132.01 \(D\)3](#); and
 - iv) PUD Development Regulations and all other applicable requirements of this section are met.
 - e) The Planning Commission shall submit a recommendation to the City Council. The City Council shall approve, approve with conditions, or disapprove the Final Development Plan.
- 4) **Subdivision Submittal.** It is the intent of this section that subdivision rules and regulations be examined as an integral part of the review of the PUD under this section.
- a) Subdivision plats shall be submitted in accordance with Section [1191.04](#) and the preliminary plat may be submitted in conjunction with the Final Development Plan or following the approval of the Final Development Plan.
 - b) The subdivision rules and regulations contained in Chapter [1190.0](#) shall apply to PUDs created under this section, unless specifically exempted as part of the PUD process.
- 5) **Permits.** Following the approval of the Final Development Plan, the applicant may request a zoning certificate. Following the approval of the zoning certificate, the applicant may submit any necessary building permits or other permits required for the project.

1132.0 Planned Unit Developments and Overlay Districts

1132.01 Planned Unit Developments

(E) Combined Applications

- 1) The applicant may request to combine the applications for the Concept and Final Development Plans. The Development Services Director or their designee may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project.
- 2) If the combined process is authorized, all requirements of both the Concept and the Final Development Plans shall be met for the combined submittal.
- 3) The applicant shall submit the PUD Zone Map Amendment with the Final Development Plan and any additional information that is required for the Concept Development Plan.
- 4) The applicant shall follow the process established for approval of a Concept Development Plan, as detailed in Section [1170.04](#)
- 5) If the PUD Zone Map Amendment and Concept Development Plan are approved or conditionally approved by City Council, the Development Services Director or their designee shall update the city's official zoning map to identify the property as being zoned "PUD".

(F) Project Phasing and Expiration

- 1) An applicant may submit a Final Development Plan for any part or all of the approved PUD Concept Development Plan.
- 2) Dedication of public rights-of-way and easements included in the Concept Development Plan may be accepted by the city with the submission of a Final Development Plan for part of the PUD.
- 3) If, within two years after the date of approval of the Concept Development Plan by City Council, no Final Development Plan for part or all of the PUD has been submitted to the Development Services Department, or, if at least two years elapse between the approval of a phase of the Final Development Plan by City Council and the submission of the next phase of the Final Development Plan, then the Concept Development Plan itself shall be subject to review and revision as set forth in Section G below.
- 4) If no building permit has been issued within one year after the approval of a Final Development Plan for part or all of a PUD, then approval of that Final Development Plan shall lapse and be of no further effect. This provision shall not prevent the resubmission of part or all of the Final Development Plan in accordance with Subsection [1132.01 \(D\)3](#). The applicant may request an extension for up to one year. Such a request for extension may be approved or disapproved by the Planning Commission.

(G) Amendments to a PUD Plan

- 1) **Minor Amendments.** The Planning Commission has jurisdiction to approve minor amendments to either a Concept or Final Development Plan provided that the amendments are minor in nature and remain in harmony with the general purpose and intent of the development. For purposes of this section, a minor change may include, but is not limited to:
 - a) Minor changes to the size or location of an approved structure;
 - b) Minor revisions to the location or types of landscaping materials;
 - c) Minor revisions to the location of access points, parking areas, or number of parking spaces; and
 - d) Minor changes to the approved building design or materials.
- 2) **Major Amendments.** If a proposed amendment is not considered minor by the Development Services Director or their designee, then the amendment shall be processed and reviewed as a new Concept Development Plan that shall be reviewed and approved as stipulated in Section [1170.04](#). For purposes of this section, a major change may include, but is not limited to:
 - a) A substantial change to the basic design, density, use, circulation, or open space requirements of the approved PUD; or
 - b) A substantial change to any other specific condition of approval of the approved PUD.

(H) Concept Development Plan Requirements. The Concept Development Plan shall include the following:

- 1) Vicinity map;
- 2) Boundaries and parcel(s) size;
- 3) The specific uses to be permitted within the PUD and the general boundaries of those uses;
- 4) The existing zoning of the property and adjacent property within 200 feet;
- 5) The names of the adjacent property owners;
- 6) Any plats being superseded by the PUD submission which are to be shown by dashed lines;
- 7) The proposed locations of all buildings and structures, noting their square footage and height;

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- 8) The conceptual configuration of landscaped and buffer areas, open space, recreational facilities, and storm-water facilities;
 - 9) For developments that include residential uses, the approximate number of units per each use;
 - 10) The location of existing and proposed streets, curb-cuts, parking areas, and pedestrian network;
 - 11) Existing and proposed contours at five-foot intervals;
 - 12) The location of existing wooded areas and bodies of water;
 - 13) Proposed setbacks for the development;
 - 14) Traffic impact study, if deemed necessary by the Development Services Director or their designee; and
 - 15) Additional information as requested by the Development Services Director or their designee, the Planning Commission, or City Council.
- (I) **Final Development Plan Requirements.** The Final Development Plan shall include the following:
- 1) Vicinity map;
 - 2) Professional engineers, surveyors, and/or architect's stamp and signature;
 - 3) Boundaries and parcel size;
 - 4) Existing and proposed contours at five-foot intervals;
 - 5) Existing and proposed streets, curb-cuts, public rights-of-way, and easements;
 - 6) Wooded areas and areas to be preserved;
 - 7) Waterways and bodies of water;
 - 8) Location of all existing buildings, site features, and/or landscaping that are proposed to be retained;
 - 9) The location of all proposed buildings and their use;
 - 10) Building elevations that indicate proposed architectural character, including materials and colors;
 - 11) Parking areas and pedestrian walkways;

- 12) Storm-water facilities;
- 13) Location of proposed open space/public gathering space;
- 14) Landscape/buffering plan;
- 15) Signage plan;
- 16) Lighting plan, including a photometric plan and cut sheets of proposed lighting fixtures;
- 17) The location of dumpster enclosures, including details on height, material, and color;
- 18) A proposal for the conveyance and maintenance of any common open space in the PUD, which must be approved by the Law Director; and
- 19) Additional information as requested by the Development Services Director or their designee, the Planning Commission, or City Council.

(J) **PUD Development Regulations.** The following regulations apply to all PUD developments.

- 1) **Minimum Development Area.** There is no minimum development area to qualify as a PUD.
- 2) **Number Buildings on a Lot and Mixing Uses.** More than one building may be permitted on a lot within a PUD, and more than one use may be permitted within a building and within an overall development.
- 3) **Setbacks.** Peripheral and internal setbacks shall be defined on the PUD plan as approved by the city.
- 4) **Transitions.** PUD developments shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual land impacts to the adjacent land uses. Installation of facilities/features required to protect and preserve the character and value of surrounding properties shall be completed before occupancy permits will be issued.
- 5) **Circulation And Access**
 - a) The vehicular and pedestrian circulation system shall be designed to fully accommodate vehicular and pedestrian traffic with safety and efficiency within a development.
 - b) Access shall generally be limited to one access point per frontage that the PUD abuts. Site circulation shall be provided with internal access drives that connect developments, buildings, and parking areas.

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- c) Internal site pedestrian walkways that lead from the public sidewalk to each principal building within the PUD are required. Sidewalks are encouraged along internal access drives. Sidewalks shall be provided along the frontage of all buildings.
 - d) All deliveries, loading, and service areas (garbage and recycling container storage) shall be located behind the building, in the rear yard, or in the rear portion of the side yard completely screened from view and shall comply with Sections [1151.05](#) and [1131.13 \(F\)](#).
- 6) **Utilities.** When new development or major redevelopment occurs, utilities shall be required to be placed underground.
- 7) **Signage.** The location and design of signage shall be coordinated throughout a PUD development and with the colors and materials of the principal structures. Freestanding signs shall be limited to ground signs that comply with Section [1155.06 \(B\)](#). Pole signs and off-premises signs are not permitted within a PUD. High intensity colors, bright primary colors, or metallic colors are permitted on signage that reflects corporate branding.
- 8) **Open Space.** A PUD shall include areas of common open space which are deemed usable by the regulations contained in this subsection.
 - a) Easements, water bodies, and other similar elements may be acceptable for common open space provided that the area is consistent with (b) below. Common open space shall not include private yards, required peripheral setbacks, paved areas, and other similar elements.
 - b) Common open space may be deemed usable if it is utilized as an active or passive park, trail, pedestrian path, protected wooded area, public gathering area, pond, gazebo, or other similar elements.
- 9) **Landscaping and Buffering.**
 - a) PUDs shall at a minimum generally comply with the landscaping and buffering requirements within Chapter [Q](#) and the following:
 - i. Exceed the number of required landscaping and buffering plantings (per Section [1152.04](#) by an additional 20 percent (i.e., if 10 trees are required along a road frontage, then 12 trees would be required along the same frontage in a PUD).
 - i) All ground-mounted mechanical and utility boxes shall be screened from the public right-of-way.

- ii) Existing trees within a PUD should be preserved and protected as feasible for any development in accordance with Section [1152.09](#)

10) Lighting. PUDs shall comply with the lighting requirements in Chapter [1154.0](#).

(K) Residential PUD Development Standards. PUDs that consist of residential land uses shall be subject to Section [1132.01 \(I\)](#) and the following:

- 1) Residential PUDs are encouraged to be creative in the arrangement of residential uses and of the location, bulk, and shape of buildings, open spaces, and landscape features.
- 2) Buildings and uses shall be arranged, designed, and located in order to screen and protect residential uses from the adverse effects of non-residential and mixed-use developments within or nearby the PUD.
- 3) The buildings and uses may be arranged in various groups, courts, sequences, or clusters with open space organized and related to the buildings in order to provide privacy, to form a unified composition of buildings and spaces, and to maximize the peace and tranquility of the residential occupants of the PUD.
- 4) Residential PUDs shall be designed to take advantage of the natural topography and to preserve existing features of the land including mature vegetation, historical or cultural landmarks, or other similar elements.
- 5) Common open space shall comprise of at least 20 percent of the land area of the PUD. The location, shape, size, and character of the common open space shall be suitable for the proposed development.

(L) Non-Residential and Mixed-Use Development Standards. PUDs that consist of non-residential and mixed-use land uses shall be subject to Section [1132.01 \(I\)](#) and the following:

- 1) **Materials.** Exterior building walls shall be constructed with building materials that consist of the following materials: brick, stone, wood, external installation finishing system (EIFS), and fiber cement siding. Architectural metal panels, decorative blocks and tiles are permitted as accent materials. Additional or alternate materials may be considered as part of the Final Development Plan.

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Figure 1132-2: Illustrative example of a building with brick and EIFS accents

- 2) **Building Color.** The exterior of buildings within a PUD development shall be constructed with materials that are low reflective, subtle, neutral, and earth tones in color. High intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted, except for accent purposes only.
- 3) **Facade Articulation.** There shall be no blank walls on any facade of a building. Each facade shall include a mixture of recesses, projections, material or color changes, pilasters, false windows, or other similar elements that break up the building mass and provide visual interest.



Figure 1132-3: Illustrative example of a facade with different projections, recesses, and material changes

1132.0 Planned Unit Developments and Overlay Districts

1132.01 Planned Unit Developments

- 4) **Roofs.** Rooflines shall vary in height and architectural features that may include raised parapets, asymmetrical roof designs, and hipped or gabled roofs. All rooftop mechanical units shall be screened from view on all sides.



Figure 1132-4: Illustrative example of a dynamic roofline with varied heights and designs

- 5) **Transparency.** All building elevations that are visible from public rights-of-way shall include window openings at regular intervals. The primary front elevation of a building shall be at least 35 percent transparent at the pedestrian level.



Figure 1132-5: Illustrative example facade with a significant number of windows at the pedestrian level

1132.0 Planned Unit Developments and Overlay Districts

1132.02 Overlay District Regulations

6) Open Space. For PUDs over two acres in size, a minimum of 15 percent of the land area shall be designated usable open space such as a pocket park, gathering space, or a plaza.

(M) Existing Planned Unit Developments

- 1) This section shall have no effect on those portions of existing PUDs which had final approval of uses prior to the effective date of this zoning code.
- 2) PUDs which had only Concept Development Plan approval for part or all of the development upon the effective date of this code, must comply with the provisions of this section for Final Development Plan approval.
- 3) Section [1132.01 \(F\)](#) shall apply to all Final Development Plans submitted after the effective date of this code. This section shall apply to all Concept Development Plans which were submitted, but not approved, by City Council upon the effective date of this code.

(N) Violations. A violation of a Concept or Final Development Plan for a PUD, as approved, shall constitute a violation of the zoning code under Section [1170.17](#).

1132.02 Overlay District Regulations

- (A) Purpose.** The purpose of an overlay district is to provide additional development regulations for the construction of new structures/developments and the expansion or redevelopment of existing developments. The regulations contained within each overlay district are customized to meet the vision and intent of that area as identified in the city's adopted plans and studies.
- (B) Applicability.** The regulations established for each overlay district shall apply to both new and existing structures/developments as provided herein.
- 1) **New Structures/Developments.** New development and/or construction and major redevelopment must adhere to the base zoning regulations applicable for the zoning district and the overlay regulations contained in this chapter.
 - 2) **Existing Structures/Developments**
 - a) Any change to an existing development, including an enlargement, structural alteration, exterior remodel, or major exterior repair, shall adhere to the base zoning regulations and the overlay regulations for only the portions of the building or lot which are proposed to change.

- b) Existing developments which at the time of adoption are nonconforming by reason of noncompliance with the provisions of this chapter shall be classified as legally conforming. If any building or structure is damaged by more than 60 percent of its value, as determined by the county auditor, the building or structure may only be repaired or replaced if approved by the Planning Commission. The damage, exclusive of foundations, may include damage from fire, flood, explosion, wind, earthquake, war, riot, or another calamity.

(C) General Overlay Regulations

- 1) The overlay districts contained within this chapter are intended to supplement, but not replace, the base zoning district regulations in the areas where the overlay districts are applied.
- 2) An overlay district may add restrictions on the use of property in the underlying base zoning district or may remove restrictions on the use of property in the underlying base zoning district, or both.
- 3) In the event of an inconsistency between the overlay district and the base zoning district regulations, the overlay district regulations shall apply.
- 4) The official overlay maps designate where overlay districts apply.

(D) Review Process

- 1) **Administrative Review.** For applications within the overlay districts, the Development Services Director or their designee shall review and decide if the application meets all the applicable regulations per the underlying zoning district and the overlay district.
- 2) **Planning Commission Review.** If a plan review application within an overlay district does not meet all the applicable regulations for that overlay district as determined by the Development Services Director or their designee, then the applicant may apply to the Planning Commission for a waiver of such regulations. Such waiver request shall be reviewed and decided by the Planning Commission. The Planning Commission may waive, alter, or require alternative regulations within an overlay district if it is deemed appropriate and necessary for the protection of adjacent properties, to address unique circumstances or site constraints, to minimize any undue hardship, or for any other similar reason as determined by the Planning Commission.

1132.0 Planned Unit Developments and Overlay Districts

1132.03 Route 4 Corridor Overlay District

1132.03 Route 4 Corridor Overlay District

- (A) **Purpose.** The purpose of the Route 4 Corridor Overlay District is to implement the vision for this area as established in the city's adopted plans and studies. The vision for this corridor is for it to continue to be the main commercial corridor in the city that contains a wide variety of businesses, and a major north/south roadway connector that will have a more aesthetically appealing development style, enhanced landscaping and streetscaping, and improved/safer connections for vehicles and pedestrians.
- (B) **Overlay Boundaries.** The overlay maps illustrate the boundaries of the Route 4 Corridor Overlay District.

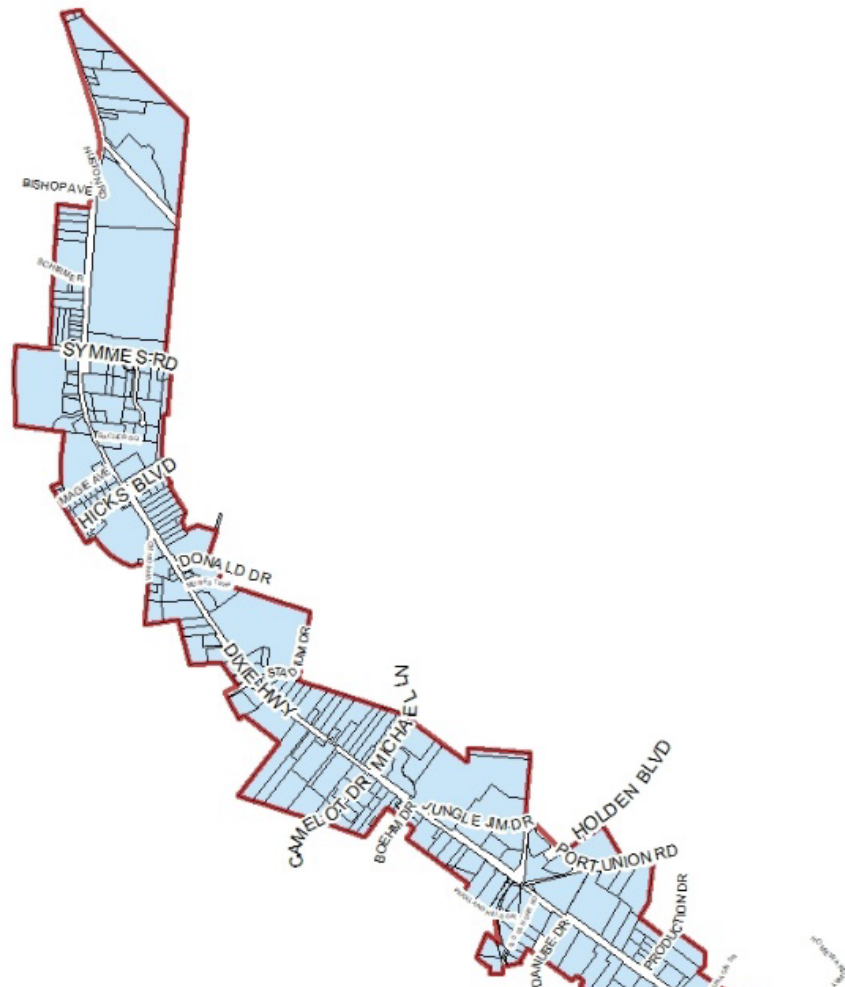


Figure 1132-6: Map of the northern section of the Route 4 Corridor Overlay District

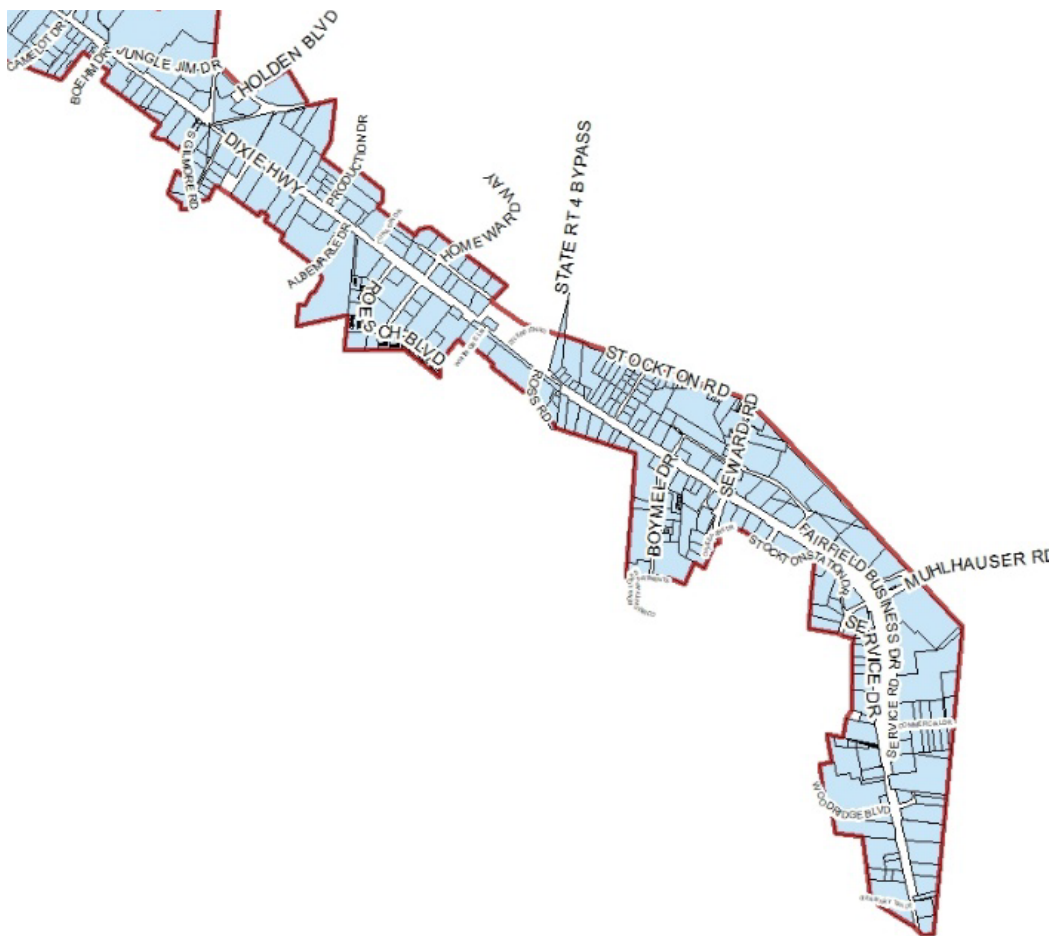


Figure 1132-7: Map of the southern section of the Route 4 Corridor Overlay District

(C) **Use Standards.** Uses within the Route 4 Corridor Overlay District are governed by the underlying zoning districts of the properties within the overlay as stipulated in the use table and standards in Chapter [1131.0](#).

(D) **Development Standards**

- 1) **Parking.** Shared parking lots, cross-parking agreements, and other similar strategies should be utilized within this overlay district to reduce the overall need for parking in a certain area where uses have complimentary peak hours or days.
- 2) **Vehicular Circulation.** Developments with multiple buildings shall provide internal access drives that connect buildings and parking areas. If there are multiple lots that make up the overall development, then cross-access and cross-parking agreements shall be executed by all property owners and recorded with the county recorder.

1132.0 Planned Unit Developments and Overlay Districts

1132.03 Route 4 Corridor Overlay District

- 3) **Ingress and Egress.** New curb cuts within this overlay district should be minimized as much as possible. New development and redevelopment projects should explore the opportunity to utilize existing curb cuts, relocate or consolidate existing curb cuts, create cross-access easements and service roads, or other similar strategies to minimize any increase in congestion in the overlay district. Only under special circumstances shall new curb cuts be approved.
- 4) **Utilities.** When new development or major redevelopment occurs within the overlay district, utilities shall be required to be placed underground.
- 5) **Off-Street Loading and Service Area**
 - a) All loading areas shall be located in the side or rear yard and screened from view from all public rights-of-way and all adjacent A and R Districts. Loading areas shall comply with the requirements of Section [1151.05](#)
 - b) All service areas shall be located behind the building, in the rear yard, or in the rear portion of the side yard. Service areas shall comply with the requirements of Section [1131.13 \(F\)](#) and Chapter [717](#) of the City of Fairfield Codified Ordinances.
- 6) **Pedestrian Circulation**
 - a) New public sidewalks shall be provided along the Route 4 frontage for the entire length of the property when new development or major redevelopment occurs. Alternative locations for sidewalks, such as along service drives, may be permissible with Planning Commission approval.
 - b) Developments shall provide designated internal pedestrian walkways, no less than four feet in width, which are provided from the public sidewalk to each principal building on the site.
 - c) Sidewalks, no less than six feet in width, shall be provided for multi-tenant buildings along the frontage of the building and along any facade featuring a customer entrance or which abuts public parking areas.
- 7) **Lighting.** Lighting shall be compatible with the design of the development and shall comply with lighting regulations in Chapter [1154.0](#).

(E) Design Standards

- 1) **Facade Articulation.** There shall be no blank walls on any facade of a building that is visible from State Route 4 or any other public right-of-way. Such a facade shall include a mixture of recesses, projections, material or color changes, pilasters, false windows, or other similar elements that break up the building mass and provide visual interest.
- 2) **Transparency.** All building elevations that face public rights-of-way shall include window openings. The primary front elevation of a building shall be at least 35 percent transparent.
- 3) **Materials.** The walls of any building that faces public rights-of-way shall be constructed with a combination of the following materials: brick, stone, wood, external installation finishing system (EIFS), or fiber cement siding . Architectural metal panels, decorative blocks, and tile are permitted only as accent materials.
- 4) **Color.** The exterior of buildings shall be constructed with materials that are low reflective, subtle, neutral, and earth tones in color. High intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted, except for accent purposes only.
- 5) **Roof.** Rooflines shall vary in height and architectural features which may include raised parapets, asymmetrical roof designs, or hipped or gabled roofs. All rooftop mechanical units shall be screened from view from any public right-of-way, or A or R District.

(F) Signage

- 1) Signs are regulated by Chapter [1155.0](#).
- 2) Existing pole signs are encouraged to be removed and replaced with ground signs, consistent with this zoning code.

(G) Landscaping/Screening. Landscaping and screening shall comply with Chapter [0](#).

1132.0 Planned Unit Developments and Overlay Districts

1132.04 Town Center Overlay District

1132.04 Town Center Overlay District

(A) **Purpose.** The purpose of the Town Center Overlay District is to implement the vision for this area as established in the city's adopted plans and studies. The vision for this area is for it to continue to be the central gathering area for the community providing living, retail, service (including government-provided), and social opportunities with a desire towards expanding the well-designed, compact, walkable characteristics of the Village Green development to the entire Town Center area.

(B) **Overlay Boundaries.** The overlay map illustrates the boundaries of the Town Center Overlay District.

(C) **Use Standards**

1) Uses within the Town Center Overlay District are governed by the underlying zoning districts of the properties within the overlay district as stipulated in the use table and standards in Chapter [1131.0](#).

2) **Residential Uses.**

- a) This subsection applies to residential uses located on Weaver Street, Glenna Drive, and Sandy Lane between Pleasant Avenue and Nilles Road.
- b) If a legally conforming residential unit converts to a non-residential use, then transitions back to a residential unit, the structure and site shall be returned to a typical residential site design.
- c) To qualify as a typical residential site design, all exterior commercial signage shall be removed, all off-street parking spaces (other than a driveway) shall be removed, and the site shall comply with the applicable residential development standards within this code for setbacks, impervious surfaces, building height, and other applicable standards. Refer to Section [1151.03 \(L\)](#) for impervious surface requirements.
- d) This also applies to any non-residential use operating at the time of this adoption within a residential unit and converts back to a residential use.

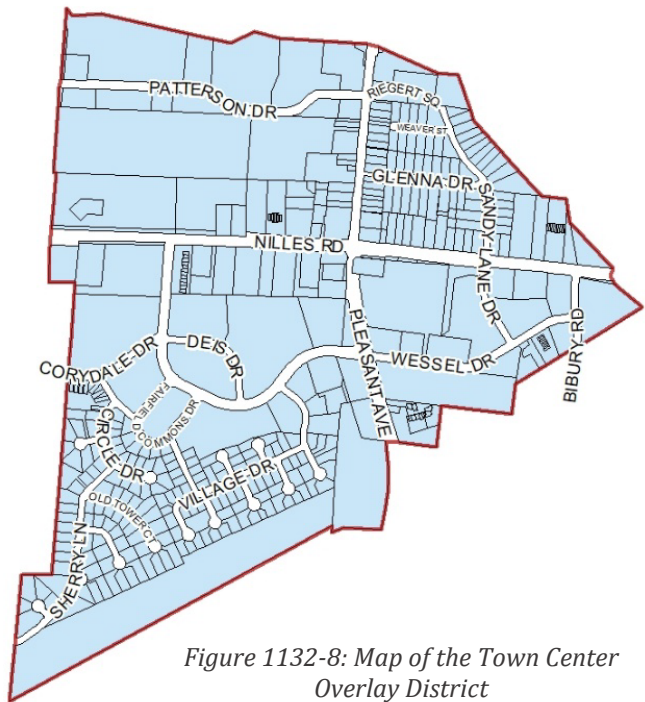


Figure 1132-8: Map of the Town Center Overlay District

3) Commercial Uses.

- a) Outdoor dining is permitted in any yard but shall be a minimum of five feet from the sidewalk and comply with all other regulations in Section [1131.13 \(I\)](#).

(D) Development Standards

1) Parking

- a) Off-street parking should be located to the side or rear of the building, where feasible.
- b) Shared parking lots, cross-parking agreements, and other similar strategies should be utilized within this overlay district to reduce the overall need for parking in areas where uses have complimentary peak hours or days.

- 2) Vehicular Circulation.** Developments with multiple buildings shall provide internal access drives that connect buildings and parking areas. If there are multiple lots that make up the overall development, then cross-access and cross-parking agreements shall be executed by all property owners and recorded with the county recorder.

- 3) Ingress and Egress.** New curb cuts within this overlay district should be minimized as much as possible. New development and redevelopment projects should explore the opportunity to utilize existing curb cuts, relocate or consolidate existing curb cuts, create cross-access easements, or other similar strategies to minimize any increase in congestion in the overlay district.

- 4) Utilities.** When new development or major redevelopment occurs within the overlay district, utilities shall be required to be placed underground.

5) Loading and Service Area

- a) All loading areas shall be located in the side or rear yard and screened from view from all public rights-of-way and all adjacent A and R Districts. Such screening shall be constructed out of materials that are consistent with the principal building and of a similar color. Loading areas shall comply with the requirements of Section [1151.05](#)
- b) All service areas shall be located behind the building, in the rear yard, or in the rear portion of the side yard. Service areas shall comply with the requirements of Section [1131.13 \(F\)](#) and Chapter [717](#) of the City of Fairfield Codified Ordinances; however, the screening shall be constructed with the same building material and color as used for the construction of the exterior of the building.

1132.0 Planned Unit Developments and Overlay Districts

1132.04 Town Center Overlay District

6) **Pedestrian Circulation**

- a) Developments shall provide designated internal pedestrian walkways, no less than four feet in width, which are provided from the public sidewalk to each principal building on the site.
 - b) Sidewalks, no less than six feet in width, shall be provided along the frontage of all buildings and along any facade featuring a customer entrance or which abuts public parking areas.
- 7) **Lighting.** Lighting shall be compatible with the design of the development and shall comply with lighting regulations in Chapter [1154.0](#).

(E) **Design Standards**

- 1) **Facade Articulation.** There shall be no blank walls on any facade of a building. Each facade shall include a mixture of recesses, projections, material or color changes, pilasters, false windows, or other similar elements that break up the building mass and provide visual interest.
- 2) **Transparency.** All building elevations that face public rights-of-way shall include window openings at regular intervals. The primary front elevation of a building shall be at least 35 percent transparent at the pedestrian level. Blocking the view to the inside of a building with interior storage, shelving, boxes, or similar items is not permitted.
- 3) **Materials.** The walls of any building shall be constructed primarily with masonry such as brick or stone. Wood, external installation finishing system (EIFS), fiber cement siding, architectural metal panels, decorative blocks, and tile are permitted only as accent materials.
- 4) **Color.** The exterior of buildings shall be constructed with materials that are low reflective, subtle, neutral, and earth tones in color. High intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted, except for accent purposes only.
- 5) **Roofs.** Rooflines shall vary in height and architectural features that may include raised parapets, asymmetrical roof designs, or hipped or gabled roofs. All rooftop mechanical units shall be screened from view on all sides of the building.

(F) Signage

- 1) Signs are regulated by Chapter [1155.0](#).
- 2) Signs in the Town Center Overlay District should add a rich character to the district and should not detract from the overall aesthetic of the area.
- 3) Pole signs are not permitted. Existing pole signs are encouraged to be removed and replaced with ground signs, consistent with this zoning code.
- 4) Building signage shall primarily be constructed with channel cut letters, but may utilize small cabinet elements for company logos, images, or other purposes.
- 5) Building signage for a multi-tenant building shall be located on a sign frieze. Existing buildings designed with no sign frieze shall be permitted to locate signage at an alternative location with the approval of the Planning Commission.
- 6) Roof signs are not permitted. Existing roof signs are encouraged to be removed and replaced with building, awning, canopy, ground, or projecting signs.
- 7) Ground signs shall be placed on a base of brick, stone or similar masonry material that complements the primary structure.

(G) Landscaping/Screening

- 1) **Landscaping Required.** Landscaping and screening shall comply with Chapter [0](#) and the following:
 - a) *Road Frontages.* For every 50 feet of linear road frontage a minimum of one two-inch caliper shade tree or three one-inch caliper grouped ornamental trees shall be planted behind the sidewalk along all roadway frontages.
 - b) *Foundation Plantings.* Foundation plants shall be planted along the front and side exterior walls of the building.
 - c) *Screening.* All ground-mounted mechanical and utility boxes shall be screened from the public rights-of-way.

1132.0 Planned Unit Developments and Overlay Districts

1132.05 John Gray/Pleasant Overlay District

1132.05 John Gray/Pleasant Overlay District

(A) **Purpose.** The purpose of the John Gray/Pleasant Overlay District is to implement the vision for this area as established in the city's adopted plans and studies. The vision for this area is for it to continue to be a main gateway into Fairfield, providing access to many of the city's residential neighborhoods, parks, and the Town Center. The overlay district will be a well-designed, small-scale mixed-use area supported by low intensity retail and services that support the surrounding neighborhoods, and low to medium density residential uses.

(B) **Overlay Boundaries.** The overlay map below illustrates the boundaries of the John Gray/Pleasant Overlay District.

(C) **Use Standards**

- 1) Uses within the John Gray/Pleasant Overlay District are governed by the underlying zoning districts of the properties within the overlay district as stipulated in the use table and standards in Chapter [1131.0](#).
- 2) Mixed-use development is encouraged within the overlay district. This may include a combination of residential uses and/or mixed-use buildings. Special attention to compatibility shall be considered for developments adjacent to the existing neighborhoods.
- 3) Neighborhood-scale commercial, office, and service uses are encouraged within the overlay district that serve the daily needs of the community.
- 4) Restaurants with drive-through lanes that create a demand for long stacking lines, generate traffic that degrades the level of service (LOS), or negatively affect adjacent neighborhoods are discouraged in the overlay.
- 5) Motor vehicle related businesses, such as motor vehicle fueling and service facilities, and self-storage facilities are not permitted in the overlay district.

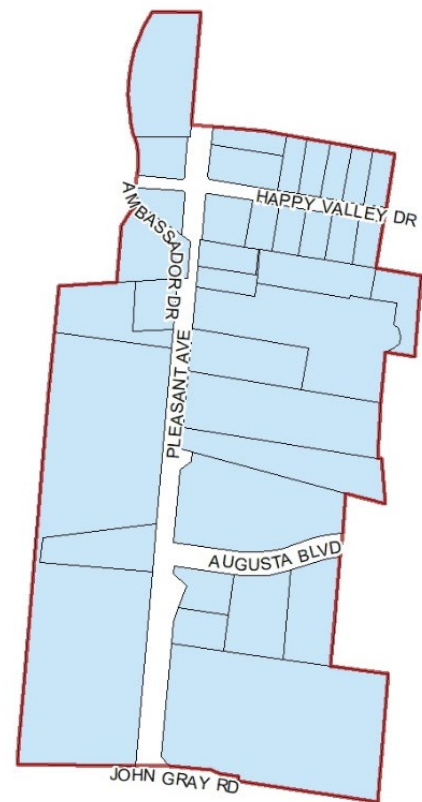


Figure 1132-9: Map of the John Gray/Pleasant Overlay District

(D) Development Standards

- 1) **Parking.** Shared parking lots, cross-parking agreements, and other similar strategies should be utilized within this overlay district to reduce the overall need for parking in a certain area where uses have complimentary peak hours or days.
- 2) **Vehicular Circulation.** Developments with multiple buildings shall provide internal access drives that connect buildings and parking areas. If there are multiple lots that make up the overall development, then cross-access and cross-parking agreements shall be executed by all property owners and recorded with the county recorder.
- 3) **Ingress and Egress.** New curb cuts along John Gray Road and Pleasant Avenue should be minimized as much as possible. New development and redevelopment projects should explore the opportunity to utilize existing curb cuts, relocate or consolidate existing curb cuts, create cross-access easements and service roads, or other similar strategies to minimize any increase in congestion in the overlay district.
- 4) **Utilities.** When new development or major redevelopment occurs within the overlay district, utilities shall be required to be placed underground.
- 5) **Loading and Service Area**
 - a) All loading areas shall be located in the side or rear yard and screened from view from all public rights-of-way and all adjacent A and R Districts. Such screening shall be constructed out of materials that are consistent with the principal building and of a similar color. Loading areas shall comply with the requirements of Section [1151.05](#)
 - b) All service areas shall be located behind the building, in the rear yard, or in the rear portion of the side yard. Service areas shall comply with the requirements of Section [1131.13 \(F\)](#) and Chapter [717](#) of the City of Fairfield Codified Ordinances; however, the screening shall be constructed with the same building material and color as used for the construction of the exterior of the building.
- 6) **Pedestrian Circulation**
 - a) Developments shall provide designated internal pedestrian walkways, no less than four feet in width, which are provided from the public sidewalk to each principal building on the site.
 - b) Sidewalks, no less than six feet in width, shall be provided along the frontage of all buildings and along any facade featuring a customer entrance or which abuts public parking areas.

1132.0 Planned Unit Developments and Overlay Districts

1132.05 John Gray/Pleasant Overlay District

- 7) **Lighting.** Lighting shall be compatible with the design of the development and shall comply with lighting regulations in Chapter [1154.0](#).
- 8) **Open Space.** For developments that are over two acres in size, a minimum of 15 percent of the land area shall be designated usable open space such as a pocket park, gathering space, or a plaza.

(E) **Design Standards**

- 1) **Facade Articulation.** There shall be no blank walls on any facade of a building that is visible from any public right-of-way or an A or R District. Such facades shall include a mixture of recesses, projections, material or color changes, pilasters, false windows, or other similar elements that break up the building mass and provide visual interest.
- 2) **Transparency.** All building elevations that face public rights-of-way shall include window openings at regular intervals. The primary front elevation of a building shall be at least 35 percent transparent at the pedestrian level. Blocking the view to the inside of the building with interior storage, shelving, boxes, or similar items is not permitted.
- 3) **Materials.** The walls of any building that are visible from any public right-of-way shall be constructed with building materials that consist of a combination of the following materials: brick, stone, wood, external installation finishing system (EIFS), or fiber cement siding . Architectural metal panels, decorative blocks, and tile are permitted only as accent materials.
- 4) **Color.** The exterior of buildings shall be constructed with materials that are low reflective, subtle, neutral, and earth tones in color. High intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted, except for accent purposes only.
- 5) **Roofs.** Rooflines shall vary in height and architectural features that may include raised parapets, asymmetrical roof designs, or hipped or gabled roofs. All rooftop mechanical units shall be screened from view from any public right-of-way, or A or R District.

(F) **Signage**

- 1) Signs are regulated by Chapter [1155.0](#).
- 2) Signs in the John Gray/Pleasant Overlay District should add a rich character to the district and should not detract from the overall aesthetic of the area.
- 3) Existing pole signs are encouraged to be removed and replaced with ground signs, consistent with this zoning code.

1132.0 Planned Unit Developments and Overlay Districts

1132.05 John Gray/Pleasant Overlay District

- 4) Building signage shall primarily be constructed with channel cut letters, but may utilize small cabinet elements for company logos, images, or other purposes.
- 5) Building signage for a multi-tenant building shall be located on a sign frieze.
- 6) Ground signs shall be placed on a base of brick, stone, or similar masonry material that complements the primary structure.
- 7) The existing billboards located on the west side of Pleasant Avenue are encouraged to be removed, consistent with this zoning code.

(G) Landscaping/Screening

- 1) **Landscaping Required.** Landscaping and screening shall comply with Chapter [0](#)

1132.0 Planned Unit Developments and Overlay Districts

1132.05 John Gray/Pleasant Overlay District

2) Landscaping and Buffering and the following:

- a) *Tree Preservation.* Existing trees within the overlay should be preserved and protected as feasible during any development or redevelopment process in accordance with Section [1152.09](#)
- b) *Road Frontages.* For every 50 feet of linear road frontage a minimum of one two-inch caliper shade tree or three one-inch caliper grouped ornamental trees shall be planted behind the sidewalk along all roadway frontages.
- c) *Foundation Plantings.* Foundation plants shall be planted along the front and side exterior walls of the building.
- d) *Screening.* All ground-mounted mechanical and utility boxes shall be screened from the public right-of-way.

1132.06 South Gilmore/Mack Overlay District

(A) **Purpose.** The purpose of the South Gilmore/Mack Overlay District is to implement the vision for this area as established in the city’s adopted plans and studies. The vision for this area is for it to continue to be a primary gateway entrance into Fairfield due to its close proximity to the interstate, high traffic volume-generating businesses, and regional draw. The overlay district will have strong design standards for development and will have flexibility to accommodate a range and intensity of uses that are compatible with and support the current office and medical land use patterns.

(B) **Overlay Boundaries.** The overlay map illustrates the boundaries of the South Gilmore/Mack Overlay District.

(C) **Use Standards**

- 1) Uses within the South Gilmore/Mack Overlay District are governed by the underlying zoning districts of the properties within the overlay district as stipulated in the use table and standards in Chapter [1131.0](#).
- 2) New development and redevelopment projects should be focused on employment-centered uses such as office, medical office, high-tech research and development, and other similar uses. Uses that complement employment centers such as restaurants, high quality residential, retail, and mixed used developments are encouraged.
- 3) Motor vehicle related businesses, such as motor vehicle fueling and service facilities, and self-storage facilities are not permitted in the overlay district.



Figure 1132-10: Map of the South Gilmore/Mack Overlay District

1132.0 Planned Unit Developments and Overlay Districts

1132.06 South Gilmore/Mack Overlay District

(D) Development Standards

- 1) **Parking.** Shared parking lots, cross-parking agreements, and other similar strategies should be utilized within this overlay district to reduce the overall need for parking in a certain area where uses have complimentary peak hours or days.
- 2) **Vehicular Circulation.** Developments with multiple buildings shall provide internal access drives that connect buildings and parking areas. If there are multiple lots that make up the overall development, then cross-access and cross-parking agreements shall be executed by all property owners and recorded with the county recorder.
- 3) **Ingress and Egress.** New curb cuts along Mack Road and South Gilmore Road should be minimized as much as possible. New development and redevelopment projects should explore the opportunity to utilize existing curb cuts, relocate or consolidate existing curb cuts, create cross-access easements and service roads, or other similar strategies to minimize any increase in congestion in the overlay district.
- 4) **Utilities.** When new development or major redevelopment occurs within the overlay district, utilities shall be required to be placed underground.
- 5) **Loading and Service Area**
 - a) All loading areas shall be located in the side or rear yard and screened from view from all public rights-of-way and all adjacent A and R Districts. Such screening shall be constructed out of materials that are consistent with the principal building and of a similar color. Loading areas shall comply with the requirements of Section [1151.05](#)
 - b) All service areas shall be located behind the building, in the rear yard, or in the rear portion of the side yard. Service areas shall comply with the requirements of Section [1131.13 \(F\)](#) and Chapter [717](#) of the City of Fairfield Codified Ordinances; however, the screening shall be constructed with the same building material and color as used for the construction of the exterior of the building.
- 6) **Pedestrian Circulation**
 - a) Developments shall provide designated internal pedestrian walkways, no less than four feet in width, which are provided from the public sidewalk to each principal building on the site.
 - b) Sidewalks, no less than six feet in width, shall be provided along the frontage of all buildings and along any facade featuring a customer entrance or which abuts public parking areas.

- 7) **Lighting.** Lighting must be compatible with the design of the development and shall comply with lighting regulations in Chapter [1154.0](#).
- 8) **Open Space.** For developments that are over two acres in size, a minimum of 15 percent of the land area shall be designated usable open space such as a pocket park, gathering space, or a plaza.

(E) Design Standards

- 1) **Facade Articulation.** There shall be no blank walls on any facade of a building. Each facade shall include a mixture of recesses, projections, material or color changes, pilasters, false windows, or other similar elements that break up the building mass and provide visual interest.
- 2) **Transparency.** All building elevations that face public rights-of-way shall include window openings at regular intervals. The primary front elevation of a building shall be at least 35 percent transparent at the pedestrian level. Blocking the view to the inside of the building with interior storage, shelving, boxes, or similar items is not permitted.
- 3) **Materials.** The walls of any building that are visible from any public right-of-way shall be constructed with building materials that consist of a combination of the following materials: brick, stone, wood, external installation finishing system (EIFS), or fiber cement siding. Architectural metal panels, decorative blocks, and tile are permitted only as accent materials.
- 4) **Color.** The exterior of buildings shall be constructed with materials that are low reflective, subtle, neutral, and earth tones in color. High intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted, except for accent purposes only.
- 5) **Roofs.** Rooflines shall vary in height and architectural features that may include raised parapets, symmetrical roof designs, or hipped or gabled roofs. All rooftop mechanical units shall be screened from view on all sides of the building.

(F) Signage

- 1) Signs are regulated by Chapter [1155.0](#).
- 2) Signs in the South Gilmore/Mack Overlay District should add a rich character to the district and should not detract from the overall aesthetic of the area.
- 3) Ground signs, consistent with this zoning code, shall be permitted. Ground signs shall be placed on a base of brick, stone or similar masonry material that complements the primary structure.

1132.0 Planned Unit Developments and Overlay Districts

1132.06 South Gilmore/Mack Overlay District

- 4) Building signage shall primarily be constructed with channel cut letters, but may utilize small cabinet elements for company logos, images, or other purposes.
- 5) Building signage for a multi-tenant building shall be located on a sign frieze.

(G) Landscaping/Screening

- 1) **Landscaping Required.** Landscaping and screening shall comply with Chapter [0](#)

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2) Landscaping and Buffering and the following:

- a) *Tree Preservation.*** Existing trees within the overlay district should be preserved and protected as feasible during any development and redevelopment process in accordance with Section [1152.09](#)
- b) *Road Frontages.*** For every 50 feet of linear road frontage a minimum of one two-inch caliper shade tree or three one-inch caliper grouped ornamental trees shall be planted behind the sidewalk along all roadway frontages.
- c) *Foundation Plantings.*** Foundation plants shall be planted along the front and side exterior walls of the building.
- d) *Screening.*** All ground-mounted mechanical and utility boxes shall be screened from the public right-of-way.

1132.0 Planned Unit Developments and Overlay Districts

1132.07 Airport Overlay

1132.07 Airport Overlay

- (A) **Purpose.** It is the purpose of this section to regulate land uses within the airport safety area of the Butler County Regional Airport in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of policies and recommendations of relevant plans and studies by local, regional, and state organizations. Accordingly, it is declared that:
- 1) The creation or establishment of non-compatible land uses which have the potential to reduce the area available for taking off, maneuvering, and landing of aircraft, thus, tending to impair or destroy the utility of the airport, and the public investment therein, is a public nuisance and an injury to the region served by the Butler County Regional Airport.
 - 2) Certain other land uses in the vicinity of the airport also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident; therefore, it is necessary in the interest of the public health, public safety, and general welfare that the incompatible use of land within certain airport zones be prevented.
 - 3) The prevention of these incompatible land uses should be accomplished to the extent legally possible, by the exercise of police powers.
- (B) **Interpretation.** In their interpretation and application, the provisions of this section shall be held to be minimum requirements, adopted for the promotion of public health, safety, and general welfare. In the event of conflict between the requirements of this section and any other requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions applicable to the same area, the most restrictive limitations, or requirements best calculated to ensure safety, or that imposing higher standards, shall govern.
- (C) **Adoption.** The Board of County Commissioners of Butler County, State of Ohio, acting as the Airport Zoning Board of the Butler County Regional Airport, the City of Hamilton, and the City of Fairfield, has adopted the provisions set forth in this section, specifying permitted land uses within each zone of the Airport Safety Area.
- (D) **Airport Zoning Districts**
- 1) The following Airport Zoning Districts are hereby established for the Butler County Regional Airport Overlay Zoning and shall be governed by the accompanying regulations.
 - a) *Airport Zoning District One (AZD-1)*
 - i) AZD-1 encompasses land lying within the runway primary surface.

- ii) Permitted uses within AZD-1 include open space and permitted airport uses.
- b) *Airport Zoning District Two (AZD-2)*
 - i) AZD-2 encompasses land underlying the inner approach, the middle approach, and the inner transitional surface.
 - ii) Permitted uses within AZD-2 include open space, agriculture, and airport related uses, and those uses permitted by the local zoning of the jurisdiction, unless prohibited herein.
 - iii) Those uses specifically prohibited include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughterhouses, waterfowl production, wildlife refuge/sanctuary, and fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction.
 - iv) Those uses specifically prohibited from the "Approach Surface" area in AZD-2 include those uses in Subsection [1132.07 \(D\)1b\)iii](#), residential uses, nursing care facilities, hospitals, and schools.
- c) *Airport Zoning District Three (AZD-3)*
 - i) AZD-3 encompasses land underlying the outer approach surface and the middle transitional surface.
 - ii) Permitted uses within AZD-3 include open space, agriculture, airport related uses, and those uses permitted by the local zoning of the jurisdiction, unless prohibited herein.
 - iii) Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughterhouses, waterfowl production, wildlife refuge/sanctuary, and fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered nonconforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.

1132.0 Planned Unit Developments and Overlay Districts

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iv) Residential development occurring within the "Approach Surface" or "Transitional Surface" in AZD-3 shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Butler County Regional Airport." Platted subdivisions shall include this note on the final plat.

d) *Airport Zoning District Four (AZD-4)*

- i)** AZD-4 encompasses land underlying the horizontal surface, conical surface, and the outer transitional surface.
- ii)** Permitted uses within AZD-4 include open space, agricultural, airport related uses, and those uses permitted by the local zoning of the jurisdiction unless prohibited herein.
- iii)** Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughterhouses, waterfowl production, wildlife refuge/sanctuary, and fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered nonconforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.
- iv)** Residential development occurring within the "Approach Surface" area of AZD-4 extending from the AZD-3 "Approach Surface" to the outer limits of the approach surface or to the "Outer Marker", whichever is greater, shall include deed covenants and restrictions notifying the occupants they will reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Butler County Regional Airport." Platted subdivisions shall include this note on the final plat.

- 2) Notwithstanding any other provision of this section, no use may be made of land within any zone established by this section in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or to otherwise endanger the landing, taking off, or maneuvering of aircraft.
- 3) Notwithstanding any other provision of this section, no use may be made of, and no installation may be placed on land within any airport zone that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the airport. Notwithstanding any other provisions of this section, no use may be made of, and no installation may be placed on land within any airport zone for rifle ranges, public or private, or private aircraft landing fields, which would interfere with the safe use by aircraft of the airport.

(E) Zoning Map

- 1) The districts established in Section [1132.07 \(D\)](#) are shown on an official map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this section and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing. This map shall remain on file in the Planning/Zoning Office of the City of Fairfield, City of Hamilton, Fairfield Township, Liberty Township, St. Clair Township, West Chester Township and Butler County.
- 2) The Zoning Map indicates the maximum elevations for buildings and structures within each district. The height of any building, structure or aperture shall not exceed the elevations indicated on the map except as provided by a "Blanket Approval" from the FAA and described in Section [1132.07 \(I\)](#).

(F) Nonconforming Uses. Where, at that time of adoption of this section, lawful uses of land exist which would not be permitted by the regulations imposed herein, the uses may be continued so long as they remain otherwise lawful, provided:

- 1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this section.
- 2) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such used at the lot or parcel other than that occupied by such used at the effective date of adoption of this section.

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- 3) If any such nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this section for the district in which such land is located, and the nonconforming use may not thereafter be resumed.
- 4) No additional use not conforming to the requirements of this section shall be commenced in connection with such nonconforming use of land.

(G) Amendments. The Board of County Commissioners of Butler County, State of Ohio, at the recommendation of the Airport Zoning Commission, Airport Zoning Board of Appeals, or the Office of Aviation, may amend or change the provisions of this section after a public hearing in relation thereto, at which all parties in interest and citizens shall have the opportunity to be heard. At least 30 days' notice of the hearing shall be published in a newspaper of general circulation in the political subdivision in which the Airport Safety Area to be zoned is located.

(H) Appeals

- 1) Any person desiring to use property in any manner in conflict with the provisions set forth in this section may apply to the Airport Zoning Board of Appeals for a variance from the zoning regulations in question. The Board of Appeals may subject any variance to any reasonable conditions that they deem necessary.
- 2) Any person aggrieved by any decision of the governing jurisdiction made in its administration of the provisions set forth in this section may appeal to the Airport Zoning Board of Appeals authorized to hear and decide appeals from the decisions of such administrative agency, as follows:
 - a) All appeals shall be filed with the Butler County Department of Development within 20 days after receiving written refusal of Zoning Certificate from the Airport Zoning Inspector and shall specify the grounds of such appeal. Subsequently, after an appeal is filed with the Butler County Development Director and with the Airport Zoning Board of Appeals, the Development Department shall transmit to the Airport Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
 - b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Butler County Development Department certifies to the Airport Zoning Board of Appeals that a stay would cause imminent peril to life or property.
 - c) The Airport Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time.

- d) The Airport Zoning Board of Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from.
- 3) Any person aggrieved, or any taxpayer, or any legislative authority, or any Airport Zoning Board affected by any order of the Airport Zoning Board of Appeals may appeal within 30 days to the court of common pleas of Butler County, and upon appeal thereof a trial de novo shall be had.

(I) Administration

- 1) **Steps to Modify Land.** Any parcel of land located within any of the aforementioned "Airport Zoning Districts" is subject to the administration and polices set herein with. Any persons or person seeking to modify in any way the land within the aforementioned zones shall comply with the following steps:
- a) Any person or persons who seeks to modify in any way, any parcel of land or the use of any parcel of land, except for owner transfers and/or lot line reorganization, must first apply for a zoning certificate from the local zoning jurisdiction. (City of Hamilton, City of Fairfield, Fairfield Township, Liberty Township, West Chester Township, St. Clair Township, Butler County).
 - b) Concurrent to local zoning certificate application, FAA Form 7460-1 (5- 94) must be submitted to the Ohio Department of Transportation, Office of Aviation, 30 days prior to construction. The application must include two copies of FAA Form 7460- 1 and two copies of a 7.5-minute quadrangle topographical map with "X" marking the proposed modification site. The originals must be sent to the FAA Great Lakes Region. This shall apply to all construction on property within the airport zoning districts except for property within "Blanket Approval" area determined by the FAA. Towers or facilities which would transmit signals via a device regulated by the FCC or FAA still require specific ODOT and FAA approval regardless of "Blanket Approval" status.
 - c) Once approval of FAA Form 7460-1 (5-94) is granted, the applicants must apply to the appropriate building departments through the procedures outlined herein.
 - d) After approval by the local zoning jurisdictions, building permits shall be issued by the Governing Jurisdiction only after approval of FAA Form 7460-1 (5-94).
- 2) **Enforcement by Zoning Inspector.** The City of Hamilton, City of Fairfield, and Butler County are hereby designated as the Airport Zoning Inspectors and are authorized to enforce this section in accordance with its terms.

1132.0 Planned Unit Developments and Overlay Districts

1132.07 Airport Overlay

- 3) Filing Plans.** Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale, in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; and, when no buildings or structures are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighborhood lots as may be necessary to determine applicable standards and provide for the enforcement of this section. One copy of such plans shall be returned to the owner when such plans have been approved by the Airport Zoning Inspector, together with such Zoning Certificate as may be granted.
- 4) Zoning Certificate**

 - a)** It shall be unlawful for any owner, lessee, or tenant to begin any excavation, or the construction, reconstruction, extension, conversion, or structural alteration of any building or structure, or any part thereof, without first obtaining a Zoning Certificate from the Airport Zoning Inspectors.
 - b)** The Zoning Inspectors shall act upon an application for a Zoning Certificate within five business days after the application is filed in compliance with this section. The Inspector shall either issue a Zoning Certificate within those five days or shall notify the applicant in writing of his refusal to issue a certificate and the reasons, therefore.
- 5) Power of Zoning Board to Enforce.** The Butler County Regional Airport Zoning Board may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this section. The courts shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of the regulations adopted through this section and orders and rulings made pursuant thereto.

1132.08 Airport Overlay Definitions

- (A) **Airport**. Any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes.
- (B) **Airport Hazard**. Any use of land within an airport safety area which obstructs the air space required for flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such air navigation.
- (C) **Airport Safety Area**. Any area of land adjacent to an airport which includes any of the following zones:
- 1) **Primary Surface**. For Runway 11-29 is 1,000 feet wide surface, longitudinally centered on the runway, extending 200 feet beyond each usable end of the runway. The elevation of the primary surface is the same as the nearest point on the runway centerline.
 - 2) **Approach Surface**. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The surface dimensions are based on the type of approach available, and include the following three sections:
 - a) *Approach Surface protection for Runway Approach End 29*
 - i) **Inner Approach**. Commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 50:1 having a horizontal distance of 2,500 feet, an inner width of 1,000 feet and an outer width of 1,750 feet.
 - ii) **Middle Approach**. A trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 50:1 having a horizontal distance of 5,650 feet having an outer width of 3,445 feet.
 - iii) **Outer Approach**. A trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 50:1 having a horizontal distance of 1,850 feet and an outer width of 400 feet with an additional horizontal distance of 40,000 feet at a slope of 40:1 and an outer width of 16,000 feet.

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1132.08 Airport Overlay Definitions

- b) *For Runway Approach End 11*
- i) Inner Approach. Commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 34:1 having a horizontal distance of 1,700 feet, an inner width of 1,000 feet and an outer width of 1,425 feet.
 - ii) Middle Approach. A trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 34:1 having a horizontal distance of 3,400 feet and an outer width of 2,275 feet.
 - iii) Outer Approach. A trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 34:1 having a horizontal distance of 4,900 feet and an outer width of 3,500 feet.
- 3) **Transitional Surface**. Surfaces extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one, from the sides of the primary surface and from the sides of the approach surfaces. This surface is divided into the following three sections:
- a) *Inner-Transitional*. That part of the transitional surface beginning at the end of the primary surface and extending outward and upward to a horizontal distance of 350 feet.
 - b) *Middle-Transition*. That part of the transitional surface beginning at the outer edge of the inner-transitional area and extending outward and upward to the horizontal surface.
 - c) *Outer-Transitional*. That part of the transitional surface for runway 29 which projects through and beyond the limits of the conical surface and extends a distance of 5,000 feet measured horizontally from the edge of the approach surface,
- 4) **Horizontal Surface**. A horizontal plane located at an elevation of 783 feet Mean Sea Level, the perimeter of which is constructed by swinging an arc having a horizontal radius of 10,000 feet from the center of each end of the primary surface connecting the adjacent arcs by lines tangent to those arcs.
- 5) **Conical Surface**. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for the horizontal distance of 4,000 feet.

- (D) **Airport Zoning Board**. The legislative authority of the political subdivisions, inside which territorial limits the airport safety area is located, which adopts, administers, and enforces the airport zoning regulation. The Board of County Commissioners of Butler County is the Airport Zoning Board, as the airport safety area is located within the political subdivisions of Butler County, City of Hamilton, City of Fairfield, West Chester Township, Fairfield Township, St. Clair Township, and Liberty Township.
- (E) **Airport Zoning Board of Appeals**. The body appointed by the airport zoning board for the purpose of hearing and deciding appeals from any order, requirement, decision, or determination made by the governing jurisdiction in the enforcement of the airport zoning regulations, hearing and allowing, refusing, or allowing with modification or condition, any variance from the term of the airport zoning regulation, and affirming, reversing, or modifying any order, requirement, decision, or determination of the airport zoning board. That five-member body shall be appointed by the Airport Zoning Board and shall include one member from each of the following: City of Hamilton, City of Fairfield, Fairfield Township, and West Chester Township, the fifth member shall be appointed alternatively from St. Clair Township and Liberty Township. The members of the Zoning Board of Appeals shall serve for terms of three years, subject to removal as set for in Section 4563.313 of the Ohio Revised Code. The first members of the board shall be so designated that two shall serve one year, two shall serve two years, and one shall serve three years.
- (F) **Airport Zoning Commission**. The body appointed by the airport zoning board to recommend the boundaries of the various zones and the uses permitted herein. That body shall include the Butler County Planning Commission members, a representative from the City of Hamilton, and a representative from the City of Fairfield.
- (G) **Blanket Approval**. Approval by the FAA, given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined area(s). The waiver of FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued.

1132.0 Planned Unit Developments and Overlay Districts

1132.08 Airport Overlay Definitions

- (H) **Building Restriction Line.** A line defining the limits at which suitable buildings may be constructed at or surrounding the airport. The building restriction line encompasses the runway protection zone, the primary surface, and the inner transitional surfaces. On or surrounding airport land a building restriction line has been defined beginning at the primary surface and extending outward to a horizontal distance of 250 feet except where this line intersects with a radius extending 500 feet from the center of the Automated Surface Observation System Combined Sensor Group, in which case the building restriction line shall include that radius for all buildings. Additionally, all vegetation located within the building restriction line shall be limited to 10 feet unless the vegetation falls within the limits of other defined criteria located within this zoning ordinance in which case the lesser of the height limits shall prevail.
- (I) **FAA.** The Federal Aviation Administration and any legally appointed, designed, or elected agent or successor.
- (J) **FCC.** The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (K) **Feed Lots.** An area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities - the number of animals per unit of land at a particular time exceed six cattle per acre.
- (L) **Fish Processing.** A factory or other place where fish are prepared for canning, or other commercial uses.
- (M) **Landfill.** A place where waste material is disposed of by the process of reclaiming areas of the ground.
- (N) **Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
- (O) **Political Subdivision.** Any municipal corporation, township, or county.
- (P) **Pond.** A small, natural, or man-made body of standing fresh water filling a surface depression, usually smaller than a lake, where the detention of water takes place.
- (Q) **Sewage Pond.** A shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater.
- (R) **Slaughterhouse.** A building or place where animals are butchered for food.
- (S) **Sludge Disposal.** The collection and removal of the concentration of solids removed from sewage during wastewater treatment in conjunction with the use of a spread area.

- (T) **Transfer Station**. Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted.
- (U) **Water Fowl Production**. Any activity or plan which promotes and/or aids the reproduction or breeding of water fowl species.
- (V) **Water Reservoir**. A multipurpose project which may generate hydro-electric power, controls floods, and provides recreational benefits and supplies water.
- (W) **Wildlife Sanctuary**. An area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes.

TITLE FIVE

Development Regulations

1150.0 DIMENSIONAL AND DESIGN STANDARDS

1150.01 Purpose

The purpose of this chapter is to establish dimensional and design standards for lots within the City of Fairfield. Every new development and redevelopment shall adhere to the applicable regulations within this chapter.

1150.02 Agricultural and Residential District Dimensional Standards

(A) **Dimensional Standards.** The dimensional standards tables in this section are for the agricultural and residential zoning districts. The tables identify the specific dimensional standards that apply to each district.

(B) **Agricultural and Estate Residence (A-1) District**

Table 1150.02 -1: A-1 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
Residential	20,000 sq. ft.	100 feet ³	2.18 du/acre	40 feet	10% of lot width, max. 20 feet ¹	30 feet	35 feet	15 feet ²
Non-Residential	90,000 sq. ft.	300 feet	n/a	40 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 20 feet on each side of the lot.

1150.0 Dimensional and Design Standards

1150.02 Agricultural and Residential District Dimensional Standards

- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less. Accessory structures used for agricultural purposes on parcels zoned A-1, which are two acres or greater in size, are permitted to exceed this height.
- 3) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot frontage shall be 120 feet.

(C) One-Family Residence (R-0) District

Table 1150.02 -2: R-0 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
Residential	14,000 sq. ft. ³	90 feet ³	3.11 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Non-Residential	90,000 sq. ft.	300 feet	n/a	40 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.
- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less.
- 3) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot area shall be 20,000 square feet and the minimum lot frontage shall be 120 feet.

1150.0 Dimensional and Design Standards

1150.02 Agricultural and Residential District Dimensional Standards

(D) One-Family Residence (R-1) District

Table 1150.02 -3: R-1 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
Residential	12,000 sq. ft. ³	75 feet ³	3.63 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Non-Residential	40,000 sq. ft.	200 feet	n/a	30 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.
- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less.
- 3) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot area shall be 20,000 square feet and the minimum lot frontage shall be 120 feet.

(E) One to Four Family Residence (R-2) District

Table 1150.02 -4: R-2 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
One Family Residential	12,000 sq. ft. ³	75 feet ³	3.63 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Two Family Residential	21,780 sq. ft.	80 feet	4.00 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Three Family Residential	32,670 sq. ft.	100 feet	4.00 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Four Family Residential	43,560 sq. ft.	100 feet	4.00 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Non-Residential	40,000 sq. ft.	150 feet	n/a	40 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.
- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less.
- 3) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot area shall be 20,000 square feet and the minimum lot frontage shall be 120 feet.
- 4) Any multi-family structure legally existing on the effective date of Ordinance No. 154-96 (effective November 14, 1996) shall continue as a conforming use and shall not be defined or limited by the density requirements within this section and shall not be subject to or limited by the provisions of Section [1170.16 \(C\)](#). Such existing structures may be built to, but not exceeding, their legally existing density as of November 13, 1996.

1150.0 Dimensional and Design Standards

1150.02 Agricultural and Residential District Dimensional Standards

(F) Multi-Family Residence (R-3) District

Table 1150.02 -5: R-3 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
One Family Residential	12,000 sq. ft. ⁶	75 feet ⁶	3.63 du/ acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Two Family Residential	21,780 sq. ft.	80 feet	4.00 du/ acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Multi-Family Residential (3+ dwelling units)	5,445 sq. ft. per dwelling unit	100 feet	8.00 du/ acre ³	30 feet	10% of lot width, max. 15 feet ^{1,5}	35 feet	35 feet ⁴	15 feet ²
Non-Residential	20,000 sq. ft.	150 feet	n/a	30 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.
- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less.
- 3) Any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by the density requirements within this section and shall not be subject to or limited by the provisions of Section [1170.16 \(C\)](#). Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.
- 4) Principal structures may exceed 35 feet in height if expressly authorized by the Planning Commission per Section [1170.05](#) A conditional use will not be authorized for any structure over 75 feet.
- 5) The minimum side yard setback for multi-family structures that are more than four stories shall be increased by four feet for each story over four stories.

- 6) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot area shall be 20,000 square feet and the minimum lot frontage shall be 120 feet.

(G) Low-Density Multi-Family Residence (R-4) District

Table 1150.02 -6: R-4 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Frontage	Max. Density	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height	Max. Accessory Height
One Family Residential	12,000 sq. ft. ⁶	75 feet ⁶	3.63 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Two Family Residential	21,780 sq. ft.	80 feet	4.00 du/acre	30 feet	10% of lot width, max. 15 feet ¹	30 feet	35 feet	15 feet ²
Multi-Family Residential (3+ dwelling units)	7,260 sq. ft. per dwelling unit	100 feet	6.00 du/acre ³	30 feet	10% of lot width, max. 15 feet ^{1,5}	30 feet	35 feet ⁴	15 feet ²
Non-Residential	20,000 sq. ft.	150 feet	n/a	30 feet	60 feet	40 feet	35 feet	15 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet, du/acre = dwelling units per acre, n/a = not applicable

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.
- 2) The maximum height of an accessory structure is 15 feet or the height of the principal structure, whichever is less.
- 3) Any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by the density requirements within this section and shall not be subject to or limited by the provisions of Section [1170.16 \(C\)](#). Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.
- 4) Principal structures may exceed 35 feet in height if expressly authorized by the Planning Commission per Section [1170.05](#). A conditional use will not be authorized for any structure over 75 feet.

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

- 5) The minimum side yard setback for multi-family structures that are more than four stories shall be increased by four feet for each story over four stories.
- 6) Where either a public water supply and/or public sanitary sewer is not accessible, the minimum lot area shall be 20,000 square feet and the minimum lot frontage shall be 120 feet.

1150.03 Non-Residential Districts Dimensional Standards

- (A) **Dimensional Standards.** The dimensional standards tables in this section are for each of the non-residential zoning districts. Each table identifies the specific dimensional standards that apply to each district.
- (B) **Nonconforming Residential Uses.** Any nonconforming residential use that exists in a non-residential district shall be subject to the dimensional standards of the R-1 District.
- (C) **Neighborhood Business (C-1) District**

Table 1150.03 -7: C-1 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	None	25 feet	None ¹	None ¹	5 feet ³	35 feet	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 10 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(D) Central Business (C-2) District

Table 1150.03 -8: C-2 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	None	25 feet	None ¹	None ¹	5 feet ³	40 feet	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 10 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(E) General Business (C-3) District

Table 1150.03 -9: C-3 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	None	20 feet	None ¹	None ¹	5 feet ⁴	50 feet ³	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 25 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) Principal structures may exceed 50 feet in height if expressly authorized by the Planning Commission per Section [1170.05](#).
- 4) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

(F) General Business (C-3A) District Modified

Table 1150.03 -10: C-3A Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	60 feet	50 feet ⁴	None ¹	None ¹	5 feet ⁵	50 feet ³	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 25 feet for any property is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) Principal structures may exceed 50 feet in height if expressly authorized by the Planning Commission per Section [1170.05](#)
- 4) The minimum front yard setback may be reduced to 20 feet for property for which the front lot line abuts any road that is not a primary or regional thoroughfare as classified in the City of Fairfield Thoroughfare Plan.
- 5) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(G) Commercial Transition (C-4) District

Table 1150.03 -11: C-4 Dimensional Regulations

Use	Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
Residential	12,000 sq. ft. ⁴	75 feet	30 feet	10% of lot width, max. 15 feet ¹	30 feet	N/A	35 feet	15 feet ²
Non-Residential	10,000 sq. ft.	None	25 feet	None ³	None ³	5 feet ⁵	35 feet	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side yard setback shall be 10 percent of the lot width on each side of the lot, not to exceed 15 feet on each side of the lot.

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

- 2) The maximum height of an accessory structure is 15 feet for residential uses and 20 feet for non-residential uses or the height of the principal structure, whichever is less.
- 3) The minimum side and rear yard setbacks are 10 feet for property that is non-residential uses are adjacent to an A or R District.
- 4) The maximum residential density in the C-4 District is 3.63 dwelling units per acre.
- 5) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(H) Suburban Entertainment (SE) District

Table 1150.03 -12: SE Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Street Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft. ¹	100 feet	50 feet ⁴	20 feet ⁵	30 feet ⁶	20 feet ⁵	5 feet ⁸	50 feet ⁷	20 feet ³
<i>Terminology: min. = minimum, max. = maximum, sq.ft. = square feet</i>								

- 1) The minimum district size for an SE District is 40 acres, which may be a combination of several lots or parcels under the same corporate ownership or different ownership but under common control and operation.
- 2) Lots created within an SE District shall have a minimum lot area requirement of 10,000 square feet.
- 3) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 4) The minimum required front yard setback shall be 50 feet. Sign structures and transportation facilities may be located within the required front yard setback.
- 5) The minimum side and rear yard setbacks are 50 feet for any property that is adjacent to an A or R District.
- 6) The street side yard shall be landscaped and maintained in accordance with Subsections [1152.04 \(B\)1\), 3\),](#) or [4\)](#).
- 7) Structures may exceed 50 feet in height if expressly authorized by the Planning Commission per Section [1170.05](#).
- 8) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

(I) Institutions and Office (B-1) District

Table 1150.03 -13: B-1 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
20,000 sq. ft.	100 feet	60 feet ³	None ¹	None ¹	5 feet ⁵	35 feet ⁴	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 25 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) The minimum front yard setback may be reduced to 20 feet for property for which the front lot line abuts any road that is not a primary or regional thoroughfare as classified in the City of Fairfield Thoroughfare Plan.
- 4) Principal structures may exceed 35 feet in height by one foot for every foot the side and rear yard setbacks exceed the minimum side and rear yard setback requirements. The maximum building height is 75 feet.
- 5) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(J) Downtown (D-1) District

Table 1150.03 -14: D-1 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	75 feet ⁴	25 feet ⁴	None ¹	None ¹	5 feet ⁵	50 feet	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 10 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

- 3) Any lot legally existing on the effective date of Ordinance No. 130-94 (effective September 26, 1994) shall continue as a legally conforming lot and shall not be subject to or limited by the provisions of Section [1170.16 \(C\)](#).
- 4) Parcels located on the east side of Pleasant Avenue and north of Nilles Road that contain a primary structure that complies with the 90 foot front yard setback required under the former D-1A District on the effective date of Ordinance No. 130-94 (effective September 26, 1994) shall continue to have no minimum lot width requirement and shall have a minimum front yard setback of 90 feet.
- 5) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(K) Industrial Park (M-1) District

Table 1150.03 -15: M-1 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Street Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	None	50 feet ¹	6 feet ^{3,4,6}	30 feet ¹	6 feet ^{3,6}	5 feet ⁷	75 feet ^{5,6}	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) A landscape buffer that is a minimum of 20 feet in width shall be provided along all street frontages. Such area shall be landscaped and maintained in accordance with Subsection [1152.04 \(B\)1, 3\), or 4\)](#).
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) The minimum side and rear yard setbacks are 50 feet for any property that is adjacent to an A or R District.
- 4) A designated fire lane that is a minimum of 25 feet in width shall be provided on one side of the building for interior lots. At the discretion of the Fairfield Fire Chief, if they are satisfied that the general health, safety, and welfare will be preserved, this width may be increased.
- 5) Lots within 200 feet of any A or R District shall have a maximum height of 50 feet, except if expressly authorized by the Planning Commission per Section [1170.05](#).
- 6) If a structure exceeds 50 feet in height, the minimum side and rear setbacks for said structure shall be 20 feet.

1150.0 Dimensional and Design Standards

1150.03 Non-Residential Districts Dimensional Standards

7) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

(L) General Industrial (M-2) District

Table 1150.03 -16: M-2 Dimensional Regulations

Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Street Side Yard Setback	Min. Rear Yard Setback	Min. Parking Lot Setback	Max. Height	Max. Accessory Height
10,000 sq. ft.	None	30 feet	6 feet ^{1,3,5}	30 feet	6 feet ^{1,5}	5 feet ⁶	75 feet ^{4,5}	20 feet ²

Terminology: min. = minimum, max. = maximum, sq.ft. = square feet

- 1) The minimum side and rear yard setbacks are 50 feet for any property that is adjacent to an A or R District.
- 2) The maximum height of an accessory structure is 20 feet or the height of the principal structure, whichever is less.
- 3) A designated fire lane that is a minimum of 25 feet in width shall be provided on one side of the building for interior lots. At the discretion of the Fairfield Fire Chief, if they are satisfied that the general health, safety, and welfare will be preserved, this width may be increased.
- 4) Lots within 200 feet of any A or R District shall have a maximum height of 50 feet, except if expressly authorized by the Planning Commission per Section [1170.05](#).
- 5) If a structure exceeds 50 feet in height, the minimum side and rear setbacks for said structure shall be 20 feet.
- 6) Additional parking lot setback regulations are located in Section [1151.04 \(C\)](#).

1150.04 Measurements, Computations, and Exceptions

(A) Measurement Standards

- 1) **Structure Height.** Structure height is the vertical distance from the average finished grade of the structure to the:
 - a) Highest point of the roof surface or of any parapet for flat roofs;
 - b) The deck line of mansard roofs;
 - c) To the average height between the highest eaves and ridge for sloped roofs.

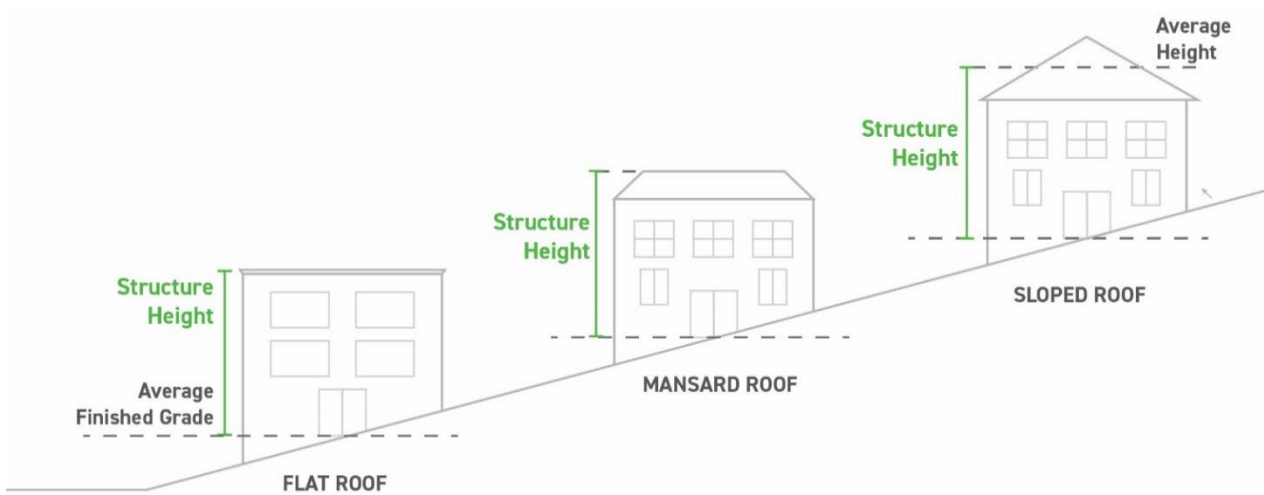


Figure 1150-1: Examples of how to measure building height

- 2) **Use Separation.** When a regulation within this code stipulates a required separation between uses, the required separation shall be measured as the horizontal distance from the nearest lot line of the property upon which the proposed use will occur to the nearest lot line of the property upon which the other use is occurring.

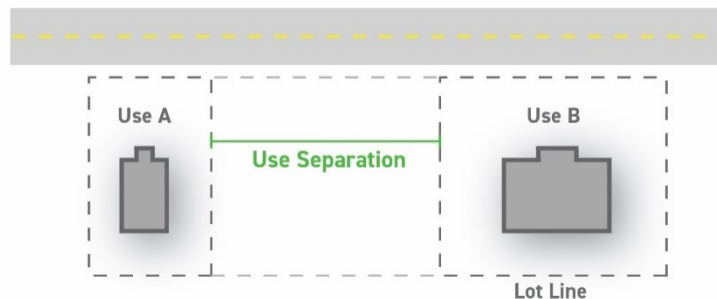


Figure 1150-2: Graphic illustration of use separation requirements

1150.0 Dimensional and Design Standards

1150.04 Measurements, Computations, and Exceptions

- 3) **Lot Width.** The required minimum lot width for a property shall be measured at the building line. Lot width measurement regulations for irregular shaped lots and flag lots can be found in Section [1150.04 \(D\)](#).
- 4) **Required Area or Space Cannot be Reduced.** No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by the zoning code. No part of a yard, court, parking area or other space required for any building or structure under this zoning code may be included as part of a yard, court, parking area or other space required under the zoning code for another building or structure.

(B) **Height Modifications.** The height limitations stipulated elsewhere in this code shall not apply to the following:

1) Farm Buildings and Architectural Features

- a) Barns, silos, or other farm buildings or structures on farms;
- b) Church spires, belfries, cupolas and domes, monuments, water towers, fire towers, observation towers, transmission towers, chimneys, smokestacks, flag poles, radio and television towers, masts, and aerials; and
- c) Parapet walls extending not more than four feet above the limiting height of the building.

- 2) **Places of Public Assembly and Religious Facilities.** Places of public assembly in schools, governmental facilities and religious facilities may exceed the maximum height for structures in the district in which they are located, provided that the required minimum side and rear setbacks shall be increased by one foot for every three feet that the proposed structure exceeds the maximum height regulation.

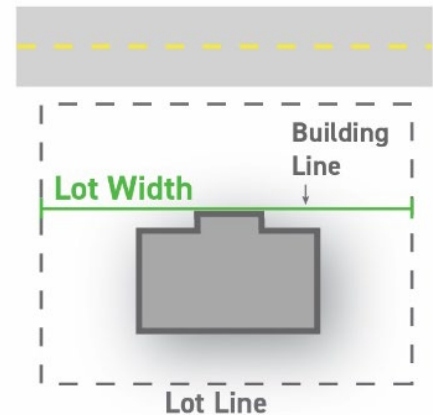


Figure 1150-3: Graphic illustration of how to measure lot width

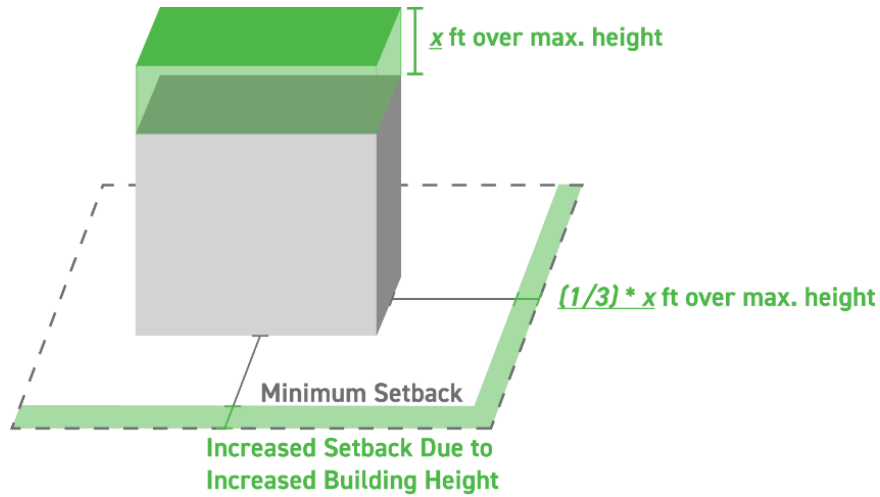


Figure 1150-4: Graphic illustration of height exemptions and increased setback requirements

- 3) **Elevator Penthouses and Water Tanks.** Bulkheads, elevator penthouses, water tanks, and rooftop lofts, provided no linear dimensions of any such structure exceeds 50 percent of the corresponding building frontage; or towers and monuments, fire towers, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process requires a greater height.

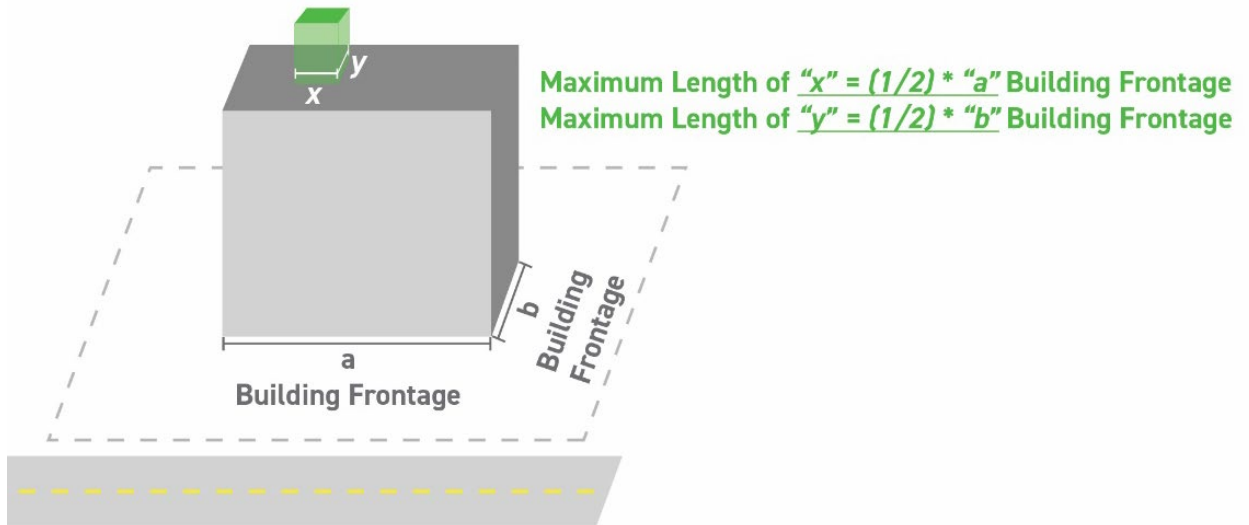


Figure 1150-5: Graphic illustration of height exemptions for penthouses and water tanks

1150.0 Dimensional and Design Standards

1150.04 Measurements, Computations, and Exceptions

(C) Yard Regulations

- 1) In A and R Districts where there is an established development pattern, as determined by the Development Services Director or their designee, the required minimum front yard setback shall be the average of the existing front yard setbacks of the principal structures on the same side of the street and within 300 feet of the subject lot. This does not apply to flag lots.
- 2) If the calculated average described in (1) is less than the district requirement, the required minimum front yard setback for the subject lot is the average as calculated.

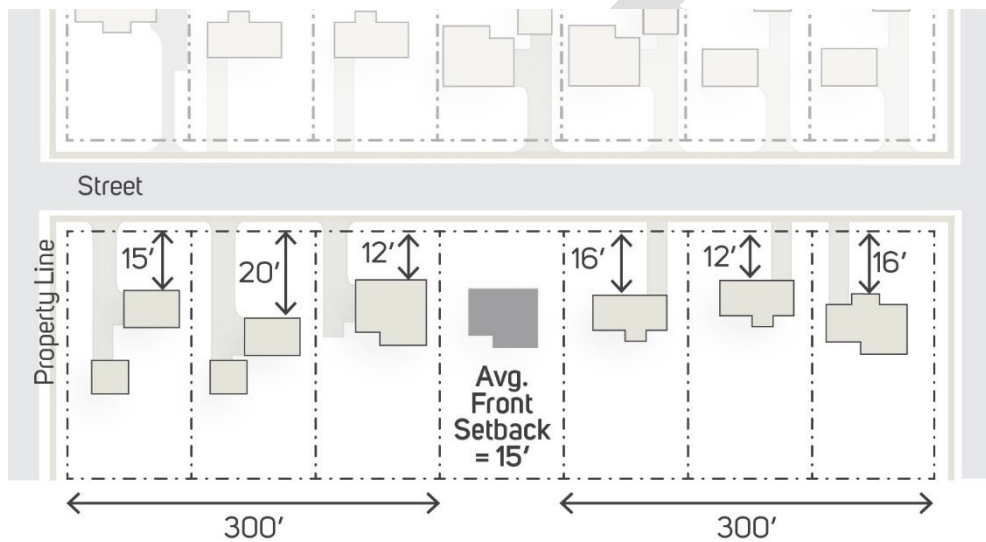


Figure 1150-6: Graphic representation of front yard modification

- 3) **Yard Projections.** Certain architectural features may project into required yards as permitted herein.
 - a) **Front and Street Side Yards.** The following elements may project into any required front yard or street side yard:
 - i) Cornices, canopies, eaves, fire escapes, porches, or other architectural features may project a maximum distance of four feet.
 - ii) Provided they do not exceed the height of the entrance floor of the building, an uncovered stair, ramp, and associated landing may project a maximum distance of six feet.
 - iii) Bay windows, balconies, and chimneys may project a maximum of four feet, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

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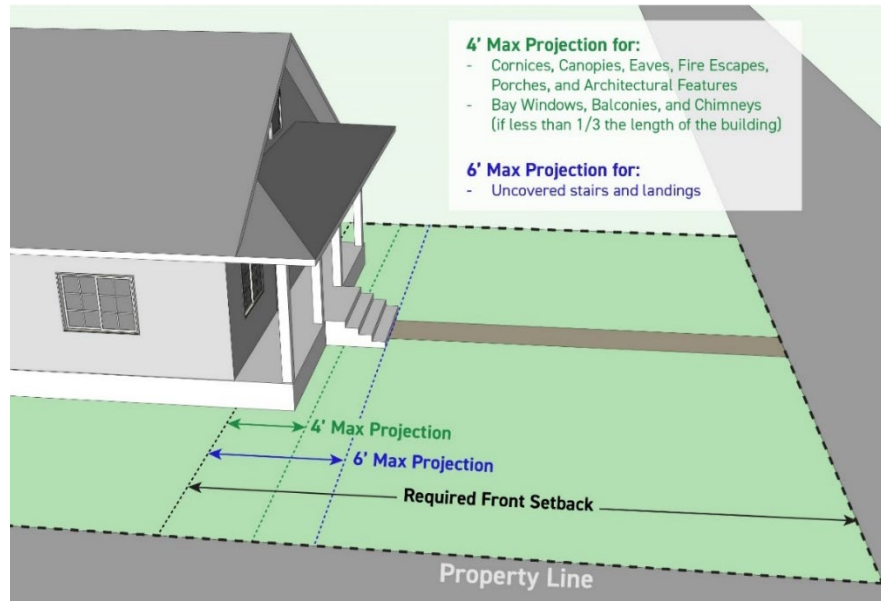


Figure 1150-7: Graphic representation of yard projections for front and street side yards

- b) Interior Side Yards.** Cornices, canopies, eaves, architectural features, fire escapes, uncovered stairs, bay windows, balconies, and chimneys may project into the required side yard a maximum of three feet, but in no case shall project more than one-third of the horizontal distance of the required side yard setback.

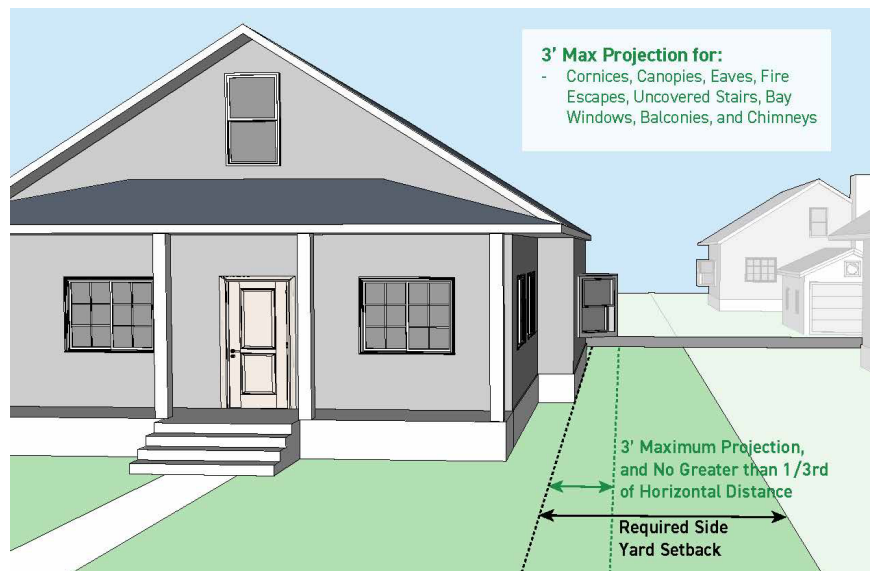


Figure 1150-8: Graphic representation of yard projections for side yards

- c) Rear Yards.** The following elements may project into any required rear yard:

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1150.04 Measurements, Computations, and Exceptions

- i) Cornices, canopies, eaves, fire escapes, or other architectural features may project a maximum distance of four feet.
- ii) An uncovered stair or ramp and necessary landings may project a maximum distance of 10 feet, provided such stair or ramp and landing shall not extend above the lowest floor that can be entered from the rear of the building. A minimum setback of 10 feet shall be maintained to the rear lot line.
- iii) Bay windows, balconies, and chimneys may project a maximum of four feet, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

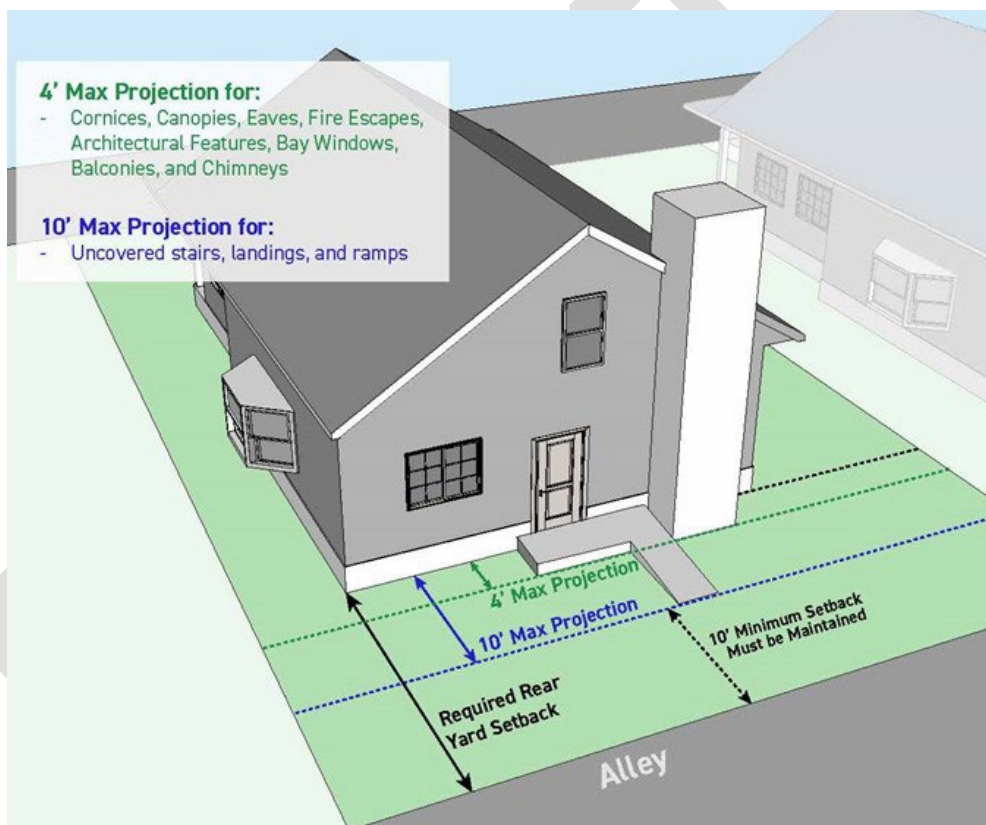


Figure 1150-9: Graphic representation of yard projections for rear yards

- d) **Encroaching Doors.** Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors, when open or being opened shall not project beyond any lot line of the lot on which such building is located. When such doors open to an alley, the wall or portion thereof containing the doors shall be at least six feet from the line forming the common boundary between such lot and the alley.

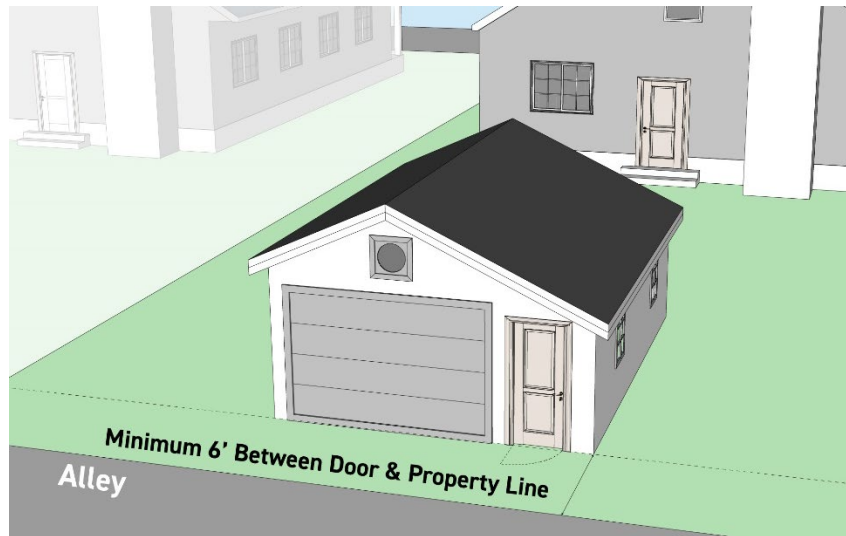


Figure 1150-10: Graphic representation of requirements for encroaching doors

(D) Lot Requirements

- 1) Interior Lots.** Interior lots are lots that generally have one frontage, two side yards, and a rear yard. The rear yard of irregular lots shall be considered the property line that is a straight line from and is generally parallel to the front lot line. Irregular lots may have more than two side lot lines.

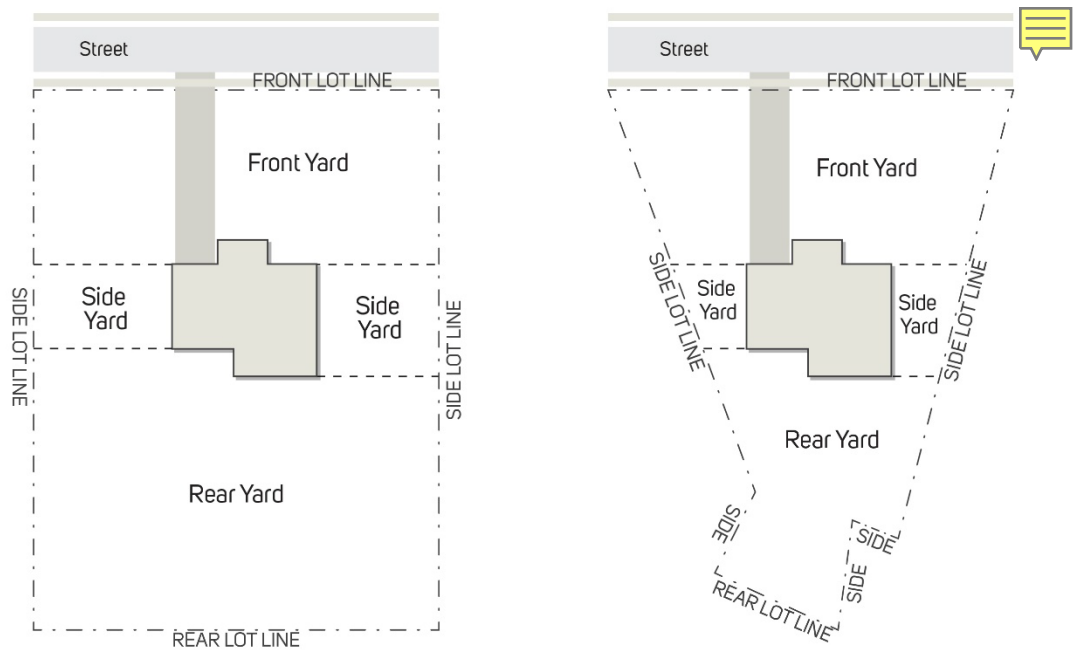


Figure 1150-11: Graphic representation of interior lots

1150.0 Dimensional and Design Standards

1150.04 Measurements, Computations, and Exceptions

2) **Corner Lots.** Corner lots are lots that have frontage on two intersecting streets and have a required front yard, street side yard, interior side yard, and a rear yard.

3) Double Frontage Lots

a) Double frontage lots are lots that have frontage on two non-intersecting streets, have a required front yard on both frontages, and generally have two front yards, two side yards, and no rear yard.

b) A 10' setback is required off the frontage that faces the rear of the principal structure for all accessory structures.

4) Cul-de-sac or Curved Lot

a) For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

b) Lots on a cul-de-sac shall be required to have a minimum lot width of 40 feet measured at the public right-of-way line, along the curve.



Figure 1150-12: Graphic representation of a corner lot

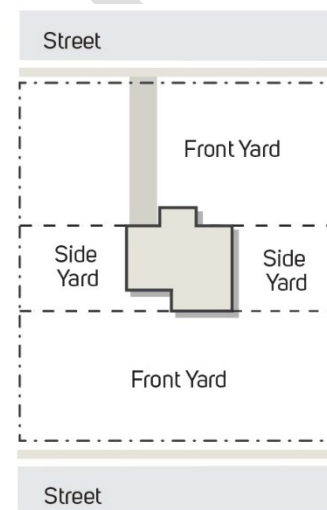


Figure 1150-13: Graphic representation of a double frontage lot

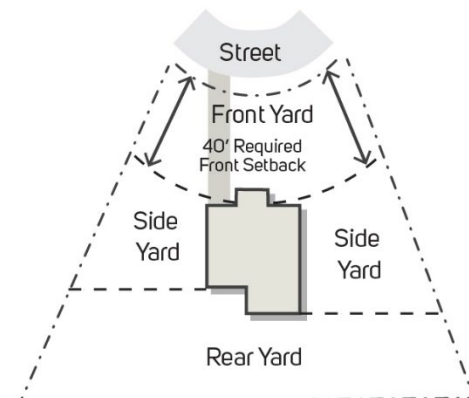


Figure 1150-14: Graphic representation of a cul-de-sac or curved lot

- 5) **Flag Lots.** Flag lots are lots that utilize a narrow strip of land or stem to provide access to a public street. Flag lots are subject to the following:
- a) The minimum width of the flag lot stem is 40 feet.
 - b) The stem of the flag lot is not considered a building site, nor is the area of such included in the calculation of lot area.
 - c) The front yard setback is not measured from the frontage at the public street, but along the front lot line of the buildable area.

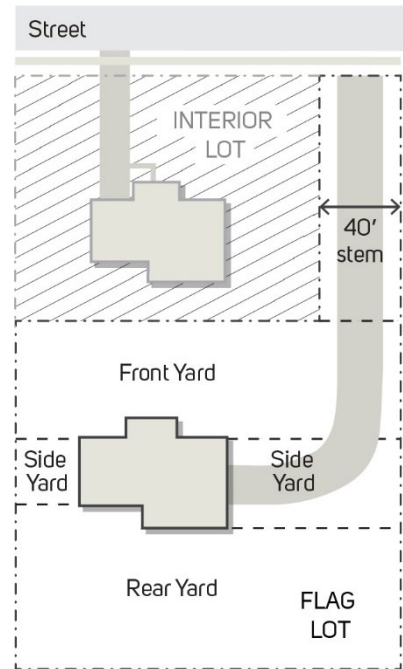


Figure 1150-15: Graphic representation of a flag lot

- 6) **Lots Abutting Alleys.** In computing the required depth of a rear yard setback or the width of a side yard setback where the rear or side property line abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard setback; provided that the side yard is not reduced to less than three feet and the rear yard is not reduced to less than 10 feet.

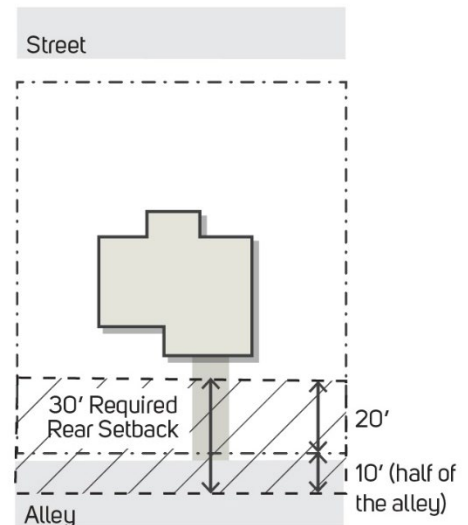


Figure 1150-16: Graphic representation of how to measure a rear yard setback when a lot abuts an alley

1150.0 Dimensional and Design Standards

1150.04 Measurements, Computations, and Exceptions

- 7) **Steep Slope Lots.** The following regulations apply to lots within the city that include steep slopes.
- a) **Building Height Calculation.** Where a building is located upon a sloping lot, the height of the principal structure shall be calculated based on the average height of the building from the grade as measured at all building corners.
 - b) **Driveway Slope.** The maximum slope of a driveway is eight percent.

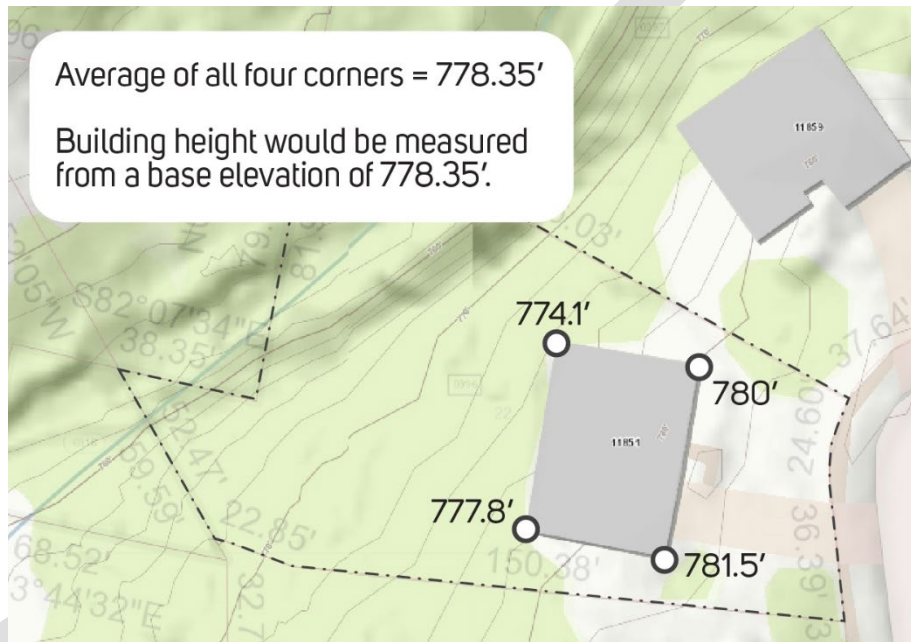


Figure 1150-17: Graphic representation of how to measure building height on a sloped lot

1151.0 PARKING AND LOADING

1151.01 Purpose

The purpose of this section is to regulate the amount and location of vehicle parking, access, mobility, and loading areas in order to promote a more efficient use of land, enhance the development form, enable the use of alternative modes of transportation, provide for better pedestrian movement, and protect air and water quality.

1151.02 Applicability

- (A) **Parking Required.** In all districts and for all uses, off-street parking shall be provided for motor vehicles in accordance with this chapter. Off-street parking shall be constructed at the time a building or structure is erected or a use is commenced.
- (B) **Addition and Enlargement.** Whenever there is any change of use, increase to building square footage or in floor area, change in the number of employees, or any other unit of measurement that is used herein to determine the number of required parking spaces, additional off-street parking facilities shall be provided on the basis of the change or increase. Additional parking facilities shall not be required unless the number of required parking spaces increase by more than 10 percent of the parking facilities previously required.
- (C) **Accessory Use.** Off-street parking and loading is considered and is only permitted as an accessory use to a principally permitted use on a site as identified in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) And [Table 1131.10 -2: Non-Residential Districts – Use Table](#).
- (D) Employee and customer parking spaces shall be provided for all non-residential uses, including, but not limited to, motor vehicle sale/rental area, motor vehicle repair, motor vehicle storage, and motor vehicle tow yard. These parking spaces shall not be blocked and shall remain available. A minimum of 10 percent of the required parking shall be dedicated to customer and employee parking unless waived by the Development Services Director or their designee.

1151.0 Parking and Loading

1151.03 Parking Requirements

1151.03 Parking Requirements

(A) **Minimum Number of Required Parking Spaces.** The number of off-street parking spaces required for each use shall be as set forth in the following table.

Table 1151.03 -1: Number of Parking Spaces Required

Agricultural/Residential Uses	Minimum Requirement
Agriculture	As determined by the Development Services Director or their designee based on the proposed use
Dwellings	2 spaces per dwelling
Mobile Home Park	2 per mobile home plus 1 guest space for each 2 designated mobile home spaces
Residential Facility and Residential Treatment Facility, Small and Medium	2 spaces per dwelling
Residential Facility and Residential Treatment Facility, Large	1 per 2 beds plus 1 space per employee on the maximum shift
Public/Institution Uses	Minimum Requirement
Cemetery	N/A
Community/Cultural Facility	1 per 400 square feet of floor area
Education Facility, Public or Private and University/College/Trade School	1 per 2 faculty and staff members, plus 1 for each 10 students at the high school or college level
Essential Services	N/A
Government Facility	1 per 400 square feet of floor area
Public Recreation Facility, Indoor	1 per 250 square feet of floor area
Public Recreation Facility, Outdoor	As determined by the Development Services Director or their designee based on the proposed uses
Religious Facility	1 per 5 seats or 100 square feet of floor space in the auditorium/sanctuary area; whichever is greater
Wireless Communication Facility	N/A
Commercial Uses	Minimum Requirement
Animal Boarding/Kennel/Day Care/Hospital/Veterinary Clinic	1 per 400 square feet of floor area
Art Studio	1 per 500 feet square feet of floor area
Assisted Living/Nursing/Rehabilitation Facility	1 per every 4 beds, plus 1 per employee on the maximum shift

Table 1151.03 -1: Number of Parking Spaces Required

Commercial Uses	Minimum Requirement
Bed and Breakfast	1 per bedroom plus 2 for the owners of the residence
Club or Lodge, Public or Private	1 per 400 square feet of floor area
Commercial Kitchen	1 space per employee on the maximum shift
Day Care Center	1 per 500 square feet plus 1 per employee on the maximum shift
Entertainment Venue	1 per 100 square feet of floor area
Event Center	1 per 100 square feet of floor area
Fitness/Dance Studio	1 per 200 square feet of floor area
Funeral Home	1 for each 20 square feet of floor area
Greenhouse, Wholesale	1 for each 3 employees on the maximum shift or for each 3,000 square feet of floor area; whichever is greater
Hospital	1 for each 4 beds
Hotel, Motel	1 for each bedroom
Media Studio	1 per 500 square feet of floor area
Medical Office	1 per 200 square feet of floor area
Motor Vehicle Fueling/Charging Facility	1 per 400 square feet of floor area (this does not include the parking spaces provided adjacent to the fuel pump or charging facility)
Motor Vehicle Washing Facility	1 per employee on the maximum shift in addition to any parking spaces dedicated for vacuums or other service use
Office, General	1 per 400 square feet of floor area
Recreational Facility, Indoor	1 space per 250 square feet of floor area
Recreational Facility, Outdoor	As determined by the Development Services Director or their designee based on the proposed uses
Renewable Energy Facility	N/A
Restaurant, Bar/Nightclub, Brewery	1 per 75 square feet of floor area
Retail and Service Uses less than 40,000 square feet	1 per 400 square feet of floor area

1151.0 Parking and Loading

1151.03 Parking Requirements

Table 1151.03 -1: Number of Parking Spaces Required

Commercial Uses	Minimum Requirement
Retail and Service Uses, 40,000 square feet in floor area or greater and Shopping Centers with a combined minimum of 40,000 square feet	Minimum: 1 per 600 square feet of floor area Maximum: 1 per 200 square feet of floor area
Self-Storage Facility	2 per employee on the maximum shift
Sexually Oriented Business	1 per 75 square feet of floor area
Showroom	1 per 500 square feet of floor area
Teen Club	1 per 100 square feet of floor area
Theater, Cinema	1 per each 5 seats or 100 square feet of floor space, whichever is greater
Industrial Uses	Minimum Requirement
Industrial Uses	1 for each 3 employees on the maximum shift or for each 3,000 square feet of floor area, whichever is greater
Renewable Energy Facility	N/A
Accessory/Temporary Uses	Minimum Requirement
Dwelling, Accessory Commercial	1 additional space
Outdoor Dining, Permanent	1 per 75 square feet of floor area
Farmers Market	As determined by the Development Services Director or their designee based on the proposed uses
Food Truck/Mobile Food Unit	N/A
Seasonal Sale	As determined by the Development Services Director or their designee based on the proposed uses

(B) Uses Not Listed. In the case where a use, structure, or premise does not have an identified parking requirement in [Table 1151.03 -1: Number of Parking Spaces Required](#), the minimum number of required parking spaces of the most similar use as determined by the Development Services Director or their designee shall apply.

(C) **Units of Measurement.** For the purposes of this section, the following units of measurement shall apply:

- 1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packing of merchandise, display windows, offices incidental to the management or maintenance of stores or buildings, kitchen or food preparation areas, restrooms, utilities, or dressing rooms.
- 2) Where seating capacity is the standard for determining parking space requirements, the seating capacity shall be the number of seating units installed or indicated, or when fixed seats are not indicated, the seating capacity shall be determined as being one seat for each 20 square feet of floor area.
- 3) In places of public assembly in which patrons or spectators occupy benches, pews, or other such seating facilities, each 24 inches of such seating facilities shall be counted as one seat.
- 4) Fractional numbers shall be rounded up to the next whole number.
- 5) The parking spaces required for mixed uses shall be the sum of the parking required for each use considered separately.
- 6) Developments that include two or more buildings or uses, may share a parking area as long as the total number of parking spaces provided meets the minimum number of parking spaces for each use individually. Parking spaces which are more than 1,000 feet from the primary entrance of the subject establishment will not be counted as parking for the establishment. A signed parking agreement between all property owners is required to be submitted to the Development Services Director or their designee.
- 7) Parking spaces that are provided in a garage shall count towards the parking requirement.

(D) **Modification of Requirements**

- 1) **Administrative Adjustments.** The Development Services Director or their designee may approve a reduction of up to 10 percent in the number of required parking spaces as part of the site plan review. Written justification for the reduction shall be provided based on the parking demand of the proposed use, number of typical patrons or employees, shared parking availability, or other similar reasons.

1151.0 Parking and Loading

1151.03 Parking Requirements

(E) Location Requirements. Accessory off-street parking facilities shall be located as hereinafter specified.

- 1) Accessory off-street parking spaces shall be located on the same lot or a group of continuous lots which are under the same ownership and function as an integral unit as those in which the principal use is permitted.
- 2) Where a distance is specified, such distance shall be the distance measured from the nearest point of the parking facility to the nearest point of the primary entrance of the building such facility it serves.
 - a) *One and two family dwellings.* On the same lot as the building that they serve.
 - b) *Office, retail commercial, service, institutional and other residential uses.* Within 300 feet of the primary entrance of the building that they serve.
 - c) *All other uses.* Within 1,000 feet from the primary entrance of the building that they serve.

(F) Parking Space and Aisle Size Requirements. The minimum width for a circulation aisle and each off-street parking space, open or enclosed, shall conform with the following regulations.

Table 1151.03 -2: Parking Space and Aisle Dimensions

Parking Orientation	(A) Minimum One-Way Aisle Width	(B) Minimum Two-Way Aisle Width	(C) Minimum Space Width	(D) Minimum Length of Space
Parallel Space	12 feet	20 feet	9 feet	21 feet
45 degrees	13 feet	20 feet	9 feet	20 feet
60 degrees	18 feet	22 feet	9 feet	20 feet
90 degrees	22 feet	24 feet	9 feet	20 feet

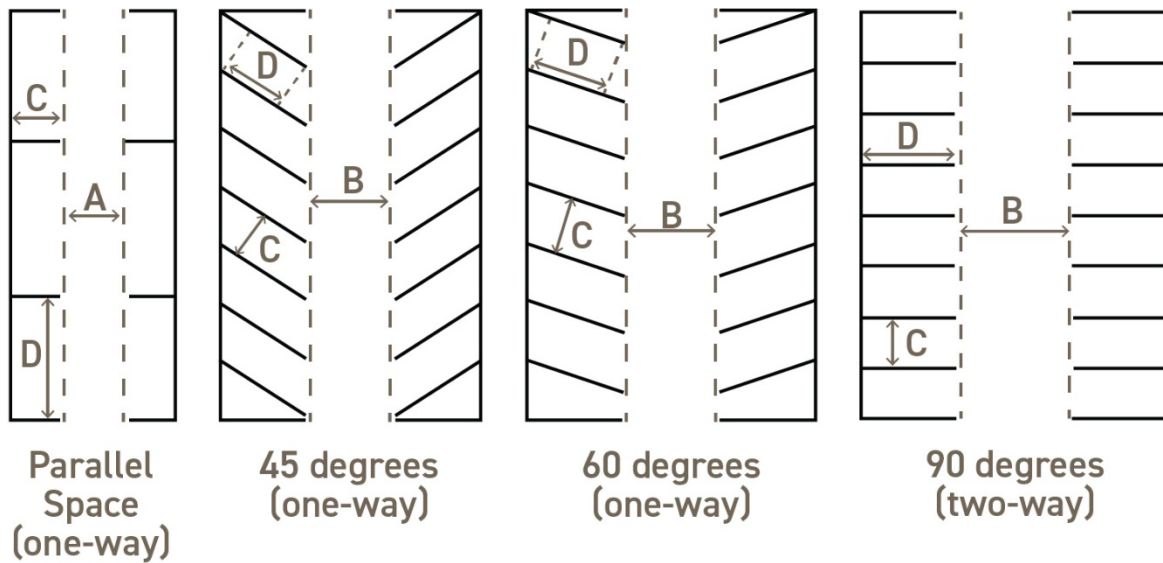


Figure 1151-1: Illustration of parking angles and related dimensional references

(G) Access

- 1) There shall be adequate provisions for ingress and egress to the parking lot from either the public right-of-way or access drive.
- 2) Where a lot does not abut on a public or private street, alley or easement of access, an access drive shall be provided to parking areas or spaces required and the width shall be as follows:
 - a) The access drive shall be a minimum of eight feet wide for residential uses.
 - b) The access drive shall be a minimum of 10 feet wide for any nonresidential use.
- 3) Access drives shall not be located in any A or R District except when provided in connection with a use permitted in an A or R District.

(H) Stacking Spaces

- 1) **Applicability.** Establishments which by their nature create lines of customers waiting to be served within motor vehicles shall provide designated stacking spaces that are on the same lot as the use, in addition to the required number of parking spaces per [Table 1151.03 -1: Number of Parking Spaces Required](#). The required stacking spaces shall not extend into or be within the public right-of-way, access drives, or circulation areas. Stacking spaces shall meet the requirements set forth in the [Table 1151.03 -3: Stacking Space Requirements](#).

1151.0 Parking and Loading

1151.03 Parking Requirements

Table 1151.03 -3: Stacking Space Requirements

Activity	Minimum Number of Required Stacking Spaces	Measured From
Food and Beverage Use with Drive-Through Window	12 for a single lane or 6 per lane for 2 or more lanes	The order point
Food and Beverage Use with Pick Up Window only	5 for a single lane	Pick-up window
Financial Institutions	4 per lane for an ATM, 2 per lane for a teller or window	Teller or ATM
Motor Vehicle Fueling/Charging Facility	1 per fuel pump	Pump island
Pharmacy	5 for a single lane or 3 per lane for 2 or more lanes	Pick-up window
Motor Vehicle Washing, Automatic	4 for a single lane or 2 per lane for 2 or more lanes	Entrance to washing bay
Other	As determined by the Development Services Director or their designee	

2) **Dimensions.** Each stacking space shall be a minimum area of eight feet in width and 20 feet in length and shall not encroach upon access drives or parking aisles.

3) **Modifications.** The Development Services Director or their designee may require additional stacking spaces than specified in this section for uses that have high-demand use periods that cause long waiting lines, such as fast food restaurants or drive-through coffee shops. In such cases, the Development Services Director or their designee will require the applicant to demonstrate that the site plan accommodates the anticipated demand.

(I) **Parking Requirements for Physically Disabled.** All off-street parking lots shall include parking spaces for the physically disabled and markings, striping, and signage as required by the Ohio Basic Building Code.

(J) **Traffic and Pedestrian Visibility.** No fence, structure, or landscaping shall be erected or maintained on private property which interferes with reasonable sight distances from access points on the property or adjoining properties for pedestrians or motor vehicle operators.

- (K) Naturalized Drainage.** Parking areas may utilize bioswales and bioretention strategies as part of an overall stormwater drainage and management plan.



Figure 1151-2: Image of a bioswale within a parking area

- (L) Residential Off-Street Parking Facilities.** Accessory off-street parking facilities for single family and two-family dwellings, in any zoning district, shall be limited to 35 percent of the front yard.
- (M) Residential Turnarounds.** Residential lots fronting or abutting on a regional or primary thoroughfare as defined in the City of Fairfield Thoroughfare Plan shall provide a turnaround to ensure that vehicles do not have to back up into the adjacent thoroughfare.
- (N) Parking of Recreational Vehicles in Residential Areas.** All parking of recreational vehicles in A or R Zoning Districts and on property used for residential purposes in any other zoning district shall be subject to the following:
- 1) No part of a recreational vehicle shall be parked or extend nearer than two feet from a public right-of-way or other property line, whether or not such part or extension of the recreational vehicle actually touches the ground or a surface on the ground.
 - 2) All recreational vehicles shall be parked on a completely paved surface in accordance with Section [1151.04 \(D\)](#), such paved surface shall completely cover all areas beneath any part of the recreational vehicle, excluding the area beneath any pull-out or other extension which is retracted when the recreational vehicle is used on the public roadways. Canoes and kayaks of any length and rowboats 10 feet or less in length which are stored in a rear yard or on a corner lot in the side or rear yard away from the street are excluded from this subsection.

1151.0 Parking and Loading

1151.03 Parking Requirements

- 3) All recreational vehicles shall be maintained in a clean and sanitary condition, in good structural and mechanical repair and fully operational for their intended use with all current licenses and registrations required for their operation and use upon public roadways and/or waterways as applicable.
- 4) All watercrafts, personal watercrafts, and vessels, except canoes and kayaks of any length and rowboats 10 feet or less in length, must be parked on a trailer which is suitable and licensed for use upon the public roadways.
- 5) No recreational vehicle shall be occupied as a permanent or temporary residence and shall have no permanent electric, water, or gas connections and no connections of any kind to a public or private sanitary sewer system.
- 6) No personal property of any kind or description, except wheel blocks and jack stands, may be placed, or stored on the ground or surface under any part of a recreational vehicle, including pull-outs. Grass or vegetation, if any, under a recreational vehicle, including pull-outs, shall be cut, and maintained at the same height as the other parts of the abutting grass or vegetation.
- 7) The requirements of this subsection do not apply to recreational vehicles that are stored completely within an enclosed permanent structure.

(0) Parking of Commercial Vehicles.

- 1) The parking or storing of any of the following on any property used for residential purposes or on any street in an A or R District for any period exceeding four consecutive hours is prohibited: semi-truck, semi-trailer, box truck, box van, step van, cement truck, stake bed truck, boom truck, food truck, tank truck, tar truck, dump truck, tow truck, wrecker, bus or van capable of carrying more than 10 people, limousine, dump trailer, gooseneck trailer, livestock trailer, trailer with pipe rails and or side walls exceeding 36 inches in higher than the trailer bed, and other similar vehicles or trailers. In addition, any other commercial or non-commercial vehicle or trailer that exceeds eight feet in height and/or 22 feet in length shall be prohibited.
- 2) Nothing herein shall prevent the parking of such vehicle or trailer in a fully enclosed garage or similar permanent structure, or at any construction project where such vehicles are an integral component of such project.
- 3) The parking or storing of recreational vehicles on any property used for residential purposes shall be in compliance with all regulations of Section [1151.03 \(N\)](#).

- (P) **Inoperative and/or Unlicensed Motor Vehicles and Trailers.** No person, firm or corporation owning or occupying a lot or land within the city shall place, cause to be placed or allow to remain an inoperative and/or unlicensed motor vehicle or trailer on such premises for a period exceeding seventy-two hours, except where such use is specifically authorized for the district in which such motor vehicle or trailer is located.
- (Q) **Electric Vehicle (EV) Charging Stations.** Electric vehicle (EV) charging stations are subject to the following:
- 1) Level 1 and Level 2 EV charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 EV charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.
 - 2) EV charging stations shall post information regarding amperage and voltage levels, time limits, cost, tow-away provisions, and contact information at the spaces.
 - 3) Where permitted, EV charging station spaces may be located in any yard, but shall be set back a minimum of five feet from any adjoining public right-of-way.
 - 4) EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

1151.04 Development and Maintenance of Off-Street Parking Areas

- (A) **Applicability.** The requirements of this section shall apply to all off-street parking areas and areas dedicated to the storage and display of vehicles.
- (B) **Screening and Landscaping.** Off-street parking areas shall be screened and landscaped as required in Section [1152.08](#)
- (C) **Minimum Distances and Setbacks.** Off-street parking facilities shall be set back a minimum of five feet from any adjoining public right-of-way line.
- (D) **Surfacing.** All off-street parking areas including driveways, entrances, exits, lanes, and aisles shall be surfaced with asphalt or cement pavement so as to provide a durable, dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of motor vehicles. All improvements made shall be in conformance with the Design, Construction, and Materials Specification Handbook.

1151.0 Parking and Loading

1151.05 Off-Street Loading Spaces

- (E) **Lighting.** Any lighting used to illuminate any off-street parking area shall comply with Chapter [1154.0](#).

1151.05 Off-Street Loading Spaces

(A) **Required**

- 1) In any district in connection with any building or part thereof hereafter erected or altered, which is to be occupied by industrial, warehousing, wholesale commercial, retail commercial, service or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained off-street loading spaces.
- 2) The number of required off-street loading spaces shall be as deemed necessary by the Development Services Director or their designee.

- (B) **Minimum Size.** Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.

- (C) **Location.** Loading spaces shall be on the same lot as the building they are intended to serve. They may be located in the front or street side yard in the M Districts if they are located a minimum of 100 feet from the property line and are completely screened from view by landscaping, mounding, or a combination thereof. In addition, they may occupy any part of any required side or rear yard, provided no such loading space is located closer than 50 feet from any lot located in any A or R District or used for residential purposes unless wholly within a completely enclosed building or enclosed on all sides by a well maintained wall or solid fence not less than six feet in height that is uniformly painted. Such loading area shall not conflict with any of the required landscaping for the site, as determined by Chapter [0](#).

- (D) **Access.** There shall be adequate provisions for ingress and egress. Where a lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the required loading spaces. Such access drive shall not be less than 18 feet in width and shall not be located in any A or R District except where provided in connection with a use permitted in an A or R District.

1151.06 Modifications

The Board of Zoning Appeals may, on appeal, authorize a modification, reduction, or waiver of the foregoing requirements if it should find that, in the particular case appealed, the peculiar nature of the residential, office, retail, commercial, service, industrial, institutional, recreational, or other use, or the exceptional shape or size of the property, or other exceptional situation and condition would justify such an action.

1152.0 Landscaping and Buffering

1152.01 Purpose

1152.0 LANDSCAPING AND BUFFERING

1152.01 Purpose

The purpose of this chapter is to establish regulations to protect and promote the public interest and welfare by requiring landscaping and buffering between uses of different intensities, screening vehicle headlights from adjacent roads, providing environmental benefits such as cleaner air quality and a reduction in noise, heat and glare, improving surface drainage, beautifying and enhancing built and undeveloped areas, advancing the aesthetic quality of the community, and maintaining property values and the quality of life in the city.

1152.02 Applicability

- (A) Landscaping shall be required upon all new property development, major redevelopment, and substantial expansions of existing parking lots, except for single family (attached and detached) dwellings, and two-family dwellings as set forth herein.
- (B) When a use change results in a different buffering requirement, as set forth in [Table 1152.04 -1: Buffering Requirements](#), the use shall be required to install the required buffer per the regulations herein.
- (C) In all zoning districts, all areas not occupied by structures, pathways, parking lots, or loading areas shall be landscaped with plantings, grass, or other natural ground cover. Hardscape, such as rock, shall only be permitted as necessary to convey stormwater run-off or as a minor accessory to plantings, grass, or other natural ground cover.
- (D) Parking lots with 10 or less spaces and parking lot expansions creating 10 or less additional parking spaces are exempt from the requirements of this chapter.
- (E) Substantial expansions of existing parking lots shall be defined as an addition of more than 10 off-street parking spaces. The landscaping regulations contained within this chapter related to off-street parking shall apply to the expansion area only. The existing parking lot will not be required to meet the regulations contained herein.
- (F) Parking lots and parking spaces contained entirely within a parking garage shall not be subject to the landscaping regulations of this chapter.
- (G) For uses in the M Districts, parking lot screening is not required, but interior parking lot landscaping is required in accordance with Section [1152.08 \(B\)](#).

1152.03 Landscape Plan Required

- (A) Any development that requires landscaping, per the previous applicability subsection, shall submit a landscape plan as part of a site plan application. Landscape plans shall be drawn to scale and shall include the following information:
- 1) North arrow and scale bar;
 - 2) Name of applicant, owner, and preparer;
 - 3) Date the plans are submitted and revised;
 - 4) Existing and proposed improvements including buildings, structures, roads, parking areas, sidewalks, and other similar permanent improvements;
 - 5) Property lines and easements;
 - 6) Existing plantings to be removed or retained (subject to Section [1152.09](#));
 - 7) A table showing the following:
 - a) The square footage of the internal parking and vehicular use area, five percent of the square footage of the vehicular use area, the total square footage of the internal landscaping, and the number of parking spaces provided;
 - b) The buffering requirements per [Table 1152.04 -1: Buffering Requirements](#), including the linear footage of property lines or frontage that requires buffering and the type of buffering being utilized; and
 - c) The number and types of landscaping materials with their planting heights/size provided;
 - 8) Plan for the location of all landscaping materials;
 - 9) Typical planting details and notes;
 - 10) Irrigation plan, if applicable;
 - 11) Identification of sustainable landscaping and infrastructure elements which could include, but is not limited to, rain barrels, bioswales, drought tolerant plant species, on-site water management, or other similar elements; and
 - 12) Any other information as requested by the Development Services Director or their designee.

1152.0 Landscaping and Buffering

1152.04 Buffering Requirements

1152.04 Buffering Requirements

(A) [Table 1152.04 -1: Buffering Requirements](#) identifies the buffering requirements between land uses of varying intensities.

Table 1152.04 -1: Buffering Requirements

When...	Is Proposed to Abut...	A Minimum Buffer Width Shall be Provided of...	Consisting of a...
Any agricultural, single family, or two family use	An agricultural, single family, or two family use	N/A	N/A
Any multi-family residential use	An agricultural, single family, or two family use	20 feet in width	6 foot tall screen per Subsection (B)
Any public or institutional use	An agricultural, single family, two family, or multi-family use	20 feet in width	6 foot tall screen per Subsection (B)
Any office, commercial use, or mixed use	An agricultural, single family, two family, or multi-family use	25 feet in width	6 foot tall screen per Subsection (B)
Any industrial use	An agricultural, single family, or two family use	40 feet in width	6 foot tall screen per Subsection (B)
	A multi-family residential use	30 feet in width	6 foot tall screen per Subsection (B)
Any use in the SE zoning district	An agricultural, single family, two family, or multi-family residential use	40 feet in width	6 foot tall screen per Subsection (B)
	A public or institutional, office, commercial, or mixed use	20 feet in width	6 foot tall screen per Subsection (B)

(B) Buffering Options. When buffering is required, the following options may be utilized to meet the requirement:

- 1) One deciduous tree planted every 30 linear feet plus a continuous row of minimum six foot tall evergreen hedge or plantings;
- 2) Six foot tall wall or opaque fence plus one deciduous tree planted every 30 linear feet;
- 3) A double row, staggered planting of minimum six foot tall evergreen trees planted every 15 linear feet; and
- 4) A six foot tall earthen berm with deciduous trees planted every 30 linear feet.
- 5) Non-opaque fences, including chain link fences, with or without slats, do not meet the buffering requirements of this zoning code.

(C) Buffering Requirements

- 1) Provisions for such buffer areas and construction of required buffers or screens shall be the responsibility of the property owner and/or developer introducing the new use.
- 2) Natural buffers consisting of vegetation having a mature height greater than six feet may be required in cases where the difference in topography and/or intensity of the two uses being screened merits such action, as determined by the Development Services Director or their designee.
- 3) All buffer areas shall be unobstructed from ground to sky, except for the required screening and upon which no activity, use, or structure shall be placed. Screening and buffering will extend along the common property line forward to the front building line of the structure upon the adjoining property.
- 4) Where plants are utilized as part of a buffer, such plants shall provide a minimum of 60 percent winter opacity and an 80 percent summer opacity within five years after installation. The Development Services Director or their designee shall have authority to determine whether such plantings will provide the appropriate levels of opacity within five years recognizing the growth of natural vegetation. Screens other than plantings must provide a minimum of 80 percent opacity at all times. Should any plants be removed due to being dead, damaged, or not meeting the required opacity, those plantings shall be replaced per the maintenance requirements of Section [1152.11](#)

1152.0 Landscaping and Buffering

1152.05 Easements, Rights-of-Way, and Setbacks

1152.05 Easements, Rights-of-Way, and Setbacks

Required landscaping may be placed wholly or partially in easement areas provided that all requirements can be fulfilled and the holder of the easement(s) grants approval. If any landscaping is removed in order to access the easement area, all landscaping shall be replaced by the property or business owner at their expense.

1152.06 Plant Species

- (A) The plant species used shall be identified as appropriate for this region as identified on the United States Department of Agriculture's Plant Hardiness Zone Map (Zone 6a).
- (B) Species which are invasive to this region shall not be used.
- (C) Drought tolerant plants that require less water consumption and which are appropriate for this region, are encouraged.
- (D) A variety of plant species shall be required within a site.

1152.07 Planting and Installation Requirements

- (A) Deciduous trees shall be planted at a minimum size of 1.5 caliper inches in diameter, measured six inches above grade.
- (B) Shrubs that are to be used in buffering or screening shall be a minimum size of 24 inches in height at the time of planting and provide year-round screening. Shrubs used in the interior of parking areas, along building frontages, or in other such manners shall not be subject to minimum height or size requirements.
- (C) Evergreen trees that are to be used in buffering or screening shall be a minimum size of six feet in height at the time of planting.
- (D) Trees that are required along a linear frontage can be clustered or spaced in a non-uniform manner in order to avoid utility infrastructure, signage, access drives, or other such items. Such alternate spacing shall not reduce the number of required trees.
- (E) Tree spacing requirements along a linear frontage should be measured from the center-point of the proposed tree to the center-point of the adjacent tree.

1152.0 Landscaping and Buffering

1152.08 Parking and Vehicular Use Area Landscaping Requirements

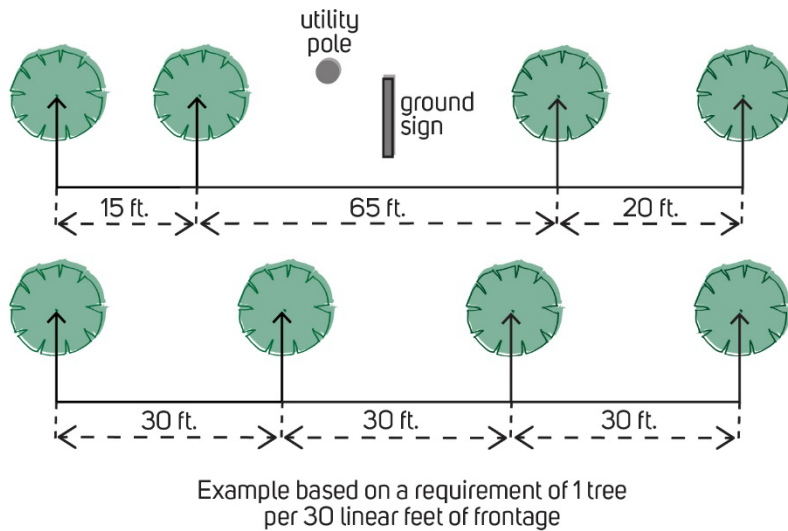


Figure 1152-1: Graphic representation of clustering trees

- (F) Existing landscaping can be used to meet the requirements of this chapter if such landscaping is identified on the landscape plan and meets the planting and material specifications of the landscaping and buffering requirements.
- (G) When an opaque fence is used for screening purposes, such fence shall be constructed with wood or vinyl material. When a wall is used for screening purposes, such wall shall be constructed out of brick or stone or a similar masonry material as approved by the Development Services Director or their designee. Fences and walls shall conform to the requirements of Chapter [1153.0](#).
- (H) Any fractional number shall be rounded up to the next whole number.

1152.08 Parking and Vehicular Use Area Landscaping Requirements

- (A) **Perimeter Requirements.** When any off-street parking lot for any multi-family dwelling use, non-residential use, or mixed-use development is proposed to abut a public street, or a property upon which a single family dwelling or two family dwelling exists, a landscape buffer shall be provided that consists of the following:
 - 1) A minimum width of five feet adjacent to the parking lot;
 - 2) One deciduous tree located every 30 linear feet (a minimum of one tree is required); and
 - 3) Shrubs planted every three linear feet.

1152.0 Landscaping and Buffering

1152.08 Parking and Vehicular Use Area Landscaping Requirements

(B) Interior Requirements. All parking lots greater than 10 spaces shall adhere to the following landscaping requirements:

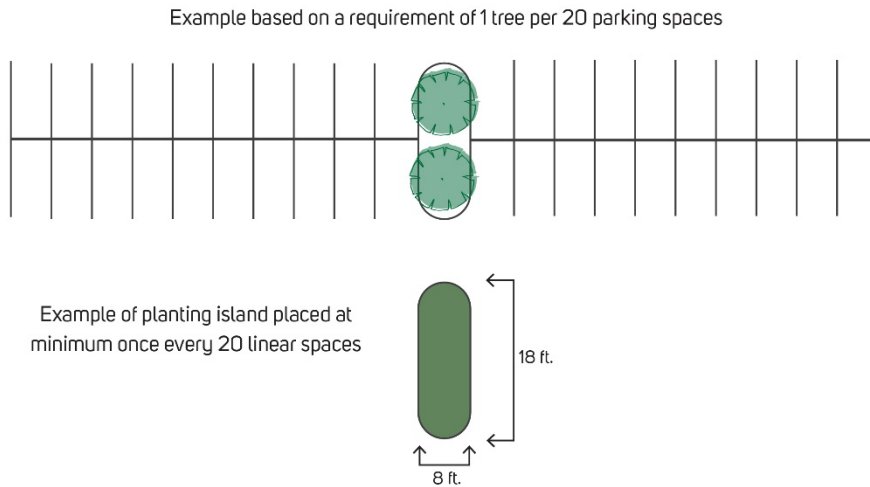


Figure 1152-2: Graphic representation of tree and planting island requirements

- 1) All parking lots shall contain a landscaped area equal to five percent of the entire parking lot. Each area shall contain shrubs, flowers, trees, and/or grass.
- 2) Trees shall be provided at a rate of one tree per 20 parking spaces.
- 3) Landscape areas shall be distributed throughout the parking lot. Rows of parking spaces shall be interrupted, at a minimum, every 20 spaces by a planting island that is a minimum of eight feet wide and 18 feet in length.
- 4) If landscaping requirements interfere with the parking requirements of Chapter [9](#), flexibility in the landscaping requirement and/or parking requirement may be permitted by the Planning Commission.

1152.09 Tree Preservation

- (A) **Tree Preservation.** The City of Fairfield encourages developers and property owners to consider trees as an asset to their site and the community as a whole. Trees benefit the community by reducing noise, heat, and glare, improving surface drainage, promoting clean air, and adding visual buffers. Trees benefit property owners by increasing property values, reducing heating and cooling costs, and visually enhancing the property.
- (B) **Tree Identification.** During the planning stages of development, property owners and applicants shall consider preserving existing trees in their site plan. Site grading, location of structures, and parking locations should be planned with consideration of their impact on existing trees. The landscape plan shall identify the following, in addition to the requirements of [Section 1152.03](#).
- 1) Deciduous hardwood trees measuring six caliper inches or greater;
 - 2) Evergreen trees measuring eight caliper inches or greater;
 - 3) Ornamental trees measuring two caliper inches or greater;
- (C) **Tree Replanting.** The replanting of trees is required for those trees where removal is necessary to facilitate development. For development of new sites, trees must be replaced at a rate of $\frac{1}{2}$ of the total caliper inches removed. On redevelopment sites, trees must be replaced at a rate of one caliper inch of replacement for every inch removed.
- (D) **Exemptions.** Certain situations are exempt from tree replacement including:
- 1) Trees removed during an emergency;
 - 2) Trees located in the area of proposed buildings;
 - 3) Trees on existing developed single family lots;
 - 4) Trees that are less than 12 caliper inches on lots less than 20,000 square feet, except those which were planted as part of site's landscape plan; or
 - 5) Dead or diseased trees as verified by the Development Services Director or their designee.

1152.0 Landscaping and Buffering

1152.10 Modifications

1152.10 Modifications

Modifications may be granted from the policies and requirements of this chapter by the Planning Commission if it determines there is an undue hardship or special circumstance that makes the modification request necessary. An application for modification shall be submitted in writing to the Development Services Department and shall include the specific policies or requirements for which a modification is being sought, justification for the modification that addresses the unusual or extraordinary circumstances necessitating the request, how the modification still meets the intent of the policies and requirements of this chapter, and an explanation how the request will not adversely affect or impact other properties in the vicinity. The Planning Commission may approve, approve with conditions, or disapprove the application.

1152.11 Maintenance

All landscaping, screening materials, and landscape areas shall be maintained in good condition and kept free from debris, litter, weeds, overgrowth, and dead planting materials. Property owners are responsible for the maintenance of landscaping, including, but not limited to, appropriate trimming of vegetation, and replacement of any dead, dying, or missing planting materials with materials of a like kind and species. Walls, fences, and other non-vegetative screening materials shall be maintained in good repair in accordance with all adopted zoning and property maintenance code standards.

1152.12 Enforcement

Violation of this chapter shall constitute a violation of the zoning code under Section [1170.17](#)

1153.0 FENCES, HEDGES AND WALLS

1153.01 Purpose

The purpose of this chapter is to establish regulations for fences, hedges, walls, and other similar enclosures of lots within the city.

1153.02 Applicability

- (A) All newly established fences, hedges, and walls shall comply with the regulations contained within this chapter.
- (B) The regulations in this chapter apply to all uses in all zoning districts.

1153.03 Location Regulations

- (A) **Interior Lots.** Fences, hedges, and walls may be located on interior lots subject to the following:
 - 1) **Front Yard.** Decorative fences, hedges, and walls are permitted in the front yard of a lot, subject to the following:
 - a) Decorative fences include split rail, picket, wrought iron, or other decorative varieties, not including chain link.
 - b) Decorative fences, hedges, and walls cannot form an enclosure or boundary within the property.
 - c) A cumulative total of 16 linear feet of decorative fences, hedges, and walls shall be permitted within the front yard and shall be limited to sections measuring a maximum of eight feet in length.
 - d) Decorative fences, hedges, and walls must be set back a minimum of one foot from the public right-of-way.
 - e) The maximum height of all decorative fences, hedges, and walls in the front yard is four feet.
 - f) Decorative fences in the front yard shall have a maximum opacity of 50 percent.

1153.0 Fences, Hedges and Walls

1153.03 Location Regulations

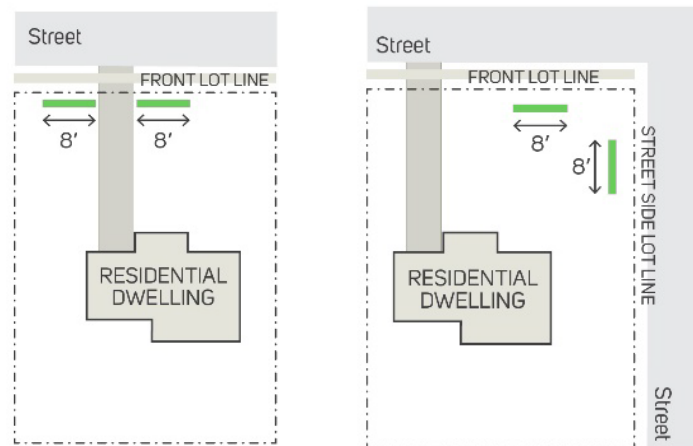


Figure 1153-1: Graphic representation of allowable decorative fences, hedges, and walls in the front yard

- 2) **Side and Rear Yard.** Fences, hedges, and walls are permitted in the side and rear yards.

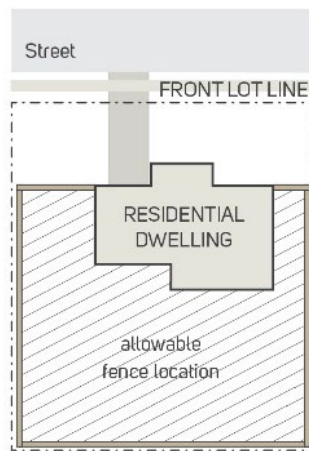


Figure 1153-2: Graphic representation of allowable fence locations in the side and rear on interior lots

- (B) **Corner Lots.** Fences, hedges, and walls may be located on corner lots per the following:

- 1) Fences, hedges, and walls within the front yard of the front property line shall conform with Subsection [1153.03 \(A\)1](#).
- 2) Fences, hedges, and walls within the street side yard shall be set back from the street side property line a minimum distance that is equal to the required front yard setback.
- 3) Fences, hedges, and walls are permitted in the side and rear yards.

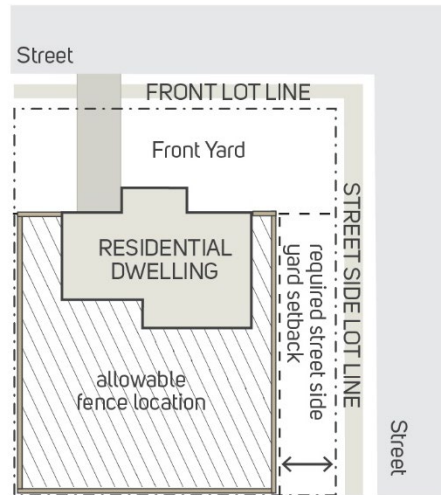


Figure 1153-3: Graphic representation of allowable fence locations on corner lots

- (C) **Double Frontage Lots.** Fences, hedges, and walls may be located on double frontage lots per the following:
- 1) Fences, hedges, and walls within the front yard of the front property line shall conform with Subsection [1153.03 \(A\)1](#).
 - 2) Fences, hedges, and walls within the front yard of the rear street property line that have more than 50 percent opacity shall be set back a minimum of 30 feet from the rear street property line. Fences, hedges, and walls that have 50 percent or less opacity shall be set back five feet from the rear street property line.
 - 3) Fences, hedges, and walls are permitted in the side yards.

1153.0 Fences, Hedges and Walls

1153.04 Design Regulations

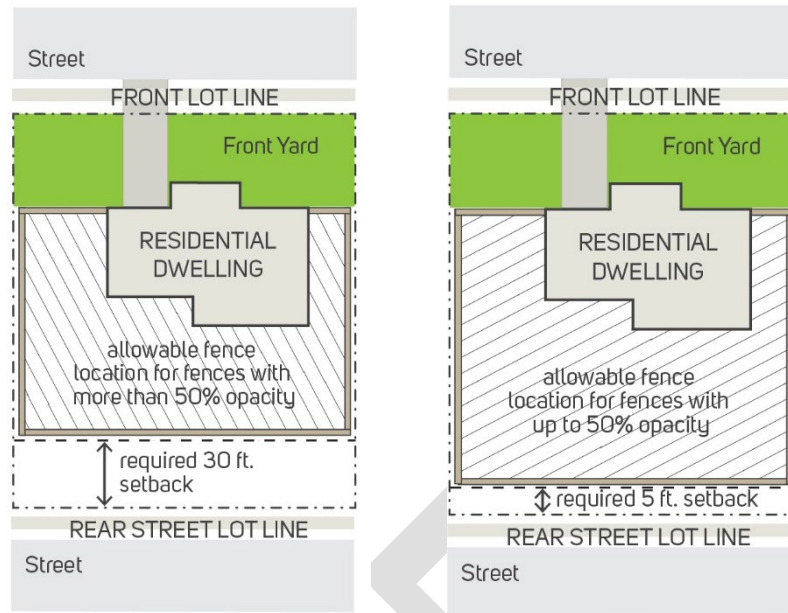


Figure 1153-4: Graphic representation of allowable fence locations on double frontage lots

1153.04 Design Regulations

(A) **Height.** No fence, hedge, or wall shall exceed six feet in height above the elevation of the ground where located, unless specifically exempted in this code.

- 1) **Measurement.** Fences and walls shall be measured from the surface of the ground to the highest point of the fence or wall. If a fence or wall is located on a hill or slope, the maximum height of fence shall remain six feet in height for its entire length. This can be done through installing a stepped fence or a contour fence.

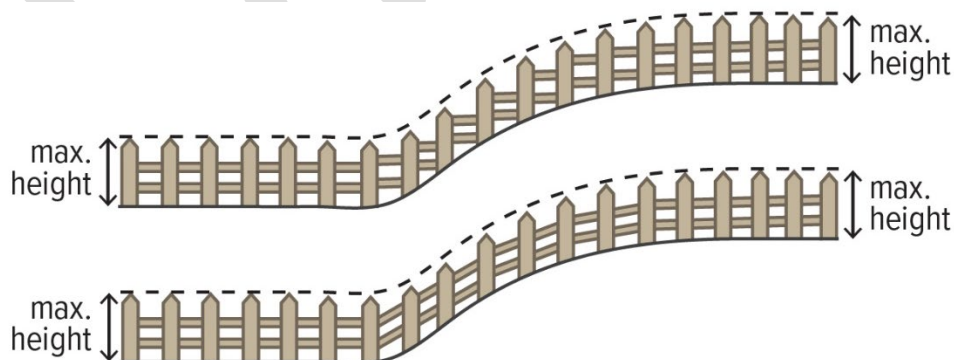


Figure 1153-5: Graphic representation of stepped fence on a hill or slope (top) and contour fence on a hill or slope (bottom)

(B) Fence Design and Materials

- 1) All fences shall have the posts and supporting rails located on the inside of the fence or shall be constructed so that the slats of the fence alternate on the inside and outside of the posts and supporting rails.
- 2) Allowable fence or wall materials include stone masonry product, wood, vinyl, aluminum, ornamental iron, and chain link.
- 3) Prohibited fence or wall materials include:
 - a) Plywood, particle board, doors, fiberglass, corrugated or sheet metal panels, and other non-traditional fence material.
 - b) Temporary construction fencing, except as used during construction or for temporary safety purposes.
 - c) Shipping crates, pallets, or skids.
 - d) Welded wire, chicken wire, woven wire, or mesh fencing, except when used as backing for a split rail, Kentucky board, or other similar fences.
 - e) Electric fences, except as used for retaining livestock, but not permitted to abut any public street or sidewalk.
 - f) Barbed wire fences except as:
 - i) Used for retaining livestock, but not permitted to abut any public street or sidewalk.
 - ii) Placed at the top of fences at least six feet high enclosing a business or industrial premise and when so used and the supporting arms shall extend inward toward the enclosed property.

1153.05 Review Process

- (A) A zoning certificate per Section [1170.13](#) shall be obtained prior to the erection of any fence four feet or less in height.
- (B) A building permit per Chapter 1300 of the City of Fairfield Codified Ordinances (Building Code) shall be obtained prior to the erection of any fence over four feet in height.

1153.0 Fences, Hedges and Walls

1153.06 Maintenance

1153.06 Maintenance

Walls and fences shall be maintained in good repair in accordance with all adopted zoning and property maintenance code standards.

1153.07 Retaining Walls

- (A)** Retaining walls may be located in any required yard provided such walls are necessary to properly maintain/retain an elevation of the yard.
- (B)** The Superintendent of Building and Zoning may, at their discretion, require that a retaining wall be designed by a registered design professional if determined to be necessary to ensure the safety and structural stability of the wall. In such cases, a building permit shall be obtained prior to the erection of the wall.

1154.0 OUTDOOR LIGHTING

1154.01 Purpose

The purpose of this section is to regulate the spillover of light and/or glare on operations of motor vehicles, pedestrians, and land uses in the proximity of the light source. Regulations take into consideration safety and nuisance concerns.

1154.02 Applicability

- (A) The following regulations shall apply to any outdoor lighting located in any district.
- (B) Street lighting is regulated by Section [1154.05](#).
- (C) The following types of lights are prohibited:
- 1) Search lights;
 - 2) Beacons or moving lights;
 - 3) Laser source lights;
 - 4) Any high intensity, flashing, or strobe light not associated with emergency services or public safety; and
 - 5) LED, neon tubing, or rope lights including their use as building accent lighting and/or window trimming, except as stated in Section [1155.05 \(D\)](#).

1154.03 Exemptions

- (A) The following are exempt from the regulations contained herein:
- 1) Holiday or decorative lighting of a temporary nature;
 - 2) Temporary emergency lighting including flashing or blinking lights, needed by police, fire, medical, or other emergency service vehicles, and public service vehicles;
 - 3) Street and traffic lights; and
 - 4) Lighting required by the Federal Aviation Agency (FAA) or any other federal or state regulatory agency.

1154.0 Outdoor Lighting

1154.04 Lighting Plan

1154.04 Lighting Plan

- (A) A photometric plan shall be submitted for review and approval by the Development Services Director or their designee for any new construction or major redevelopment. The lighting plan shall provide the following information:
- 1) The locations of all site lighting, including building, security, parking lot, and other lights that may be proposed;
 - 2) The minimum and maximum intensity/illumination for the site, measured in footcandles;
 - 3) Details of the proposed outdoor lighting fixtures including the manufacturer, model, and style of the fixture; and
 - 4) The proposed height of all freestanding lighting fixtures.
- (B) A photometric plan is not required in the M Districts, unless the subject property is within 100 feet of an A or R District, or within 100 feet of any property used for residential purposes. Lighting on property in the M Districts shall still comply with the requirements of this chapter.

1154.05 Outdoor Lighting Regulations

(A) **Height**

- 1) Lighting fixtures attached to an exterior of a structure shall not exceed the height of the structure.
- 2) Freestanding lights with full cutoff fixtures shall not exceed a maximum height of 24 feet above grade.
- 3) Freestanding non-cutoff lights shall not exceed a maximum height of 12 feet above grade.

(B) **Lighting Styles and Designs**

1) **illumination**

- a) The maximum illumination permitted anywhere onsite is 15 footcandles.
- b) The maximum illumination permitted at the property line in each district and for each use, as demonstrated by a photometric drawing, shall be as shown in [Table 1154.05 - 1: Illumination Levels](#).

Table 1154.05 -1: Illumination Levels

Zoning District/Use	Maximum Illumination Level at the Property Line
A and R Districts (single family and two family uses)	0.00 footcandles
R Districts (multi-family), B, C, D, SE, and M Districts	0.50 footcandles

- c) For any property which abuts an A or R Districts, or abuts property used for single family or two family uses, the maximum illumination level at the property line shall be 0.0 footcandles.
- 2) **Design.** All exterior light, except non-cutoff fixtures, shall be designed with full cutoff fixtures.

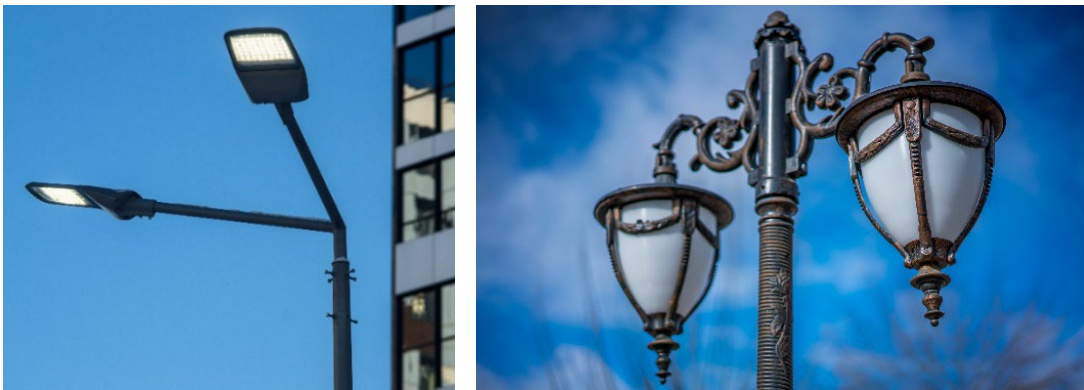


Figure 1154-1: Graphic representations of a full cutoff lighting fixture (left) and a non-cutoff fixture (right)

- 3) **Shielding.** All outdoor lighting for non-residential uses shall be located, arranged, screened, or shielded to direct light downward and away from all property lines and so that adjacent properties are not directly or indirectly illuminated. This can be achieved by utilizing full cutoff lighting fixtures.
- 4) **Color and Glare**
- a) No outdoor lighting shall be of such an intensity, location, or color distortion as to cause glare upon or impair the vision of motorists or pedestrians, or to cause glare upon or negatively affect surrounding residential uses.
 - b) Uniform lighting shall be provided to prevent varying intensities of lighting throughout all parking areas.

1155.0 Signage

1155.01 Purpose

1155.0 SIGNAGE

1155.01 Purpose

- (A) The purpose of this chapter is to safeguard life, health, property, and public welfare by regulating and controlling the placement, size, quality of materials, construction, illumination, location, and maintenance of all signs and sign structures.
- (B) More specifically, the purposes of these regulations are to:
- 1) Preserve the noncommercial character of residential neighborhoods;
 - 2) Provide necessary, yet reasonable and appropriate, signage for all institutional, commercial, and industrial uses in the community so as to promote and maintain attractive, high value commercial, institutional, and industrial districts;
 - 3) Require that signs are constructed and maintained in a structurally sound and attractive condition;
 - 4) Avoid the appearance of clutter and prevent nuisances; and
 - 5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.

1155.02 Applicability

- (A) The provisions of this chapter shall apply to and govern all signs in all districts. No signs shall be erected or maintained unless it is in compliance with the regulations governing location, size, and type of structures for the district in which it is located.
- (B) Any sign already established on the effective date of this zoning code which does not conform to the provisions of the code shall be rendered nonconforming and shall be subject to the provisions of Section [1170.16 \(D\)](#).

1155.03 General Regulations

- (A)** Permitted, permitted with standards, and conditional uses may contain specific sign standards and requirements unique to the particular use. Those specific sign regulations shall control in the event of a conflicting sign standard set forth in this chapter.
- (B)** All lettering for signs is to be manufactured or professionally painted or produced, excluding chalk boards. No chalk boards or other surfaces for changeable hand-written text, lettering or designs are permitted, except if located in the SE district.
- (C)** No sign shall be placed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

1155.04 Exempted Signs

The following types of signs are exempt from the regulations of this chapter, including permitting requirements, except that all exempt signs shall be required to meet all applicable building and structural requirements.

- (A)** Gateway signs shall include:
 - 1)** Those that are approved by the City Manager or their designee to identify the city boundary; and
 - 2)** Those that contain the names of nonprofit corporations or civic organizations provided the overall size of the sign is not larger than 100 square feet.
- (B)** Company logo flags are permitted subject to the following limitations:
 - 1)** Permits are not required for company logo flags but are required for the installation of flagpoles.
 - 2)** A company logo flag cannot exceed 40 square feet; and
 - 3)** Only one company logo flag shall be displayed per lot.
- (C)** City of Fairfield, Butler County, State of Ohio, or federal signs, flags or banners erected and maintained by the city pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.
- (D)** Flags or pennants of any nation, state, or city.

1155.0 Signage

1155.05 Prohibited Signs

- (E)** Temporary signs for the campaign, drive, movement, or event of any educational, charitable, philanthropic, civic, professional, or religious organization.
- (F)** Commemorative plaques approved by the City Council.
- (G)** Any name plate sign in residential areas or any board, sign, or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty.
- (H)** Any signs for control of traffic and other regulatory purposes, governmental identification, and directional signs, including signs for identification and location of entryways, public facilities and events, and geographic areas of the city, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of public safety.
- (I)** Signs that are not visible from the public right-of-way, private drive, or access drive, including, but not limited to, signs located inside a recreation center, stadium, theater, shopping center, arena, community center, parking lot, or other similar use.
- (J)** No trespassing and no solicitation signs that are not more than one square foot in area.
- (K)** Signs on a truck, bus, trailer, or other types of motor vehicles provided such motor vehicle is licensed and operated in the normal course of business, which is not primarily the display of such signs.

1155.05 Prohibited Signs

The following types of signs are prohibited within the city.

- (A)** Any sign that employs parts or elements which revolve, rotate, whirl, scroll, spin, flash, have moving illumination, or otherwise make use of motion, lights, or similar electronic components, to attract attention, except signs performing a service function such as indication of time, temperature, or similar services.
- (B)** Any sign that contains or consists of posters, pennants, ribbons, streamers, spinners, or other similar moving devices.
- (C)** Any sign that emits audible sounds, odor, or visible matter.
- (D)** Rope lights, except where installed integrally and contemporaneously with architectural details intended only for partial illumination of a building or portions thereof, via only one fixed unchanging or non-flashing color.

- (E) Signs placed on public property, including but not limited to, signs erected in parks and public rights-of-way shall be considered and treated as abandoned signs. Abandoned signs may be disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.
- (F) Any sign that obstructs sight lines along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings.
- (G) Any sign that is visible from the sight lines along a street and contains arrows or words such as “stop”, “go”, “slow”, or has a shape or color that may be confused with any authorized traffic sign, signal, or device.
- (H) Bench signs.
- (I) Inflatable signs or devices.
- (J) Snipe signs, which shall be considered and treated as abandoned signs. Abandoned signs may be disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.
- (K) Roof signs.
- (L) Off-premises signs or billboards.
- (M) Trailer signs.
- (N) Abandoned signs.
- (O) Obscene signs.
- (P) Pole signs, except where expressly permitted.



Figure 1155-1: Example of a snipe sign



Figure 1155-2: Example of a trailer sign

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The following standards establish the general requirements for each of the permanent sign types that are permitted in the zoning districts. Zoning district specific regulations are provided in Sections [1155.07](#) and [1155.08](#)

(A) Building Wall Signs

- 1) The maximum thickness of building wall signs shall be 15 inches.
- 2) Building wall signs shall not extend above the building wall vertically, including the coping and eaves of the building, or beyond the building wall horizontally to which it is attached.
- 3) No building wall sign shall project over or obstruct the required windows or doors of any building, be attached to or obstruct a fire escape, or interfere with any other safety provisions that may be further regulated by the adopted building code of the city.



Figure 1155-3: Example of a building wall sign

(B) Ground Signs

- 1) Ground signs shall be set back either:
 - a) A minimum of 10 feet from the public right-of-way and a minimum of five feet from all curb cuts and other access points or street intersections; or
 - b) A minimum of five feet from the public right-of-way and 25 feet from all curb cuts and other access points or street intersections.

- 2) Ground signs shall be set back from the public right-of-way a distance adequate so as to allow a clear view of pedestrian and vehicular traffic for vehicles entering or exiting the subject property or adjacent property.
- 3) Ground signs shall be set back a minimum of 10 feet from all side property lines.
- 4) Ground signs in all districts shall not exceed eight feet in height, except in the C-4 district. Ground signs in the C-4 district shall not exceed four feet in height.
- 5) Ground signs shall be located in an area so as to protect the sign from damage or vehicle encroachment.
- 6) For new developments and major redevelopments, landscaping shall be provided at the base of the ground sign in accordance with to Section [1155.12](#).

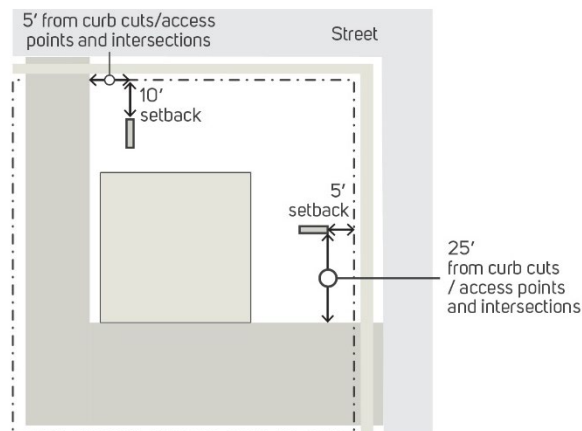


Figure 1155-4: Graphic representation of setback regulations for ground signs



Figure 1155-5: Example of a ground sign

- (C) **Pole Signs.** Pole signs are permitted in specified non-residential zoning districts as listed in Section [1155.08](#) subject to the following:
- 1) Pole signs shall only be permitted on lots where the only available location to erect a sign is in an existing parking lot.
 - 2) Pole signs shall be set back either:

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- a) A minimum of 10 feet from the public right-of-way and a minimum of five feet from all curb-cuts and other access points or street intersections; or
 - b) A minimum of five feet from the public right-of-way and 25 feet from all curb-cuts and other access points or street intersections.
- 3) The setback distance from the public right-of-way shall be adequate so as to allow a clear view of pedestrian and vehicular traffic for vehicles entering or exiting the subject property or adjacent property.
 - 4) Pole signs shall be set back a minimum of 10 feet from all side property lines.
 - 5) Pole signs shall utilize two posts and the entire length of the posts shall be wrapped in brick or stone. Other wrap material for posts may be permitted with the approval of the Planning Commission.
 - 6) Pole signs shall not exceed 12 feet in height and the wrapped posts shall not exceed eight feet in height.
 - 7) Pole signs in the SE district may conform to the regulations located in Section [1155.08 \(F\)](#).



Figure 1155-6: Example of a pole sign

- (D) Electronic Message Centers.** Electronic message centers are permitted on ground and pole signs in specified non-residential zoning districts subject to the following:
- 1) Electronic message centers shall be located a minimum of 200 feet from any A or R District.
 - 2) Electronic message centers shall be subordinate to the principal sign face in size and shall be located below the principal sign face.

- 3) One electronic message center is permitted per property and/or shopping center. An electronic message center is not permitted if a changeable copy sign is used.
- 4) Each message or copy must be displayed for at least seven seconds.
- 5) When a message or copy changes by remote control or electronic process, it shall be accomplished in three seconds or less using an instantaneous transition, fade, or dissolve feature.
- 6) The use of streaming or full-motion video on any electronic message center sign is prohibited.
- 7) The lighting within an electronic message center shall not be permitted to strobe, flash on or off, change the intensity of the illumination, or illustrate movement.
- 8) Electronic message centers shall be equipped with automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower illumination level between one-half hour before sunset (dusk) and one-half hour after sunrise (dawn).
- 9) Electronic message centers shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn. The applicant shall provide a certificate of maximum illumination before a sign permit application is approved.



Figure 1155-7: Example of an electronic message center

(E) Changeable Copy Signs

- 1) Changeable copy signs shall be subordinate to the principal sign face in size and shall be located below the principal sign face.

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- 2) One changeable copy sign is permitted per property and/or shopping center. A changeable copy sign is not permitted if an electronic message center is used.



Figure 1155-8: Example of a changeable copy sign

(F) Menu Board Signs

- 1) Menu board signs are only permitted on properties with an approved drive-through use.
- 2) A maximum of two menu board signs are permitted per drive-through lane.
- 3) Menu board signs that are not visible from the public right-of-way shall not be counted toward the permitted sign area.
- 4) Maximum height for a menu board sign is eight feet.
- 5) Maximum area for a menu board sign is 64 square feet per sign.



Figure 1155-9: Example of menu board signs

(G) Gasoline Price Panels

- 1) Gasoline price panels, either manual or electronic/digital, shall be allowed on a ground or pole sign if integral within the design of the ground or pole sign, if equal in size or smaller than the size of the sign face on the ground or pole sign, and does not exceed the permitted sign area.



Figure 1155-10: Example of a gasoline price panel

(H) Awning Signs

- 1) Awning signs shall be attached flat to the surface and made a part of the awning.
- 2) Awning signs shall not be illuminated, except if the awning has a UL fire-resistant rating approval. In that case, the awning sign may be internally illuminated or backlit provided that the entire translucent or backlit awning shall be included as a sign in calculating the permitted sign area.



Figure 1155-11: Example of an awning sign

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(I) Canopy Signs

- 1) Canopy signs may be located on the top or the face of a canopy as long as the canopy sign does not extend greater than four feet above the canopy.
- 2) The maximum thickness of canopy signs shall be 15 inches.
- 3) Canopy signs shall not extend below the canopy except in shopping centers in which case shall meet the following:
 - a) Canopy signs shall not extend more than five feet in length and one foot in height.
 - b) Such canopy signs may be oriented perpendicular to the face of the building or parallel to the face of the building if placed under the canopy.
 - c) Canopy signs shall have an eight-foot clearance between the bottom of the sign and the sidewalk or pedestrian way.
- 4) Canopy signs may be internally illuminated or backlit provided that the entire translucent area of an internally illuminated or backlit canopy shall be included as a sign in calculating the permitted sign area.



Figure 1155-12: Example of a canopy sign

(J) Directional Signs

- 1) Directional signs shall be a maximum of four feet in height.
- 2) The maximum area of directional signs shall be three square feet for single uses on a parcel. The maximum area of directional signs shall be six square feet for developments with multiple uses or multiple buildings and for industrial uses.
- 3) Directional signs shall be set back a minimum of five feet from the public right-of-way and all property lines.
- 4) Directional signs shall not contain commercial messaging.
- 5) Directional signs may be single-faced or double-faced.
- 6) The maximum thickness of directional signs shall be 15 inches.



Figure 1155-13: Example of a directional sign

(K) Window Signs

- 1) Window signs shall not be permitted in A or R districts, except educational facilities in all zoning districts may have window signs that are intended for safety or security purposes of the students within the facility.
- 2) Window signs are not included in the calculation of the total sign area permitted.
- 3) Window signs shall not exceed more than 50 percent of the cumulative square footage of the windows on the front or side of the building, except professionally produced vinyl adhesive window decals that cover at least 90 percent of the square footage of a window are not subject to this provision.



Figure 1155-14: Example of a window sign for an educational facility

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- 4) Electronic message centers and digital signs that are positioned in a window facing outward shall not exceed 10 percent of the cumulative square footage of the windows on the front or side of the building.

(L) Projecting Signs

- 1) One projecting sign is permitted per non-residential use, per lot frontage.
- 2) Projecting signs shall be located a minimum of 10 feet and a maximum of 15 feet above a pedestrian way.
- 3) Projecting signs shall be located a minimum of 16 feet and a maximum of 20 feet above a vehicular way.



Figure 1155-15: Example of a projecting sign

1155.07 Agricultural and Residential District Sign Regulations

(A) Agricultural and Single-Family Districts. The following permanent signs shall be permitted in the A-1, R-0, and R-1 districts:

- 1) Non-residential uses are permitted to have a maximum of one ground sign or building wall sign per lot frontage, not to exceed 24 square feet in area and six feet in height, which may include a changeable copy sign not to exceed 24 square feet.
- 2) Subdivisions are permitted to have a maximum of two ground signs per development entrance (one sign is permitted on each side of the entrance drive). The maximum area of each sign shall not exceed 32 square feet and a maximum height of six feet. Such signs shall only be externally illuminated. The ground signs shall be set back a minimum of five feet from the public right-of-way and shall not block sight visibility. The ground signs may be incorporated on a decorative brick or stone wall, a decorative fence, or a combination thereof.



Figure 1155-16: Example of a ground sign for a subdivision

- (B) Multi-Family Residential Districts.** The following permanent signs shall be permitted in the R-2, R-3, and R-4 districts:
- 1) Non-residential uses are permitted to have a maximum of one ground sign or building wall sign per lot frontage, not to exceed 24 square feet in area and six feet in height, which may include a changeable copy sign not to exceed 24 square feet.
 - 2) Multi-family developments are permitted to have either of the following, but not both:
 - a) A maximum of one building wall sign per lot frontage not to exceed a maximum area of one square foot per dwelling unit, up to a maximum of 50 square feet and a maximum height of six feet. Such building wall sign shall only be externally illuminated.
 - b) A maximum of one ground sign per lot frontage and not to exceed a maximum area of one square foot per dwelling unit, up to a maximum of 50 square feet and maximum height of six feet. Such ground sign shall only be externally illuminated. The ground sign shall be set back a minimum of five feet from the right-of-way and shall not block sight visibility.
 - 3) Building wall signs that are for the purpose of identifying building numbers or addresses are exempt from these regulations but shall not exceed 12 square feet in area.
 - 4) Single-family subdivisions located in the R-2, R-3, or R-4 district are permitted signage as stipulated in Subsection [1155.07 \(A\)2](#).

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1155.08 Non-Residential District Sign Regulations

1155.08 Non-Residential District Sign Regulations

(A) B-1 Institutions and Office District, and C-1 Neighborhood Business District

- 1) Permitted types of permanent signs in the B-1 and C-1 Districts shall be limited to the following:
 - a) Building wall sign;
 - b) Ground sign;
 - c) Menu board;
 - d) Awning/canopy sign;
 - e) Electronic message center;
 - f) Changeable copy sign; and
 - g) Projecting sign.
- 2) The total permitted aggregate sign area for uses in the B-1 and C-1 Districts shall be computed on the basis of one square foot of sign area for each linear foot of building frontage on its principal street, or 0.5 square foot of sign area for each linear foot of lot frontage on its principal street, whichever is greater, with a maximum of 200 square feet and a minimum of 25 square feet.
- 3) The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.
- 4) One ground sign is permitted for properties having 100 linear feet or greater of continuous lot frontage on the principal street. For corner lots, one ground sign is permitted for each frontage having 100 linear feet or greater of continuous lot frontage.
- 5) No ground sign shall exceed 50 square feet in area.
- 6) If a property meets the definition of a shopping center, the following standards apply:
 - a) Ground signs may be increased to 75 square feet provided the ground sign provides signage for all tenants located in the center.
 - b) Building wall signage shall be computed on the basis of building frontage for each tenant space.

- 7) An electronic message center, not to exceed 25 square feet in area, may be installed on a ground sign on properties having 100 linear feet or greater of continuous lot frontage on a principal street.
- 8) Changeable copy signs not to exceed 25 square feet in area may be installed on a ground sign.

(B) C-2 Central Business District

- 1) Permitted types of permanent signs in the C-2 District shall be limited to the following:
 - a) Building wall sign;
 - b) Ground sign;
 - c) Menu board;
 - d) Gas price panel;
 - e) Awning/canopy sign;
 - f) Electronic message center;
 - g) Changeable copy sign; and
 - h) Projecting sign.
- 2) The total permitted aggregate sign area for uses in the C-2 District shall be computed on the basis of 1.5 square feet of sign area for each linear foot of building frontage on its principal street, or 0.75 square foot of sign area for each linear foot of lot frontage on its principal street, whichever is greater, with a maximum of 300 square feet and a minimum of 40 square feet.
- 3) The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.
- 4) One ground sign is permitted for properties having 100 linear feet or greater of continuous lot frontage on the principal street. For corner lots, one ground sign is permitted for each frontage having 100 linear feet or greater of continuous lot frontage.
- 5) No ground sign shall exceed 50 square feet in area.
- 6) If a property meets the definition of a shopping center, the following standards apply:
 - a) Ground signs may be increased to 100 square feet provided the ground sign provides signage for all tenants located in the center.

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- b)** Building wall signage shall be computed on the basis of building frontage for each tenant space.
- 7)** An electronic message center, not to exceed 25 square feet in area, may be installed on a ground sign on properties having 100 linear feet or greater of continuous lot frontage on a principal street.
- 8)** Changeable copy signs not to exceed 25 square feet in area may be installed on a ground sign.

(C) C-4 Commercial Transition District

- 1)** Permitted types of permanent signs in the C-4 District shall be limited to the following:
 - a)** Building wall sign;
 - b)** Ground sign;
 - c)** Awning/canopy sign; and
 - d)** Projecting sign.
- 2)** The total permitted aggregate sign area for uses in the C-4 District shall be computed on the basis of one square foot of sign area for each linear foot of building frontage on its principal street, or 0.5 square foot of sign area for each linear foot of lot frontage on its principal street, whichever is greater, with a maximum of 200 square feet and a minimum of 25 square feet.
- 3)** The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.
- 4)** One ground sign is permitted for properties having 75 linear feet or greater of continuous lot frontage on the principal street.
- 5)** No ground sign shall exceed 20 square feet in area and four feet in height.

(D) D-1 Downtown District

- 1)** Permitted types of permanent signs in the D-1 District shall be limited to the following:
 - a)** Building wall sign;
 - b)** Ground sign;
 - c)** Menu board;
 - d)** Gas price panel;

- e) Awning/canopy sign;
 - f) Electronic message center;
 - g) Changeable copy sign; and
 - h) Projecting sign.
- 2) The total permitted aggregate sign area for uses in the D-1 District shall be computed on the basis of 1.5 square feet of sign area for each linear foot of building frontage on its principal street, or 0.75 square foot of sign area for each linear foot of lot frontage on its principal street, whichever is greater, with a maximum of 300 square feet and a minimum of 40 square feet.
 - 3) The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.
 - 4) One ground sign is permitted for properties having 75 linear feet or greater of continuous lot frontage on the principal street. For corner lots, one ground sign is permitted for each frontage having 75 linear feet or greater of continuous lot frontage.
 - 5) No ground sign shall exceed 50 square feet in area.
 - 6) If a property meets the definition of a shopping center, the following standards apply:
 - a) Ground signs may be increased to 100 square feet provided the ground sign provides signage for all the tenants located in the center.
 - b) Building wall signage shall be computed on the basis of building frontage for each tenant space per Section [1155.10 \(C\)](#).
 - 7) An electronic message center, not to exceed 25 square feet in area may be installed on a ground sign on properties having 150 linear feet or greater of continuous lot frontage on the principal street.
 - 8) Changeable copy signs not to exceed 25 square feet in area may be installed on a ground sign.
- (E) General Business and Industrial Districts.** The following regulations apply to the C-3, C-3A, M-1, and M-2 Zoning Districts.
- 1) Permitted types of permanent signs shall be limited to the following:
 - a) Building wall sign;

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- b) Ground sign;
 - c) Pole sign in accordance with [1155.06 \(C\)](#);
 - d) Menu board;
 - e) Gas price panel;
 - f) Awning/canopy sign;
 - g) Electronic message center;
 - h) Changeable copy sign; and
 - i) Projecting sign.
- 2) The total permitted aggregate sign area for uses in the C-3, C-3A, M-1 and M-2 Districts shall be computed on the basis of two square feet of sign area for each linear foot of building frontage on its principal street, or one square foot of sign area for each linear foot of lot frontage on its principal street, whichever is greater, with a maximum of 450 square feet and a minimum of 80 square feet.
 - 3) The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.
 - 4) The maximum area for any building wall sign or group of building wall signs on any one building face is 300 square feet. For multi-tenant buildings, this shall apply to each individual tenant.
 - 5) One freestanding sign (ground or pole sign) is permitted for properties having 100 linear feet or greater of continuous lot frontage on the principal street. For corner lots, one freestanding sign is permitted for each frontage having 100 linear feet or greater of continuous lot frontage.
 - 6) No freestanding sign shall exceed 100 square feet in area.
 - 7) Ground signs are limited to a maximum height of eight feet and pole signs are limited to a maximum height of 12 feet.
 - 8) If a property meets the definition of a shopping center, the following standards apply:
 - a) Ground signs may be increased to 150 square feet provided the ground sign provides signage for all the tenants located in the center.
 - b) Building wall signage shall be computed on the basis of building frontage for each tenant space per Section [1155.10 \(C\)](#).

- 9) An electronic message center not to exceed 50 square feet in area may be installed on a freestanding sign, on properties having 200 linear feet or greater of continuous lot frontage on the principal street.
- 10) Changeable copy signs not to exceed 50 square feet in area may be installed on a freestanding sign.

11) Multi-story Buildings

- a) A building having four or more stories shall be allowed an additional one square foot sign area per linear foot of building frontage on its principal street.
- b) All signs shall be located on the ground floor, except for building or tenant identification signs which may be located on the uppermost story.

(F) SE Suburban Entertainment District

- 1) Permitted types of permanent signs in the SE District shall be limited to the following:

- a) Building wall sign;
- b) Ground sign;
- c) Pole sign;
- d) Menu board;
- e) Awning/canopy;
- f) Electronic message center;
- g) Changeable copy sign; and
- h) Projecting sign.

2) Total Permitted Sign Area

- a) The total permitted aggregate sign area for uses in the SE district shall be determined on the basis of the entire contiguous SE district zoned area and shall be computed on the basis of four square feet of sign area for each linear foot of building frontage on its principal street or two square feet of sign area for each linear foot of lot frontage on its principal street whichever is greater, with a maximum of 450 square feet and a minimum of 80 square feet.
- b) The cumulative total sign area on any property shall not exceed the total permitted aggregate sign area as set forth herein.

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- c) When a business has a second or third building frontage and entrance facing an arcade or mall, an additional 0.5 square foot of sign area per linear foot of building frontage facing the arcade or mall, and to be used only on such frontage is permitted subject to all other conditions contained in this subsection (2) if no other sign resulting from the other provisions of this section appears on such frontage.
- d) In a shopping center, where one or more of the businesses have no frontage on a public street, such businesses shall be permitted signs as allowed in Section [1155.10 \(C\)](#).
- e) A building having four or more stories shall be allowed an additional one square foot of sign area per linear foot of building frontage on its principal street.

3) Building Wall Signs

- a) No individual sign or group of signs on one building wall shall exceed 300 square feet, except as provided below.
- b) *Bonus Area.* Attached signs may be permitted to exceed 300 square feet in accordance with the equation below where the building has in excess of 40,000 square feet of floor area, where such building is set back more than 150 feet from the street, and where the bottom of the attached sign is at least 16 feet above the average finished grade.
- i) $ASA = 300 + 2/3 (SB-150)$, where ASA is the attached sign area in square feet and SB is the building setback from the principal street in linear feet. The attached sign area shall not exceed 450 square feet.
- ii) Under no condition shall the signs on any one elevation of the building exceed 10 percent of the total building surface of that elevation.
- c) *Multi-Story Buildings.* All signs shall be located on the ground floor or in any area above the first floor specifically designed to display signs, provided the bottom of any sign shall be located within 15 feet of the ground level, except for building or tenant identification signs which may be located on the uppermost story.

4) Pole Signs

- a) Pole signs are not required to comply with the requirements stated in Section [1155.06 \(C\)](#).
- b) The total area of pole signs shall not exceed 50 percent of the total sign area allowed to the business.

- c) For those businesses not located in a shopping center, one pole sign shall be permitted for any one parcel or group of abutting parcels having 200 linear feet of continuous lot frontage. One additional pole sign shall be permitted for properties with greater than 500 linear feet of continuous lot frontage. The second pole sign shall be no closer than 200 feet from the first sign measured along the lot frontage abutting the street.
- d) In a shopping center, one pole sign shall be permitted for each lot frontage abutting a street upon which the shopping center has lot frontage exceeding 200 linear feet.
- e) The area of a pole sign shall not exceed 300 square feet, except as provided by the following equation: $PSA = 300 + SB/2$ where PSA is the pole sign area in square feet. SB is the sign setback from the principal street right-of-way in linear feet. The pole sign area shall in no case exceed 450 square feet.
- f) The maximum height of a pole sign is 24 feet.

5) Ground Signs

- a) The total area of ground signs shall not exceed 50 percent of the total sign area allowed to the business.
 - b) For those businesses not located in a shopping center, one ground sign shall be permitted for any parcel or group of abutting parcels having 100 feet of continuous lot frontage or greater. One additional ground sign shall be permitted for properties with greater than 500 linear feet of continuous lot frontage. The second ground sign shall be no closer than 200 feet from the first sign measured along the lot frontage abutting the street.
 - c) For those businesses in a shopping center, one ground sign shall be permitted for each lot frontage upon which the shopping center has lot frontage exceeding 100 linear feet.
 - d) For any one parcel or group of abutting parcels permitted a freestanding sign, a ground sign may be permitted in lieu of that pole sign, but not in addition to it unless located on a lot frontage of 500 feet or greater and separated by 150 feet or more.
- 6) An electronic message center, not to exceed 50 square feet in area may be installed on a ground or pole sign, on properties having 200 linear feet or greater of continuous lot frontage on the principal street. Electronic message centers in the SE District are exempt from Subsection [1155.06 \(D\)2](#).
- 7) Manual message centers not to exceed 50 square feet in area, may be installed on a ground or pole sign.

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- 8) The following are exempt from the signage regulations of this section:
 - a) Entertainment displays, building ornamentation, statues, and other similar structures or devices which do not use letters or numbers as a means of conveying information or directing the public's attention to a product or location.
 - b) Separate areas of any statue, entertainment display, building ornamentation, structure, or device which use letters or numbers to convey information or direct the public's attention to a product or location and which do not exceed 20 square feet in area.
 - c) Any areas using letters or numbers to convey information or direct the attention of the public to a product or location which are painted or permanently affixed on outdoor amusement ride or transportation vehicles.
- 9) Signs which contain or are illuminated by lights which are intermittently on and off, scintillate, oscillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as rotating a light source are only permitted within the approval of the Planning Commission.
- 10) Signs located over the roof or parapet above the roof line of any building are only permitted with the approval of the Planning Commission
- 11) Signs located over the roof or parapet above the roof line of any building are only permitted with the approval of the Planning Commission.

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(A) General Temporary Sign Regulations

- 1) A permit is required for all temporary signs, except as set forth in this zoning code.
- 2) It shall be the applicant or the owner's responsibility to remove all temporary signs when the time limit for the sign has expired.
- 3) Temporary ground signs shall not be illuminated.

(B) Prohibited Temporary Signs. The following types of temporary signs are prohibited in the City of Fairfield, unless specifically exempted or otherwise regulated.

- 1) Portable signs;
- 2) Pennants;

- 3) Streamers;
- 4) Inflatables;
- 5) Paper signs;
- 6) Cardboard signs;
- 7) Cabinet signs;
- 8) Air dancers; and
- 9) Flashing or moving signs.

(C) **Agricultural and Residential Temporary Yard Sign Regulations.** The following temporary signs shall be permitted in the A-1, R-0, R-1, R-2, R-3, and R-4 Districts.

- 1) **Non-Residential Temporary Signs.** Temporary signs for non-residential uses located in agricultural or residential zoning districts are subject to the regulations in Section [1155.09 \(D\)](#).
- 2) **Multi-Family Temporary Signs.** Multi-family uses may have one unlighted temporary sign per street frontage that is attached to the building face on the basis of one square foot per unit, not to exceed 15 square feet.
- 3) **Residential Temporary Yard Signs.** Temporary yard signs located on residential or agricultural properties shall comply with the following:
 - a) A temporary yard sign permit is not required for single or two family residential temporary yard signs.
 - b) Temporary yard signs shall be ground mounted signs and shall not be attached to a structure, fence, wall, or roof.
 - c) The maximum cumulative sign area for temporary yard signage on a property is 24 square feet. There is no limit to the quantity of temporary yard signs as long as the signs cumulatively do not exceed 24 square feet.
 - d) The maximum height of any one sign is four feet.
 - e) There is no time limit for residential temporary yard signage.
 - f) Temporary yard signs shall be located outside of the public right-of-way.

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Figure 1155-17: Example of a residential temporary sign

4) Construction Signs

- a) A temporary sign permit is not required for construction signs.
- b) Up to two construction signs are permitted on a site where there is active construction.
- c) Such sign shall not exceed 32 square feet in size and eight feet in height and be located a minimum of 10 feet from the public right-of-way and all property lines.
- d) For individual residential lots, construction signs shall conform to the temporary sign regulations of Subsection [1155.09 \(C\)3](#).



Figure 1155-18: Example of a construction sign located in an agricultural or residential zoning district

(D) Non-Residential Temporary Sign Regulations. The following temporary signs shall be permitted in the non-residential zoning districts.

- 1) **Residential Temporary Yard Signs.** Temporary yard signs for single or two family residential uses located in a non-residential zoning district are subject to the regulations in Subsection [1155.09 \(C\)3](#).
- 2) **Temporary Freestanding Signs.** Temporary signs located on non-residential properties shall comply with the following:

- a) Types of temporary freestanding signs include, but are not limited to, A-frame signs, post and panel signs, ground mounted signs and temporary freestanding changeable copy signs.
- b) A temporary sign permit is required for freestanding commercial temporary signs.
- c) Temporary freestanding changeable copy signs shall meet the following requirements:



Figure 1155-19: Example of a temporary freestanding changeable copy sign

- i) The sign frame must be square or rectangle in shape only, with no arrows or other shapes as part of the sign frame.
 - ii) Illumination of any part of the sign is prohibited.
 - iii) The sign can only include one color of changeable copy on one color background.
 - iv) The changeable copy must contain a cover that is locked at all times to prevent the letters or graphics from being changed.
- d) No banners or feather/flutter flags are permitted if temporary freestanding signage is used.
 - e) The maximum cumulative sign area for temporary freestanding signage on a property is 24 square feet.
 - f) The maximum sign height is six feet.



Figure 1155-20: Example of a temporary freestanding sign

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1155.09 Temporary Signs

- g)** Such signs shall be manufactured, and the content is to be digitally printed, machine cut, or vinyl press on letters. Such signs are not to be hand painted or handwritten.
- h)** Such signs are not permitted to be reflective or illuminated.
- i)** Such signs are permitted a maximum of 12 periods per calendar year. Each period shall not exceed 10 days. A minimum of 10 days between each period is required.

3) Banners

- a)** A temporary sign permit is required for banners.
- b)** Banners must be stretched, taut, and secured against buildings, canopies, canopy supports, and sign supports.
- c)** Only one banner is permitted at any one time. No temporary freestanding sign or feather/flutter flags are permitted if a banner is used.
- d)** The maximum area of a banner is 30 square feet.
- e)** The content on banners must be professionally silkscreened, stenciled, created with vinyl letters, or sewn into fabric or material. Such banners are not permitted to be hand painted.
- f)** Such banners are permitted a maximum of 12 periods per calendar year. Each period shall not exceed 10 days. A minimum of 10 days between each period is required.



Figure 1155-21: Example of a banner

4) Feather/Flutter Flags

- a)** temporary sign permit is required for feather/flutter flags.
- b)** A maximum of two feather/flutter flags are permitted per business at any one time. No other temporary freestanding sign or banner is permitted if feather/flutter flags are used.



Figure 1155-22: Example of a feather/flutter flag

- c) Such flags shall be placed at least two feet from the public right-of-way and at least 20 feet from the roadway edge if the business fronts on a regional or primary throughfare as defined in the City of Fairfield Thoroughfare Plan.
- d) Such flags shall be adequately secured and anchored to the ground.
- e) The maximum size of the flags is three feet at their widest dimension and 15 feet tall measured from the immediate grade/pavement at the base to the highest point.
- f) Such flags are permitted a maximum of 12 periods per calendar year. Each period shall not exceed 10 days. A minimum of 10 days between each period is required.

5) Construction Signs

- a) A temporary sign permit is not required for construction signs.
- b) Up to two construction signs are permitted on a site where there is active construction.
- c) Such signs shall not exceed 32 square feet in size, eight feet in height, and shall be located a minimum of 10 feet from the public right-of-way and all property lines.



Figure 1155-23: Example of a construction sign in a non-residential zoning district

6) Grand Opening Signs

- a) Banners, pennants, portable signs, streamers, inflatables, air dancers, and other temporary signs may be utilized only for new businesses that are hosting grand openings.
- b) A temporary sign permit is required for grand opening signage.
- c) Grand opening signs shall only be permitted within the first 12 months of opening. Change in ownership or management does not constitute a new business unless the business has been closed for at least 60 days.
- d) The maximum time period for such signs is 60 days.
- e) The maximum aggregate sign area is 32 square feet.

1155.0 Signage

1155.10 Sign Measurement Standards

- f) No additional temporary signage is allowed on the premises until 30 days have lapsed since the grand opening signage has been removed.
- g) Air dancers, if utilized, shall be placed a minimum of 25 feet from the roadway edge of pavement and at no time may be placed in the public right-of-way.

1155.10 Sign Measurement Standards

(A) Sign Area

- 1) The total area of a sign shall be measured as:
 - a) The area enclosed by one rectangle, the sides of which contact the extreme point or edges of the sign.
 - b) The area of a sign composed of channel letters or similar method of standalone characters or words, without framing or an additional backdrop, shall be the smallest rectangle which encloses the entire group of characters or words.
 - c) If the sign includes a separate logo or graphic element that is detached from the primary sign text, then two rectangles shall be used to calculate the total sign area.

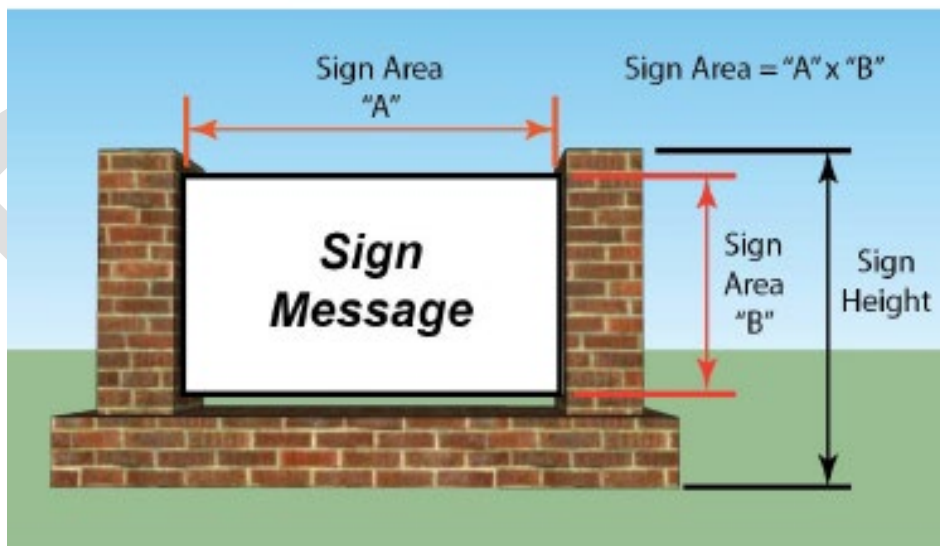


Figure 1155-24: Example of ground sign area calculation

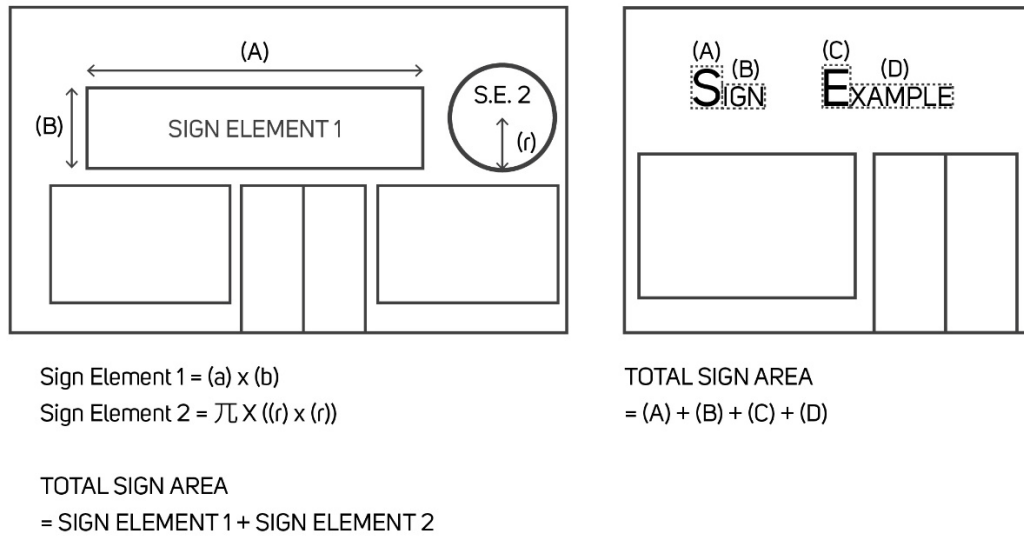


Figure 1155-25: Example of wall sign area calculation

- d)** For building wall signs, letter descenders, which extend below the baseline of a font (for example, lower case letters such as “j”, “g”, “p” and “y”) shall not be included in the rectangle that is used to determine sign size as long as the descending letters are the only thing outside of the measurement rectangle.



Figure 1155-26: Example of letter descenders that are not counted toward the sign area

- 2)** Sign area calculations shall exclude the supportive structure if such structure does not form or include a part of the advertisement of the sign.

1155.0 Signage

1155.10 Sign Measurement Standards

- 3) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back-to-back, are parallel to each other and not more than 24 inches apart or form a V-angle of less than 45 degrees.
- 4) The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street shall be included in the sign area calculation, whether or not it has lettering or other symbols or illustrations thereon.

(B) Sign Height

- 1) The height of the sign for ground or pole signs shall be determined by measuring the vertical distance between the highest point of the sign to the elevation of the ground beneath the sign at the point that the sign is located the closest to the public right-of-way. If mounding is used for the purpose of raising up the base height of the sign, the ground elevation shall be determined from the established line and not the grade at the top of the mound.
- 2) In the event that the elevation beneath the proposed sign, at the point of the sign located the closest to the public right-of-way, is below the elevation at the centerline of the adjacent street, the applicant may request and the Development Services Director or their designee may determine a sign height determination to determine if it is permitted to measure the height of the sign from the elevation of the street centerline and not the elevation beneath the proposed sign.

(C) Shopping Centers and Multi-Tenant Development Signs

- 1) For buildings in a shopping center or a multi-tenant development, the sign area shall be based on the building frontage of each tenant or business.

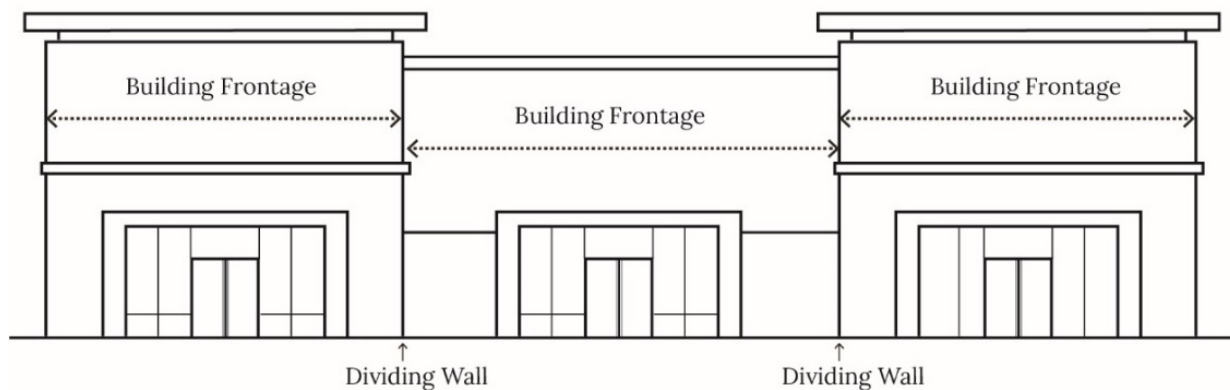


Figure 1155-27: Measurement of building frontage for individual businesses in a multi-tenant building

- 2) Sign area calculated from one building or business frontage, even if unused, shall not be allocated to another building or business unless a master sign plan for all signs in the shopping center or multi-tenant development is approved by the Planning Commission.
- 3) A business or group of businesses which do not front on a public street shall be permitted the following:
 - a) A single sign, equal in area to 0.5 square foot per linear foot of the building face, to be erected adjacent to the nearest public street. The area allocated for the sign shall be as in subsection (2) above. The sign shall conform to all requirements of the appropriate zoning district.
 - b) Individual wall, canopy, or attached signs as allowed in zoning districts in which the property is located.

1155.11 Sign Illumination Standards

(A) **Lighting.** Lighting used for illumination of any signs is permitted only when such lighting is hooded or shielded so that the light source is not visible beyond 200 feet of the sign from public rights-of-way or any residentially zoned property. Lighting intensity shall conform to the following table.

Table 1155.11 -1: Maximum Sign Illumination Levels

Sign Type	B-1, D-1, C-3, C-3A, SE, M-1, and M-2 Zoning Districts	R-3, R-4, C-1, and C-2 Zoning Districts
Flood lights and indirectly illuminated signs	50 footcandles	25 footcandles
All other signs	25 footcandles	10 footcandles

- (B) **Signs Facing Residentially Zoning Property.** No internally illuminated signs or electronic message centers shall be permitted within 200 feet of any A or R District. Further, internally illuminated signs or electronic message centers shall be screened so as not to be visible from adjoining residentially zoned property.
- (C) Light sources for illuminated signs shall be maintained constant in intensity and color at all times.

1155.0 Signage

1155.12 Sign Landscaping

1155.12 Sign Landscaping

Freestanding signs for new developments or major redevelopments shall include landscaping at the base of the sign subject to the following:

- (A) The landscaped area shall maintain a minimum width of three feet around the perimeter of the base of the sign, including all points where sign structural supports are attached to the ground.
- (B) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised, non-mountable curb suitable to prevent encroachment of vehicles shall be required.
- (C) The landscaped areas shall include vegetative plantings aesthetically located and maintained. The use of concrete, asphalt, or any other paved surface, or hardscape inside the required landscaped area shall be prohibited.
- (D) Landscaping materials shall be installed at the time the sign is erected.
- (E) All landscaping shall be maintained in accordance with Section [1152.11](#)
- (F) Landscaping at the base of signs is not required for industrial properties within the M Districts.

1155.13 Sign Permitting and Construction Standards

- (A) **Building Code Requirements.** Every sign and all parts, portions, units, and material comprising the same, together with the electrical supply, the frame, the background, supports or anchorage thereof, shall be manufactured, fabricated, assembled, constructed, and erected in compliance with the building code and all applicable rules, regulations or other limitations imposed by the city, state or federal agencies. In cases where there is a conflict between agency rules, the more restrictive shall apply.
- (B) **Construction Requirements**
 - 1) All signs shall be painted, placed, attached, posted, printed, tacked, fastened, constructed, erected, and maintained as provided in this chapter.
 - 2) All metal parts used in a sign or sign structure, including supports and braces, shall be galvanized or of non-corrosive material or painted with rust and corrosion-resistant paint.
 - 3) When existing structures are used for new sign installation, the structure shall be brought to like-new condition and be free of deterioration.

- 4) When a sign is removed for any reason, all poles, mast arms, cables, guys, clips, brackets, electrical components, and other structures of the sign shall be removed.
 - 5) Only those construction materials complying with standard engineering practices as approved by the Superintendent of Building and Zoning shall be used in the manufacturing and erection of signs.
- (C) **Building Permit.** No permanent sign shall be erected, constructed, painted, or printed without obtaining a sign permit issued by the Development Services Director or their designee. The applicant for the permit shall set forth the location at which the sign is proposed to be erected, the structure or surface, the dimensions, shape, materials, type of sign, and where applicable, the method of any sign illumination and such other information the Development Services Director or their designee may require to determine if the sign complies with the requirements of this code.
- (D) **Sign Erection.** All signs shall be erected by a licensed sign erector as described in Section [1333.03\(a\)](#) of the City of Fairfield Codified Ordinances, except the following:
- 1) Temporary signs;
 - 2) Window signs;
 - 3) Building wall signs that are not internally illuminated, are one inch or less in thickness, and do not exceed nine square feet;
 - 4) Building wall signs that are painted on the wall of the structure itself; and
 - 5) Awning or canopy signs but only if a permit for the awning or canopy itself is issued at the time of the erection of the sign.

1155.14 Maintenance of Signs

- (A) Every sign shall be maintained in a safe and good condition at all times, including the repair or replacement of damaged or defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.
- (B) The Superintendent of Building and Zoning shall require compliance with all standards of this code. If a sign is adjudged not in compliance with adequate safety and maintenance standards, the Superintendent of Building and Zoning may require its removal in accordance with Section [1155.15](#)

1155.0 Signage

1155.15 Removal of Signs

- (C) It shall be the responsibility of the owner or occupant of the property to maintain all temporary signage on the premises. Signs that are torn, damaged, faded, or otherwise in a state of disrepair shall be immediately replaced or removed. All banners shall be stretched to full length to ensure full readability.
- (D) The lighting in electronic message centers and internally illuminated signs shall be fully functional at all times. If at any time there is a malfunction with the lighting of the sign, such as a burned-out bulb, the power to the sign shall be turned off until it has been repaired or removed.

1155.15 Removal of Signs

- (A) **Removal and Disposal of Signs.** The Superintendent of Building and Zoning or their designee may cause to be removed any sign that is not properly maintained in accordance with Section [1155.14](#) or which is hazardous or obsolete.
 - 1) The Superintendent of Building and Zoning or their designee shall send notice to the owner of the property or the occupant of the premises on which any such sign is located that has not been properly maintained, describing the violation involved. Such notice shall further state that if the sign is not removed or the violation is not corrected within 30 days the sign shall be removed in accordance with the provisions of this section.
 - 2) All notices by the Superintendent of Building and Zoning or their designee under this section shall be sent by certified mail or hand delivered. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail, 10 days after the certified mail is sent, or on the date of hand delivery.
 - 3) Notwithstanding the above, in cases of emergency presenting an imminent danger to public safety, the Superintendent of Building and Zoning or their designee may cause the immediate removal of a dangerous or defective sign or correction of the danger or defect without notice to the owner of the property and/or occupant of the premises upon which the sign is located.
 - 4) Any sign removed by the Superintendent of Building and Zoning or their designee pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner or occupant of the property and may be recovered in an appropriate court action by the city. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the removal of the sign.

- (B)** When a sign has been removed from a building or structure, the anchor/post holes from the previous sign shall be repaired and any discoloration on the building or structure from the previous sign shall be removed by either cleaning or repainting to match the existing background color.
- (C) Obsolete Signs**
- 1) Signs pertaining to businesses or occupants that are no longer using the premises to which the sign relates shall be completely removed. All obsolete or vacant signs must be completely removed, or the existing sign may be replaced with a blank replacement face panel. Any internal lighting of the sign shall remain off while the sign is not active.
 - 2) Painting over existing sign faces left in place is not in compliance with this section.
 - 3) Turning a sign around in which the sign content remains visible is not in compliance with this section. A new blank sign panel shall be installed.
 - 4) Painted wall signs shall be removed within 60 days.
 - 5) Permitted temporary signs such as construction signs shall be removed within 14 days following the occurrence or completion of the event served by the sign. In the case of construction signs, issuance of a certificate of occupancy or final inspection approval shall be deemed completion of the event.
- (D) Abandoned Signs.** Abandoned signs may be removed and disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.

1156.0 Stormwater Management

1156.01 Purpose

1156.0 STORMWATER MANAGEMENT

1156.01 Purpose

- (A) Stormwater management requirements in this chapter apply to all development on privately owned property, city-owned property within the public right-of-way or easements, and all construction which the city has or will assume maintenance and responsibility.
- (B) Refer to Chapter [1196.0](#) of the subdivision regulations for additional requirements for development and redevelopment on private property.
- (C) Unless otherwise specified, refer to the City of Fairfield Design, Construction and Materials Specification Handbook requirements for design requirements.

1156.02 General Requirements

- (A) **Quantitative Control**. Detention/retention of stormwater will be required for each subdivision, land development, or redevelopment unless specifically exempt.
- (B) **Qualitative Control**. Stormwater quality control shall be implemented within developing and redeveloping areas in accordance with general and specific requirements outlined in the Ohio EPA General Construction Permit for Stormwater Discharges (Ohio EPA Permit No. OHC000005 or the latest edition).

1156.03 Exemptions to Stormwater Management Quantitative Control Requirements

- (A) The applicant may apply to the City Engineer for exemption from requirement for construction of stormwater management quantitative control facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

- (B) If an exemption for stormwater management quantitative control is granted by the City Engineer, the developer shall be required to pay a fee in lieu of the construction of the stormwater management facilities. The fee shall be five dollars per cubic foot of detention/retention volume that would have been required if an exemption had not been granted. This fee must be paid to the city prior to recording of the plat of a subdivision or issuance of the building permit if no subdivision plat is involved. If no building permit is required, the fee must be paid to the city prior to obtaining approval of a site plan.
- (C) The applicant may appeal against the denial of an exemption to the Board of Zoning Appeals.

1156.04 Design

- (A) **Runoff and Volume Calculation Methods.** The methods outlined in Chapter [1196.0](#) of the subdivision regulations and the Design, Construction and Materials Specification Handbook shall be used to determine the runoff and storage volumes.
- (B) **Quantity of Runoff**
- 1) The peak rate of runoff during the 100-year post-development storm cannot exceed the peak rate of runoff during the two-year pre-development storm.
 - 2) For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.
- (C) **Quality of Runoff.** The design of stormwater quality controls, also known as post-construction Best Management Practices, shall comply with standards and requirements as contained in the latest edition of the Ohio EPA General (NPDES) Permit for Stormwater Discharges associated with construction activity.
- (D) **Basin Construction**
- 1) The side slopes of a detention/retention basin shall not exceed four to one and shall be seeded or sodded.
 - 2) The bottom of the basin shall be seeded or sodded and sloped to the outlet flow control device. A method of carrying low flow through the basin shall be provided and include appropriate erosion control.
 - 3) The maximum water depth for detention basins shall be six feet.

1156.0 Stormwater Management

1156.05 Submission Requirements

- 4) The top of the embankment shall have a minimum width of eight feet.
- 5) Outlet flow control devices may be either single-stage or multi-stage.
- 6) Other requirements may be imposed for specific cases.

1156.05 Submission Requirements

Plans and supporting data shall be submitted and shall include, but are not limited to, the following:

- (A) The outline and designation of the drainage area(s);
- (B) All existing and proposed drainage facilities;
- (C) Existing and proposed contours;
- (D) Existing structures;
- (E) The detention/retention basin with outlet structures;
- (F) Pertinent elevations (water surface, flowline of flow control devices, etc.);
- (G) A recommendation from a geotechnical engineer for the foundation and design of the embankment to be used for the retention/detention basin;
- (H) Any other information required by the city to clarify intent or design features; and
- (I) All calculations and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.
- (J) The horizontal scale of the plan shall be 100 feet or less to the inch.

1156.06 Fee

Work performed by professional consultants and other costs incurred by the city will be charged to the applicant at their billed cost plus 10 percent. The fee must be paid in full prior to approval of the plans by the City Engineer.

1157.0 SOURCE WATER PROTECTION PROGRAM

1157.01 General Provisions

- (A) **Purpose.** The purpose of this chapter is to safeguard the public health, safety, and welfare of persons and property in the City of Fairfield by protecting designated groundwater supplies from degradation resulting from the improper storage, use, or discharge of Regulated Substances in and around existing and future wellfields and their recharge areas, and to promote the economic viability of the City of Fairfield by balancing the protection of groundwater with the promotion of the economy of the city.
- (B) **Compliance with Existing Federal, State, and Local Regulations.** Facility Operators subject to regulation under this chapter must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this chapter.
- (C) **Continuation of Existing Nonconforming Facilities and Nonconforming Uses of Land**
- 1) Where, at the effective date of the adoption of, or amendment to, the provisions set forth herein, lawful use of land exists that is no longer may be continued, so long as it remains otherwise lawful, subject to provisions of this chapter.
 - 2) Any nonconforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Source Water Protection Area (SWPA) Time-of-Travel (TOT) Zone is permitted to continue operation as a nonconforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful and complies with the provisions of this chapter which apply to existing facilities.
 - 3) An existing use made nonconforming solely by application of the Source Water Protection provisions set forth herein shall be treated as nonconforming only as to those uses prohibited by these Source Water Protection provisions. As to existing uses not prohibited or otherwise regulated by these Source Water Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this chapter.

1157.0 Source Water Protection Program

1157.01 General Provisions

(D) Facility Registration

1) Registration

- a) Facility registration is required once every two years for any facility where on site storage or use of Regulated Substances meets or exceeds those quantities established in Section [1157.09 \(C\)](#) of this chapter, or for any activity identified as a regulated activity under Section [1157.06](#) of this chapter or for any active ground water monitoring or remediation system regulated by the USEPA, Ohio EPA or BUSTR. A Facility Operator may register the facility, or at the request of the Facility Operator, the Public Utilities Director may register the facility. The Public Utilities Director shall conduct any facility registration in the following manner:
 - i) The Public Utilities Director shall provide written notice of the intent to register the facility no less than 14 days prior to the registration date;
 - ii) The registration shall be conducted at reasonable times during normal business hours. To help ensure accuracy of the registration and safety of the persons involved, the Facility Operator or their designee must accompany the Public Utilities Director during the registration;
 - iii) The registration will not unreasonably interfere with facility operations; and
 - iv) The scope of the registration will be limited to gathering information necessary to complete the registration required by this section.
- b) All facility registrations must be completed and, where applicable, submitted to the Public Utilities Director within 180 days of the date a property becomes subject to regulation under this chapter, and by July 1 of every second year thereafter. A Facility Operator choosing to have their facility registered by the Public Utilities Director must contact the Public Utilities Director no less than 90 days before registration is due to ensure completion of the registration by the required due date.

2) Registration Requirements

- a) Facility registration will include, but is not necessarily limited to, information on the following:
 - i) Name, address, and phone number of the registered Facility;
 - ii) Facility Operator name and number;
 - iii) Emergency contact, address, and phone;

- iv)** Primary and, where applicable, secondary business activities at the Facility, including Standard Industrial Classification (SIC) code or Chemical Abstract Service (CAS) number and a brief description of how Regulated Substances are used at the Facility;
 - v)** The types, quantity, and location of Regulated Substances stored or otherwise used on-site. Where the Regulated Substance is identified by a common trade name or a mixture, the primary chemical component(s) must be identified;
 - vi)** The manner of Regulated Substance storage (i.e., Above Ground Storage Tanks (ASTs), fifty-five (55) gallon drums, totes, etc.). AST registration will include information on current tank status, contents, volume, construction, and age;
 - vii)** A general description of any secondary containment or other spill containment and/or spill prevention measures used at the Facility for Regulated Substance storage units or storage areas;
 - viii)** A general description of Regulated Substance waste disposal methods. Where applicable, the Facility's hazardous waste generator identification number must be provided;
 - ix)** Where applicable, location of any groundwater monitoring equipment on the Facility's property;
 - x)** Where applicable, the location of any dry wells on the Facility property;
 - xi)** Where applicable, the type of septic system used on site and type of waste treated; and
 - xii)** Where applicable, the location of any production wells used for potable and non-potable use on the Facility (property) or any unused well of any type.
- b)** For Facilities located in approved storm-water management zones and the approved storm-water management plans; compliance with such a plan must be in addition to compliance with the requirements of this Source Water Protection Program.

1157.0 Source Water Protection Program

1157.01 General Provisions

- c) Any person identified as the emergency contact for a Facility under Subsection [1157.01 \(D\)2\)a\)iii](#) must have authority to provide additional information about the Facility and materials stored or otherwise used on site when requested and to authorize the use of response personnel, including hazardous materials contractors, in the event of a release at the Facility. The Facility Operator must notify the Public Utilities Director of any change in name, phone number, and/or address of the emergency contact person no later than 14 days after any change.

3) Operator Signature

- a) The Facility Operator must sign the completed facility registration. The Facility Operator's signature shall serve as acknowledgment of the accuracy of the registration and compliance with the following, where applicable:
 - i) Storage Unit Inspections - compliant with Subsection [1157.04 \(B\)1\)e](#).
 - ii) Development and implementation of a Spill Control Plan - compliant with Section [1157.04 \(G\)](#).
- b) Any Facility Operator whose Facility is registered by the Public Utilities Director must submit a copy of the signed registration to the Public Utilities Director no later than 14 days after the registration date.

- 4) **Use of Existing Registration Information.** Any Facility Operator required to register a Facility or Regulated Substance storage unit under another federal, state, or local program may submit a copy of that registration to the Public Utilities Director to expedite the registration process. Any existing registration information should be presented to the Public Utilities Director prior to or at the time of facility registration.

- 5) **New Facility Registration.** Any Facility subject to regulation under this chapter that begins operation or commences conduct governed by this chapter after the effective date of this chapter must be registered in accordance with Subsection [1157.01 \(D\)1](#) no later than 180 days after beginning operation.

- 6) **Registration of Previously Exempt Facilities.** Any previously exempt Facility that becomes subject to the requirements of this chapter due to changes at the Facility must be registered in accordance with Subsection [1157.01 \(D\)1](#) no later than 180 days after becoming subject to regulation under the chapter. A previously exempt Facility becomes subject to regulation under this chapter when:

- a) A new AST or Underground Storage Tank (UST) system subject to regulation under this chapter is installed at the Facility;

- b) There is a permanent change in the type and/or volume of Regulated Substances stored or otherwise used at the Facility that results in the storage or use of Regulated Substances in quantities meeting or exceeding the thresholds established in Section [1157.09 \(C\)](#); and/or
- c) There is a change in the delineated TOTs as specified in Section [1157.02 \(B\)](#).

7) Amending Existing Facility Registrations

- a) A Facility Operator must amend an existing Facility registration, or may request that the Public Utilities Director or their designee amend the registration, no later than 60 days after any:
 - i) Change in ownership or management of the Facility;
 - ii) Installation, return to service, or removal of an AST or UST system subject to regulation under this chapter;
 - iii) Permanent onsite storage or use of a previously unregistered Regulated Substance in quantities meeting or exceeding the thresholds established in Section [1157.09 \(C\)](#); and/or
 - iv) Change in the delineated TOTs as specified in Section [1157.02 \(B\)](#); and
 - v) No later than 90 days after the permanent cessation of regulated operations or storage of Regulated Substances as specified in Section [1157.01 \(F\)1](#).
- b) A Facility Operator choosing to have their Facility registration amended by the Public Utilities Director must contact the Public Utilities Director no less than 30 days before a registration is due to ensure completion of the registration within the allowed 60-day time frame when meeting Subsections [1157.01 \(D\)7a\)i](#) through [a\)iv](#) above. The Facility Operator is responsible for amending a registration under the Subsection [1157.01 \(D\)7a\)v](#) above.

- 8) **Registration of Multiple Facilities.** Any person owning and/or operating more than one Facility subject to regulation under this chapter must register each regulated facility separately in accordance with the provisions of this chapter.

(E) Temporary Storage of Regulated Substances

- 1) **Applicability.** This section applies to the temporary storage of Regulated Substances at new and existing non-residential facilities in the Source Water Protection Area when the Regulated Substances:

1157.0 Source Water Protection Program

1157.01 General Provisions

- a) Are stored or otherwise used in quantities meeting or exceeding the quantity thresholds established in Section [1157.09 \(C\)](#); and
 - b) Do not meet any of the exemption criteria specified in Subsection [1157.04 \(E\)1](#).
- 2) **Conditions.** Temporary storage subject to regulation under this chapter must meet the following conditions when aboveground:
- a) The Regulated Substance storage unit(s) must meet the general container requirements specified in Subsections [1157.04 \(B\)1](#) through [1157.04 \(B\)2](#) of this chapter; and
 - b) When possible, the temporary storage unit(s) should be located in a non-hazardous area (i.e., where the unit(s) are not generally exposed to routine vehicular traffic, flammables, or other hazards).

Any Regulated Substance release meeting or exceeding the release notification criteria in Subsection [1157.01 \(G\)1](#) must be reported and remediated in accordance with Section [1157.01 \(F\)4](#) of this chapter.

- 3) **Temporary Storage Extensions.** Temporary storage of Regulated Substances beyond 90 days is permitted provided compliance with the following requirements.
- a) The Facility Operator must notify the Public Utilities Director of the need to continue temporary storage of the Regulated Substance(s) prior to expiration of the temporary storage period. The Facility Operator shall submit notification to the Public Utilities Director on a prescribed form supplied by the Public Utilities Director at the request of the Facility Operator. The notification shall specify:
 - i) Facility name, address, and telephone;
 - ii) Facility Operator name and 24 hour emergency contact. Designation of an emergency contact must be done in accordance with Subsection [1157.01 \(D\)2](#);
 - iii) Regulated Substance(s) temporarily being stored at the Facility;
 - iv) The manner in which the Regulated Substances are stored; and
 - v) The anticipated date when temporary storage will cease.
 - b) The Regulated Substance continues to be stored in compliance with Subsections [1157.04 \(B\)1](#) through [1157.04 \(B\)2](#) when aboveground.

(F) Facility Closure

- 1) **Applicability.** This section applies to any non-residential Facility subject to regulation under this chapter that becomes unoccupied or where operations are permanently discontinued for a period greater than 90 consecutive days any time after the effective date of this chapter. Facility Operators subject to compliance with any federal, state, or local facility closure program addressing the storage or handling of Regulated Substances at a closing facility are exempt from the requirements in this section except for compliance with Subsection [1157.01 \(F\)2](#).
- 2) **Removal of All Regulated Substances.** Except in the case of seasonal discontinuation of operation, the Facility Operator must remove all Regulated Substances other than those used exclusively for heating, cooling, and providing electrical lighting for the premises from the property no later than 90 days after the date the property initially became unoccupied, or operation was permanently discontinued.
- 3) **Closure Notice.** Any Facility Operator permanently discontinuing operation of a Facility subject to regulation under this chapter must submit an amended Facility registration to the Public Utilities Director or their designee in accordance with Subsection [1157.01 \(D\)7](#). The amended Facility registration shall include the date on which operations will or have ceased; the current operator's new phone number and address; and the fate of Regulated Substances stored or otherwise used on site. Any Facility Operator required to submit a closure notification under any federal, state, or local closure program may copy the Public Utilities Director or their designee on that notification in lieu of submitting an amended Facility registration.
- 4) **Facility Security.** Upon permanent closure of a Facility, the Facility Operator must take reasonable steps to secure all Regulated Substance storage units or Regulated Substance storage areas against vandalism. Compliance with Subsections [1157.04 \(B\)1](#) through [1157.04 \(B\)2](#) and maintenance of all security measures implemented in accordance with this section are required until all Regulated Substances are removed from the site.

(G) Regulated Substance Release

- 1) **Release Notification Required.** Any release of a Regulated Substance within a Source Water Protection Area must be reported to the Public Utilities Director or on-duty drinking water treatment plant operator or ground water consortium manager within 24 hours of discovery by the Facility Operator or any other party responsible for the storage unit from which the release occurred, if such release:

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- a) Originates from an underground storage tank; or
 - b) Contacts a pervious ground surface; and
 - c) Is not immediately and completely remedied within 24 hours; or
 - d) Enters a surface water body; or
 - e) Enters a dry well, monitoring well, abandoned well or storm sewer.
 - f) Such notification in no way alleviates other federal, state, or local reporting obligations imposed by law.
- 2) **Notification Contents.** Initial notice shall include, at a minimum, information related to the following:
- a) Location of the release (Facility name, address, and phone);
 - b) Facility/responsible party's name, address, and phone;
 - c) Emergency contact and phone;
 - d) Description of the nature of the incident, including date, time, location, and cause of the incident;
 - e) Type, concentration, and volume of substance(s) released; and
 - f) Description of preliminary release control and mitigation efforts.
- 3) **Regulated Substance Release Report.** Within seven days of a reported release, the responsible party must submit to the Public Utilities Director a Regulated Substance Release Report providing any additional detail on the nature and management of the release, including control and corrective actions taken, fate of the released material, and, where applicable, the name of the contractor responsible for removal of released substances. Information submitted in the Regulated Substance Release Report shall be used by the Public Utilities Director to determine if and where any additional follow-up work needs to be completed to assess the potential pollution impact of the release.

- 4) **Remediation of Release.** Upon discovery of a release, the Facility Operator or other responsible party must take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with Subsections [1157.04 \(B\)1](#) through [1157.04 \(B\)2](#) when the quantity of regulated wastes generated meet or exceed the quantity thresholds established in Section [1157.09 \(C\)](#) in addition to all applicable legal requirements. Storage of these materials for a period of greater than 90 days must be reported to the Public Utilities Director by the Facility Operator in accordance with Subsection [1157.01 \(E\)3a](#).
- 5) **Submission of Additional Information.** The responsible party must copy the Public Utilities Director on all correspondence submitted to federal, state, or local agencies related to site assessment and site remediation. The Public Utilities Director may request, if deemed necessary, that:
- a) The Fire Department provide a copy of the department's Ohio Fire Incident Reporting System report to the Public Utilities Director;
 - b) The Ohio EPA provide a copy of the agency's Emergency Response Section Incident Report to the Public Utilities Director; and/or
 - c) The Facility Operator develops and implements procedures to minimize the likelihood of reoccurrence of such a release. The Facility Operator must submit procedures developed under this provision to the Public Utilities Director no later than 60 days after being required and implemented no later than 180 days after approval by the Public Utilities Director.
- 6) **Liability.** The city is authorized to order the cleanup or abatement or take such other actions as may be necessary to cause cleanup or abatement, of any hazardous material release to soils, surface water, and/or groundwater in or near a SWPA which may present a threat to groundwater quality or violate Ohio's water quality standards. The entity or person responsible for the release shall be liable for any reasonable expense, loss, or damages attributable to the release incurred by the city in response to such an incident, in addition to any fines imposed under Ohio and federal law, and the City of Fairfield Codified Ordinances.
- (H) **Records Retention.** The Facility Operator must retain all records, reports, or other documentation related to the requirements of this chapter on site for a minimum of five years from the original date of the record, report, or document.

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1157.02 Designation of Protection Areas

- (I) **Inspection.** The Public Utilities Director shall inspect all facilities subject to regulation under this chapter no less than once every two years for compliance with the provisions of this chapter. Any inspection shall be conducted under the conditions listed in Subsection [1157.01 \(D\)1\)a\)i](#) through [1157.01 \(D\)1\)a\)iv](#).
- (J) **Severability.** Each provision of this chapter shall be construed as separate, to the end that if any part of it is held invalid for any reason, the remainder shall continue in full force and effect.
- (K) **Confidentiality.** Information contained in any documentation collected by or submitted to the Public Utilities Director under the provisions of this chapter that is designated as confidential by a Facility Operator shall be considered confidential only to the extent allowable under Ohio Public Records Law and other applicable federal and state laws.

1157.02 Designation of Protection Areas

(A) **Source Water Protection Areas (SWPA) Established**

- 1) Certain areas of the City of Fairfield are hereby delineated into the following districts for the protection of groundwater resources and shall be collectively referred to as the SWPA. A map of the SWPA is on file with the city, which map is hereby incorporated herein by reference.
- 2) **One Year Time-of-Travel (TOT) Zone.** The one year TOT zone is that area around the well or wellfield from which groundwater will be drawn for use in a public water supply in a one year or less time period.
- 3) **Five Year Time-of-Travel (TOT) Zone.** The five year TOT zone is that area located outside the one year TOT zone but within the boundaries of the five year TOT zone from which groundwater will be drawn for use in a public water supply in a five year or less time period.
- 4) **Ten Year Time-of-Travel (TOT) Zone.** The 10 year TOT zone is that area located outside the one and five year TOT zones but within the boundaries of the 10 year TOT zone from which groundwater will be drawn for use in a public water supply in a 10 year or less time period.

(B) Redelineation of the SWPA**1) Procedure for Proposals Respecting Changes/Redelineation of SWPA Designation.**

Any change in the boundary of a SWPA resulting from redelineation of a SWPA shall be effective after approval of the redelineation by Fairfield City Council. Public notice of the change shall be provided in accordance with requirements for the City of Fairfield but shall include no less than the following:

- a) Notification through publication of the change for one day in at least one newspaper with general circulation in the community; and
- b) Notification via first class mail to those registered Facility Operators in the pre-existing SWPA whose location in a TOT zone has changed as a result of the re-delineation, and any non-residential property owners in the newly delineated portions of the updated SWPA. Said notification shall be mailed, via first class mail, no less than 30 days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the re-delineation and any subsequent change in the facility's regulatory status.

(C) Impact on SWPA Facilities

- 1) Where an existing Facility required to comply with the provisions set forth herein is no longer located in a SWPA as a result of the re-delineation, the Facility is no longer subject to compliance with the requirements of this chapter.
- 2) Any Facility previously located outside the boundary of the SWPA that is located inside the boundary of the SWPA as a result of the re-delineation must be registered in accordance with Section [1157.01 \(D\)](#) of this chapter and must comply with those provisions required of existing facilities for the TOT zone in which the Facility is located as applicable and in accordance with the time frames specified for those applicable provisions.
- 3) Any registered Facility whose classification within a TOT zone is changed to a different TOT zone as a result of the re-delineation must submit an amended facility registration to the Public Utilities Director in accordance with Subsection [1157.01 \(D\)7](#) of this chapter and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.

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(D) **Prohibitions in the Source Water Protection Area**

- 1) **One Year TOT Prohibitions.** Establishment of the following new activities/land uses is prohibited in the one year TOT as of the effective date of this chapter:
 - a) Junkyards;
 - b) Commercial sanitary/solid waste/construction and demolition debris landfills;
 - c) The disposal of shingles, asphalt, asbestos, and/or lead-based or lead containing materials in an unlicensed landfill;
 - d) The manufacturing, processing, or recycling of Regulated Substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - e) Commercial establishments for gasoline and or diesel fuel dispensing service stations, motor vehicle repair/service shops and/or body repair where storage or use of a Regulated Substance exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - f) Trucking or bus terminals where storage or use of a Regulated Substance exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - g) Animal feedlots exceeding 1,000 animal units;
 - h) Primary metal product industries where storage or use of a Regulated Substance exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - i) Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage or use of a regulated substance exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - j) Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry- related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceed 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - k) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in Subsection [1157.04 \(B\)2](#) of this chapter where storage of the Regulated Substance(s) exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;

- l) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
 - m) Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
 - n) Dry cleaning facilities with on-site dry-cleaning service where storage or use of a Regulated Substance(s) exceeds 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - o) Installation of underground storage tanks except as permitted in Section [1157.05](#) of this chapter;
 - p) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or process heating in new underground storage tanks , except as permitted in Subsection of this chapter;
 - q) Rail switch yards and container ports;
 - r) The application of sewage sludge solids; and
 - s) All oil and gas drilling and exploration.
- 2) **Five Year TOT Prohibitions.** Establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this chapter:
- a) Points a. - d., k., l., m., o., p., q., r., and s. in Subsection [1157.02 \(D\)1](#).
- 3) **Ten Year TOT Prohibitions.** Establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:
- a) Points b., c., k., l., m., o., p., q., r., and s. in Subsection [1157.02 \(D\)1](#).
- 4) **Conditional Uses Applicable to all Source Water Protection TOT Zones.** The land uses/activities listed below in Subsection [1157.02 \(D\)1m](#) will only be permitted within specified TOTs based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with Section [1170.06](#) of this zoning code:
- a) Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have onsite bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed 500 gallons aggregate for liquid materials or 4,000 pounds aggregate for dry weights.

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(E) General Applicability

- 1) Unless specified otherwise, all provisions of this chapter apply to any Facility Operator of any real property or business in the City of Fairfield when storing or otherwise using Regulated Substances as defined in Section [1157.09 \(A\)](#) of this chapter, or conducting any activity regulated under Section [1157.06](#) herein, and located within a SWPA as established in Section [1157.02 \(A\)](#) of this chapter. It is the responsibility of the Facility Operator to determine the applicability of this chapter to his or her property and/or business, and to comply with all requirements established in this rule as applicable to the Facility. Failure to do so shall not excuse any violations of this chapter.
- 2) **Limited Exemptions.** The following are exempt from the provisions set forth herein except for compliance with Sections [1157.01 \(D\)](#) through [1157.01 \(I\)](#) of this chapter:
 - a) Indoor storage/use of Regulated Substance(s) in an area capable of fully containing a total release of the Regulated Substance(s) within the facility or draining the release to a wastewater treatment system capable of and permitted to/agreeable to treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;
 - b) Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site meets or exceeds those thresholds established in Subsection [1157.09 \(A\)16](#) of this chapter;
 - c) Current hazardous waste storage areas at RCRA permitted facilities;
 - d) Radioactive materials regulated by the U.S. Nuclear Regulatory Commission;
 - e) Aboveground storage tanks in the five year TOT used exclusively for the storage of residential quantities of Grade 1 or Grade 2 heating fuels and diesel fuel; and
 - f) Oil/water separator underground storage tanks.
- 3) **Full Exemptions.** The following uses of Regulated Substances are exempt from the provisions set forth herein.
 - a) Laboratory activities;
 - b) Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
 - c) Household use of Regulated Substances packaged for consumer use in original pre-packaged containers;

- d) Excavation or removal of earth materials;
- e) Office and maintenance/janitorial use of Regulated Substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
- f) Oils and fluids within electrical utility transformers/switches except when stored in quantities meeting or exceeding thresholds established in Subsection [1157.09 \(A\)16](#) of this chapter;
- g) Materials present as a solid inside of a manufactured item;
- h) Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities through the SWPA, provided the Regulated Substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed 24 hours;
- i) Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site is less than those thresholds established in Subsection [1157.09 \(A\)16](#) of this chapter.

1157.03 Regulated Substances

- (A) **Regulated Substances.** Regulated Substances shall be those substances listed in Section [1157.09 \(A\)](#) herein when storage or use at a Facility at any time of the year meets or exceeds those thresholds specified in Section [1157.09 \(C\)](#). A Facility Operator may, at their choice, calculate the quantity of Regulated Substances stored or used on site as follows:
- 1) **Maximum amount at any one time.** The Facility Operator may report the quantity of Regulated Substances stored or otherwise used on site as the maximum amount found on site at any one time during the course of a year. Where there are seasonal fluctuations in Regulated Substance use, the amount should be based on storage or use of Regulated Substances during peak times of the year; or
 - 2) **Monthly daily average.** The Facility Operator may calculate the daily average of Regulated Substance storage or use on site over the course of a month. The Facility Operator must calculate this average using the anticipated quantity of Regulated Substances storage or use during peak months at the facility.

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- (B) **Exemptions from the Regulated Substances Listing.** A substance listed in Section [1157.09 \(A\)](#) may be partially or fully exempt from regulation under this chapter if use or storage of the Regulated Substance is exempted under Subsections [1157.02 \(E\)2](#) or [1157.02 \(E\)3](#) of this chapter, or if the Facility Operator can provide proper documentation to the Public Utilities Director that a Regulated Substance does not present a threat to groundwater due to the nature of the substance. Information from the substance manufacturer or other qualified, verifiable source indicating that the substance does not present a threat to groundwater shall be considered proper documentation.
- (C) **Additions/Deletions to the Regulated Substance List.** The Public Utilities Director reserves the right to designate additional substances or remove substances from the list of Regulated Substances in Section [1157.09 \(A\)](#) as necessary for the protection of the groundwater resource. Public notice of changes to the Regulated Substance list shall be provided by the Public Utilities Director in accordance with public notice requirements for the City of Fairfield but shall include no less than:
- 1) Notification of the intent to remove or add a Regulated Substance to the list via mail to all registered Facility Operators no later than 30 days prior to action by the Public Utilities Director;
 - 2) Notification through publication of the change for one day in at least one paper with general circulation in the community; and
 - 3) Notification via first-class mail to all registered Facility Operators no later than 30 days after removal or addition of Regulated Substances to the list by the Public Utilities Director.

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- (A) **Applicability.** This section applies to the above ground storage of Regulated Substances in the Source Water Protection Area in quantities meeting or exceeding those specified in Section [1157.09 \(C\)](#).
- (B) **General Container and Regulated Substance Handling Requirements at Non-Residential Facilities**
- 1) All containers subject to regulation under this chapter used for the storage or use of Regulated Substances at new and existing non-residential facilities must be:
 - a) Product-tight and free of any defects which may result in a release of the contained Regulated Substance;

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- b) Made of or lined with materials which will not react with and are otherwise compatible with the Regulated Substance stored;
- c) Individually and clearly labeled with the contents of the container. If a Regulated Substance is being stored on site under the temporary storage provisions in Section [1157.01 \(E\)](#), the Regulated Substance storage unit must also be labeled with the date on which temporary storage began;
- d) Stored on or above an impervious surface at all times that is free of any gaps, cracks, or other effects of deterioration that would allow for the penetration of Regulated Substances stored on that surface into surrounding soils, or, if stored on a pervious surface, stored with secondary containment in the form of a dike, containment pallet, or other containment unit capable of containing a release from the Regulated Substance storage unit. Existing ASTs are exempt from this requirement; and
- e) Visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into the storage unit. Aisle space between containers must be adequate to allow for inspections. Where applicable, any leak detection or early warning system associated with an AST also must be inspected on a weekly basis. The Facility Operator must maintain a record of inspections and the findings of those inspections and made available on request by The Public Utilities Director or their designee. Any weekly inspection log maintained by a Facility Operator under another federal, state, or local program shall satisfy the requirements of this subsection provided the inspection includes those Regulated Substance storage units regulated under this chapter.

Any Facility Operator installing an impervious surface or providing secondary containment under Subsection [1157.04 \(B\)1d\)](#) hereof must do so no later than 180 days after becoming subject to regulation under Subsection [1157.04 \(B\)1d\)](#) hereof. Continued storage of Regulated Substances on a pervious surface beyond this one 180 day period is permitted only if granted a temporary variance.

- 2) **Defective Storage Units.** A Facility Operator must remove defective storage units from service immediately and repair or replace the defective units if needed. Defective storage units permanently taken out of service must be decontaminated and disposed of in accordance with applicable federal, state, and local waste management standards.
- 3) **Storage in Trucks, Trailers, Tankers, or Rail Cars.** Any truck, trailer, tanker, or rail car used for the storage of Regulated Substances within the SWPA must:

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- a) Be structurally stable and free of any defects that may result in a release of the Regulated Substances stored in the truck, trailer, tanker, or rail car;
 - b) Be clearly labeled with the contents;
 - c) Be visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into or out of the storage unit; and
 - d) Have all doors, valves, or other openings through which a release could occur locked or otherwise secured when not in use so as to prevent a release of the Regulated Substance through the opening(s).
- 4) **Spill Control Plan.** Permanent storage or use of Regulated Substances subject to regulation under this chapter at new and existing Facilities in a storage unit where a release from the storage unit would reach a pervious soil surface, dry well, storm sewer, or surface water body requires the development of a Spill Control Plan in accordance with Section [0](#). A Facility Operator is exempt from this requirement if the storage unit or storage/usage area is secondarily contained.

(C) Residential Regulated Substance Storage Units

- 1) All containers subject to regulation under this chapter used for the storage or use of Regulated Substances at new and existing residential facilities must be:
 - a) In compliance with Subsections [1157.04 \(B\)1a](#)) through [1157.04 \(B\)1d](#));
 - b) Visually inspected by the Facility Operator on a monthly basis. Where applicable, any leak detection or early warning system associated with an AST also must be inspected at that time; and,
 - c) Provided with a Spill Control Plan in accordance with Subsection [1157.04 \(G\)5](#)), where applicable.

(D) Aboveground Storage Tank (AST) Installation

- 1) **Installation of New ASTs.** This section applies to the installation of ASTs at new or existing facilities after the effective date of this chapter when the capacity of the AST meets or exceeds the quantity thresholds established in Section [1157.09 \(C\)](#). All new ASTs must be registered in accordance with Subsection [1157.01 \(D\)1](#)) and meet the general handling requirements specified in Section [1157.04 \(B\)](#) in addition to the following:

- a) *Bottom Clearance.* All ASTs must have ground clearance of no less than two inches from the outermost wall of the AST to allow for visual inspection of the underside of the AST. This requirement may be waived if the size of the AST prevents raising the tank as required or the AST is a concrete vaulted tank.
- b) *Secondary Containment.* Unless required under Subsection [1511.01\(c\)\(18\)](#) of the City of Fairfield Codified Ordinances, all ASTs meeting or exceeding the thresholds established for secondary containment in Subsection [1157.04 \(E\)2](#) herein must be installed with secondary containment meeting or exceeding those requirements specified in Subsections [1157.04 \(E\)3](#) through [1157.04 \(E\)5](#).
- c) *Barriers.* Any AST meeting or exceeding the thresholds established for secondary containment in Subsection [1157.04 \(E\)2](#) and which is installed in an area where the AST is open to vehicle damage must be protected against impact with physical barriers meeting the approval of The Public Utilities Director or their designee. Any impervious dike utilized as secondary containment meets the requirements for a physical barrier.
- d) *Replacement of Existing ASTs.* Replacement of an existing AST after the effective date of this chapter with any new or used AST is considered installation of a new system and therefore subject to any federal, state, and local regulations for the installation of new ASTs in addition to the provisions of this chapter, unless specified otherwise.

(E) Secondary Containment Requirements

- 1) **Exemptions.** Unless required under Subsection 1511.08(c)(18) of the City of Fairfield Codified Ordinances, the following are exempt from the secondary containment requirements in this chapter:
 - a) Storage of Regulated Substance(s) indoors in an area capable of fully containing within the Facility a total release of the Regulated Substance(s) for which the exemption is being claimed or draining the release to a wastewater treatment system capable of treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;
 - b) Storage of Regulated Substances as consumer products packaged in original containers;
 - c) Storage of Regulated Substances in storage units/areas with secondary containment comparable to or exceeding that required in Subsections [1157.04 \(E\)3](#) through [1157.04 \(E\)5](#) herein; and

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- d) ASTs located in the 10-year TOT.
- 2) **Secondary Containment Requirements for ASTs.** Unless exempted under Subsection [1157.04 \(E\)1](#), secondary containment is required as follows for ASTs installed after the effective date of this chapter:
- a) All ASTs installed in the one year TOT with a capacity exceeding 55 gallons; and
 - b) All ASTs installed in the five year TOT with a capacity of 500 gallons or more when storing petroleum or petroleum-based products, or 250 gallons or more when storing all other Regulated Substances.
- 3) **Construction.** Secondary containment systems must be constructed of or lined with materials compatible with the Regulated Substance stored. Secondary containment must be of sufficient thickness, density, and composition so as not to be structurally weakened from contact with the Regulated Substance or precipitation, and must be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment.
- 4) **Double Walls and Diking.** An AST must have at least one of the following at the choice of the Facility Operator:
- a) Double Walls shall be designed as a containment area and providing the Facility Operator with manual or electronic interstitial space monitoring capabilities. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirement for double walling; or
 - b) Diking shall be capable of containing 110 percent of the total volume of the tank. If the storage area contains multiple ASTs, the secondary containment must be large enough to contain 150 percent of the volume of the largest AST placed in it, or 10 percent of the aggregate internal volume of all ASTs in the storage area, whichever is greater.
- 5) **Precipitation**
- a) If an AST using a dike as a secondary containment system is exposed to and subject to accumulation of precipitation within the dike, the dike must be designed and operated as follows:
 - i. The base of the dike must be sloped to a collection point or sump to allow for controlled removal of accumulated storm-water or spilled regulated materials; and
 - ii. If the dike is penetrated by a drainage pipe, the pipe must have a lockable valve. This valve shall be kept closed and locked under normal conditions until a

determination is made by the Facility Operator that the discharge of storm-water is acceptable pursuant to Subsection [1157.04 \(E\)5b](#)) hereof.

- b) Storm-water accumulated within secondary containment that is known or suspected to contain a release from the primary containment unit must be handled in accordance with applicable federal, state, or local laws. No potentially contaminated stormwater may be discharged to a sanitary sewer without approval of the Public Utilities Director. The Public Utilities Director may require analysis of the stormwater before allowing discharge to the sanitary sewer if the released substance could present a treatment problem at the wastewater treatment plant. The Facility Operator must take all reasonable steps to neutralize the stormwater before discharging the stormwater to any septic system, dry well, sewer, soil, or surface water body.

(F) Temporary Placement Out of Service of ASTS

- 1) **Removal from Service.** Any Facility Operator intending to place an AST system out of service for less than one year must remove the system from service in accordance with the State of Ohio Fire Code in addition to any other applicable federal, state, or local regulations. Any AST meeting any of the secondary containment exemption criteria in Subsection [1157.04 \(E\)1](#)) or any heating fuel AST taken out of use for seasonal conditions, is exempt from this requirement.
- 2) **Returning the Tank to Service.** Unless required otherwise under another applicable federal, state, or local regulation, any AST placed out of service for more than 90 consecutive days but less than one year which is to be brought back into service must be brought back into service by the Facility Operator in accordance with the State of Ohio Fire Code. Any AST meeting any of the secondary containment exemption criteria in Subsection [1157.04 \(E\)1](#)) is exempt from this requirement.

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(G) Spill Control Plans

- 1) **Non-Residential Facilities.** Facility Operators required to develop a Spill Control Plan (SCP) must complete the plan no later than 180 days after becoming subject to this requirement. The Public Utilities Director or their designee may provide, at the request of the Facility Operator, a template of the SCP to facilitate development of the SCP. The SCP does not require the signature of a professional engineer. The SCP must be stored on site and made available on request to the fire department or other inspection authority. Any SCP developed in compliance with other federal, state, or local regulatory programs may satisfy the requirements of this provision provided that SCP contains all information specified in Subsection [1157.04 \(G\)2](#). Any deficient information must be amended into the existing SCP to be considered compliant with this section. If a pre-existing SCP is being used to satisfy this requirement, only compliance with Subsections [1157.04 \(G\)3](#) and [1157.04 \(G\)4](#) is required. Where applicable, one copy of the SCP must be kept in the Facility's repository box (lock box).
- 2) **Content of the Spill Control Plan.** The SCP must specify all of the following:
 - a) Facility name, address, and phone;
 - b) Facility Operator name and phone;
 - c) Emergency contact and phone. Designation of an emergency contact must be done in accordance with Subsection [1157.01 \(D\)2](#);
 - d) A brief description of the type of business conducted at the Facility;
 - e) The location of the Regulated Substance storage area(s) for which the SCP is being developed;
 - f) The type(s) and normally anticipated quantity of Regulated Substance(s) stored in the Regulated Substance storage area(s) for which the plan is being developed;
 - g) Potential hazards (including activities) to the Regulated Substance(s) stored in the area;
 - h) All openings/routes through which a release from the storage area(s) would potentially flow into the Facility's property and within 500 feet beyond the property line, including floor drains, doorways, storm sewers, dry wells, streams, and other openings/routes;

- i) Emergency response procedures to be followed in the event of a release, including specific points of contact for releases, evacuation procedures, and emergency notification procedures for appropriate federal, state, and local agencies; and
 - j) Emergency equipment available to the Facility Operator and location of equipment.
- 3) Employee Training.** A Facility Operator must train all employees annually on the release procedures outlined in the SCP. The Facility Operator must maintain a log of employee training and make the log available to the Public Utilities Director upon request. Copies of the SCP must be readily available for employee use in work areas in or near Regulated Substance storage areas.
- 4) Updating the SCP.** A Facility Operator must review and amended the SCP as necessary every two years and when any of the following occur:
- a) There is a change in ownership or management at the Facility;
 - b) An out-of-service AST system lacking secondary containment comparable to that required in Section [1157.04 \(E\)](#) is returned to service; and/or
 - c) Changes, structural or otherwise, are made at the Facility that will affect the anticipated flow direction of any release from the storage area or unit (ex: regrading of property, paving, building additions).
- 5) Residential Spill Control.** Any residence with a Regulated Substance storage unit required to have a SCP shall receive information from the Public Utilities Director or their designee on how to respond to a release from the storage unit as those units are registered. This information shall be provided in an easy-to-follow format. The owner of the Regulated Substance storage unit must keep any information related to spill control readily available in the event of a release.

1157.0 Source Water Protection Program

1157.05 Underground Storage Tanks

1157.05 Underground Storage Tanks

- (A) **Applicability.** This section applies to any person currently owning and/or operating or intending to own and/or operate any underground storage tank (UST) with a capacity exceeding 55 gallons when located within the one or five year time-of-travel zone (TOT), or with a capacity meeting or exceeding 500 gallons or more when located within the 10 year TOT.
- (B) **Exemptions**
- 1) The following USTs are exempt from regulation under this section:
 - a) **USTs containing de minimis quantities of a Regulated Substance.** A de minimis quantity is one inch or less. Any claim that a UST contains de minimis quantities when storing more than one inch of Regulated Substance shall be determined by the Public Utilities Director or their designee on a case-by-case basis. A Facility Operator must submit verification to the Public Utilities Director or their designee that the UST contains a de minimis quantity of a Regulated Substance when making any de minimis claim.
- (C) **Registration of UST Systems**
- 1) **Registration.** All UST systems subject to regulation under this section must be registered in accordance with Subsection [1157.01 \(D\)1](#) of this chapter. Any Facility Operator required to annually register a UST system with the State of Ohio Fire Marshal under OAC 1301:7-9-04 may provide a copy of that registration to the Public Utilities Director to satisfy this registration requirement.
 - 2) **Information.** UST registration shall include, but is not limited to, information on the following:
 - a) Facility name, address, and phone;
 - b) Facility Operator, address, and phone;
 - c) Number, size, construction, date of installation, and location of USTs;
 - d) Regulated Substances stored in the UST; and
 - e) Brief description of the type of monitoring equipment used for tanks.
 - 3) **New UST Registration.** Any new UST system subject to regulation under this section that is installed at a facility beginning operation after the effective date of this chapter must be registered in accordance with Subsection [1157.01 \(D\)1](#) no later than 180 days after beginning operation.

- 4) **Registration of Previously Exempt Facilities.** Any previously exempt Facility must be registered in accordance with Subsection [1157.01 \(D\)1](#) no later than 180 days after becoming subject to regulations under this section if it becomes subject to regulation under this section due to:
- a) Installation of an UST subject to regulation under this section;
 - b) Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances; and/or
 - c) Changes in the delineated SWPA as specified in Section [1157.02 \(B\)](#).
- 5) **Amending Registrations.** A Facility Operator must amend, or at the request of the Facility Operator, the Public Utilities Director must amend an existing UST registration no later than 60 days after any:
- a) Replacement of an existing UST system;
 - b) Change in ownership or management of the Facility;
 - c) Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances;
 - d) Permanent abandonment and/or removal of a UST; and/or
 - e) Change in the delineated SWPA as specified in Section [1157.02 \(B\)](#).
 - f) A Facility Operator choosing to have their facility registration amended by the Public Utilities Director must contact the Public Utilities Director no less than 30 days before a registration is due to ensure completion of the registration within the allowed 60 day time frame.
- 6) **Registration of Multiple Facilities.** Any person owning and/or operating more than one Facility subject to regulation under this section must register each regulated Facility separately in accordance with the provisions of this section.

(D) UST Installation Requirements

- 1) **Underground Storage Tanks.** All USTs subject to the Underground Storage Tank Regulations must be installed in accordance with those requirements when installed in all Source Water Protection Areas.

1157.0 Source Water Protection Program

1157.05 Underground Storage Tanks

- 2) **Underground Storage Release Compensation Board.** All petroleum UST systems subject to SWPA provisions must hold a current and valid certificate of coverage from the State of Ohio Petroleum Underground Storage Tank Release Compensation Board.
 - 3) **Heating Fuel USTs; Diesel Fuel USTs.** Heating fuel and diesel fuel USTs subject to regulation under this Section must be installed in accordance with the requirements in OAC 1301:7-9-06.
 - 4) **Other USTs.** UST systems installed for permanent storage, use, or handling of Regulated Substances other than vehicles fuels, vehicle lubricants, and fuel for building and/or process heating must be installed in accordance with the requirements in OAC 1301:7-9-06.
 - 5) **Vaulted USTs.** Vaults must meet the criteria specified in OAC 1301:7-9-06. The Facility Operator must inspect the vaulted UST at least once every 30 days for visible signs of leaks, cracks, or other structural defects that may result in the release of the substance into the vault or surrounding soils.
 - 6) Any UST system that is considered an existing UST system for the purpose of this section on the effective date of this chapter,
 - a) Is being installed;
 - b) Has received approval from the State of Ohio Fire Marshal or Ohio EPA to be installed; or
 - c) Is being reviewed by the State of Ohio Fire Marshal or Ohio EPA for a permit to install.
- (E) **Upgrading/Replacement of UST Systems.** For the purpose of this section, replacement of an existing UST shall be considered installation of a new system and required to comply with any applicable federal, state, and local regulations for the installation of new USTs in addition to the provisions of this section, unless specified otherwise.
- (F) **Temporary Placement Out-of-Service, Temporary Closure, Abandonment, Removal, and Change in Service of UST Systems**
- 1) **Compliance.** Facility Operators must comply with all applicable federal, state, and local regulations for the temporary placement out of service, closure, abandonment, removal, or change in service of any UST system in addition to any requirements set forth in this section.

- 2) **Abandonment of UST Systems.** No UST system located in the SWPA may be abandoned in place unless approved by a certified fire safety inspector or the State of Ohio Fire Marshal. The Facility Operator must copy the Public Utilities Director on any closure assessment and other information related to the closure and abandonment in place of the UST system as the information is submitted to the Bureau of Underground Storage Tank Regulations, the State Fire Marshal, or Ohio EPA.

(G) Tank Tightness Testing

- 1) **Exemptions.** The following USTs are exempt from the tank tightness testing provisions required by this Section:
 - a) USTs regulated under and operated in compliance with the Underground Storage Tanks Requirements (OAC 1301:7-9-06);
 - b) USTs with a capacity of less than 500 gallons are used exclusively for holding diesel fuel and heating fuel oil grades no. one and two.
- 2) **Tightness Testing.** Any UST does not exempt under Subsection [1157.05 \(G\)1](#) must be tested for tightness as follows:
 - a) Prior to the conveyance of real property by sale or otherwise on which an UST is located, the grantor shall have each UST located thereon tested for tightness in accordance with OAC Chapter 1301:7-9-07(E)(3) and (F)(2), provided no such UST shall be subject to testing more than three times in the same 10 year period.
 - b) Where a conveyance of real property on which an UST is located has not occurred within any consecutive 10 year period, commencing from the effective date of this chapter, the owner shall cause each UST located thereon to be tested for tightness in accordance with OAC Chapter 1301:7-9-07 within such period.

Testing results shall be submitted to the Public Utilities Director no later than 30 days after completion of the test. A tightness test is not required if the UST will be removed in conjunction with sale of the property or where a test has been completed for a UST within one year prior to sale or transfer of ownership of a property.

- 3) **Failure of a Tank Tightness Test.** If a UST fails a tank tightness test, the Facility Operator must determine if a release has occurred. If a release is confirmed, the release must be reported and remediated in accordance with Section [1157.01 \(F\)4](#).

1157.0 Source Water Protection Program

1157.06 Management of Other Potential Pollution Sources

1157.06 Management of Other Potential Pollution Sources

(A) Land Application of Pesticides and Fertilizers

- 1) **Applicability.** This section applies to the application of restricted use pesticides as identified by the US EPA at existing and new commercial, recreational, and agricultural facilities in the one and five year TOT.
- 2) **Registration of Restricted Use Pesticides.** Facility Operators applying restricted use pesticides within the one and five year TOT in any quantity must register the application of those restricted use pesticides with the Public Utilities Director within 180 days of the effective date of this chapter and by March 1 of every second year thereafter. Any Facility Operator required to maintain records of restricted use pesticide application under any other federal, state, or local program may submit a copy of those records to the Public Utilities Director to satisfy this registration requirement. A Facility Operator may request that the registration be completed by the Public Utilities Director. A Facility Operator choosing to have their facility registered by the Public Utilities Director must contact the Public Utilities Director no less than 90 days before a registration is due to ensure completion of the registration by the required due date.
- 3) **Registration Information.** Registration will include, but is not necessarily limited to, general information on the facility and the application of restricted use pesticides at the facility.
- 4) **Registration of Previously Exempt Facilities.** Any previously exempt Facility must be registered in accordance with Subsection [1157.01 \(D\)1](#) if it becomes subject to regulation under this section due to:
 - a) Changes in the types of pesticides applied at a Facility from non-restricted to restricted use pesticides; and/or
 - b) Changes in the delineated Source Water Protection Area.

(B) Road Salt Shortage

- 1) **New Facilities.** All road salt stored at new facilities in the one year and five year TOT must be stored under a covered shelter on an impervious surface and capable of catching, diverting, and controlling storm-water run-off. This requirement does not apply to salt prepackaged for consumer use.

- 2) **Registration.** Any Facility in the one year TOT storing road salt outdoors in quantities meeting or exceeding 1,000 pounds must be registered in accordance with Subsection [1157.01 \(D\)1](#).

(C) On-Lot Sewage Systems

- 1) **Registration.** Any on-lot sewage system in the SWPA used for the disposal of process waters other than sanitary wastes must be registered in accordance with Subsection [1157.01 \(D\)1](#). Any Facility Operator required to register such disposal to any other federal, state, or local authority may submit a copy of that registration to the Public Utilities Director to satisfy the registration requirements of this subsection. The Public Utilities Director reserves the right to ask for additional information when deemed necessary.
- 2) **Cessation of On-Site Disposal.** Any Facility Operator permanently ceasing disposal of process wastes on site through an on-lot sewage system must submit an amended Facility registration no later than 60 days of ending disposal in accordance with Subsection [1157.01 \(D\)7](#).

(D) Junkyards

- 1) All commercial junk and salvage yards in the SWPA must be registered in accordance with Subsection [1157.01 \(D\)1](#) and must comply with the following as applicable: Section [1157.01 \(F\)](#); Subsection [1157.01 \(G\)1](#); and Section [1157.04 \(B\)](#).
- 2) **Fluid Management.** Scrap vehicles or other units brought into a commercial junk yard located within the SWPA must have all fluids removed in accordance with current federal, state, and local regulations before on-site crushing and/or storage of the vehicle or unit. All Regulated Substances removed from a vehicle or other unit must be handled and stored in accordance with current federal, state, and local regulations in addition to the provisions of this chapter as required.

(E) Dry Wells

- 1) **Registration of New Dry Wells.** The Public Utilities Director must be notified of the installation of any new dry well within the SWPA no later than 60 days after installation of the new dry well. Notification shall be provided on a standard form supplied by the Public Utilities Director at the request of the registrant. The registration shall include information including, but not limited to, the location and design of the new dry well(s). One registration form may be submitted for the installation of multiple dry wells with the same design at a site.

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1157.06 Management of Other Potential Pollution Sources

- 2) **Use of Existing Registration Information.** Any municipality or Facility Operator required to register or report a dry well or dry well system to any other federal, state, or local authority may submit a copy of that registration or report to the Public Utilities Director to satisfy the registration requirements of this Section. The Public Utilities Director reserves the right to request additional information when deemed necessary.
- 3) **Inspection and Maintenance Schedule.** Any municipality, developer, or facility using dry wells for storm-water management in the one and five year TOT must develop and implement a schedule for the regular inspection and maintenance of those dry wells. All new dry wells shall have limited, controlled access, and be posted with signage indicating: “No dumping, drains to drinking water aquifer” as defined in this chapter.

(F) Landfills

- 1) **Registration.** All commercial landfills in the Source Water Protection Area must be registered in accordance with Subsection [1157.01 \(D\)1](#) Any releases meeting criteria specified in Subsection [1157.01 \(G\)1](#), or any release to groundwater detected through a groundwater monitoring network associated with the site, must be reported to the Public Utilities Director or their designee in accordance with Section [1157.01 \(F\)4](#). The Public Utilities Director or their designee shall make all reasonable effort to register former unlicensed landfills in addition to commercial landfills or open dumpsites.

(G) Wells or Boreholes

- 1) **Applicability.** This section applies to any existing or new well or borehole in a SWPA used for the production of groundwater that does not require plan approval by the Ohio EPA. This includes any well or borehole used for producing water not intended for human consumption.
- 2) **Installation and Maintenance.** Any well or borehole subject to regulation under this section installed after the effective date of this chapter must be installed in accordance with Chapter 3745-9-05 of the Ohio Administrative Code. All new wells and boreholes must be registered by the well or borehole owner with the Public Utilities Director no later than 15 days prior to installation of the well or borehole. All new wells or boreholes must be installed by a State-recognized well driller. All new wells or boreholes must be installed in accordance with the State of Ohio Technical Guidance for Well Construction and Ground Water Protection.

- 3) Abandonment of Wells or Boreholes.** All wells or boreholes which are not maintained for production, standby, or observation purposes are to be permanently sealed according to the State of Ohio Technical Guidance Manual for Sealing Abandoned and Unsealed Wells or Boreholes developed by the State Coordinating Committee on Ground Water. The Facility Operator must notify the Public Utilities Director no later than 15 days prior to abandonment of the well or borehole and all paperwork associated with the well or borehole abandonment process must be filed with the Ohio Department of Natural Resources and the City of Fairfield Development Services Department.
 - 4) Geothermal Wells or Boreholes.** Any geothermal well or borehole installed in any SWPA must do so in accordance with the State of Ohio Technical Guidance for Installation of Geothermal Wells.
- (H) Fill Operations.** All fill operations shall use clean, hard fill materials and shall be approved by the administering authority prior to the commencement of fill activities.
- 1)** Fill dirt shall not contain fly ash, sewage, sludge, asphalt, shingles, construction debris or any other material prohibited by any local, state, or federal regulation.
 - 2)** All fill operations must comply with local, state, and federal law including, but not limited to, ORC Chapter 3714, and OAC Chapter 3745. In accordance with OAC Chapter 3745-400-05, a written notice of “intent to fill” shall be filed with the City of Fairfield as required by this rule and shall also be filed with the administering authority. Such notice is required to be filed seven days prior to the commencement of fill operations.
 - 3)** All fill sites shall have limited, controlled access, and be posted with signage indicating: “Source Water Protection Area. Fines will be imposed for illegal dumping of fill materials. No asphalt, shingles, construction debris, or any other prohibited material.” The site must be secured during unauthorized times with emergency contact information posted.
 - 4)** Any violation of this section shall be subject to the penalty provisions of Section [1157.07](#)

1157.07 Violation, Penalty, and Administrative Remedies

No person shall knowingly submit false or inaccurate information to the Public Utilities Director or their designee or violate, disobey, omit, neglect, or refuse to comply with any provision of this chapter or order issued pursuant to this chapter. Any person doing so shall be subject to penalty under Section [1170.17](#) of this zoning code.

1157.0 Source Water Protection Program

1157.08 Variance and Appeals Under the Source Water Protection Program

1157.08 Variance and Appeals Under the Source Water Protection Program

(A) Appeal

- 1) Any person aggrieved by any order issued by the Public Utilities Director under the provisions of this chapter may appeal such decision to the Board of Zoning Appeals in accordance with established filing procedures.
- 2) **Source Water Protection Appeals Advisory Board Established.** The member communities of the Hamilton to New Baltimore Groundwater Consortium and their surrounding jurisdictions have established a Source Water Protection Appeals Advisory Board (SWPAAB) for the technical review of any variance or appeals request submitted under the Source Water Protection Program. The SWPAAB shall consist of representatives from communities in the Hamilton to New Baltimore area as selected by City Council or other designated authority for that community. The SWPAAB shall operate in accordance with the bylaws developed by and for the group.
- 3) **SWPAAB Review.** Before action on any variance or appeal under this chapter by the Board of Zoning Appeals, the SWPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The SWPAAB shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, it may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The SWPAAB shall have 30 days from receiving a variance or appeals request to make a recommendation to the Board of Zoning Appeals. This 30 day period shall be inclusive within, not in addition to, the allowed time frame for review by the Board of Zoning Appeals.

1157.09 The Regulated Substances List

- (A) The substances to be regulated ("Regulated Substances") are those chemicals, mixtures, and other substances, or components thereof, that are known or suspected (as classified by EPA standards) carcinogens, toxic or highly toxic agents, corrosives, or which otherwise have been determined to be a health hazard or require monitoring as a primary or secondary contaminant under the Safe Drinking Water Act of 1986 (Public Law 93- 523), as amended. These substances shall be regulated when the concentration of Regulated Substances stored or otherwise used on site meets or exceeds those quantities specified in Section [1157.09 \(C\)](#). Regulated Substances include:
- 1) Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products;
 - 2) Antifreeze, transmission fluids, brake fluids, and coolants;
 - 3) Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents;
 - 4) Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning;
 - 5) Organic pigments;
 - 6) Liquid storage batteries;
 - 7) Non-aerosol, non-latex-based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters;
 - 8) Corrosion and rust prevention solutions;
 - 9) Industrial and commercial cleaning supplies, including drain cleaners;
 - 10) Sanitizers, disinfectants, bactericides, and algaecides;
 - 11) Pesticides, herbicides, and fertilizers;
 - 12) Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5;
 - 13) Aqueous metals;
 - 14) Road salt (only when stored in the one and five year TOT);

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1157.09 The Regulated Substances List

- 15) Any material containing one percent or more by weight of a hazardous raw or waste product that is regulated as an Extremely Hazardous Substance under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (OAC Chapter 3750-20), as a Hazardous Substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (OAC Chapter 3750-30), or as a Toxic Chemical regulated under Section 313 of EPCRA (OAC 3745-100).
 - 16) Chemicals which are regulated by SWDA, TSCA, RCRA, OSHA, CERCLA, SARA, FIFRA or other state and/or federal environmental laws and regulations, or for which there is scientific evidence such as the contaminant candidate list (CCL) under the USEPA that indicate acute or chronic health effects can result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, teratogens, endocrine disruptors, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes;
- (B) A substance listed above in Section [1157.09 \(A\)](#) may be exempted from regulation under this chapter if the Regulated Substance does not present a threat to groundwater due to the nature of the substance, and the Facility Operator claiming this exemption for a specific Regulated Substance shows the Public Utilities Director proper documentation from the chemical manufacturer or other qualified, verifiable source that the Regulated Substance does not present a threat to groundwater.
- (C) **Baseline Quantity Thresholds.** Substances listed in Section [1157.09 \(A\)](#) shall be considered regulated when, at any time of the year, the concentration of Regulated Substances Stored or used at a Facility meets or exceeds the lesser of the following quantities:
- 1) When located within the one and five year TOT, in amounts exceeding 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights;
 - 2) When located within the 10 year TOT, in amounts meeting or exceeding 1,000 gallons aggregate for liquid materials or 8,000 pounds aggregate for dry weights when stored aboveground, or 500 gallons aggregate for liquid materials when stored in an underground storage tank.
- (D) **Regulated Substances for Consumer Purchase.** Storage of Regulated Substances packaged as consumer products in original containers for consumer purchase shall be regulated under this chapter only when storage meets or exceeds 500 hundred gallons aggregate for liquid materials or 4,000 pounds aggregate for dry weights, whichever is less, in the one and five year TOT, or 1,000 gallons aggregate for liquid materials or 8,00 pounds aggregate for dry weights, whichever is less, in the 10 year TOT.

1157.10 Source Water Protection Program Definitions

Aboveground Storage Tank (AST). This term, as it applies to Source Water Protection, refers to any non-portable container and supporting structure, excluding all pipes connected thereto, which is used to store an accumulation of Regulated Substances and in which more than 90 percent of the final volume of the storage container is at or above the final ground elevation.

Best Management Practices (BMP). This term, as it applies to Source Water Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills, and leaks.

Borehole. This term, as it applies to Source Water Protection, refers to a hole drilled/cored into the ground to obtain geological information, release water, etc.

BUSTR. This term, as it applies to Source Water Protection, refers to the Ohio Bureau of Underground Storage Tank Regulations.

CERCLA. This term, as it applies to Source Water Protection, refers to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended by SARA.

City. This term, as it applies to Source Water Protection, refers to the City of Fairfield and any of its designated agents.

Dry Well. This term, as it applies to Source Water Protection, refers to a type of drainage well used for the underground disposal of stormwater runoff from paved areas, which include parking lots, streets, highways, residential subdivisions, and building rooftops; agricultural areas; and industrial areas.

EPCRA. This term, as it applies to Source Water Protection, refers to the Emergency Planning and Community Right-To-Know Act of 1986, also known as the Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, 42 U.S.C. 960).

Existing Facility or Existing Storage Unit. This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit in operation or for which construction commenced on or before the effective date of this chapter. Construction of a Facility or Regulated Substance storage unit has commenced if:

- (A) The owner or operator has obtained the federal, state and local approvals or permits necessary to begin physical construction; and either

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(B) A continuous on-site, physical construction program has begun; or the owner or operator has entered into contractual obligations for physical construction of the Facility or Regulated Substance storage unit which cannot be canceled or modified without substantial loss.

Extremely Hazardous Substance. This term, as it applies to Source Water Protection, refers to any substance listed by the United States Environmental Protection Agency under 40 CFR Part 355 appendixes A and B; and any substance listed by the commission pursuant to divisions (B)(4) and (C)(5) of Section 3750.02 of the Ohio Revised Code.

Facility. This term, as it applies to Source Water Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same Facility Operator. A Facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term Facility includes all principal and accessory uses, including residential uses.

Facility Operator. This term, as it applies to Source Water Protection, refers to the person or designee in possession or control of a Facility or Regulated Substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of Regulated Substances located on site.

Great Miami Buried Valley Aquifer. This term, as it applies to Source Water Protection, refers to a regionally extensive groundwater aquifer system providing drinking water to communities throughout central and southwest Ohio. The Great Miami Buried Valley Aquifer is a designated Sole Source Aquifer under the federal Safe Drinking Water Act, signifying a protected status as a valued natural resource.

Geothermal Well. This term, as it applies to Source Water Protection, refers to well(s) that have been drilled to access and utilize heat sources from within the earth.

Groundwater. This term, as it applies to Source Water Protection, refers to all the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm-water distribution/collection systems.

Hamilton to New Baltimore Groundwater Consortium. This term, as it applies to Source Water Protection, refers to a consortium of seven public and industrial groundwater suppliers and users in the Hamilton to New Baltimore area of Butler and Hamilton Counties, Ohio. Members are: Greater Cincinnati Water Works, The City of Fairfield, The City of Hamilton, Southwest Regional Water District, Molson Coors Beverage Company, Butler County Water and Sewer, and Southwestern Ohio Water Company, and their successors.

Impervious Surface. This term, as it applies to Source Water Protection, refers to any surface which prevents the absorption of Regulated Substances into surrounding soils or other pervious surface areas, and which will not react with the Regulated Substance being stored in such a way that the surface will deteriorate and no longer be impervious.

Junkyard.

- (A) Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, house wrecking yards, used lumber yards, places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including storage of materials incidental to manufacturing operations; or
- (B) Any establishment, place of business or property upon which motor vehicles are kept for the primary purpose of disassembling, dismantling, cutting up, stripping, or otherwise wrecking such motor vehicle to extract parts, components, or accessories; or
- (C) Any establishment, place of business or property upon which ten or more unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are kept or stored.

New Facility or Storage Unit. This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit beginning operation after the effective date of this chapter.

Nonconforming Facility or Nonconforming Storage Unit. This term, as it applies to Source Water Protection, refers to any existing Facility or Regulated Substance storage unit which, as of the effective date of this ordinance, would otherwise be prohibited within a designated TOT.

OAC. The Ohio Administrative Code.

Ohio EPA. The Ohio Environmental Protection Agency.

ORC. The Ohio Revised Code.

Permanent. This term, as it applies to Source Water Protection, refers to more than ninety (90) consecutive days.

Pesticide. This term, as it applies to Source Water Protection, refers to (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2(t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term shall include all fungicides, insecticides, nematicides, or other substances used for the control of pests.

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1157.10 Source Water Protection Program Definitions

Primary Containment. This term, as it applies to Source Water Protection, refers to the first level of containment, i.e., the inside portion of a container or storage device which comes into immediate contact on its inner surface with a Regulated Substance.

Principal. This term, as it applies to Source Water Protection, refers to the primary, predominant, or foremost use or activity at a Facility.

Process. This term, as it applies to Source Water Protection, refers to the incorporation of a Regulated Substance into a product. Includes making mixtures, repackaging, or using a Regulated Substance as a feedstock, raw material, or starting material for making another chemical.

Public Utilities Director. The Public Utilities Director of the City of Fairfield.

Rail Switch Yard. This term, as it applies to Source Water Protection, refers to any area or railroad center where trains/railroad cars are made up, serviced, switched from track to track, or stored.

RCRA. This term, as it applies to Source Water Protection, refers to the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Regulated Substances. This term, as it applies to Source Water Protection, refers to those substances identified in Section [1157.09 \(A\)](#) of this chapter which are regulated under the Source Water Protection Program.

Regulated Substance Storage Area. This term, as it applies to Source Water Protection, refers to that area where Regulated Substances are stored. A Regulated Substance storage area can include single or multiple Regulated Substance storage units.

Regulated Substance Storage Unit. This term, as it applies to Source Water Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container used for the storage of one or more Regulated Substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of Regulated Substances.

Release. This term, as it applies to Source Water Protection, refers to the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of Regulated Substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied in this chapter does not include the following:

- (A) Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;

- (B)** Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit if such permits are required by applicable environmental laws;
- (C)** Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
- (D)** Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;
- (E)** Any discharge of a petroleum substance in a quantity less than 25 gallons unless such petroleum discharge enters a dry well, storm sewer, test well, monitoring well, abandoned well or surface water body;
- (F)** Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than 25 pounds within a 24 hour period in the one and five year time-of-travel zone, or less than 100 pounds within a 24 hour period in the 10 year time-of-travel zone; or
- (G)** The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.

Replacement. This term, as it applies to Source Water Protection, refers to the physical removal of a Regulated Substance storage unit for installation of a new Regulated Substance storage unit.

Restricted Use Pesticide. This term, as it applies to Source Water Protection, refers to any pesticide or pesticide use classified by the administrator of the United States Environmental Protection Agency for use only by a certified applicator or by an individual working under the direct supervision of a certified applicator.

Secondary Containment. This term, as it applies to Source Water Protection, refers to containment external to and separate from primary containment designed to contain a release from a primary containment unit. Secondary containment may include, but is not limited to, double walls, dikes, vaults, or impervious liners (both natural and synthetic).

Sensory Receptors. As a part of the body's nervous system, sensory receptors are responsible for processing obtained information from the surrounding environment.

1157.0 Source Water Protection Program

1157.10 Source Water Protection Program Definitions

Source Water Protection Area (SWPA). The surface and subsurface areas supplying water to wells or wellfields through which contaminants are likely to move and reach such wells or wellfields. The Source Water Protection Area includes the one, five, and 10 year time-of-travel zones.

Source Water Protection Program (SWPP). A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.

Storm-Water Management Plan. This term, as it applies to Source Water Protection, refers to the Ohio Environmental Protection Agency requirements to control pollutants in storm-water discharge from municipal separate storm sewer systems, industrial storage facilities and construction activities. OEPA requirements include such activities as training, planning, maintenance, construction and facilities management with a common focus on water quality issues.

Storm-Water Management Zone. This term, as it applies to Source Water Protection, refers to any area applicable to the Storm-Water Management Plan.

Temporary. This term, as it applies to Source Water Protection, refers to a period of ninety (90) consecutive days or less. Regulated Substances and the individual storage units containing such substances that are used on site as part of regular business operations are not to be considered temporary storage.

Time of Travel Zone (TOT). This term, as it applies to Source Water Protection, refers to the advective travel time for water to flow through an aquifer and reach a well or wellfield.

Underground Storage Release Compensation Board (USRCB). The Ohio Petroleum Underground Storage Tank Release Compensation Board (The Board) consists of government and industry representatives and has the primary responsibility of administering the Petroleum Financial Assistance Fund. The Fund is a source of income derived from mandatory per-tank fees and is available to eligible underground storage tank owners to reimburse petroleum release clean-up costs.

Underground Storage Tank (UST). This term, as it applies to Source Water Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of Regulated Substances the volume of which, including the volume of the underground pipes connected thereto, is 10 percent or more beneath the surface of the ground. For the purposes of this chapter, the term does not include:

- (A) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82. Stat, 720, 49 U.S.C.A. 2001, as amended;
- (B) Surface impoundments, pits, ponds, or lagoons;
- (C) Storm or waste water collection systems;

- (D)** Flow-through process tanks;
- (E)** Septic tanks;
- (F)** Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or
- (G)** Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.

Use or Otherwise Use. This term, as it applies to Source Water Protection, refers to handling, transferring, processing, packaging, treating, emitting, discharging, or disposal of Regulated Substances at a Facility.

Wellfield. A tract of land that contains one or a number of wells (wellheads) for use in public water supplies.

Wellhead. An individual well for supplying water.

1158.0 EXTRACTION OF MINERALS

1158.01 Procedure

Any other provision of this zoning code notwithstanding, the extraction of minerals by deep mining methods, strip mining or other mining methods is prohibited, except by specific approval of City Council by ordinance in accordance with the provisions of this chapter. Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any M District may file with the Clerk of Council an application in conjunction with presentation of a valid petition in accordance with Section [1170.04](#) of the zoning code for authorization to mine minerals therefrom.

- (A) **Application.** An application for such operation shall be submitted with presentation of a valid petition in accordance with Section [1170.04](#) setting forth the following information:
- 1) The name of the owner or owners of land from which removal is to be made;
 - 2) The name of the applicant making request for such a permit;
 - 3) The name of the person or corporation conducting the actual removal operation;
 - 4) The location, description, and size of the area from which the removal is to be made;
 - 5) The location of the processing plant used;
 - 6) The type of resources or materials to be removed;
 - 7) The proposed method of removal and whether or not blasting or other use of explosives shall be required;
 - 8) A description of equipment to be used; and
 - 9) The method of rehabilitation and reclamation of the mined area.
- (B) **Public Hearing.** Upon receipt of such petition, the Clerk of Council shall bring such application to the attention of City Council, which shall refer the application to the Planning Commission for recommendation under and in accordance with Section [1170.04 \(F\)](#).

1158.02 General Requirements

The use and operation of structures and equipment shall comply with all requirements of the district in which such property is located and with the following additional requirements:

- (A) **Minimum Size Area.** The minimum area for the operation shall be 20 acres.
- (B) **Distance from Property Line.** No quarrying operation shall be carried on or any stockpile placed closer than 50 feet to any property line, unless a greater distance is specified by City Council where such is deemed necessary for the protection of adjacent property.
- (C) **Distance from Public Right-of-Way.** In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.
- (D) **Fencing.** Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the City Council, such fencing is necessary for the protection of public safety. The fencing shall be of a type specified by the City Council.
- (E) **Equipment.** All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Engineer.
- (F) **Processing.** The crushing, washing, and refining or other similar processing may be authorized by City Council as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located and shall not be located within 200 feet of any boundary of the site.

1158.03 Rehabilitation

To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided shall furnish a reclamation plan and performance bond running to the city, in an amount to be fixed by City Council after recommendation by the City Engineer.

1158.0 Extraction of Minerals

1158.03 Rehabilitation

- (A) **Surface Rehabilitation.** All excavation shall be made either to a water producing depth, such depth to be not less than five feet below water mark, or shall be graded or backfilled with non-toxic, noninflammable and noncombustible solids, to secure that the excavated area shall not collect and permit to remain therein, stagnant water; or that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that shall minimize erosion due to rainfall and which shall be in substantial conformity to the adjoining land area.
- (B) **Vegetation.** Vegetation shall be restored by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged under water as hereinabove provided.
- (C) **Banks of Excavation not Backfilled.** The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three feet horizontal to one foot vertical, and such bank shall be seeded.
- (D) **Additional Requirements.** In addition to the foregoing, City Council may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as City Council may deem necessary for the protection of adjacent properties and the public interest. Such conditions and the amount of the performance bond shall be determined by the City Engineer prior to approval of the permit by City Council.

1159.0 EXCAVATION AND FILLING OF LAND

1159.01 Purpose

The purpose of this chapter is to safeguard life, limb, property and the public welfare, and the preservation of the natural environment and the stability of hillsides by regulating excavating and filling of land.

1159.02 Issuance of Permits and Exemptions

- (A) No person, the owner of any property or in possession or control of any property shall cause, permit, or allow any excavating or filling to be done on such property unless a permit has been issued by the City Engineer for such excavating or filling except that no permit shall be required for:
- 1) Normal agricultural operations and normal residential landscaping and fence installation which does not interfere with planned drainage swales, or which does not create conditions defined in Section [1159.03](#).
 - 2) Normal cemetery operations of opening or closing graves.
 - 3) Public works performed by or under control of the City Engineer, except for excavating or filling performed outside the project work limits.
 - 4) Exploratory excavations under the direction of a registered professional engineer, geotechnical engineer, engineering geologist, soil scientist, or surveyor when operating within the practice of surveying. Exploratory excavations by a contractor or builder are permitted provided they are not made in a slope steeper than five horizontals to one vertical and are promptly and properly filled.
 - 5) Temporary excavations for wells, tanks, vaults, tunnels, sign foundations and trenches for utilities.

1159.0 Excavation and Filling of Land

1159.03 Correction of Hazardous Conditions

- 6) Subject to the provisions of Section [1159.10](#), any excavation for a basement and footings of a building authorized by a valid building permit, provided the excavation does not exceed 10 feet in vertical depth at its deepest point or 500 cubic yards per each 5,000 square feet of site area, whichever is the more restrictive and is made in existing terrain with a slope flatter than five horizontal to one vertical, and subsequent filling with this excavated material on the same site, provided the fill does not exceed five feet in vertical depth at its deepest point or 500 cubic yards per each 5,000 square feet of site area, whichever is more restrictive, and is placed on existing terrain with a slope flatter than five horizontal to one vertical and does not result in a finished slope steeper than three horizontal to one vertical.
- (B) No excavating or filling pursuant to Subsection (A) hereof should cause any slope to become unstable, impose loads which may affect the safety of structures or slopes, interfere with adequate drainage for the site area and the drainage area of land tributary to the site, obstruct, damage, or adversely affect lawfully existing utilities or drainage, public or private, cause a stagnant pond of water to form, or cause sedimentation or erosion.
- (C) The exemptions contained in Subsection (A) hereof do not apply to any operations pursuant to Section [1159.03](#)

1159.03 Correction of Hazardous Conditions

- (A) Whenever the City Engineer determines that any existing excavation, fill, slope, or other condition has become a hazard or endangers the public health, safety or any public or private property or adversely affects the safety, usability or stability of any public way or drainage channel or has caused detrimental erosion or sedimentation, the City Engineer shall order the owner or person in control of the property on which such condition exists to correct the condition. The owner or person in control of the property, upon receipt of the order of the City Engineer shall, within 10 days, apply for and obtain a permit and promptly proceed to correct the condition creating such hazard in accordance with the provisions of this chapter. The proposed correction of hazardous conditions shall be started and completed within a reasonable length of time to be specified by the City Engineer.
- (B) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to correct the condition, the City Engineer after having ascertained the cost, shall cause such excavation, fill, slope, or other condition to be corrected.

- (C) The decision of the City Engineer shall be final in cases of emergency which, in the opinion of the City Engineer involves imminent danger to human life or health. The City Engineer shall promptly cause such excavation, fill, slope, or other condition, to be made safe. For this purpose, the City Engineer may at once enter the land on which it stands, or abutting land or structure, with such assistance and at such cost as the City Engineer may deem necessary. The City Engineer may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.
- (D) Costs incurred under Subsections (B) and (C) hereof shall be paid by the city on certificate of the City Engineer. Such costs shall be charged to the owner of the premises involved and shall be collected via a civil proceeding or via a lien on the property.

1159.04 Evaluation Criteria

The criteria by which the plans and specifications are evaluated shall be the applicable requirements of the subdivision regulations of this zoning code, the Design, Construction and Material Specification Handbook, and any other applicable ordinances of the city as may be amended from time to time.

1159.05 Plans and Specifications

- (A) The City Engineer shall issue a permit for excavating or filling only on the basis of plans and specifications submitted to and approved by the City Engineer. A separate permit shall be required for each site. Unless waived or modified pursuant to the provisions of Section [1159.06](#) hereof, the plans and specifications submitted with the permit application shall:
- 1) Include the owner's name and address;
 - 2) Include a plot plan, drawn to scale, showing the location of the proposed work;
 - 3) Include a contour map of the affected area showing the existing and proposed contour at two-foot intervals;
 - 4) Show the proposed amount of excavation or fill in cubic yards;
 - 5) Show the location of any existing and proposed streets;
 - 6) Show the location of any existing and proposed buildings or structures on the subject property and within 45 feet of the subject property;

1159.0 Excavation and Filling of Land

1159.05 Plans and Specifications

- 7) Show the location of any existing watercourses, drainage, and utilities serving the property;
 - 8) Show existing and proposed drainage structures, walls, cribbing and surface protection, and any necessary temporary earth restraining installations;
 - 9) Show a plan for temporary and permanent drainage of the property, including any new or altered utilities;
 - 10) Describe the proposed method for the protection of the soils from erosion and sedimentation;
 - 11) Show flood zone; and
 - 12) Show additional information as may reasonably be required by the City Engineer.
- (B)** Unless waived pursuant to the provisions of Section [1159.07](#) hereof, the plans and specifications shall be prepared by a registered professional engineer, surveyor, or when operating within the practice of surveying, or an architect where the work contemplated by the plans and specifications is incidental to the practice of architecture and shall, in addition to the requirements of subsection (A) hereof:
- 1) Include a report showing the results of surface and subsurface exploration, conditions of the land, and procedures for performing the operation;
 - 2) Show plans of all drainage provisions which shall be of such design to adequately handle the surface run-off, together with a map showing the drainage area of all land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain computed in accordance with current acceptable standards;
 - 3) Include a description of the borrow material, and the method to be used for and the degree of its proposed compaction;
 - 4) Show proposed preparation of existing ground surface to receive fill;
 - 5) Show proposed terraces and ditches where necessary to control surface drainage and debris;
 - 6) Show proposed subsurface drainage if necessary for stability;
 - 7) Show plans for all retaining walls, cribbing, vegetative provisions, erosion and sediment control measures, together with location of temporary and/or permanent fencing and other protective devices to be constructed in connection with, or as a part of the proposed work; and

- 8) Show a time schedule and sequence indicating the anticipated starting and completion dates of the development sequence--stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- (C) Any plans submitted for or work performed under permits issued under Section [1159.02](#) must also conform with the requirements of Sections [925.07](#) and [1199.03 \(G\)](#), and Chapter [1156.0](#).
- (D) If the City Engineer shall be satisfied that the proposed excavation and/or fill will not cause any of the hazards described in Subsections [1159.07 \(A\)1](#) through [1159.07 \(A\)5](#) hereof then in such event the City Engineer shall issue a permit authorizing the excavation and/or fill.

1159.06 Supervision by Registered Professional Engineer or Surveyor

Where unusual or exceptional factors or conditions exist, the City Engineer, or in the case of a subdivision, the Planning Commission, may require that excavation and fill in the field be supervised by a registered professional engineer, a surveyor when operating within the practice of surveying, or their representatives. The registered professional engineer or surveyor shall submit a summary report to the City Engineer upon completion of the excavation and/or fill operations.

1159.07 Waiver or Modification of Submission of Plans and Specifications

- (A) The City Engineer may waive or modify the requirements of this chapter for plans and specifications, and field supervision and summary report if the application for a permit or a certification in writing of a registered professional engineer or surveyor when operating within the practice of surveying to the satisfaction of the City Engineer, that the proposed excavation or fill will not:
- 1) Interfere with adequate drainage for the site area and the drainage area of land tributary to the site;
 - 2) Obstruct, damage or adversely affect existing utilities or drainage, public or private;
 - 3) Cause a stagnant pond of water to form;
 - 4) Create slope stability problems on subject and adjacent property; or

1159.0 Excavation and Filling of Land

1159.08 Subdivisions

5) Cause detrimental erosion or sedimentation.

(B) The City Engineer may waive or modify any or all of the requirements of this chapter if, in the opinion of the City Engineer, the proposed excavation or fill is in an isolated, self-contained area and that there is no apparent danger to adjacent public or private property. The waivers or modifications contained in this section do not apply to the operations pursuant to Section [1159.03](#) Any waivers or modifications granted by the City Engineer under this chapter do not constitute a waiver or modification for submission requirements contained in any other ordinance, statute or regulation of the city.

1159.08 Subdivisions

The provisions of this chapter shall be part of the subdivision submission and review process. Acceptance of a subdivision by the city shall constitute compliance with the submission and review provisions of Sections [1159.05](#) [1159.06](#) and [1159.07](#)

1159.09 Prohibitions of Certain Excavations, Fills, or Grades

No permit shall be issued for an excavation or fill to be made with a face steeper in slope than two horizontal to one vertical, except that the City Engineer may permit an excavation or fill to be made with steeper face if an applicant demonstrates satisfactorily by means of appropriate soil exploration and analysis and the written opinion of a registered professional engineer or a surveyor when operating within the practice of surveying, that the materials are capable of standing on a steeper slope without creating any of the hazards described in Sections [1159.02](#) and [1159.03](#)

1159.10 Setbacks of Tops and Toes

Except as provided in Section 1804, Excavation, Grading and Fill, of the Ohio Basic Building Code, the tops and toes of excavation and fill slopes shall be set back from property boundaries and structures as far as necessary and for the safety of adjacent properties and adequacy of foundation support and to prevent damage as a result of water run-off.

1159.11 Protection Against Erosion

All excavations and fills shall be performed so as to minimize soil erosion and sedimentation.

1159.12 Relocation and Protection of Utilities

- (A)** If in the opinion of the City Engineer it is necessary to adjust, relocate, add to or otherwise modify the existing public utility system servicing the area affected by an excavation or fill operation or for the purposes of providing drainage of the affected area or protecting the existing utility system from drainage, the City Engineer shall issue a permit in accordance with this chapter only if the applicant for the permit agrees to provide, relocate or modify the public utility system for the affected area pursuant to city regulations at the expense of the applicant and grant such easements as may be necessary.
- (B)** In places where the existing utility system is adequate, but in the opinion of the City Engineer is of doubtful structural strength to carry additional loading, the City Engineer shall issue a permit in accordance with this chapter only if the applicant for the permit provides an approved bond covering replacement cost of the utility system, and guaranteeing that the proposed fill will not damage the public utility for a period of one year after the fill is completed.

1159.13 Requirement of Bond

When, in the opinion of the City Engineer, the termination before completion of a proposed excavation or fill operation would create an actual or potential hazard to the public, the City Engineer, prior to issuing the permit, shall require an approved bond in an amount sufficient to cover the estimated cost of restoration of any affected land or to cover the cost of performance of the operations under permit, whichever is greater.

1159.14 Schedule of Fees

The fee for a permit for the excavating and filling of land shall be established by City Council.

1159.0 Excavation and Filling of Land

1159.15 Expiration of Permit

1159.15 Expiration of Permit

Excavation and fill permits shall be valid for one year. A permit may be renewed without cost for two additional one year periods at the discretion of the City Engineer.

1159.16 Notification by Permit Holder

The person to whom a permit is issued shall notify the City Engineer:

- (A)** Of commencement of operations under such permit 48 hours in advance;
- (B)** Of locations of any borrow sites or any disposal sites for excess materials; and
- (C)** When the operation is completed.

1159.17 Suspension of Operations by City Engineer

The City Engineer shall order operations under a permit for excavation or fill suspended whenever it is determined that such operations are endangering the public health or safety. Such suspension shall remain in effect until the condition or conditions causing same are successfully remedied to the satisfaction of the City Engineer. The City Engineer shall also have the authority to order stopped any operations contrary to the terms and conditions of a permit issued under this chapter. Such stoppage shall remain in effect until the operations are remedied to be in conformance with this chapter.

1159.18 Liability of City

Issuance of a permit or any action by the City Engineer under this chapter shall not create in the city, its officers, agents, or employees any liability or responsibility for injury to persons or property caused by operations or conditions created pursuant to such permits. Nothing in this chapter shall be construed as to relieve the owner or person in control of property from liability for injury to persons or property.

1159.19 Issuance of Building Permit

The Superintendent of Building and Inspection shall withhold the issuance of any permit under their authority for operations on property subject to any excavation or fill operation until the owner or persons in control has complied with the provisions of this chapter.

1159.20 Appeals Under Excavation and Filling of Land

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved by any decision of the City Engineer under this chapter or by any person administering the provisions of this chapter in accordance with Section [1170.12](#)

1159.21 Sanitary Landfills

- (A)** Sanitary landfills or any other type of garbage disposal operation shall not be permitted in any district except by specific approval by City Council by ordinance.
- (B)** Such approval may be granted by Council only under the following terms and conditions:
 - 1)** The location of the sanitary landfill or other garbage or refuse disposal site meets all the requirements of the state, county and city health and zoning regulations.
 - 2)** The condition of the soil of the sanitary landfill site or other garbage or refuse disposal site shall not cause or tend to cause pollution of the underground water supply or any stream, either within or outside the city.
 - 3)** There is in existence an adequate system of highways and streets to permit the orderly flow of traffic to and from the site without interfering with other motor vehicles and pedestrians otherwise in use of the highways and streets.
 - 4)** Approval of the site shall not prevent owners and occupiers of surrounding lands from enjoying the peaceful and healthful use of their properties free from noise, noxious odors, insects, and excessive motor vehicular traffic.
 - 5)** The Public Works Director has certified that from the comparison of the intended sanitary landfill use with the comprehensive zoning regulations in effect as to all other city real property that the use is proper and conforms to and is compatible with the city comprehensive plan as adopted or as in the process of being adopted.

1159.0 Excavation and Filling of Land

1159.21 Sanitary Landfills

- 6)** The Fire Chief has certified that adequate fire protection, water supply and access is available to the Fire Department to properly service and protect the site and that the site does not create a fire hazard to adjacent or surrounding property.
- (C)** The City Manager shall, upon finding by the County Health Commissioner that a condition hazardous to the public health is being maintained on any landfill or other garbage or refuse disposal site, or upon finding by the Public Works Director that a nuisance is being maintained on any landfill or other garbage or refuse disposal site, take immediate steps to terminate such health hazard or nuisance, and may take any measures necessary to accomplish this including temporary operation by the city of the sanitary landfill or other garbage or refuse disposal site.
- (D)** Any person, partnership, corporation, or other business entity shall prior to a permit being issued by City Council file in the office of the City Manager a bond in the sum of \$5,000 per acre of territory comprising any such landfill or other garbage or refuse disposal site. The bond shall be either in cash or be secured by a surety company acceptable to the City Manager and shall be conditioned as follows:
- 1)** The sanitary landfill or other garbage or refuse disposal plan shall be operated in full compliance with all state and local laws and regulations.
 - 2)** In the event of emergency causing the sanitary landfill site or other garbage or refuse disposal plan to become a nuisance to or hazardous to the health of residents of the city, thus causing the city under authority of law or contract to assume the temporary operation of the facility, so much of the bond as is necessary to pay the expense of operation of the facility shall be forfeited and paid to the city.
 - 3)** In the event of the final conviction of the person, partner, agent, employee or officer of any business entity operating a sanitary landfill or other garbage or refuse disposal operation on a criminal charge relating to such operation, so much of the bond as is necessary to satisfy any fine or court costs arising from the conviction shall be forfeited.
- (E)** City Council may attach such conditions and restrictions upon the granting of any permit for the operation of a sanitary landfill or other garbage and refuse disposal site as may be necessary so as to protect the health and welfare of the residents of the city and so as to prevent the operation thereof from being or becoming a nuisance.
- (F)** City Council may revoke any permit for the operation of a sanitary landfill or other garbage or refuse disposal site for the violation of any of the terms and conditions of this chapter.

1159.22 Penalty Under Excavation and Filling of Land

Violation of this chapter, violation of any of the terms of a permit issued pursuant to this chapter and/or violation of any order of the City Engineer issued pursuant to this chapter shall constitute a violation of the zoning code under Section [1170.17 \(B\)3](#).

1160.0 Flood Damage Reduction

1160.01 General Provisions

1160.0 FLOOD DAMAGE REDUCTION

1160.01 General Provisions

- (A) **Constitutional Authorization.** Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of the City of Fairfield, Ohio, does adopt this chapter regarding flood damage reduction.
- (B) **Findings of Fact.** The City of Fairfield has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base.

Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

- (C) **Statement of Purpose.** It is the purpose of these regulations to promote the public health, safety, and general welfare, and to:
- 1) Protect human life and health;
 - 2) Minimize expenditure of public money for costly flood control projects;
 - 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4) Minimize prolonged business interruptions;
 - 5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - 6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
 - 7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 - 8) Minimize the impact of development on adjacent properties within and near flood prone areas;
 - 9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

- 10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- 11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- 12) Meet community participation requirements of the National Flood Insurance Program.

(D) Methods of Reducing Flood Loss. In order to accomplish its purpose, these regulations include methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(E) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Fairfield, as identified in Section [1160.01 \(F\)](#), including any additional areas of special flood hazard annexed by the City of Fairfield.

(F) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- 1) Flood Insurance Rate Map, Butler County, Ohio and incorporated areas and Flood Insurance Study Butler County, Ohio, and incorporated areas, both as they pertain to properties within the corporate limits of Fairfield, Ohio, effective October 19, 2018.
- 2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard.

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- 3) Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the State of Ohio which has been approved by the City of Fairfield as required by Section [1160.03 \(C\)](#). Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, Ohio 45014.
- (G) **Abrogation and Greater Restrictions.** These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant, or easement but the land subject to such interests shall also be governed by the regulations.
- (H) **Interpretation.** In the interpretation and application of these regulations, all provisions shall be:
- 1) Considered as minimum requirements;
 - 2) Liberally construed in favor of the governing body; and,
 - 3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with state or federal law, such state or federal law shall take precedence over these regulations.
- (I) **Warning and Disclaimer of Liability.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Fairfield, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- (J) **Severability.** Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1160.02 Administration Under Flood Damage Reduction

- (A) **Designation of the Floodplain Administrator.** The City Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
- (B) **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator include, but are not limited to:
- 1) Evaluate applications for permits to develop in special flood hazard areas;
 - 2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information;
 - 3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance;
 - 4) Inspect buildings and lands to determine whether any violations of these regulations have been committed;
 - 5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including flood insurance rate maps, letters of map amendment and revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violation of these regulations;
 - 6) Enforce the provisions of these regulations;
 - 7) Provide information, testimony, or other evidence as needed during variance hearings;
 - 8) Coordinate map maintenance activities and FEMA follow-up; and
 - 9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

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1160.02 Administration Under Flood Damage Reduction

- (C) **Floodplain Development Permits.** It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section [1160.01 \(F\)](#), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.
- (D) **Application Required.** An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:
- 1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question, the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
 - 2) Elevation of the existing, natural ground where structures are proposed;
 - 3) Elevation of the lowest floor, including basement, of all proposed structures;
 - 4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations;
 - 5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio which shall include:
 - a) Floodproofing certification for non-residential floodproofed structure as required in Section [1160.03 \(E\)](#);
 - b) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Subsection [1160.03 \(D\)5](#) are designed to automatically equalize hydrostatic flood forces;
 - c) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Subsection [1160.03 \(I\)2\)c](#);

- d) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Subsection [1160.03 \(I\)2\)b](#));
 - e) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Subsection [1160.03 \(I\)](#); and
 - f) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section [1160.03 \(C\)](#).
- 6) Floodplain development permit application fee set by the schedule of fees adopted by the City of Fairfield.

(E) Review and Approval of a Floodplain Development Permit Application

1) Review

- a) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section [1160.02 \(D\)](#) has been received by the Floodplain Administrator.
 - b) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
- 2) **Approval.** Within 30 days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one year. A floodplain development permit shall expire one year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

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1160.02 Administration Under Flood Damage Reduction

- (F) **Inspections.** The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (G) **Post-Construction Certifications Required.** The following as-built certifications are required after a floodplain development permit has been issued:
- 1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency elevation certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in zone A and zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
 - 2) For all development activities subject to the standards of Subsection [1160.02 \(J\)1](#), a letter of map revision.
- (H) **Revoking a Floodplain Development Permit.** A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals in accordance with Sections [1160.04 \(A\)](#) through [1160.04 \(F\)](#) of these regulations.
- (I) **Exemption from Filing a Development Permit.** An application for a floodplain development permit shall not be required for:
- 1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000;
 - 2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701;
 - 3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code;
 - 4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code; or
 - 5) Development activities undertaken by a federal agency, and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(J) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Fairfield's flood maps, studies and other data identified in Section [1160.01 \(F\)](#) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1) Requirement to Submit New Technical Data

- a)** For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - i)** Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii)** Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii)** Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - iv)** Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section [1160.03 \(C\)](#).
- b)** It is the responsibility of the applicant to have technical data, required in accordance with Subsection [1160.02 \(J\)1](#), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c)** The Floodplain Administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
 - i)** Proposed floodway encroachments that increase the base flood elevation; and
 - ii)** Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- d)** Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to Subsection [1160.02 \(J\)1a](#).

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1160.02 Administration Under Flood Damage Reduction

- 2) **Right to Submit New Technical Data.** The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing and may be submitted at any time.
 - 3) **Annexation/Detachment.** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Fairfield have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Fairfield's flood insurance rate map accurately represent the City of Fairfield boundaries, include within such notification a copy of a map of the City of Fairfield suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Fairfield has assumed or relinquished floodplain management regulatory authority.
- (K) **Data Use and Flood Map Interpretation.** The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- 1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - 2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - 3) When preliminary flood insurance rate maps and/or flood insurance study have been provided by FEMA:
 - a) Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

- b)** Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- 4)** The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections [1160.04 \(A\)](#) through [1160.04 \(F\)](#).
- 5)** Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (L) Substantial Damage Determinations.** Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

 - 1)** Determine whether damaged structures are located in special flood hazard areas;
 - 2)** Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - 3)** Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners of substantially damaged structures with increased cost of compliance insurance claims.

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1160.03 Use and Development Standards for Flood Hazard Reduction

1160.03 Use and Development Standards for Flood Hazard Reduction

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section [1160.01 \(F\)](#) or Subsection [1160.02 \(K\)1](#).

(A) Use Regulations

- 1) **Permitted Uses.** All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Fairfield are allowed provided they meet the provisions of these regulations.
- 2) **Prohibited Uses**
 - a) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.
 - b) Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(B) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- 2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- 3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(C) Subdivisions and Large Developments

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

- 4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- 5) The applicant shall meet the requirement to submit technical data to FEMA in Subsection [1160.02 \(D\)1a\)iv](#)) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Subsection [1160.03 \(C\)4](#)).

(D) Residential Structures

- 1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring in Subsection [1160.03 \(D\)1](#)) and construction materials resistant to flood damage in Subsection [1160.03 \(D\)2](#)).
- 2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- 3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.
- 5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - a) Be used only for the parking of vehicles, building access, or storage; and

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1160.03 Use and Development Standards for Flood Hazard Reduction

- b)** Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - c)** Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 6)** Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
- 7)** Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section [1160.03 \(D\)](#).
- 8)** In AO zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(E) Nonresidential Structures

- 1)** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Subsections [1160.03 \(D\)1](#) through [1160.03 \(D\)3](#) and [1160.03 \(D\)5](#) through [1160.03 \(D\)7](#).
- 2)** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - a)** Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - b)** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

c) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency floodproofing certificate, that the design and methods of construction are in accordance with Subsections [1160.03 \(E\)2\)a\)](#) and [1160.03 \(E\)2\)b\)](#).

3) In zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.

(F) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- 1) They shall not be used for human habitation;
- 2) They shall be constructed of flood resistant materials;
- 3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- 4) They shall be firmly anchored to prevent flotation;
- 5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- 6) They shall meet the opening requirements of Subsection [1160.03 \(D\)5\)c\)](#).

(G) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:

- 1) They shall not be located on sites in special flood hazard areas for more than 180 days;
- 2) They must be fully licensed and ready for highway use; or
- 3) They must meet all standards of Section [1160.03 \(D\)](#).

(H) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(I) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized.

1160.0 Flood Damage Reduction

1160.03 Use and Development Standards for Flood Hazard Reduction

1) Development in Floodways

- a)** In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation.
- b)** Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - i)** Meet the requirements to submit technical data in Subsection [1160.02 \(J\)1](#);
 - ii)** An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - iii)** Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - iv)** Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - v)** Concurrence of the Floodplain Administrator and the Chief Executive Officer of any other communities impacted by the proposed actions.

2) Development in Riverine Areas with Base Flood Elevations but No Floodways

- a)** In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met.
- b)** Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- i) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible; and
- ii) Subsection [1160.03 \(I1\)b\)i](#) and Subsections [1160.03 \(I1\)b\)iii](#) through [1160.03 \(I1\)b\)v](#).
- c) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: an Illustrated Guide to Field Technique or other applicable publication available from a federal, state, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply.

 - i) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - ii) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - iii) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Fairfield specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - iv) The applicant shall meet the requirements to submit technical data in Subsection [1160.02 \(I1\)a\)iii](#) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1160.0 Flood Damage Reduction

1160.04 Appeals and Variances Under Flood Damage Reduction

1160.04 Appeals and Variances Under Flood Damage Reduction

(A) Appeals Board Established

- 1) The City of Fairfield Board of Zoning Appeals shall act as the Appeals Board for appeals to provisions of this chapter.
- 2) All meetings of the Board of Zoning Appeals shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Board of Zoning Appeals shall be kept and filed in the Development Services Department.

(B) Powers and Duties

- 1) The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- 2) Authorize variances in accordance with Section [1160.04 \(D\)](#) of these regulations.

(C) Appeals

- 1) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Board of Zoning Appeals provided that such person shall file, within 20 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Board of Zoning Appeals.
- 2) Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(D) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

1) Application for a Variance

- a)** Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Board of Zoning Appeals.
- b)** Such application at a minimum shall contain the following information: name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

2) Public Meeting Notice. All property owners within 200 feet of the subject property will receive written notice regarding the proposed variance.

3) Public Meeting. At such public meeting the applicant shall present such statements and evidence as the Board of Zoning Appeals requires. In considering such variance applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- a)** The danger that materials may be swept onto other lands to the injury of others;
- b)** The danger to life and property due to flooding or erosion damage;
- c)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d)** The importance of the services provided by the proposed facility to the community;
- e)** The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
- f)** The necessity to the facility of a waterfront location, where applicable;
- g)** The compatibility of the proposed use with existing and anticipated development;

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1160.04 Appeals and Variances Under Flood Damage Reduction

- h)** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i)** The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k)** The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4)** Variances shall only be issued upon:
 - a)** A showing of good and sufficient cause;
 - b)** A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant;
 - c)** A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;
 - d)** A determination that the structure or other development is protected by methods to minimize flood damages; and
 - e)** A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

5) Other Conditions for Variances

- a)** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Subsection [1160.04 \(D\)3a](#)) through [1160.04 \(D\)3k](#)) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(E) Procedure at Hearings

- 1) All testimony shall be given under oath.
- 2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board of Zoning Appeals, but including all documents presented and a verbatim record of the testimony of all witnesses.
- 3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- 4) The Floodplain Administrator may present evidence or testimony in opposition to the appeal or variance.
- 5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- 6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- 7) The Board of Zoning Appeals shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8) The Board of Zoning Appeals shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing, or the decision may be issued in writing within a reasonable time after the hearing.

- (F) Appeals to the Court.** Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Butler Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

1160.0 Flood Damage Reduction

1160.05 Enforcement Under Flood Damage Reduction

1160.05 Enforcement Under Flood Damage Reduction

(A) Compliance Required

- 1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section [1160.02 \(I\)](#).
- 2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section [1160.05 \(C\)](#).
- 3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section [1160.05 \(C\)](#).

(B) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- 1) Be put in writing on an appropriate form;
- 2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- 3) Specify a reasonable time for performance;
- 4) Advise the owner, operator, or occupant of the right to appeal; and
- 5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(C) **Violations and Penalties.** No person shall violate the provisions of these regulations or fail to comply with any of its requirements. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a third-degree misdemeanor. Any person who violates any provision of these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Fairfield. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Fairfield from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Fairfield shall prosecute any violation of these regulations in accordance with the penalties stated herein.

1160.06 Flood Damage Reduction Definitions

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

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent chance annual flood or 100-year flood.

Base 100-Year Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from one to three feet).

Basement. The part of the building that is wholly or partially below the average level of adjoining grounds.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Exclusive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

1160.0 Flood Damage Reduction

1160.06 Flood Damage Reduction Definitions

Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill. A deposit of earth material placed by artificial means.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters, and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- (A) Zone A: Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are not determined.
- (B) Zone A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- (C) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined.
- (D) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.
- (E) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.
- (F) Zone B and Zone X (Shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.
- (G) Zone C and Zone X (Unshaded): Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood boundary and floodway maps), and the water surface elevations of the base flood.

Flood Protection Elevation. The flood protection elevation, or FPE, is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

Floodway. A Floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic Structure. Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (C) Individually listed on the State of Ohio's Inventory of Historic Places maintained by the Ohio Historic Preservation Office.

Hydrologic and Hydraulic Engineering Analysis. An analysis performed by a Professional Engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

1160.0 Flood Damage Reduction

1160.06 Flood Damage Reduction Definitions

Letter of Map Change (LOMC). A letter of map change is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are broken down into the following categories:

- (A)** Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.
- (B)** Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- (C)** Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured Home Park. As specified in the Ohio Administrative Code 3701- 27-01, a manufactured home parking means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP). The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

New Construction. Structures for which the “start of construction” commenced on or after the initial effective date of the City of Fairfield Flood Insurance Rate Map - March 15, 1979, and includes any subsequent improvements to such structures.

Person. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any Board, Department, Division, Commission, Bureau, Society, Council, Institution, State College, or University Community College District. “Agency” does not include the General Assembly, the Controlling Board, the Adjutant General’s Department, or any court.

Recreational Vehicle. A vehicle which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Registered Professional Architect. A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.

Registered Professional Engineer. A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

Registered Professional Surveyor. A Person Registered as a Professional Surveyor under Chapter 4733 of the Ohio Revised Code.

1160.0 Flood Damage Reduction

1160.06 Flood Damage Reduction Definitions

Special Flood Hazard Area. Also known as "Areas of Special Flood Hazard." It is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies, flood boundary and floodway maps and flood hazard boundary maps as zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units, or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure. For the purposes of this chapter, a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (A) Any improvement to a structure that is considered "new construction;"
- (B) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(C) “Variance.” A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation. The failure of a structure or other development to be fully compliant with these regulations.

TITLE SEVEN

Administrative Regulations

1170.0 ADMINISTRATION AND PROCEDURES

1170.01 Purpose and Scope

The zoning code is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity and general welfare by regulating and restricting the use of the premises for trade, industry, residential or other specified uses, and location, bulk and height of buildings and structures, all in accordance with a comprehensive plan for the desirable future development of the community, and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described.

1170.02 Summary Table of Procedures

The following table summarizes the decision making bodies' authority to review, recommend, render decisions, and hear appeals regarding various procedures included in this zoning code. This table includes common planning and zoning procedures but is not inclusive of all requests and procedures within the city. If the table conflicts with the procedures as provided elsewhere in this zoning code, such procedures shall prevail over this Summary Table of Procedures.

Table 1170.02 -1: Summary Table of Procedures

Procedure	Section Reference	Development Services Department	Planning Commission	City Council	Board of Zoning Appeals
Zoning Text or Map Amendment	0	Review	Recommendation	Decision	
Conditional Use	1170.05	Review	Decision		
Variance	0	Review			Decision
Site Plan Review	0	Review and Decision			
Residential Infill Review	1170.08	Review	Decision		
Overlay District Plan Review	1170.10	Review and Decision ¹	Decision or Appeal ¹	Appeal	
PUD Concept Development Plan	1132.01 (D)2	Review	Recommendation	Decision	
PUD Final Development Plan	1132.01 (D)3	Review	Recommendation	Decision	
PUD Major Modification	1132.01 (G)2	Review	Recommendation	Decision	
PUD Minor Modification	1132.01 (G)1	Review	Decision		
Preliminary Plat	1191.04	Review	Decision		
Final Plat	1191.06	Review	Decision		
Minor Subdivision	1192.01	Review and Decision	Appeal		

FOOTNOTE:

1 – Development Service Department decisions relating to Overlay District Plan Review can be appealed to the Planning Commission, and the Planning Commission decision can be appealed to City Council.

1170.0 Administration and Procedures

1170.03 Common Review Requirements

1170.03 Common Review Requirements

(A) **Authority to File Applications.** Unless otherwise specified in this code, all applications may be initiated by:

- 1) The owner(s) of the property that is the subject of the application or the authorized agent of the owner;
- 2) The developer of the property, with written approval of the property owner;
- 3) Business owner or tenant, with written approval of the property owner; or
- 4) A representative of the City of Fairfield.

(B) **Fees**

- 1) City Council shall establish a schedule of fees applicable to all applications and procedures pertaining to the administration and enforcement of this zoning code.
- 2) The schedule of fees may only be amended by City Council.
- 3) Until all fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative review and approval.

1170.04 Zoning Text or Map Amendment

(A) **Process Flow Chart.** Applications for zoning text or map amendment shall follow the specific procedure outlined in Section [1170.04 \(F\)](#), which is summarized in the flow chart.

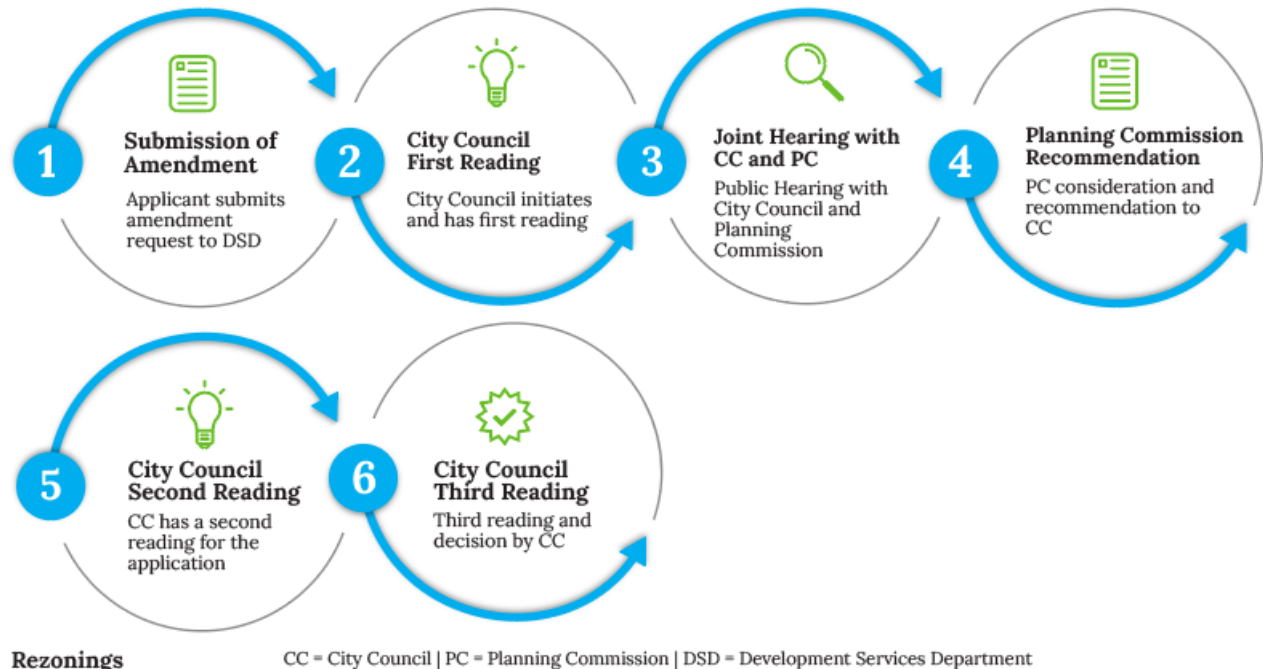


Figure 1170-1: Flow chart of the zoning text or map amendment process

(B) **Applicability.** The zoning text and map amendment procedure is required for the following:

- 1) Applications to change the zoning classification of a property or properties within the city to another zoning district or to a planned unit development; or
- 2) Proposals to change the text of the zoning code.

(C) **Authority**

- 1) City Council may, by ordinance, after receipt of recommendation from the Planning Commission, and subject to the procedures provided by the charter, amend, supplement, change, or repeal the regulations, restrictions, and boundaries of the zoning districts.
- 2) In reviewing an application to amend the zoning classification of any property or to change the text of the zoning code, City Council shall assure that any changes will not be detrimental to adjacent property owners, structures, or uses, and will maintain and preserve the public health, safety, convenience, comfort, prosperity, and general welfare of the community.

(D) **Initiation of Zoning Text or Map Amendment.** Amendments to the zoning code text or zoning map may be initiated in one of the following ways:

1170.0 Administration and Procedures

1170.04 Zoning Text or Map Amendment

- 1) Ordinances or resolutions establishing, amending, revising, changing, or repealing zoning classifications, districts, uses or regulations shall be initiated by a member of City Council.
- 2) A petition requesting amendment or change in the district boundaries or regulations herein may be considered by Council. Such petition shall be duly signed by the owners of 50 percent or more of the area of lots included in such proposed change, and 50 percent of all lots or proportions thereof within 200 feet in every direction from the boundaries of the proposed change. Such petition shall not be accepted or presented or considered at any meeting of Council unless and until the person or persons requesting the amendment shall have filed a receipt from the Development Services Department showing the payment to the City.

(E) **Application Requirements.** Applications for zoning text and map amendments shall be submitted on forms supplied by the Development Services Director or their designee and shall include the following:

- 1) A completed application form;
- 2) A map of land to be rezoned, drawn by a registered surveyor or engineer with supporting legal descriptions; or the text of a proposed amendment to the language of the zoning code; and
- 3) The fee established by the City Council.

(F) **Approval Process.** The following is the approval process for a zoning text or map amendment.

1) **Submit Completed Application**

- a) Upon receipt of an application, the Development Services Director or their designee shall determine if the application is complete. If it is not complete, the applicant shall be notified of the additional materials or information required to be a complete application.
- b) When the application is complete, if the application proposes to change the zoning classification of any property, written notice of the proposed rezoning ordinance or resolution shall be mailed by the Clerk of Council by first class mail at least 10 days before the first reading of such ordinance or resolution to the owner(s) of the property proposed to be rezoned, unless such notice is waived by the property owner(s) in writing. Such notices shall be sent to the addresses of the owners appearing on the County Auditor's current tax list or to the residence addresses of such owners. The failure of such notice shall not invalidate any ordinance or resolution.

- 2) **First Reading by City Council.** Immediately after the first reading of the ordinance or resolution, the City Council shall set a date for a joint public hearing with the Planning Commission.
- 3) **Joint Public Hearing**
 - a) The Clerk of Council shall cause notice of the joint public hearing to be published one time in a newspaper of circulation within the city. Such publication shall be made at least seven days prior to the date of the joint public hearing.
 - b) When the amendment revision, change or repeal involves 10 or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least seven days before the date of the joint public hearing to the owners of the property within, contiguous to, and directly across the street from the affected parcel or parcels. Such notices shall be sent to the addresses of owners that appear on the County Auditor's current tax list or to the residence address of such owners. Failure of delivery of the notice shall not invalidate any ordinance or resolution.
 - c) A public hearing notice shall be posted in a conspicuous manner in the area proposed to be rezoned by the applicant in accordance with the requirements on file in the Development Services Department office.
 - d) Following the joint public hearing, the City Council shall refer such measure to the Planning Commission for its consideration and recommendation.
- 4) **Planning Commission Recommendation.** Within 45 days after receipt of referral, the Planning Commission shall return to the Clerk of Council the written recommendation of a majority of the members of the Planning Commission. The 45 days begins the day after the first reading of the ordinance or resolution by City Council.
- 5) **Action of Council.** A concurring vote of at least a majority of the members of City Council shall be required in order to pass a zoning ordinance or resolution. A concurring vote of at least two-thirds of the membership of City Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission.
- 6) **Effective Date.** Amendments shall become effective 30 days after the date such ordinance or resolution is passed by City Council.

1170.0 Administration and Procedures

1170.05 Conditional Use

1170.05 Conditional Use

- (A) **Process Flow Chart.** Applications for conditional uses shall follow the specific procedure outlined in Section [1170.05 \(E\)](#), which is summarized in the flow chart.



Figure 1170-2: Flow chart of the conditional use process

- (B) **Applicability.** The conditional use procedure is required to permit property to be used for a use identified as a conditional use in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) and [Table 1131.10 -2: Non-Residential Districts – Use Table](#). The potentially diverse characteristics and impacts of a number of new and unique uses, as well as conventional uses, require the development of regulations designed to accommodate such uses in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the public health, safety, convenience, comfort, prosperity, and general welfare of the community.
- (C) **Conformance with District Regulations.** A conditional use, except as specifically otherwise provided in this section, shall conform to such district regulations, and to other substantive requirements of this zoning code including use-specific standards as well as satisfying the conditions, standards, and requirements of this section.
- (D) **Review Criteria.** A conditional use, and uses accessory to such conditional use, shall be permitted in a zoning district only by application to and specific approval by the Planning Commission in each specific instance when specified in [Table 1131.03 -1: Agricultural and Residential Districts – Use Table](#) or [Table 1131.10 -2: Non-Residential Districts – Use Table](#) as a conditional use in such district. Proposed conditional uses shall receive an individual consideration with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facility requirements, and traffic generation. The Planning Commission shall also consider the following standards and may require specific conditions, standards, and regulations for such use:

- 1) The conditional use will be in general accord with the purpose, intent, and basic planning objectives of this zoning code, and with the objectives for the district in which the use is located;
- 2) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- 3) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- 4) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood;
- 5) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- 6) Adequate utilities, ingress/egress, drainage, and necessary facilities have been or are being provided;
- 7) The establishment of the conditional use should not be detrimental to the economic welfare of the community or create additional public expense; and
- 8) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions that may apply.

(E) Approval Process

- 1) **Submit Application.** An application for a conditional use shall be submitted to the Development Services Director or their designee and shall include the following:
 - a) A completed application;
 - b) Plans, drawn to scale, showing the shape and dimensions of the lot, existing buildings, proposed and existing streets, existing and intended use of each building and/or proposed building, parking areas, walkways, curb cuts, and such other information with regard to the lot and adjacent lots as may be necessary to determine and provide for the proper hearing of the application;
 - c) Plans, drawn to scale, showing the floor plan of how the building space is proposed to be used;

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1170.05 Conditional Use

- d) Building elevations, landscape plan and other information deemed necessary by the Development Services Director or their designee; and
- e) Payment of a fee as established by the City Council, which shall not be refundable.

2) Planning Commission Public Hearing and Decision

- a) After a complete application and all requirements have been submitted, the application will be forwarded to the Planning Commission.
- b) The Planning Commission shall review the application and the evidence presented to determine if the requested conditional use conforms to such district regulations and to other substantive requirements of this zoning code and satisfies the review criteria and the intent and specific standards of Section [1170.05 \(D\)](#).
- c) The Planning Commission shall approve or disapprove the request for a conditional use. The Planning Commission may impose additional conditions, restrictions, stipulations, and safeguards as it finds reasonably necessary for the protection of nearby property and the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the community.

3) Conditional Use Approval

- a) The conditional use approval shall be void if the applicant has not received a building permit, or similar approval, within 12 months of the date of the conditional use approval.
- b) The breach by the applicant of any condition, restriction, stipulation, safeguard, or other requirements imposed by the Planning Commission for the conditional use shall constitute a violation of the zoning code.
- c) An approved conditional use shall apply to the subject property regardless of ownership and shall be subject to the conditions, restrictions, stipulations, safeguards, and other requirements imposed by the Planning Commission.

1170.06 Variances

- (A) **Process Flow Chart.** Applications for variances shall follow the specific procedure outlined in Section [1170.06 \(D\)](#), which is summarized in the flow chart.

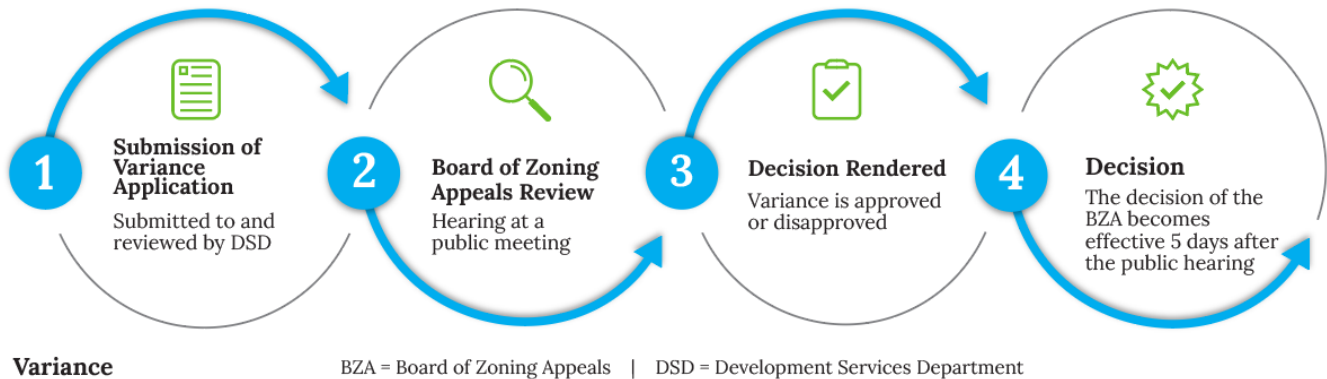


Figure 1170-3: Flow chart of the variance process

- (B) **Applicability.** A variance is a request permit a deviation from the requirements of this zoning code. If granted, a variance allows an applicant to construct structures on or use of the land in a manner not otherwise permitted by the code.

(C) **Review Criteria**

- 1) **Area/Size Variance.** No area/size variance shall be authorized by the Board of Zoning Appeals unless the Board has considered and weighed the following factors to determine if the property owner requesting a variance has encountered practical difficulties:
 - a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - b) Whether the variance is substantial;
 - c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - d) Whether the variance would adversely affect the delivery of governmental services, including, but not limited to, water, sewer, and garbage services;
 - e) Whether the property owner purchased the property with knowledge of the zoning restrictions;

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- f) Whether the property owner's predicament can be obviated through some method other than a variance; and
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

2) **Use Variance.** No use variance shall be authorized by the Board of Zoning Appeals unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

- a) The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- b) The hardship condition described in Section [1171.02](#) (Variance Definition) is not created as a result of actions by the applicant;
- c) The granting of such variance will not adversely affect the rights of adjacent property owners;
- d) The granting of such variance will not adversely affect the public health, safety, or general welfare;
- e) Such variance will be consistent with the general spirit and intent of the zoning code;
- f) The variance sought is the minimum which will afford relief to the applicant; and
- g) There is no other economically viable use which is permitted in the zoning district.

(D) Approval Process

1) **Submit Application.** An application for a variance shall be submitted to the Development Services Director or their designee and shall include the following:

- a) A completed variance application.
- b) Plans, drawn to scale, showing the location of existing buildings and structures, new building additions or structures, all pertinent dimensions, and any additional information needed to illustrate the variance request.
- c) Building or structural drawing, drawn to scale.
- d) Payment of a fee as established by the City Council, which shall not be refundable.

2) **Board of Zoning Appeals Public Hearing and Decision**

- a) After a completed application and all requirements have been submitted, the application will be forwarded to the Board of Zoning Appeals.

- b)** The Board of Zoning Appeals shall hold a public hearing on the application. The public hearing shall follow the policies and procedures adopted by the Board.
- c)** At the hearing, the Board of Zoning Appeals shall review the application and the evidence presented at the public hearing to determine if the requested variance satisfied the review criteria set forth in Section [1170.06 \(C\)](#).
- d)** The Board of Zoning Appeals shall approve or disapprove the variance request. The Board may impose additional conditions, restrictions, stipulations, safeguards, and other requirements it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

3) Variance Issued

- a)** No order of the Board of Zoning Appeals permitting the erection or alteration of a building, or the use of a building or premises, shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained and the work is started within such period, or where no erection or alteration is necessary, the permitted use is established within such period.
- b)** The decision of the Board of Zoning Appeals shall not become effective until the expiration of five days from the date of the decision unless otherwise specified by the board.
- c)** An approved variance shall apply to the subject property regardless of ownership and shall be subject to the conditions, restrictions, stipulations, safeguards, and any other requirements imposed by the Board of Zoning Appeals.

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1170.07 Site Plan Review

1170.07 Site Plan Review

- (A) **Process Flow Chart.** Applications for site plan review shall follow the specific procedure outlined in Section [1170.07 \(C\)](#), which is summarized in the flow chart.



Figure 1170-4: Flow chart of the site plan review process

- (B) **Applicability.** Except as provided in this zoning code, no building shall hereafter be located, constructed, reconstructed, enlarged, or structurally altered nor shall any site or infrastructure work be started until a site plan has been approved by the Development Services Director or their designee, which certifies that such proposed work complies with all provisions of this zoning code and the Design, Construction, and Materials Specification Handbook.
- (C) **Approval Process**
- 1) **Submit Application.** An application for approval of a site plan shall be submitted to the Development Services Director or their designee and shall include the following:
 - a) A completed site plan application;
 - b) The information as identified on the city's Site Plan Review Checklist on file in the Development Services Department office; and
 - c) Payment of a fee as established by the City Council, which shall not be refundable.
 - 2) **Development Services Director Review.** The Development Services Director or their designee shall review the site plan application and decide if the structures and proposed use of the property are in conformity with the zoning code and the Design, Construction, and Materials Specification Handbook.

1170.08 Residential Infill Review.

- (A) **Process Flow Chart.** Applications for residential infill review shall follow the specific procedure outlined in Section [1170.08 \(F\)](#), which is summarized in the flow chart.



Figure 1170-5: Flow chart of the residential infill review process

- (B) **Applicability.** All new principal residential structures constructed on infill parcels in an A or R District described in Section [1171.02](#) (Infill Parcel Definition) shall require specific review and prior approval of the Planning Commission before the issuance of any building permit.
- (C) **Architectural Standards for Principal Residential Structures on Infill Parcels.** The purpose of these architectural standards is to ensure that principal residential structures built on infill parcels respect and are responsive to their physical context and compliment the architectural character and property values of the surrounding areas. Elements that define architectural character of the surrounding area include, but are not limited to:
- 1) Building size and mass;
 - 2) Building materials;
 - 3) Building colors;
 - 4) Architectural style;
 - 5) Roof styles;
 - 6) Foundation style; and
 - 7) Ancillary elements such as setback and private deed or subdivision restrictions.

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1170.08 Residential Infill Review.

(D) Design Standards. The following standards shall apply to all new infill principal residential structures:

- 1) Infill residential structures shall conform to the architectural character of the surrounding area regarding building size, mass, building materials colors, architectural styles, roof styles, and ancillary elements such as setbacks, private deeds, or subdivision restrictions.
- 2) The exterior building materials of infill residential structures shall be comprised of a minimum of 50 percent brick, stone, stucco, wood, fiber cement board on the front facade and a minimum of 25 percent on the side and rear facades.
- 3) Each facade of the residential structure shall include a minimum of either two exterior building materials or two different colors of the same exterior building material.
- 4) No more than 24 inches of poured concrete foundation wall may be exposed.
- 5) If the design standards conflict with architectural character of the surrounding area, the Planning Commission may waive the design standards.

(E) Review Criteria

- 1) Architectural Elements listed in Section [1170.08 \(C\)](#).
- 2) The Design Standards listed in Section [1170.08 \(D\)](#).

(F) Approval Process

- 1) **Submit Application.** An application for approval to construct a residence on an infill parcel shall be submitted to the Development Services Director or their designee and shall include the following:
 - a) A completed application;
 - b) A plot plan, drawn to scale;
 - c) Rendered building elevations; and
 - d) Payment of a fee as established by the City Council, which shall not be refundable.
- 2) **Planning Commission Decision**
 - a) After a completed application and all requirements have been submitted, the application will be forwarded to the Planning Commission.
 - b) The Planning Commission shall review the application to determine if the request meets the architectural standards set forth in Sections [1170.08 \(C\)](#) and [1170.08 \(D\)](#).

- c) The Planning Commission shall approve or disapprove the application. The Planning Commission may impose additional conditions, restrictions, safeguards, and other requirements it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

1170.09 Subdivision Procedures

- (A) **Preliminary Subdivision Plan.** Refer to Section [1191.04](#) for the procedures for preliminary subdivision plat approval.
- (B) **Final Subdivision Plat.** Refer to Section [1191.06](#) for the procedures for final subdivision plat approval.
- (C) **Minor Subdivisions and Lot Splits.** Refer to Section [1192.01](#) for the procedures for minor subdivision plat approval and lot split approval.

1170.10 Overlay District Plan Review

Refer to Section [1132.02 \(D\)](#) for the procedures for overlay district plan review and approval process.

1170.11 Planned Unit Development Procedures

Refer to Section [1132.01 \(D\)](#) for the procedures for approval of Planned Unit Development Concept Development Plans, Final Development Plans, and modifications to Planned Unit Developments.

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1170.12 Appeals of a Decision by an Official

1170.12 Appeals of a Decision by an Official

- (A) **Process Flow Chart.** Appeals of a decision by a City Official shall follow the specific procedure outlined in Section [1170.12 \(C\)4](#), which is summarized in the flow chart. Appeals of a decision by a City Official for compliance with the overlay district regulations located in Chapter [1132.0](#) shall follow the specific procedures outlined in Section [1132.01 \(D\)](#).

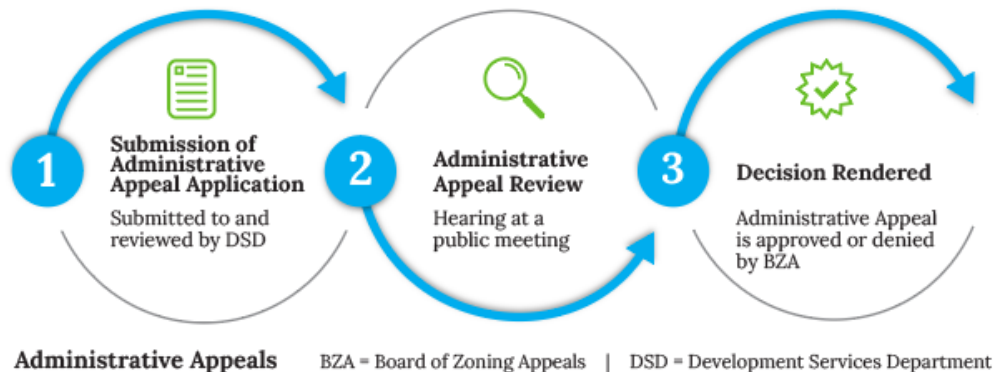


Figure 1170-6: Flow chart of the appeals of a decision by a city official process

(B) **Applicability**

- 1) An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing with the Development Services Department a notice of appeal specifying the grounds thereof.
- 2) In considering an appeal from an alleged error on the administration of the zoning code, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of the zoning code that apply and the effect of the desired interpretation upon neighboring properties and the public interest. In exercising its power to review such appeal, the Board may, in conformity with the provisions of statute and of the zoning code reverse or affirm, wholly or partially, or may modify the order, decision, or determination made, and to that end shall have all powers of the officer from whom the appeal is taken.

- (C) **Application Requirements.** Except as otherwise permitted in this zoning code, no appeal shall be approved by the Board of Zoning Appeals unless the Board shall receive an appeal which includes the following requirements:

- 1) A completed appeals application;
- 2) A description of the appeal requested;

- 3) A narrative statement establishing and substantiating the justification of the grounds for appeal; and
- 4) A payment of a fee as established by the City Council, which shall not be refundable.

(D) Approval Process

- 1) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Development Services Director or their designee certifies to the Board of Zoning Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless directed by the Board.
- 2) The Development Services Director or their designee shall transmit to the Board of Zoning Appeals the application, narrative statement, and any other documents or papers constituting the record upon which the action appealed from was taken.
- 3) The Board of Zoning Appeals shall hold a public hearing within 60 days of acceptance of the application for appeal by the Development Services Director or their designee. The Board shall fix the date for the public hearing.
- 4) The Board of Zoning Appeals may render a decision on the appeal at the hearing or within 45 days after the hearing. The Development Services Director or their designee shall notify the applicant in writing of the decision of the Board and shall maintain a detailed report of the proceedings and decisions of the Board.
- 5) Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County on the grounds that the decision was unreasonable or unlawful. Such Court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

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1170.13 Zoning Certificate

1170.13 Zoning Certificate

- (A) **Process Flow Chart.** Applications for zoning certificates shall follow the specific procedure outlined in Section [Error! Reference source not found.](#), which is summarized in the flow chart.

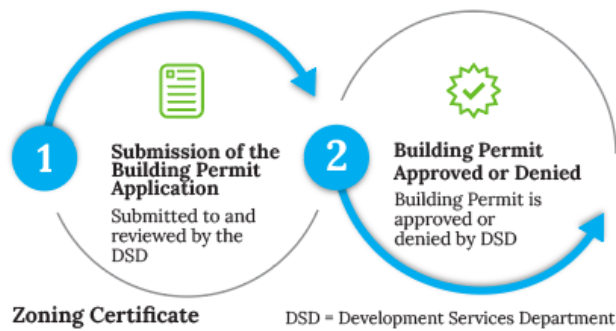


Figure 1170-7: Flow chart of the zoning certificate process

- (B) **Zoning Certificate Requirement.** A zoning certificate is required under the following circumstances:

- 1) **Start of Construction.** No owner, lessee, tenant, or person shall begin any excavation or the construction, reconstruction, extension, conversion or structural alteration of any building or structure, or any part thereof, without first obtaining a zoning certificate, which may be a part of the building permit, from the Development Services Director or their designee; or
- 2) **Changes in Use of Buildings or Land.** No person shall establish or alter the use of land or structure without first obtaining a zoning certificate under this section.

(C) **Approval Process**

- 1) **Submit Application.** An application for a zoning certificate or building permit which includes development plans for principal and accessory building uses which meet the requirements of the zoning district in which they are located, shall be filed with the Development Services Department.
- 2) **Development Services Director Review and Decision.** The Development Services Director or their designee shall approve or disapprove applications within 30 days after an application is filed which includes and is in full compliance with all applicable requirements. The Development Services Director or their designee shall either issue the zoning certificate or building permit or shall deny the application and send notice to the applicant that the application is denied and the reason for such denial.

- 3) **Evaluation Standards.** The standards by which the zoning certificate application is evaluated shall include the following:
 - a) The zoning code;
 - b) The Design, Construction, and Materials Specification Handbook;
 - c) The comprehensive plan of the city;
 - d) The thoroughfare plan of the city;
 - e) Any applicable ordinances relative to access and traffic control; and
 - f) Any other applicable ordinances of the city.
- 4) **Appeals.** An applicant may appeal the decision of the Development Services Director or their designee with regard to the Zoning Certificate in accordance with the provisions of Section [1170.12](#)
- 5) **Certificate of Health Officer.** In every case where a lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Butler County General Health District of the proposed method of water supply and/or disposal of sanitary wastes.

1170.14 Certificate of Occupancy

- (A) **Required for All New and Altered Buildings and Land Uses.** No owner, lessee, tenant, or person shall occupy, use, or permit the use of any structure, building or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, or of any land when no building or structure are involved until a certificate of occupancy has been issued by the Superintendent of Building and Zoning or their designee, after inspection. Such certificate of occupancy shall show and certify that such building, structure or premises, or part thereof, and the proposed use thereof, are in conformity with the provisions of the zoning code, the building code and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Zoning Appeals, Planning Commission, or other proper authority. The requirement of a certificate of occupancy under this section shall be in addition to any other requirements of the zoning code including but not limited to a zoning certificate under Section [1170.13](#)

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1170.15 Review and Decision Making Bodies

(B) New Buildings and Alterations

- 1) A certificate of occupancy for a building hereafter erected, constructed, reconstructed, converted, or otherwise altered, shall be applied for contemporaneous with the application for a building permit, and shall be issued after the erection or alteration of such building has been completed in conformity with the provisions of the zoning code.
- 2) It shall be the obligation of the applicant to notify the Superintendent of Building and Zoning or their designee when the building is ready for occupancy. All final inspections shall be approved before an occupancy certificate can be granted.

(C) Changes in Use of Buildings or Land. A certificate of occupancy for a change in the use of a building or land shall be applied for and approved before any such building or land is occupied or used. A certificate of occupancy shall be issued after application has been made, provided such use is in conformity with all the provisions of the zoning code.

(D) Records and Copies. A record of all certificates of occupancy shall be kept on file in the Development Services Department, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or a building affected.

1170.15 Review and Decision Making Bodies

(A) Development Services Department. In addition to the powers and duties established in the City Charter and the zoning code, the Development Services Department shall have the following powers and duties:

- 1) Receive all applications and fees for zoning amendments, site plan review, conditional uses, variances, and other requests, and collect all applicable fees. The Development Services Department shall review each application that is submitted to determine compliance with the applicable zoning code regulations and submission requirements. If the application is deemed insufficient, the Development Services Director or their designee shall notify the applicant of necessary changes. If the application is deemed sufficient, the Development Services Department shall officially accept the application on the date the application is deemed sufficient for consideration of the action(s) requested and proceed to process the application per the appropriate process required herein and is as identified in [Table 1170.02 -1: Summary Table of Procedures](#).
- 2) Maintain a record of all administrative and legislative proceedings under this code.

- 3) Maintain a current copy of the city's official zoning map.
- 4) Conduct inspections of buildings and uses of land to determine compliance with this ordinance. For the purpose of the zoning code, the Development Services Director or the Superintendent of Building and Zoning or their designee shall be and are hereby designated and authorized to act as the Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce the zoning code in accordance with the administrative provisions of the zoning code and the building code.
- 5) All departments, officials, and public employees of the city vested with the duty or authority to issue permits or approve applications, shall comply with the provisions of the zoning code and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of the zoning code.

(B) Planning Commission. In addition to the powers and duties established in the City Charter and the zoning code, the Planning Commission shall have the following functions, powers, and duties:

- 1) To review and approve, approve with conditions, or disapprove applications which require Planning Commission's decision;
- 2) To make recommendations to City Council as otherwise directed;
- 3) To authorize plans and map amendments, and modification;
- 4) To develop and recommend a comprehensive plan, and modifications thereof, to City Council;
- 5) To recommend modifications to any or all parts of the zoning code to City Council;
- 6) To consider and make recommendations to change the zoning classification of any property;
- 7) To act as the platting commission of the city and to carry out the powers and duties related to platting;
- 8) To hear and decide conditional uses;
- 9) To adopt policies and procedures for the holding of regular and special meetings, for the transaction and disposition of its businesses, and the exercise of its powers; and
- 10) Such other duties as may be required by the provisions of the zoning code and City Charter.

(C) Board of Zoning Appeals. In addition to the powers and duties established in the City Charter and the zoning code, the Board of Zoning Appeals shall have the following functions, powers, and duties:

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1170.15 Review and Decision Making Bodies

- 1) To review and approve, approve with conditions, or disapprove applications which require the Board of Zoning Appeals decision;
- 2) Hear and decide appeals where it is alleged there is an error in any order, requirement, or decision or determination by an administrative official in the enforcement of the zoning code;
- 3) Authorize, upon appeal, a variance as provided in Section [1170.06](#)
- 4) Permit the extension or substitution of a nonconforming use as provided in Section [1170.16](#)
- 5) Authorize the restoration or reconstruction of a nonconforming building or structure as provided in Section [1170.16](#);
- 6) Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the zoning code for the district in which it is located, provided that such use be of a temporary nature, and does not involve the erection of a substantial structure, and further provided that a zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as shall safeguard the public health, safety, morals and general welfare;
- 7) **Authorize Additional Uses.** If in the judgement of the Board of Zoning Appeals as evidenced by resolution of record, uses other than those specifically mentioned in the zoning code as permitted uses in each of the districts may also be allowed therein, provided that such other uses are of similar character to those mentioned and shall have no greater adverse influence on adjacent properties, the neighborhood, or the community than the permitted uses specifically mentioned for the districts;
- 8) **Interpretation of the Zoning Map.** Where the street or lot layout on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after a public hearing, shall interpret the map in such a way as to carry out the intent and purpose of the zoning code. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the zoning map, the Board shall give due regard to the nature and condition of all adjacent uses and structures;
- 9) To adopt policies and procedures for the holding of regular and special meetings, for the transaction and disposition of its businesses, and the exercise of its powers; and

10) Such other duties as may be required by the provisions of the zoning code and the City Charter.

11) Decision of the Board of Zoning Appeals

- a)** The Board of Zoning Appeals shall decide all applications and appeals within 45 days after the final hearing unless the applicant requests and is granted an extension by the Board.
- b)** A copy of the decision of the Board of Zoning Appeals shall be transmitted to the applicant or appellant. Such a decision shall be binding and shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.
- c)** A decision by the Board of Zoning Appeals shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- d)** Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Butler County on the ground that the decision was unreasonable or unlawful. Such Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

(D) Board of Building Appeals. The powers, duties and functions as provided in the City Charter and the ordinances and resolutions of the city for the Board of Building Appeals shall be assumed and performed in all respects by the Board of Zoning Appeals.

(E) City Council. The City Council has the powers and duties established in the City Charter and such additional powers as set forth in this zoning code.

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1170.16 Pre-Existing Developments and Nonconformities

1170.16 Pre-Existing Developments and Nonconformities

(A) Purpose

Within the districts established by this zoning code, or by amendments thereto, there may be lots, uses of land, structures, and uses of structures and land in combination which were lawful before this zoning code was adopted or amended, but which now are prohibited, regulated, or restricted under the terms of this code. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until they are removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, or used for any other use or structure not permitted elsewhere in the district except as otherwise specifically provided for in this code.

(B) Continuation of Existing

- 1) Any use, building, structure, sign, land, or premises that existed at the time of the effective date of this code, which was legally established under a previous code amendment or version, may be continued even if such use, building, structure, land, or premises does not conform to the provisions of this code.
- 2) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption and such illegal uses shall not be considered a legal nonconforming use subject to the provisions of this chapter.
- 3) 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.

(C) Nonconforming Uses

- 1) No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this zoning code unless it complies with the provisions of Section (C) hereof.
- 2) No nonconforming use shall be moved, in whole or in part, to any lot or portion of a lot other than the area occupied by such use at the effective date of adoption or amendment of this zoning 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 zoning code and the applicable zoning district.

4) Change or Substitution of Nonconforming Use

- a) Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.
- b) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- c) If structural alterations are made to an existing building or structure that increases a nonconformity as determined by the Development Services Director or their designee, 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 Board of Zoning Appeals. Such determination shall be made at a public hearing held in the same manner as a variance (Subsection [1170.06 \(D\)2](#)), including notice, but the variance review criteria of Section [1170.06 \(C\)](#) shall not apply. At the hearing, the Board shall decide if the proposed use is similar in nature and intensity, or is a more restricted use, allowable as a change or substitution under this section. If the Board makes such a determination, the substitution of the nonconforming use shall be permitted. In permitting any such change, the Board may impose appropriate conditions and safeguards to protect adjacent properties and safeguard public health, safety, morals, and general welfare.
- d) In permitting such a change, the Board of Zoning Appeals may impose appropriate conditions and safeguards to protect adjacent properties.

5) Expansion of a Nonconforming Use

- a) Notwithstanding the foregoing provisions to the contrary, a structure or structure and land combination containing a nonconforming residential use may be increased or improved, regardless of the applicable zoning district, provided the structure or structure and land in combination continues to be used for residential purposes only and meets all required setbacks of the R-1 District.
- b) Any nonconforming, nonresidential use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this code, but no such use shall be extended to occupy any land outside such building.
- c) 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.

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1170.16 Pre-Existing Developments and Nonconformities

- 6) **Existing Use Reclassified as a Conditional Use.** In the event an existing use that was a permitted use at the time the use was established is thereafter reclassified as a conditional use in the applicable district, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the Planning Commission in accordance with this chapter and Section [1170.05](#) Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

(D) Discontinuance of a Nonconforming Use

If operation of a nonconforming use of land, buildings and/or structures is voluntarily discontinued for any period of six months or more, such nonconforming use shall not thereafter be reestablished and any subsequent use or occupancy of such land, buildings, and/or structures shall conform to the regulations of the district in which it is located. When evaluating if a use has been discontinued, the following criteria shall be considered:

- 1) Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards may be used to determine typical or normal hours);
- 2) Failure to maintain equipment, supplies, or stock-in-trade which would be used for the active operation of the use;
- 3) Failure to maintain utilities which would be required for the active operation of the use;
- 4) Failure to pay taxes and assessments or enter into a repayment plan, including but not limited to sales taxes, workers' compensation taxes, corporate taxes, etc., that would be required for active operation of the use;
- 5) Failure to maintain required local, state, or federal licenses or other approvals that would be required for the active operation of the use;
- 6) Failure to maintain building, signage, or site in a manner that would be necessary for the active operation of the use; and
- 7) Such other factors which may indicate that the use has been discontinued.

(E) Nonconforming Structures

A nonconforming building or structure existing at the time of the effective date of this zoning code, which was legally established prior to the adoption of this zoning code, may continue to be used for a permitted use 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 or site, 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 lot 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 permitted use in the applicable zoning district as long as the new use complies with all regulations of this zoning code specified for such use.
- 4) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or setback below that required in the applicable zoning district shall not render a structure nonconforming.
- 5) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
 - a) If a nonconforming structure is damaged, but not to an extent greater than 60% of the structure's value, as determined by the county auditor, or if no value can be determined by the county auditor, then it shall be deemed by the fair market value, such structure and use may be reestablished on the same lot to the same size, location, and intensity of use as was previously existing immediately prior to the damage. Such re-establishment of the use shall require the issuance of a certificate of zoning compliance. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided, as stated in Subsection [1170.16 \(E\)1](#) hereof, any expansion or change does not increase the nonconformity that existed prior to the damage.
 - b) If a nonconforming structure is damaged beyond 60% of the structure's value as determined by the county auditor, such structure shall only be rebuilt in compliance with the requirements of this zoning code and the use shall comply with the requirements of the zoning code.
 - c) If the owner voluntarily removes a structure that hasn't been damaged or destroyed, or reduces the nonconformity, the owner shall not be permitted to rebuild the structure to the original height, size, or setback.

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1170.16 Pre-Existing Developments and Nonconformities

- 6) **Repairs and Alterations.** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.
- 7) If the principal building is demolished or a major redevelopment occurs on site, any existing nonconforming signs shall be made conforming.

(F) Nonconforming Lots of Record. A nonconforming lot of record may be used in accordance with this section.

- 1) If an existing nonconforming lot of record is occupied by a building with a use that complies with the code, such building shall be maintained and may be repaired, modernized, or altered, provided that:
 - a) The building shall not be enlarged in 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.
 - b) The number of dwelling units, if applicable, shall not be increased unless in conformance with this code.
- 2) In any residential district, a single family dwelling, and its customary accessory uses, may be erected on a nonconforming vacant lot of record after the effective date of this zoning code provided the buildings comply with the minimum setbacks to the maximum extent practical.

In any non-residential district, a use that is permitted in the applicable district and its customary accessory uses, may be erected on a nonconforming vacant lot of record after the effective date of this zoning code provided the buildings comply with the minimum setbacks to the maximum extent practical.

1170.17 Enforcement and Penalties

- (A) All permits and applications shall comply with the provisions of the zoning code and no permit or certificate shall be issued for any use, building, or purpose in conflict with the provisions of the zoning code.
- (B) **Enforcement by Zoning Inspector**
- 1) For the purpose of the zoning code, the Development Services Director or the Superintendent of Building and Zoning or their designee shall be and are hereby designated and authorized to act as the Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce the zoning code in accordance with the administrative provisions of the building code and the zoning code.
 - 2) The Zoning Inspector shall conduct inspections of buildings and uses of land to determine compliance with this zoning code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation, and ordering corrective action.
 - 3) The Zoning Inspector shall determine the existence of any violations of this zoning code and cause such notifications, revocation notices, or orders for removal of violations to be issued, or initiate such other administrative or legal action as needed, to address such violation.
- (C) **Penalty**
- 1) No person, corporation or organization shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any provision of the zoning code, or any amendment or supplement thereto adopted by the City Council. Any person violating any provision of the zoning code, or any amendment or supplement thereto, shall be guilty of a third-degree misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or imprisoned not more than 60 days or both. Any corporation or other organization violating any provision of the zoning code, or any amendment or supplement thereto, shall be guilty of a third-degree misdemeanor and, upon conviction thereof, shall be fined not more than \$3,000. Each and every day during which such violation continues shall constitute a separate offense.

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1170.17 Enforcement and Penalties

- 2) 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 the zoning code, or any amendment or supplement thereto, the City Manager, City Council, the Law Director, the Development Services Director or their designee, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

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1171.0 DEFINITIONS

1171.01 Rules and Interpretation

- (A) **General Definitions.** Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this zoning code. The following shall apply:
- 1) Words used in the present tense include the future;
 - 2) A singular number shall include the plural number, and the plural the singular;
 - 3) The word “building” shall include the word “structure”;
 - 4) The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used;
 - 5) The masculine, feminine, and non-binary shall include the others; and
 - 6) The word “shall” is mandatory. The words “may” or “should” are permissive.
- (B) **Undefined Words.** If a word is not defined in this code, the definition of a word is the commonly accepted definition.
- (C) **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
- 1) “And” indicates that all connected items, conditions, provisions, or events shall apply; and
 - 2) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- (D) **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
- (E) **References to Other Regulations, Publications and Documents.** Whenever reference is made to an ordinance or statute, that reference shall be construed as referring to the most recent version of such ordinance or statute unless otherwise expressly stated.
- (F) **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Fairfield, unless otherwise expressly stated.

1171.0 Definitions

1171.02 Defined Words

(G) **Delegation of Authority.** Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the term of the provision specify otherwise.

1171.02 Defined Words

A

Accessory Structure. A structure subordinate to a principal building or to the principal use of land, located on the same lot as such principal building or use, and serving a purpose customarily incidental to the use of the principal building or land use. An accessory structure does not share a common wall or foundation with the principal building.

Accessory Use. A use subordinate to the principal use of a building or to the principal use of land, located on the same lot as such principal use and serving a purpose customarily incidental to the use of the principal building or land use.

Agriculture. The use of land for agricultural purposes, including, but not limited to, farming, pasturage, the cultivation and harvesting of plants, and animal and poultry husbandry. Such uses shall not include the commercial feeding of garbage or offal to swine or other animals. This definition also includes the necessary accessory uses for packing, treating, or storing the produce raised on the premises; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.

Alley/Service Drive. A road generally affording a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Alterations. As applied to a building or structure, a change or rearrangement in the structural parts or in the entry and/or exit facilities, or an enlargement by extending on a side or by increasing in height, or the moving from one location or position to another.

Animal Boarding/Kennel. A structure or premise providing overnight accommodation for more than four household pets, with or without compensation.

Animal Day Care. A structure or premise used for schooling, exercising, socializing, or attending to the care of household pets, with or without compensation, during the day and without overnight stays.

Animal Enclosure. An enclosed place for the keeping of animals.

Animal Hospital, Veterinary Clinic. An establishment where animals or pets are provided medical or surgical treatment and are cared for during the time of such treatment. Overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to brief observation and recuperation for periods of time.

Applicant. A person or entity applying for a development, permit, or other required approval under the zoning code. This may include the owner of the property, or any person or entity designated to represent the owner, developer, builder, tenant or business owner.

Architect. An individual licensed by the State of Ohio to practice in the field of architecture.

Art Studio. A facility that includes work, display, or teaching space for one or more artists, artisans, or photographers.

Assisted Living Facility. A long-term care facility that provides housing, personalized support services, and health care designed to meet the individual needs of persons who need help with the activities of daily life such as meals, medication management, or assistance with bathing and dressing, but do not need the degree of medical care provided in a nursing or rehabilitation facility.

Automated Teller Machine (ATM). An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card, or similar account wherein the customer operates the device independently.

Awning. A protective cover typically located over a door, entrance, or window that is made of fabric, plastic, or other material and is supported by a frame and attached to a building.

B

Bar/Night Club. Any establishment, including but not limited to, bars, lounges, taverns, dance halls and pool halls, that serves alcohol and/or beer and provides entertainment through any of the following: amplified music, dancing, table games, video games and/or other live entertainment activities. This definition does not include restaurants that provide the above entertainment if the business closes on or before 12:00 a.m. every day of the week, nor does it include event centers.

Basement. The part of the building that is wholly or partially below the average level of adjoining grounds.

Basin, Detention. A dry surface area which stores stormwater on a temporary basis and releases it at a controlled rate.

1171.0 Definitions

1171.02 Defined Words

Basin, Retention. A permanent pond where additional stormwater storage capacity is provided above the normal water level.

Bed and Breakfast. An owner-occupied single family detached dwelling with one to six guest rooms contained within that building and operated so that guests reside at the home for a finite and temporary basis, and wherein the owner of the property lives permanently on site and kitchen facilities are not accessible to guests.

Beginning of Construction. The first utilization of labor, equipment, and materials for the purpose of erecting or altering a structure or site.

Board of Zoning Appeals. The Board of Zoning Appeals of the City of Fairfield, Ohio.

Bond. A form of security agreement to guarantee compliance, payment, or performance of a contractual or legal obligation, such as performance obligations under a construction project.

Borrow. Earth material acquired from an off-site location for use in grading on a site.

Brewery, Distillery, Winery, and Cidery (Macro). Brewery, distillery, winery, or cidery that produces 15,000 or more barrels per year and may distribute outside the region. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

Brewery, Distillery, Winery, and Cidery (Micro). A limited production brewery, distillery, winery, or cidery that produces less than 15,000 barrels per year and that typically produces specialty beers, spirits, wines, or ciders that are generally sold locally. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

Buffer. The portion of a lot or parcel of land to be preserved as open space which may be required along the common property line(s) of two incompatible land uses.

Building. An enclosed structure having a roof and walls standing permanently in one place, for the shelter or enclosure of persons, animals, or property.

Building Code. Chapter 13 of the City of Fairfield, Ohio Code of Ordinances.

Building, Height. The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. See Subsection [1150.04 \(A\)1](#).

Building Line. An imaginary linear extension of the front of the building parallel to the front lot line defining the limits of the front yard, or in the case of a corner lot, the street side yard. See [Figure 1150-3](#).

Building Material Yard. A building and land used for the storage of building materials and lumber for sale to the general public or contractors.

Building, Nonconforming. A building that lawfully occupied a lot prior to the effective date of this zoning code which does not conform to the regulations of the applicable zoning district in which it is located after the effective date of this zoning code.

Building, Principal. A building that contains the primary use on the lot.

Building and Related Trade Shop. An establishment that is open to the general public and whose services include the sale, installation, maintenance, and repair of equipment or materials for a home or business including, but not limited to, appliances, plumbing, electrical, HVAC, flooring services, and other similar uses. This definition does not include stone and monument work.

C

Canopy. A fabric, plastic, or structural protective cover generally located over a freestanding structure.

Cemetery. An area of land set apart for the purpose of the burial of remains of deceased persons or animals, and for the erection of customary markers, monuments, columbaria, and mausoleums.

Certificate of Occupancy. A document issued by the Superintendent of Building and Zoning certifying that a building, structure, and/or its proposed use or the proposed use of the premises conform with the provisions of the zoning code and building code or, in case of a nonconforming use, that it constitutes such use under the terms of the zoning code.

Charitable Drop-Off Receptacle. A receptacle with scheduled pickup times that is placed on private property into which members of the public can donate goods such as clothing and small household items.

1171.0 Definitions

1171.02 Defined Words

Check Cashing, Short Term Loan. A business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing also includes a facility that provides loans to individuals in exchange for personal checks as collateral. Pawn shops are also included under this use which are business that, in part or in whole, loan money on the security of pledges of personal property, deposits, the conditional sale of personal property, or the purchase or sale of personal property. The term “check cashing” does not include a state or federally regulated bank or credit union.

City. The City of Fairfield, Ohio.

City Council. The city council of the City of Fairfield, Ohio.

City Engineer. The city engineer of the City of Fairfield, Ohio.

City Manager. The city manager of the City of Fairfield, Ohio.

Clerk of Council. The clerk of council of the City of Fairfield, Ohio.

Club/Lodge, Private. A non-profit association of persons who are bona-fide members with well-defined requirements for membership, organized for some common purposes such as social, intellectual, or recreational, and paying regular dues. This does not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Kitchen. A building or portion thereof which includes a kitchen or kitchens used for the production of food for testing or catering purposes. Commercial kitchens shall only be open to the public for scheduled instructional purposes or for the sale of perishable products.

Community Facility. An establishment housing a public or non-profit agency that provides counseling, therapy, or other social or human services to persons needing such services due to physical, mental, emotional, or other disability or hardship. This definition does not include education facilities, government facilities, political organizations or headquarters, medical offices, hospitals, day care centers, residential facilities, residential treatment facilities, or residential uses.

Comprehensive Plan. The official comprehensive plan of the city and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

Composting Facility. A device or area designed for the biological reclamation of organic materials by a natural decomposition process. Household compost includes such things as leaves, plant refuse, vegetable parings, lawn clippings and non-greasy food waste. Compost within the facility is to be periodically "turned" to aerate the mass and mix the material for better decomposition.

Conditional Use. A use that is permitted, but only by application to and specific approval by the Planning Commission in each specified instance, and after a determination by the Planning Commission that all regulations and standards of the zoning code applying to the specific use in the particular location shall be met, along with such additional conditions or safeguards as the Planning Commission may prescribe in the specific case and circumstances in order to prevent harm or injury to adjacent uses, the neighborhood and/or in order to improve the public health, safety, convenience, comfort, prosperity and general welfare.

Construction and Large Equipment Rental, Sale, and Services. A building and land which operates its primary business in the rental, sales, and service of heavy-duty equipment and construction machinery.

Construction Plans. The plans and drawings that show the specific location and design of improvements to be installed in the subdivision in accordance with the regulations set forth in the zoning code and with the requirements of the Planning Commission as a condition of the approval of a subdivision plat.

Contractor's Office/Trailer. A temporary and/or mobile structure used as an office for contractors and builders during construction and which is located at a construction site that serves only as an office until the given construction work is completed. This includes contractor's offices, equipment storage, and portable lavatories.

Contractor Yard. An area used for the storage of building materials and/or construction equipment for use by a construction business owner and not available for sale to the general public or other contractors. The area is accessory to an enclosed structure used as an office for the operation of the construction business on the same or adjoining premises.

County. The county of Butler County, Ohio.

County Recorder. The recorder's office of Butler County, Ohio.

Court. An unoccupied open space, other than a yard, on the same lot with a building, which is surrounded wholly or in part by the walls of such building.

Crematorium. A facility in which the bodies of the deceased are disposed of by burning it to ashes.

Cultural Facility. A building or structure used for the display, performance or enjoyment of heritage, history, or the arts. This use includes, but not limited to, museums, libraries, art performance venues, cultural centers, or interpretative sites, but does not include commercially operated cinemas/theaters.

Cut. A portion of land surface from which earth has been removed by excavation.

1171.0 Definitions

1171.02 Defined Words

D

Day Care Center. A place in which supervision, protection, and care is administered to a person or persons, but not including overnight lodging. Such uses may also include educational learning, such as preschool and kindergarten programs, as accessory uses.

Day Care, Home Type A. The permanent residence of the administrator in which childcare is provided for seven to 12 children at one time or a permanent residence of the administrator in which childcare is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

Day Care, Home Type B. The permanent residence of the administrator in which childcare is provided for one to six children at any one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

Design, Construction and Material Specification Handbook. A handbook adopted by City Council containing the official standards for the city governing the design, construction, and materials permitted to be used in all proposed improvements.

Development Services Director. The development services director for the City of Fairfield, Ohio.

District. A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the zoning code.

Drainage Plan. A plan for the control of stormwater runoff in accordance with the requirements of Section [1199.03 \(F\)](#).

Drive-Through Facility. Any operation by a business establishment where the transfer of goods and services to the customers is accomplished through an opening in the building while the customer remains in their vehicle.

Drywell. A type of drainage well used for the underground disposal of stormwater runoff from paved areas such as parking lots, streets, residential subdivisions, and building rooftops.

Dumpster, Garbage or Recycling. A container used for the temporary storage of solid waste and garbage or for materials to be recycled pending collection, having a capacity of at least 2 cubic yards. This definition includes compactors and grease dumpsters. Garbage or recycling dumpsters do not include garbage cans which can be moved by a person.

Dumpster, Roll-Off/ Construction. A container used for the temporary collection of large quantities of trash, yard waste, garbage, or building or construction debris, and designed to be delivered and picked up by a truck and which is left on site for a temporary period of time. Roll-off/construction dumpsters do not include dumpsters used by multi-family dwellings or businesses.

Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, boarding or lodging house, motel, hotel, recreational vehicle, or a mobile home, except when it is located in a mobile home park.

Dwelling, Accessory Commercial. A dwelling unit secondary and accessory to a principal commercial use for the purpose of providing essential 24-hour care and security for the commercial business.

Dwelling, Multi-Family Large Scale (5+ units). One or more buildings, or portion of buildings, on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented.

Dwelling, Multi-Family Small Scale (3-4 units). One or more buildings, or portion of buildings, on a single lot that contains three or four individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented.

Dwelling, Single Family Attached. A building designed or arranged for use by a single family consisting of one dwelling unit only, sharing at least one wall with another dwelling unit. Such uses shall have an individual entrance to the outdoors. Each shared wall shall be placed on a property lot line.

Dwelling, Single Family Detached. A building designed or arranged for use by a single family consisting of one dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two Family. A building consisting of two dwelling units arranged, intended, or designed to be occupied by two families only. Such uses may be arranged with one dwelling unit on the first floor and the other dwelling unit on the second floor, or with the two dwelling units located adjacent to each other, on the same lot or parcel, with a shared wall. Such uses shall have an individual entrance to the outdoors.

1171.0 Definitions

1171.02 Defined Words

E

Earth Material. Any rock, fill material, or natural soil and/or combination.

Easement. A grant of a right by a property owner to another or to the public for the use of land for specified purposes.

Education Facility, Public or Private. A public or private educational facility which offers instruction in multiple areas of learning, and such accessory uses customarily associated therewith provided, however, that such accessory uses shall be secondary to the education, instruction, and learning. These institutions include pre-school, elementary, middle, intermediate, and high schools.

Education Facility, University/College/Trade School. A public or private educational facility which offers instruction for post-secondary education, and such accessory uses customarily associated therewith provided, however, that such accessory uses shall be secondary to the education, instruction, and learning. This type of facility may have multiple education buildings and can include housing for full-time attendees or faculty. Seminaries are included in this definition.

Electric Vehicle (EV) Charging Station, Accessory. Equipment that connects to an EV to a source of electricity to recharge electric vehicles.

Electric Vehicle (EV) Charging Station, Level 1. A slow speed charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

Electric Vehicle (EV) Charging Station, Level 2. A medium speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit.

Electric Vehicle (EV) Charging Station, Level 3. A high speed charging station that operates on a high voltage circuit.

Engineer. An individual licensed by the State of Ohio to practice in the field of engineering.

Entertainment Venue. A building, room, or premises that is open to the public and hosts entertainment events such as, but not limited to, music, concerts, recorded music for dancing, comedy acts, or other live stage entertainment, regardless of whether or not a ticket or payment is required for admission. This definition does not include a bar/nightclub or an event center.

Erosion. The wearing away of the land surface by the action of wind, water, gravity, or other natural process.

Essential Service. The erection, construction, alteration, or maintenance, by public utilities or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings other than accessory structures.

Event Center. A building or structure which is rented by individuals or groups to accommodate events including, but not limited to, banquets, weddings, birthday parties, anniversaries, receptions, and other similar celebrations and may or may not have a liquor license or open air facilities. This definition does not include meeting or gathering spaces that is accessory to a hotel nor does it include an entertainment venue or bar/night club.

Excavation. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and includes the conditions resulting therefrom.

F

Family. A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit. This definition does not include any group occupying a boarding or lodging house, motel or hotel, residential facility, or residential treatment facility.

Farmers Market. An occasional or periodic market held in an open area or structure, where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site. This definition does not include the sale of used goods.

Fence. A structure constructed of wood, masonry, stone, metal or other similar manufactured material or combination of materials which forms or has the intended purpose to enclose, screen, or separate areas.

Fill. A deposit of earth material placed by artificial means.

1171.0 Definitions

1171.02 Defined Words

Financial Establishment. A building or structure which the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, and mortgage companies. Such uses do not include check cashing or short-term loan establishments. The use may or may not include a drive-through.

Fitness/Dance Studio. A building or structure, not exceeding 15,000 square feet, where individuals use equipment or space for the purpose of physical exercise, instructional fitness activities, and/or weight control. This use includes but is not limited to fitness training studios and exercise facilities.

Flea Market. A facility where individual vendors rent, lease, or acquire space from the owner or operator of the facility to display and/or sell merchandise, goods, or services to the general public in a wholly enclosed building.

Food Processing. A facility that produces or processes food or beverages for human consumption and certain related products. This use includes but is not limited to commercial bakeries; coffee roasting and production; dairy products; processing fats and oil product; canning and preserving fruits and vegetables, and related processing; grain mill products and by-products; canning, curing meat, poultry, and seafood, and processing by-product; and miscellaneous food preparation from raw products. This use does not include the production or processing of marijuana, the slaughtering of animals, or the storage of live animals.

Food Truck/Mobile Food Unit. A motor vehicle or trailer which is specifically designed or used for mobile food vending. This includes a motor vehicle or trailer within which individuals prepare or serve food or beverages in a ready-to-consume state. It does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform source point of one candle.

Frontage. The side of a lot abutting on a public street.

Frontage, Building. The building side or sides which face upon a public street or parking area between such building and the street where access to the building is provided from such frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building measured parallel to the public street or parking area upon which the building fronts.

Frontage, Primary. On a corner lot, the primary frontage is the frontage that has the shortest length.

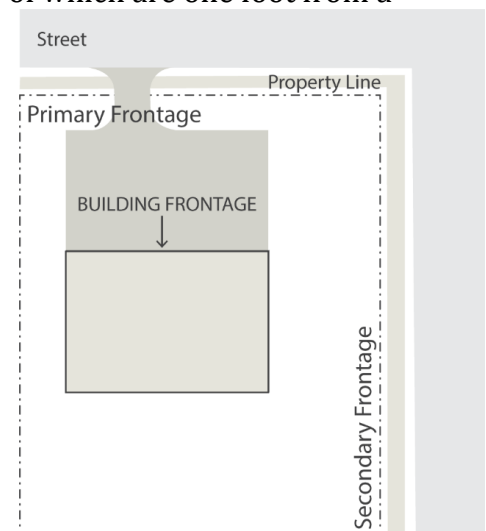


Figure 1171-1: Graphic representation of building frontage

Frontage, Secondary. On a corner lot, the secondary frontage is the frontage that has the longest length.

Frontage, Street. The distance for which the front lot line and the right-of-way are coincident.

Funeral Home. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the deceased, including funeral services, funeral parlors or mortuaries.

G

Garage, Detached Residential. A structure that is detached from a principal dwelling that includes a garage door, in which to store vehicles and personal property, and is incidental to the use of the property.

Garden. The use of residential land for the growing of flowers, fruit, and/or vegetables for personal use or consumption by the occupant of the property.

Governmental Facility. Any building, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes.

Grade. The average level of the finished surface of the ground adjacent to a sign, building, or other structure being measured.

Grading. Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or fill condition.

Greenhouse, Accessory. An accessory structure used to regulate climate conditions for the growing of plants. No retail sales are permitted.

Greenhouse, Wholesale. A principal building that is constructed to regulate the climate conditions for the growing of plants year-round, with the intention to sell or distribute the plants grown within the greenhouse for wholesale purposes. No retail sales are permitted.

1171.0 Definitions

1171.02 Defined Words

H

Hardscape. Hard materials that are incorporated into landscaping which include but are not limited to wood, stone, concrete, gravel, permeable pavement or pavers, mulch, and similar materials. Hardscape does not include driving surfaces or buildings.

Hazardous Material. Any substance or mixture of substances which is toxic, corrosive, irritant, strong sensitizer, flammable, or which generates pressure through decomposition, heat or other means, or any such substance that may cause substantial personal injury or illness during customary or reasonably anticipated handling or use.

Health Officer. The Health Commissioner of the county or an individual appointed or officially designated to perform the functions or duties of a Health Officer for the city.

Hedge. A row of closely planted shrubs, bushes, or low growing trees forming a boundary or barrier.

Heliport. An area designated for the landing of helicopters, as regulated by the Federal Aviation Authority.

Home Occupation. Any occupation, profession, use or activity of a service character, which is clearly secondary and incidental to the residential use of the premises, and does not change the character thereof or have any adverse effect upon the surrounding neighborhood.

Hospital. A facility providing physical or mental health services to the public with inpatient or overnight accommodations, and medical or surgical care of the sick, injured, or disabled. Medical offices are not included in this definition.

Hotel, Motel. A building, group of buildings, or portion thereof, in which temporary lodging is provided and offered to the public for compensation and which is open to transient guests. Such uses may include meeting and gathering spaces, business centers, restaurants, personal service uses, and other similar accessory uses that cater to the patrons of the hotel or motel.

I

Infill Parcel. Any parcel in a residential or agricultural zoning district which does not contain a habitable principal residential structure including parcels on which a previous principal residential structure has been or will be removed and is either: (i) in a subdivision of which any part was platted 10 years or more earlier and the entire subdivision is at least 80 percent built out with existing principal residential structures, or (ii) not in a platted subdivision and is less than two acres in size.

J

lunkyard.

- (A) Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, house wrecking yards, used lumber yards, places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including storage of materials incidental to manufacturing operations; or
- (B) Any establishment, place of business or property upon which motor vehicles are kept for the primary purpose of disassembling, dismantling, cutting up, stripping, or otherwise wrecking such motor vehicle to extract parts, components, or accessories; or
- (C) Any establishment, place of business or property upon which ten or more unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are kept or stored.

L

Landfill, Sanitary. An engineered facility where the final disposition of solid waste on or into the ground is practiced in accordance with Chapter 3734 of the Revised Code and rules adopted thereunder, and includes the units within the limits of waste placement, all groundwater monitoring and control system structures, buildings, explosive gas monitoring, control, and extraction system structures, surface water run-on and runoff control structures, sedimentation ponds, liner systems, and leachate management system structures.

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Landscaping Retail Facility. A business which sells landscaping related products to the general public including grasses, shrubs, trees, and other similar vegetation, which may or may not be grown on premises and/or ornamental objects. Greenhouses may or may not be included. Landscaping services accessory to the retail business may be permitted.

Landscaping Service Facility. A business which installs landscaping and provides lawn and yard maintenance services to business or residential premises. The growing of landscape material is for installation by the business and is not available for retail sale to the public.

Laundry, Commercial. A facility where patrons wash and dry clothing or other fabrics in machines operated by the patrons or by an employee of the facility.

Laundry, Industrial. Large scale cleaning facilities of textiles not for individual customers.

Law Director. The law director for the City of Fairfield, Ohio.

Library. See Cultural Facility.

Lighting, Full Cutoff. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Lighting, Non-Cutoff. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot. A parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the zoning code.

Lot, Corner. A lot abutting two or more streets at their intersection or upon two parts of the same street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

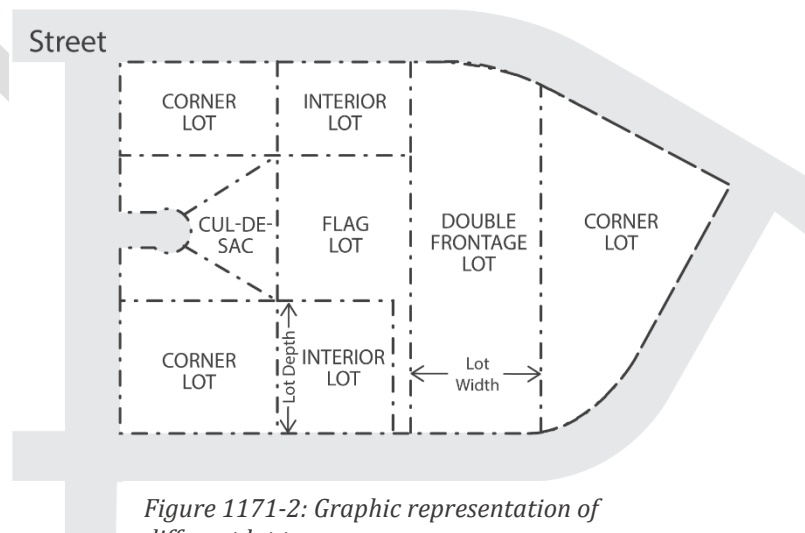


Figure 1171-2: Graphic representation of different lot types

Lot, Cul-de-Sac or Curved. A lot with frontage along a curved street or cul-de-sac. See [Figure 1150-14](#).

Lot Depth. The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

Lot, Double Frontage. A lot having frontage on two parallel or approximately parallel streets.

Lot, Flag. A lot that does not front or abut a public right-of-way and where access to the public right-of-way is limited to a narrow strip of land.

Lot, Interior. A lot that has frontage on one street and is not a corner lot.

Lot Line. The property lines bounding a lot.

Lot Line, Front. The line separating the lot from a street. On a corner lot, the front lot line shall be the street lot line having the least linear frontage along a street. If the front lot line is not clear, it shall be determined by the Development Service Director or their designee.

Lot Line, Rear. The lot line opposite to and the most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

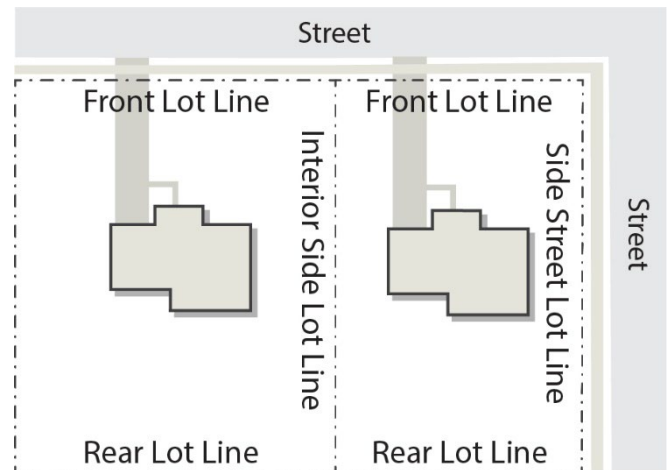


Figure 1171-3: Graphic representation of lot lines on an interior and corner lot

(A) *Street Side.* A side lot line separating a lot from a street is called a side street lot line.

(B) *Interior.* A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot, Nonconforming. A lot that does not meet the minimum lot widths, street frontage, and/or lot area requirements of the applicable zoning district.

Lot of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the county recorder or a lot described by metes and bounds, the description of which has been recorded in such office.

Lot, Steep Slope. A “steep slope” is a portion of a lot or other tract of land with an incline of 25 percent or greater.

Lot Width. Lot width is the distance between the side lot lines measured along a straight line parallel to the front lot line.

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M

Major Redevelopment. Any project that meets one of the following conditions:

- (A) The construction of one or more buildings or improvements on a site where all or part of a building or improvement has been previously demolished; or
- (B) The renovation, rehabilitation, addition to, or repurpose of existing buildings or improvements on a site where the cost of work performed exceeds 50 percent of the pre-renovation market value of the building or improvements as determined by the county auditor.
- (C) The demolition and reconstruction of a building or structure.
- (D) Any addition that exceeds 50 percent of the square footage of the existing building or structure.

Major redevelopment does not include activities associated with routine maintenance and/or remodeling of occupied properties.

Manufacturing, Artisan. An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation, and which may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as small-scale welding and sculpting. This use includes fabrication implements that are more industrial than that of an art studio and includes coopering, and crafting of cabinetry, furniture, and other similar small-scale manufacturing.

Manufacturing, Heavy. The manufacturing of products from raw or unprocessed materials, including recycling processes. This category shall also include any establishment or facility using large outdoor structures or storage that cannot be integrated into the building design. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of onsite hazardous chemical storage shall be classified under this land use. Examples include, but are not limited to, the production of the following: lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries; forge shops, open air welding, and any other intensive metal and plastic fabrication facilities; and chemical manufacturing.

Manufacturing, Light. Product assembling or mixing, where previously processed components or manufactured parts produced off-site are fitted together into a machine or blended or blown or extruded to form a non-combustible and non-explosive product. Product packaging, including bottling, canning, packing, wrapping, and boxing of products assembled. Laboratories for testing of non-hazardous materials. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced onsite shall not negatively affect other businesses or properties in the area. Examples of assembling include but are not limited to the production of the following: clothes, including screen printing; furniture (where wood is milled off-site); pharmaceuticals; hardware; toys; musical instruments; mechanical components; electric or electronic components and appliances; small vehicle assembly; and computer software. Examples of packaging include, but not limited to, facilities for bottling beverages, canning and wrapping of foods, and boxing electronic components.

Media Studio. Studio spaces for the creation of and broadcasting of radio, television, internet, or other media programs.

Medical Office (High Intensity). A place used for the care, diagnosis, and treatment of more than 40 sick, ailing, infirm and injured persons/patients per day, but who are not provided with board or room or kept overnight on the premises. This use includes medical care, dental care, urgent care, and outpatient care centers.

Medical Office (Low Intensity). A place used for the care, diagnosis, and treatment of up to 40 sick, ailing, infirm, and injured persons/patients per day, but who are not provided with board or room or kept overnight on the premises. This use includes medical care, dental care, urgent care, and outpatient care centers.

Micro-Fulfillment Center. A small-scale facility, including a stand-alone facility or a facility operated in conjunction with a retail space open to the public, used for the purpose of receiving, transferring, storing, and packaging retail and other similar goods for delivery to or pick-up by customers.

Mixed Use. A building, lot, or development that contains a mixture of uses including residential, commercial, and/or industrial uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development. Mixed use buildings shall only include uses that are permitted in the zoning district where the building is located.

Mobile Home. A transportable structure, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities, and contains a living, sleeping, and eating quarters. This definition includes a mobile home as defined in Chapter 4501 of the ORC. This definition does not include recreational vehicles.

1171.0 Definitions

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Mobile Home Park. Any lot or part thereof which is used or offered as a location for two or more mobile homes used for residential purposes.

Motor Vehicle. A machine designed or intended to travel over land, sea, or air by self-propulsion or while attached to any self-propelled vehicle such as a camper, trailer, or travel trailer.

Motor Vehicle Fueling/Charging Facility. A place where gasoline, other motor vehicle fuel, or alternative power/energy is sold at retail to the public via direct transmission from a pump or charger to the motor vehicles and where no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel or alternative power/energy under this definition shall be the primary use. Other retail sales, including the sale of convenience goods such as groceries, packaged food, newspapers, and household items are permitted within a wholly enclosed building as an accessory use. Outdoor retail displays shall not exceed five percent of the gross floor area of the principal permitted structure. This definition does not include facilities designed for the fueling or charging of semi-trailer trucks.

Motor Vehicle Repair. Any establishment or place of business which is maintained and operated for the primary purpose of making general repair, rebuilding or reconstruction of engines or making general repair to motor vehicle quarter panels, doors, fenders, bumpers, other parts of auto body, frames or other exterior surfaces or providing collision services including but not limited to painting, frame straightening or frame dissecting. This definition does not include any establishment, place of business or property upon which 10 or more unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are kept or stored.

Motor Vehicle Sales/Rental Area. Any establishment, place of business, property or open area used for the display of new or used motor vehicles that are for sale, lease, or rent and in operable condition.

Motor Vehicle Service. Any establishment or place of business which is maintained and operated for the primary purpose of performing routine maintenance of motor vehicles such as removal and replacement of lubricants, tires, and batteries for the public and which may include retail sales of fuels, lubricants, air and/or for washing operable motor vehicles. This definition does not include any establishment, place of business or property upon which storage or repair of any unlicensed, partially dismantled, or inoperable motor vehicles takes place.

Motor Vehicle Storage. Any establishment, place of business, property or open area used for the storage of new or used motor vehicles that are in operable condition. This definition does not include the storage of delivery trucks, tractor-trailers and associated semi-trailers, or shipping containers.

Motor Vehicle Tow Yard. Any establishment, place of business, or property used by a tow company or wrecker service for temporary storage of operable motor vehicles or inoperable motor vehicles designated to be transported to a motor vehicle repair garage or junkyard. This definition does not include any establishment, place of business, or property upon which 10 or more unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are kept or stored.

Motor Vehicle Washing Facility. A facility for washing, cleaning, drying, and waxing of passenger vehicles, motorcycles, and trucks of one ton rating or less, which may be self-service or full-service.

Mulching. The application of suitable materials on the soil surface to conserve moisture, reduce weed growth, hold soil in place, and aid in establishing plant cover.

Museum. See Cultural Facility.

N

Natural Terrain. Existing ground contours prior to any excavation or filling.

Natural Vegetation. The ground cover in its original state before any grading, excavation, or filling.

Nursery. See Landscaping Retail Facility.

Nursing and Rehabilitation Facility. A facility that offers short and long-term skilled care and personal care for individuals. This definition does not include hospitals, residential treatment facilities, residential facilities, or assisted living facilities.

O

OAC. The Ohio Administrative Code.

ORC. The Ohio Revised Code.

Office, General. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

1171.0 Definitions

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Outdoor Amusement Ride and Entertainment Display. Any vehicle or device that moves upon or within a structure along cables or rails, through the air by centrifugal force or otherwise, that is used to convey one or more individuals for amusement, entertainment, or recreation; or any outdoor displays of graphics, or other element for the purpose of entertainment.

Outdoor Dining. A porch, patio, deck, or other area used for consumption of food and/or beverage by the public which is not completely enclosed within the exterior building walls, windows, and doors of a restaurant or drinking establishment, and which may or may not have a solid roof cover.

Outdoor Display and Retail Area. An accessory and subordinate use that is an unenclosed area where sample goods or merchandise are displayed for sale by a principal business to which the outdoor display or retail area is associated.

Outdoor Recreational Structure. Any recreational structure or improvement that is generally accessory and subordinate to a principal dwelling unit or other principal use, such as, but not limited to, playsets, trampolines, sports equipment, and structures in trees.

Outdoor Storage, Accessory. The keeping, in an unroofed area or roofed area that has open sides, of any goods, material, merchandise, or equipment in the same place for more than 24 hours.

Open Space. Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds, streets, driveways, or vehicular use areas.

Overlay District. An area where certain additional requirements are superimposed upon a base zoning district or underlying district, and where the requirements of the base or underlying district may or may not be altered.

P

Parcel of Property/Parcel. Any separate parcel of property as shown on the latest available county tax map, provided that when structures on separate parcels are abutting and/or have common walls, such parcels shall be considered as one parcel of property if they have common ownership and provided further that where one tenant, business, or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of property.

Parking Area. A private or public area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking, Shared. Parking areas that are used by multiple uses on the same or adjoining lots.

Parking Space. An area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a single motor vehicle.

Parking Structure. A building, or an enclosed space within the principal building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Surface. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Pedestrian Connection. A pedestrian walkway that includes sidewalks but may also include sidewalks on private property (not in the right-of-way) through the form of trails, designated walking areas, and similar walkways that are strictly used for pedestrian activity.

Performance Standard. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in, or incidental to, certain uses and activities.

Personal Service. An establishment primarily engaged in providing services to individuals generally related to personal needs, such as, but not limited to barber shops, beauty salons, nail salons, licensed massage facilities, and day spas.

Planned Unit Development (PUD). An area of land controlled by a property owner, to be developed as a unified project for a variety of dwelling units and other nonresidential uses, the plan for which may correspond in all respects to lot size, setbacks, or types of dwelling, density, use or lot coverage to the regulations established in the zoning districts.

Planning Commission. The Planning Commission of the City of Fairfield, Ohio.

Planting Island. A landscaped area located in a vehicle use area that contains vegetation such as grass, trees or bushes.

Planting Strip/Tree Lawn. The area of the public right-of-way located between the back of the curb and the edge of the sidewalk that contains street trees, driveway aprons, and all utilities, to include water, sanitary sewers, storm sewers, gas mains, underground telephone lines, underground electric, or any other public or quasi-public utility.

Plat, Final. The plan or record of all or a section of a subdivision to be recorded with the county recorder's office and any accompanying material, as prescribed in this code.

Plat, Preliminary. The preliminary drawings described in the subdivision regulations, indicating the proposed manner or layout of a subdivision to be submitted to the Planning Commission for approval.

1171.0 Definitions

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Portable Storage Unit (Commercial). Any enclosed unit made of metal or other durable construction material designed for the onsite storage of property which may be transported by motor vehicle. This definition includes, but is not limited to, shipping containers, cargo containers, and semi-truck trailers.

Portable Storage Unit (Residential). An enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle and left onsite in an A or R District or on any other property used for residential purposes.

Principal Structure. A building or other facility that is designed for or occupied by a principal use.

Produce Stand. A temporary stand for the sale of agricultural products grown on the land on which they are being sold.

Public Park and Open Space. A parcel of land owned and/or operated by a governmental or quasi-governmental entity that is available to the public for passive recreation, active recreation, and conservation.

Public Recreational Facility, Indoor. A facility that is operated by a public or non-profit entity for the purpose of recreational enjoyment that is entirely located within an enclosed building.

Public Recreational Facility, Outdoor. A facility that is operated by a public or non-profit entity for the purpose of recreational enjoyment that is partially or entirely situated outdoors.

Public Utility. Any person, firm, corporation, governmental department, or board, duly authorized to furnish and furnishing, under state or municipal regulation, to the public electricity, gas, communications, transportation, water, sewer, or similar services.

Public Utilities Director. The public utilities director for the City of Fairfield, Ohio.

Public Way. An alley, avenue, boulevard, bridge, channel, ditch, easement, highway, land, parkway, right of way, road, sidewalk, street, walk or other ways which the general public or a public entity have a right to use, or which are dedicated to public use, whether improved or not.

R

Rain Barrel. A container designed or used to collect rainwater from a collecting structure, such as a house, garage, building or canopy.

Recreational Facility, Indoor. Facilities for sports and recreational activities that take place inside an enclosed building. This definition shall not include gambling devices, sexually oriented businesses, shooting ranges, or any other activities prohibited by law.

Recreational Facility, Outdoor. Facilities for sports and recreational activities that take place partially or entirely outdoors. This use does not include outdoor shooting ranges, or any other activities prohibited by law.

Recreational Vehicle. Includes trailers, non-commercial trailers, motor homes, truck campers, and recreational vehicles as defined in ORC Section 4501.01 and watercrafts, personal watercrafts, and vessels as defined in ORC Section 1546.01.

Religious Facility. An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held. This definition does not include facilities for the operation of a daycare center or event center.

Renewable Energy Facility. A use of land or a portion thereof dedicated to the harvesting of a renewable resource for the purpose of energy production. Examples include but are not limited to wind turbine farms and solar farms.

Replat. A change in the plat or drawing of a recorded major or minor subdivision if such change affects any street layout, lot line, or public way.

Research, Development, Laboratory Facility. A facility for scientific research, and the design, analysis, development, and testing of electrical, electronic, magnetic, optical, medical, computer, and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site.

Residential Facility. A publicly or privately operated home or facility that falls into one of the following categories:

- (A) Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with a developmental disability, mental illness or one or more unrelated children or adolescents with severe emotional disturbances.

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(B) Provides accommodations, supervision, and personal care services to any of the following:

- 1) One or two unrelated persons with mental illness,
- 2) One or two unrelated adults who are receiving payments under the residential state supplement program,
- 3) Three to 16 unrelated adults.

(C) Provides room and board for five or more unrelated adults with mental illness.

(D) This use does not include addictive drug treatment programs.

Residential Facility, Large. A Residential Facility that is designed for and occupied by more than 16 residents living together.

Residential Facility, Medium. A Residential Facility that is designed for and occupied by between six and 16 residents living together.

Residential Facility, Small. A Residential Facility that is designed for and occupied by between one and five residents living together.

Residential Outdoor Sale. The sale of personal property owned and sold by the occupants of the household in which such personal property is sold.

Residential Treatment Facility. A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing recovery support, care, supervision, or treatment to reduce dependence or maintain independence from alcohol or addictive drugs.

Residential Treatment Facility, Large. A Residential Treatment Facility that is designed for and occupied by more than 16 residents living together.

Residential Treatment Facility, Medium. A Residential Treatment Facility that is designed for and occupied by between six and 16 residents living together.

Residential Treatment Facility, Small. A Residential Treatment Facility that is designed for and occupied by between one and five residents living together.

Restaurant, Full Service. Any establishment where food or drinks are primarily served by wait staff to the general public in a dining area for consumption within the principal building which closes on or before 12:00 a.m. every day of the week. Carry-out services shall be accessory to the service by wait staff. This definition does not include bars/nightclubs, quick service restaurants, drive-through facilities, and vending machines.

Restaurant, Quick Service. Any restaurant whose service or facility is designed for food and drink to be obtained over the counter by people desiring quick service and the option to carry-out their food order. These establishments do not typically include table service or wait staff. A patron generally orders from a menu board and pays before receiving the meal. Drive-through facilities are not included in this definition.

Retail. A facility or establishment which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-way. Any parcel of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, utilities, and drainage facilities, and may include special features such as separation, landscaped areas, and bridges.

S

Screening. Any combination of natural and man-made elements constructed along the common property line(s) of two incompatible land uses so as to provide a vertical barrier to reduce the effect of noise pollution, air pollution, visual pollution, and artificial light glare generated by one structure, use or activity from adversely affecting another.

Seasonal Sale. The temporary sale of seasonal goods, which may include, but is not limited to, the sale of Christmas trees, pumpkins, and similar items. This use does not include the outdoor display or sales of goods from the principal business in which the display or sales is associated with.

Sediment. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.

Sediment Basin. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other materials.

Sedimentation Plan. A plan for the control of sedimentation in accordance with the requirements of Section [1196.04](#) of this code.

Self-Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for the storage of personal property.

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Service Area. An area containing accessory structures in service of the principal structure such as a garbage or recycling dumpster.

Setback. The minimum distance required between a building, structure or improvement, and the lot line or public right-of-way.

Setback, Front Yard. A setback that is measured from the front lot line.

Setback, Rear Yard. A setback that is measured from the rear lot line.

Setback, Side Yard. A setback that is measured from the side lot line.

Setback, Street Side Yard. A setback that is measured from the street side lot line.

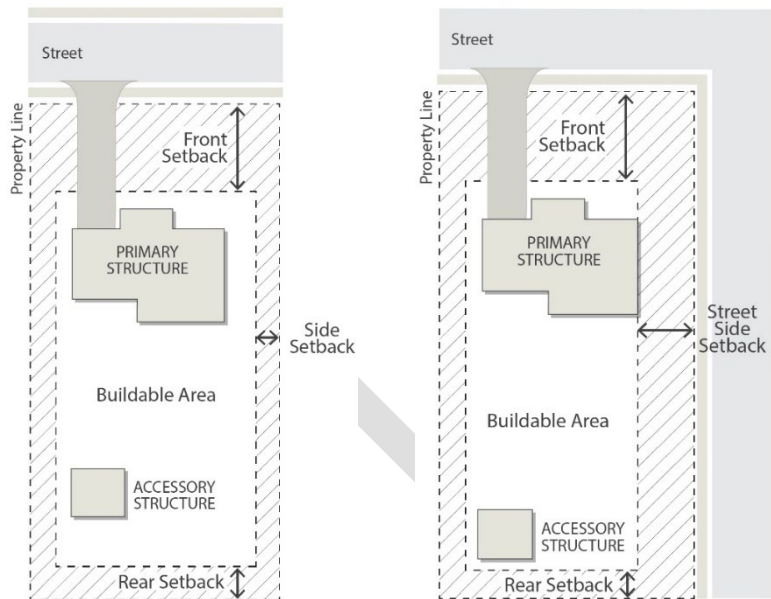


Figure 1171-4: Graphic representation of setbacks on interior and corner lots.

Sexually Oriented Business. Adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, live sex act businesses, massage parlors, sexual device shops, sexual encounter establishments, sexual encounter centers, escort agencies and nude or semi-nude model studios but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex, to which the following definitions shall apply:

- (A) "Adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "employee," "nude," "nudity," "state of nudity," "seminude," "state of seminudity," "operator," "patron," "premises," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Ohio Revised Code.
- (B) "Adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Ohio Revised Code.
- (C) "Adult motel" means a motel, hotel, or similar commercial establishment which:

- 1) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
 - 2) Offers a sleeping room for rent for a period of time less than 10 hours; or
 - 3) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.
- (D)** "Consideration" means the payment of money or the exchange of any item of value for:
- 1) The right to enter the business premises or any portion thereof; or
 - 2) The right to remain on the business premises or any portion thereof; or
 - 3) The right to purchase any item permitting the right to enter, or remain on, the business premises or any portion thereof; or
 - 4) The right to a membership permitting the right to enter, or remain on, the business premises or any portion thereof.
- (E)** "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (F)** "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (G)** "Immediate family" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.
- (H)** "Live sex act" means any act whereby one or more persons engage in a live performance or live conduct which contains oral contact or sexual intercourse.
- (I)** "Live sex act business" means any business in which one or more persons may view, or may participate in, a live sex act for a consideration.

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- (J)** "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration, or fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program.
- (K)** "Operate" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.
- (L)** "Oral sexual contact" means oral contact with a penis, vulva, or anus.
- (M)** "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.
- (N)** "Sexual intercourse" means penetration into the penis, vulva, or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva.
- (O)** "Specified criminal activity" means any of the following offenses:
- 1)** Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;
 - 2)** For which:
 - a)** Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b)** Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
 - 3)** The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(P) "Transfer of ownership or control" of a sexually oriented business shall mean any of the following:

- 1) The sale, lease, or sublease of the business;
- 2) The transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
- 3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Shopping Center. A group of at least three businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilizes common off-street parking and access.

Short Term Rental. A residence or part thereof, where lodging is provided for compensation for established periods of time agreed upon by the owner and guest, but not longer than 30 days.

Showroom. A room used for the display or offering for sale of goods or merchandise of a large or bulky nature.

Sign. Any name, 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 which is visible from the public right-of-way or other location outside of the property where the sign is located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location.

Sign, Abandoned. A sign placed on public property, including but not limited to signs erected in parks and public rights-of-way.

Sign, Air Dancer. An inflatable device consisting of a long tube-like sleeve made of fabric attached to a powered fan blower, which causes the tube to move in a dancing or flailing motion.

Sign, Area. The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim, and molding, but not including the supporting structure.

Sign, Awning. A sign that is mounted on or painted on an awning.

Sign, Banner. A piece of cloth, canvas, plastic sheet, or other pliable material that can be attached to a building or posted into the ground.

1171.0 Definitions

1171.02 Defined Words

Sign, Bench. A sign that is mounted on the back of a bench.

Sign, Billboard. Any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign.

Sign, Building Wall. Any sign attached to, painted on, or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure.

Sign, Cabinet. A temporary moveable sign constructed with sign faces designed to install moveable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated and nonilluminated signs.

Sign, Canopy. A sign that is mounted on or painted on an attached canopy.

Sign, Changeable Copy Permanent. A sign or portion thereof with letters, characters, or illustration that can be changed or rearranged by manual means without altering the face or surface of the sign.

Sign, Changeable Copy Temporary. A temporary/moveable sign constructed with sign faces designed to install moveable letters or characters and the sign faces are held by a frame.

Sign, Company Logo Flag. A piece of cloth or canvas attached to a flagpole that contains a company name or logo.

Sign, Construction. A temporary sign that is located on a lot that has active construction.

Sign, Directional. A sign without advertising, directing vehicular or pedestrian movement onto a premise.

Sign, Electronic Message Center. A sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. May also be known as a variable message sign or a LED sign.

Sign Face. The surface of the sign upon which the message of the sign is exhibited.

Sign, Feather/Flutter Flag. A sign which is generally displayed vertically, primarily supported by a rod or supporting frame along one edge and constructed of a piece of cloth, canvas, plastic sheet, or other pliable material. The feather/flutter flag may or may not display words or images.

Sign, Flashing. A sign which contains or is illuminated by lights which are intermittently on an off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.

Sign, Freestanding. A permanent sign supported upon the ground by a base, monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. Freestanding signs include ground and pole signs.

Sign, Gateway. A sign placed by the city on a thoroughfare noting the city boundary or other designated area.

Sign, Governmental. Any temporary or permanent sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

Sign, Grand Opening. Temporary signage that is utilized to mark the opening of a new business.

Sign, Ground. A sign that is placed upon or supported by the ground independently of any other structure, typically on a base or pedestal structure. Ground signs are also referred to as monument signs.

Sign, Height. Sign height shall be determined by measuring the vertical distance between the highest point of the sign to the elevation of the ground beneath the sign.

Sign, Illuminated. Any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.

Sign, Inflated. Any sign or device that is capable of being expanded.

Sign, Menu Board. Any signage pertaining to items, goods, or services offered by a drive-through business.

Sign, Name Plate. A sign which contains information pertaining to the building's resident, address, or location.

Sign, Nonconforming. A sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign regulations or a sign which does not conform to the sign code requirements.

Sign, Obscene. A sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

1171.0 Definitions

1171.02 Defined Words

Sign, Obsolete.

- (A) A sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed; or
- (B) Any sign that is deteriorated (as defined herein), or is not adequately maintained, repaired, or removed within the specified time as ordered by Section [1155.15 \(B\)](#).

Sign, Off-Premise. See sign, billboard.

Sign, Pennant. A long, narrow, triangular, or tapering cloth, canvas, plastic sheet, or other pliable materials.

Sign, Pole. A sign that is supported by one or more uprights, pylons, poles or braces placed in or upon the ground surface so that the bottom edge of the sign is above the ground.

Sign, Portable. Any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the building code of the city or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, gas inflatables, and company logo flags.

Sign, Projecting. A sign suspended from or supported by a building, structure, or building column and extending horizontally therefrom, more than 15 inches.

Sign, Roof. Any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

Sign, Rope Lights. Fiber optic cable lighting, LED lights, or other continuous or connected series of lights that may be encased in flexible tubing, tape, or other material typically used to outline or decorate a structure, including window and door frames whether located inside or outside the structure. This does not include seasonal lighting.

Sign, Snipe. A sign that is posted, tacked, nailed, pasted, glued, or otherwise attached to trees, utility poles or structures, street lights, fences, or any other object on public property or within the public right-of-way.

Sign, Streamers. A series of banners, pennants, or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.

Sign, Structure. The supports, uprights, bracing, poles, or framework for signs.

Sign, Temporary. A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, Trailer. Any sign that is attached to, supported by, or part of a structure, where the structure's primary purpose is the display of such sign, and where the structure is designed to move on trailer or vehicle wheels. This definition includes billboard vehicles.

Sign, Vehicle. Advertisements or graphics that are affixed to a vehicle and which are intended to advertise a business, but does not include license plates, license plate frames, or vehicle brand.

Sign, Window. Any sign that is printed, painted on, attached, glued, or otherwise affixed to the interior or exterior side of a window, and designed to be viewed from adjoining streets, walkways, or parking lots available for public use. Electronic message centers, flashing signs, and televisions are not included in this definition and are subject to regulation and/or restriction as provided in this chapter irrespective of whether they are placed on the inside or outside of a window. Window signs placed on the exterior of windows may not project further than one-half inch beyond the window exterior surface. Signs placed on the exterior of a window and projecting further than one-half inch from the window surface are excluded from this definition and shall be included as building wall signage and regulated and/or restricted as provided in this chapter.

Sign, Yard. A temporary sign, which is mounted in a yard on a stake or a frame structure.

Slope. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Solar Farm. A utility-scale commercial facility that converts solar energy to electrical current for the primary purpose of wholesale or retail sale of generated electricity.

Solar Panel. Panels designed to allow for the utilization of solar energy to electrical current as an alternative for or supplement to, conventional energy systems.

Solid Waste Facility. Land used for the disposal or storage of solid waste material including garbage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse.

Stone and Monument Works. Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses.

Storage Shed or Barn, Carport, or Play Structure Sales Area. An open area used for the display, storage, sale, lease, or rental of storage sheds or barns, carports, or play structures.

Stormwater Management. The collection, safe conveyance, and storage of excess storm runoff on a development or redevelopment site that involves use of a single or multiple stormwater management facility(ies) to capture, temporarily store and treat runoff with gradual release of the stored runoff at an acceptable flow rate into the downstream conveyance system. Stormwater management facilities include, but are not limited to, detention basins and retention basins.

1171.0 Definitions

1171.02 Defined Words

Stormwater Runoff. That portion of rainfall that is not lost to infiltration, surface storage, or evaporation.

Story. The portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, First. The lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average level of the adjoining ground at the exterior walls of the building; except that any basement or cellar used as a dwelling shall be deemed the first story.

Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used as a dwelling shall be deemed a full story.

Story, Mezzanine. A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath it.

Street. A public right-of-way 50 feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than 20 feet and less than 50 feet in width provided it existed prior to the enactment of the zoning code. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street, Collector. Thoroughfares that collect traffic from subdivisions and direct it to larger thoroughfares.

Street, Cul-de-sac. A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

Street, Local. A street intended to serve and to provide access to and within neighborhoods or sub-neighborhoods.

Street, Principal. That single public street which provides the most access and/or predominant business exposure.

Street Tree Plan. A plan for the planting of shade trees in the public right-of-way in accordance with Chapter [1198.0](#).

Structure. Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, walls, sheds, gazebos, signs, decks, or fences.

Subdivision

- (A) The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- (B) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; or
- (C) The division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subdivision, Major. Any subdivision not classified as a minor subdivision.

Subdivision, Minor. A division of a parcel of land along an existing public street not involving the opening, widening, or extension of any street, and involving not more than five lots after the original tract have been completely subdivided. The definition also includes lot splits.

Superintendent of Building & Zoning. The superintendent of building and zoning for the City of Fairfield, Ohio.

Surveyor. An individual licensed by the State of Ohio to practice in the field of surveying.

Swale. A low-lying stretch of land which gathers or carries surface water run-off.

Swimming Pool. A water filled enclosure, permanent or portable, that is capable of containing a water depth at any point greater than two feet, and that is designed, used and maintained for swimming or bathing.

1171.0 Definitions

1171.02 Defined Words

T

Teen Club. Any club, business or establishment providing a place of entertainment either with or without payment where for any period of time the intended occupancy is either overwhelmingly or exclusively persons between the ages of 13 and 21 years unaccompanied by an adult, parent, or guardian.

Tent. A temporary structure for the protection from weather, and/or in association with and accessory to a temporary event.

Theater, Cinema. Any indoor facility for showing motion pictures on a projection screen, excluding adult motion pictures and adult entertainment businesses. Such use may include a lobby area and refreshment stand for the patrons.

Thoroughfare. A major roadway designated in the Thoroughfare Plan as a regional thoroughfare, primary thoroughfare, secondary thoroughfare, or collector street.

Thoroughfare, Regional. Major connectors that link the city with other population centers outside of city limits.

Thoroughfare Plan. The official plan establishing the general location, character and extent of roads, streets and thoroughfares in the city.

Thoroughfare, Primary. Major traffic carriers within the city which carry traffic from collector and secondary thoroughfares to regional thoroughfares.

Thoroughfare Secondary. Streets that carry traffic from collector and local streets to primary and regional thoroughfares.

Tobacco or Vape Store. Any establishment, structure, facility, store, stand, booth, or concession that devotes 20 percent or more of its display floor area to the sale, display, marketing, bartering, trading, or exchange of electronic smoking devices as defined in ORC Section 2927.02, tobacco products, smoking accessories, devices, or cartridges.

Trailer. A nonautomotive vehicle designed to be towed by a motor vehicle but not designed for human occupancy and which may be used for the transportation of materials, animals, or vehicles.

Tree Preservation Plan. A plan for the preservation of trees in accordance with the requirements of Section [1152.09](#) of this code.

Trucking or Logistics Terminal. An enclosed structure or structures used for the temporary storage of cargo or freight owned by others in the process of transferring the cargo or freight to another location by truck or other mode of transportation.

U

Use. The purpose for which land or a building or structure is used, arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

Use, Nonconforming. A use of a building, structure, or land legally existing or occurring prior to the effective date of this zoning code which does not conform to the use regulations of the applicable zoning district in which it is located, after the effective date of this zoning code.

V

Variance. A variation of the requirements of the zoning code, granted by the Board of Zoning Appeals in specific cases when warranted, in order to alleviate unnecessary and undue hardship which may otherwise ensue owing to exceptional narrowness, shallowness or shape of a lot, to difficult topography or other peculiar physical conditions of a lot, or to the nature of existing uses or structures on adjoining lots, and so that the general spirit and intent of the zoning code shall be observed and substantial justice done. A variance may be a “use variance” or an “area/size variance.”

Vegetation, Temporary. Short-term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation.

Vehicle, Commercial. Includes semi-truck, semi-trailer, box truck, box van, step van, cement truck, stake bed truck, boom truck, food truck, tank truck, tar truck, dump truck, tow truck, wrecker, bus or van capable of carrying more than 10 people, limousine, dump trailer, gooseneck trailer, livestock trailer, trailer with pipe rails and or side walls exceeding 36 inches in higher than the trailer bed, and other similar vehicles or trailers. In addition, any other commercial or non-commercial vehicle or trailer that exceeds eight feet in height and/or 22 feet in length.

Vehicle Use Area. The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provides access to those spaces, but that does not include an entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

1171.0 Definitions

1171.02 Defined Words

W

Wall. An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Wall, Retaining. A structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouse. An enclosed structure used for the storage and/or distribution of goods of any type by or on behalf of the owner of the goods when 80 percent or more of the enclosed structure is designed or used for storage space. This definition includes distribution and fulfillment facilities.

Warehouse, Accessory. A secondary and subordinate use to an industrial or commercial use where raw materials, parts, or finished manufactured goods may be stored before their export or distribution. Such storage shall be within a building.

Waste Area. An area approved by the engineer for the disposal of waste material and restricted from the building of any structure and delineated by the requirements of Section [1159.05](#)

Waste Material. Any material that is not approved "fill material" but approved for disposal in an approved waste area site by the Public Works Director.

Watercourse. A permanent stream, intermittent stream, river, brook, channel, creek, or ditch for water whether natural or manmade.

Wind Farm. Commercial wind power installations that consist of wind turbines and associated facilities.

Wind Turbine. A device that converts the wind's kinetic energy into electrical energy.

Y

Yard. An open space on a lot unoccupied and unobstructed from the ground upward except as expressly permitted in the zoning code.

Yard, Front. A yard that extends across the full width of the lot between any part of the principal structure and the front lot line.

Yard, Side. A yard that extends between the front yard and the rear yard, between a building and the nearest side lot line.

Yard, Street Side. A yard that extends across the width of the lot between any part of the principal structure and the street side property line.

Yard, Rear. A yard that extends across the full width of the lot between a building and the rear lot line.

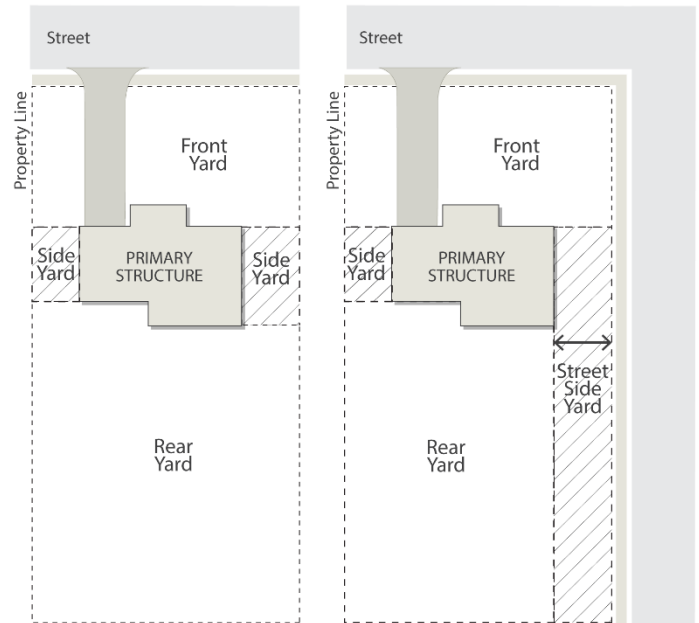


Figure 1171-5: Graphic representation of yard locations on interior and corner lots

Z

Zoning Inspector. The Development Services Director or the Superintendent of Building and Zoning of the City of Fairfield, Ohio, or their designated representatives.

Zoning Certificate. A document issued by the Superintendent of Building and Zoning authorizing buildings, structures, or uses consistent with the terms of the zoning code and for the purpose of carrying out and enforcing its provisions.

Zoning Map. The official zoning map of the City of Fairfield, Ohio.

1171.0 Definitions

1171.02 Defined Words

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TITLE NINE

Subdivision Regulations

1190.0 SUBDIVISION REGULATIONS

1190.01 Purpose

The purpose of this chapter is to protect and provide for the public health, safety, morals, and general welfare of the City of Fairfield and its people, and specifically to achieve the following purposes:

- (A)** To establish standards, conditions, and procedures for the design and review of subdivisions;
- (B)** To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
- (C)** To cause the cost of design and installation of improvements in newly platted subdivisions to be borne by the applicant rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision for the improvements servicing their property;
- (D)** To prevent problems associated with inappropriately subdivided lands, or partial or incomplete subdivisions;
- (E)** To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- (F)** To secure and provide for the proper arrangement of streets and thoroughfares in relation to existing or planned streets or thoroughfares, and in conjunction with the City of Fairfield Thoroughfare Plan;
- (G)** To secure and provide for the proper arrangement and efficient use of land in conjunction with the City of Fairfield Comprehensive Plan;
- (H)** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, recreation and other public requirements and facilities;
- (I)** To secure safety from fire, flood, and other danger. All subdivision proposals shall be consistent with the need to minimize flood damage;

1190.0 Subdivision Regulations

1190.02 Authority

- (J)** To provide the most beneficial relationship between the uses of land and buildings and to ensure traffic safety throughout the city, having particular regard to the avoidance of congested streets, and to ensure appropriate pedestrian traffic movement between various uses of land and buildings;
- (K)** To encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of the land; and
- (L)** To ensure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community.

1190.02 Authority

- (A)** By authority of Section 8.01 of the Charter of the City of Fairfield, the Planning Commission has the authority to review, approve, and disapprove plats for subdivisions of land within the corporate limits of the city.
- (B)** By authority of Ohio R.C. 711.09, paragraph 5, City Council has adopted the “Design, Construction, and Material Specification Handbook” as the city’s official design and construction standards for all public improvements to land subdivisions. All subsequent amendments to the “Design, Construction, and Materials Specification Handbook” shall be adopted by City Council.

1190.03 Administration

These regulations shall be administered by the Development Services Department on behalf of the Planning Commission.

1190.04 Effective Dates

- (A)** These subdivision regulations shall be effective upon their adoption by City Council (“effective date”). No preliminary plat which does not comply with these regulations shall be approved after the effective date. No final plat which does not comply with these regulations shall be approved after the effective date, whether a preliminary plat for such subdivision has been approved prior to the effective date of these regulations.

- (B) The official submittal date of the plat for a major or minor subdivision shall be considered the date of the meeting of the Planning Commission in which the plat of the subdivision is first discussed. On that date, the statutory period required for formal approval or disapproval shall commence.

1190.05 Interpretation and Conflict

- (A) In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of public health, safety, and general welfare.
- (B) When the provisions of these subdivision regulations conflict with the provisions found in other ordinances, codes, or regulations adopted by the City of Fairfield, or any easement, covenant, or private agreement or restriction, the most restrictive provisions shall govern unless the terms of the provision specify otherwise.

1190.06 Sale of Land Within Subdivisions

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

1190.07 Enforcement

It shall be the duty of the Public Works Director to enforce these regulations. Pursuant to that duty, the Public Works Director shall have, in addition to all other authority granted to them by these regulations, the authority to issue stop work orders for any work being performed in violation of these subdivision regulations or any other applicable ordinance of the city.

1190.0 Subdivision Regulations

1190.08 Fees

1190.08 Fees

- (A)** The City Council shall establish a schedule of fees applicable to the filing of plats for both major and minor subdivisions and for any other submission pertaining to these regulations. The fee schedule may be amended by approval of the City Council.
- (B)** Until all applicable fees have been paid in full, no action shall be taken on any application for approval of plats regarding these regulations.
- (C)** The applicant shall be responsible for the actual cost to the city of all inspections, engineering review, and testing of materials and soil for the subdivision whether performed by the city or others. Such costs may be billed to the applicant periodically as the work progresses and/or the Public Works Director may require a deposit to cover such costs.
- (D)** No plat shall be recorded until all required fees are paid by the applicant.

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1191.0 SUBDIVISION PROCEDURES

1191.01 Applicability

- (A) No person or corporation proposing to subdivide property within the city shall enter into any contract for the sale of such subdivision or any part thereof, or proceed with any construction work on the proposed subdivision, including grading, until approval of the preliminary plat of the subdivision by the Planning Commission and approval of construction plans by the Development Services Director have been obtained.
- (B) The approval of a final plat by the Planning Commission shall not constitute or effect an acceptance by the public of the responsibility for construction or maintenance of any street, other proposed public way, space shown on such plat, or any other improvements.
- (C) Approval of the final plat by the Planning Commission shall not authorize a waiver of any officially adopted design and construction requirements which may have been inadvertently omitted during the technical review of the final plat.

1191.02 Overview

The subdivision procedure shall conform to the following steps, as indicated on the flow chart, and which are further explained in the following sections.



Platting Procedure

DSD = Development Services Department | PC = Planning Commission

Figure 1191-1: Flow chart of the subdivision process

1191.0 Subdivision Procedures

1191.03 Pre-Application Meeting

1191.03 Pre-Application Meeting

- (A) Prior to submitting the preliminary plat, the applicant shall meet with the Development Services Director or their designee and the Public Works Director to discuss the proposed subdivision.
- (B) The purpose of the pre-application meeting is to:
 - 1) Discuss the proposed subdivision layout;
 - 2) Review the design, development, and submittal requirements; and
 - 3) Discuss the location of existing and proposed public facilities including roadways, utilities, parks, playgrounds, sidewalks, drainage facilities, etc.

1191.04 Preliminary Plat

(A) Submission

- 1) The applicant shall submit an application for approval for a preliminary plat of the proposed subdivision to the Development Services Director or their designee.
- 2) The submitted preliminary plat shall conform to the requirements set forth in Section [1199.01](#)

(B) Review by Staff

- 1) The Development Services Director or their designee will determine whether the application and plat are complete.
- 2) The preliminary plat will be reviewed for compliance with the city's adopted comprehensive plan and the requirements of this code.
- 3) The Development Services Director or their designee shall transmit the preliminary plat to the Staff Technical Review Committee (STR) for their review. Any comments produced from the committee shall be transmitted to the applicant to allow for plan revisions.

(C) Review and Decision by Planning Commission

- 1) Once the application is complete and following the review by STR, the preliminary plat shall be forwarded to the Planning Commission for review and decision.

- 2) The Planning Commission shall review and approve, approve with conditions, or disapprove the preliminary plat. The Planning Commission shall make their determination within 30 days of the official submission of the plat which shall be the date on which the Planning Commission first considers the plat at a meeting.
- 3) The approval of the preliminary plat by the Planning Commission is to be considered only as an approval of the layout.

(D) Following the Approval

- 1) After approval of the preliminary plat, the Development Services Director or their designee, or other officials having jurisdiction, may modify any engineering or construction details proposed by the applicant, whenever required for the protection of the public interest.
- 2) The preliminary plat is valid for three years from the date of approval. The Planning Commission may approve an extension of a preliminary plat which has expired.

1191.05 Construction Plans

(A) Submission

- 1) Following the approval of the preliminary plat, the applicant shall submit construction plans for all new streets, lot layout, utilities, and any other improvements proposed to be constructed.
- 2) The construction plans shall conform to the requirements set forth in Section [1199.03](#)
- 3) Construction plans shall include, at a minimum, the following:
 - a) Plans showing all existing and proposed facilities;
 - b) Standard construction drawings referenced in the Design, Construction, and Materials Specification Handbook;
 - c) Drainage plan per Section [1199.03 \(F\)](#);
 - d) Sedimentation control plan per Section [1199.03 \(G\)](#);
 - e) Detention/retention of stormwater plan per Section [1199.03 \(H\)](#);
 - f) Street lighting plan per Section [1197.02](#)
 - g) Street tree planting plan per Chapter [1198.0](#); and

1191.0 Subdivision Procedures

1191.06 Final Plat

h) Tree preservation plan per Section [1152.09](#)

4) **Bonding Requirements**

a) Performance bonds shall be required for all subdivisions involving the installation of public utilities or streets.

b) Upon the approval of the construction plans and prior to the start of construction, the applicant shall post a performance bond in the amount of 120 percent of the estimated cost of the improvements to secure the performance and construction of any uncompleted and unapproved improvements.

(B) **Review and Decision by Staff.** Construction plans shall be reviewed and approved by the Development Services Director or their designee, and STR Committee before any construction or excavation begins.

(C) **Final Inspection**

1) Upon completion of construction of all improvements, except sidewalks, the applicant shall submit a written request for final construction inspection. The results of this inspection shall be forwarded to the applicant in a letter format.

2) Prior to the end of the one-year maintenance period, the applicant shall submit a written request for the final maintenance inspection and acceptance of the subdivision by the city. All sidewalks must be complete prior to the final maintenance inspection or secured by a sidewalk performance bond. Bonds shall be as specified in Chapter [1193.0](#).

1191.06 Final Plat

(A) **Submission**

1) The final plat shall also be referred to as a record plat.

2) The final plat for all or any portion of the subdivision may be submitted upon completion of all improvements, as identified on the approved construction plans, or upon submission of a performance bond per Section [1193.01 \(A\)](#).

3) The submitted final plat shall conform to the requirements set forth in Section [1199.02](#)

(B) Review by Staff

- 1) The Development Services Director or their designee will determine whether the application and plat are complete.
- 2) The final plat will be reviewed for compliance with the requirements set forth in this code.
- 3) The Development Services Director or their designee shall transmit copies of the final plat to STR for their review. Any comments produced from the STR Committee will be transmitted to the applicant to allow for plat revisions.

(C) Review and Decision by Planning Commission

- 1) Once staff have determined that the final plat conforms to the applicable requirements within this code and the approved preliminary plat, the final plat shall be forwarded to the Planning Commission for review and decision.
- 2) The Planning Commission shall review the final plat and vote to approve, approve with conditions, or disapprove the final plat. The Planning Commission shall make their determination within 30 days of the official submission of the plat which shall be the date on which the Planning Commission first considers the plat at a meeting.
- 3) Approved final plats shall be signed by the chairperson of the Planning Commission.

(D) Recording. After approval of the final plat by the Planning Commission, the plat shall be submitted by the applicant to the county recorder. The applicant shall submit to the Development Services Director or their designee proof of recording. No lot shall be sold until the final plat has been recorded.

1191.07 As-Built Plans

- (A)** As-built plans shall be provided by the applicant within 30 days after the completion of construction of all improvements. The construction plans shall be revised to reflect all final site conditions.
- (B)** As-built plans shall be submitted to the city prior to transferring the subdivision from the performance period to the maintenance period as described in Section [1193.01 \(B\)](#). Any bonds from the performance period will not be released until the as-built plans are submitted.

1191.0 Subdivision Procedures

1191.07 As-Built Plans

- (C)** As-built plans containing any changes to elevations, major drainage ditches/swales, structures, retention/detention basins, and buffering/landscaping mounds shall be submitted to the Public Works Director for review and approval. The following notes shall be included on the as-built drawing:

“The planned contour lines on this grading plan do not necessarily reflect the final grading conditions for each individual lot. Please refer to ballooned spot elevations and individual plot plans for as-built data.”

- (D)** As-built plans shall be submitted and signed and sealed by an engineer to certify that the as-builts are per field conditions. The city may request digital files of the as-built plans.

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1192.0 MODIFICATIONS AND EXCEPTIONS

1192.01 Minor Subdivisions

- (A) **Purpose.** A minor subdivision allows for small-scale property divisions that will not result in new public roads or major extensions of infrastructure.
- (B) **Applicability**
- 1) A subdivision is a minor subdivision if it meets all of the following conditions:
 - a) The subdivision will result in no more than five lots after the original tract has been completely subdivided;
 - b) The subdivision will occur along an existing public street;
 - c) The subdivision will not result in the creation, widening, or extension of any street or road; and
 - d) The proposed subdivision will not be contrary to the applicable provisions of this code.
- (C) Minor subdivisions include lot splits and lot consolidations that conform to the regulations.
- (D) Subdivision of an original tract of land may be approved by the Development Services Director on behalf of the Planning Commission, provided the conditions in Section [1192.01 \(B\)](#) are met.
- (E) All lots utilizing a private street or shared driveway for access shall be provided with an access easement and maintenance agreement, to be noted on the plat and to be outlined with the appropriate covenants and restrictions to ensure that the private street or shared driveway is appropriately maintained. Such access easement and maintenance agreement shall be acceptable to the Law Director.
- (F) **Review and Decision by Staff**
- 1) Minor subdivision applications shall be submitted to the Development Services Department. Such applications shall be approved or disapproved by the Development Services Director on behalf of the Planning Commission within 14 working days of submission.
 - 2) If satisfied that such proposed minor subdivision is not contrary to applicable platting, subdividing, or zoning regulations, the Development Services Director shall stamp the minor subdivision with “Approved by the Development Services Department.” After doing so, the minor subdivision shall be filed with the city for record keeping purposes.

1192.0 Modifications and Exceptions

1192.02 Replats

- 3) All applicants for minor subdivisions, including lot splits and lot consolidations, shall submit to the Development Services Director or their designee proof of recording. The minor subdivision shall be recorded within six months of approval by the city.

1192.02 Replats

- (A) Any minor subdivision that involves the consolidation of lots or the adjustment of boundaries between lots that are located within existing platted subdivisions shall be subject to the review and approval of the Development Services Director on behalf of the Planning Commission.
- (B) Any subdivision of land within a previously platted subdivision which results in one to five additional conforming lots shall be subject to the review and approval of the Development Services Director on behalf of the Planning Commission.
- (C) Any subdivision of land within a previously platted subdivision which results in six or more additional lots shall adhere to the requirements for a final plat as set forth in Section [1191.06](#)

1192.03 Planned Unit Development Exceptions

The general principles of design and the minimum requirements for a subdivision may be varied by the Planning Commission in the case of a Planned Unit Development authorized under the provisions of Section [1132.01](#). Such a decision shall be made by the Planning Commission only when it has been determined that varying the standards will not conflict with the recommendations of the city's thoroughfare plan, comprehensive plan, or other adopted city plans and the intents and purposes of a planned unit development.

1192.04 Modifications Due to Development Hardships

- (A)** In any particular case where the applicant may show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these subdivision regulations would cause practical difficulty or exceptional or undue hardship, the Planning Commission may vary such requirements to the extent deemed just and proper. The varied standards shall meet the following criteria:
- 1)** There will not be any detriment to the public health, safety, and welfare;
 - 2)** It will not impair the intent and purpose of these subdivision regulations and this zoning code; and
 - 3)** It will not disrupt the desirable general development of the neighborhood and community in accordance with the city's adopted comprehensive plan, thoroughfare plan, zoning code, and any other adopted codes or plans.
- (B)** The Planning Commission shall record any modification granted in the official minutes of the board, setting forth the reasons which the requested modification is justified.

1193.0 Subdivision Bonds

1193.01 Performance Bonds

1193.0 SUBDIVISION BONDS

1193.01 Performance Bonds

- (A) **Submittal of the Performance Bond.** All improvements must be completed according to the approved plans before the final plat is signed and recorded except if the applicant submits a performance bond which includes the following:
- 1) The amount of the performance bond shall be approved by the Public Works Director and shall be in an amount not less than 120 percent of the estimated cost to complete all improvements shown on the approved construction plans.
 - 2) After the performance bond has been posted, the final plat may be signed and recorded.
 - 3) The performance bond shall be in conformance with the type of bonds described in Section [1193.05](#) and shall be secured by a “Performance Bond Agreement” in a form provided by and signed by the city.
- (B) **Release of the Performance Bond.** After 50 percent of the lots have been development with structures and have received certificates of occupancy, and all the improvements shown on the approved construction plans are complete, the improvements shall be inspected by the city to ensure that the improvements have been correctly performed. Any deficiencies shall be recorded, and a list forwarded to the applicant for correction. Once the deficiencies have been corrected and approved by the city, a maintenance bond shall be posted, and the performance bond released.

1193.02 Maintenance Bonds

- (A) **Submittal of the Maintenance Bond**
- 1) After all the improvements are completed and approved by the Public Works Director, and the final course of asphalt has been installed, the applicant shall maintain and keep in good repair all improvements for a minimum of one year, known as the maintenance period.
 - 2) The applicant shall post with the city a maintenance bond in conformance with the type of bonds described in Section [1193.05](#) to secure the required maintenance of the improvements.

- 3) The maintenance bond shall be in an amount not less than 10 percent of the original performance bond amount. The exact amount shall be determined by the Public Works Director.

(B) Release of the Maintenance Bond

- 1) One year after the performance bond is released and the maintenance bond is accepted, the applicant may request that the subdivision improvements be inspected. Any deficiencies shall be recorded and a list forwarded to the applicant for correction.
- 2) It shall be the responsibility of the applicant to request such an inspection. If the inspection is not requested or approved, the maintenance period shall not expire, and the applicant shall continue to be responsible for all deficiencies found in the subdivision.
- 3) Once all deficiencies have been corrected, a request shall be submitted to City Council for acceptance of the subdivision.
- 4) The final release of all maintenance bonds shall be by approval of City Council, following subdivision acceptance, and shall be done by ordinance.

1193.03 Sidewalk Bonds

- (A) If the sidewalks within a subdivision are not completed by the time the performance bond is released, then the uncompleted sidewalks are to be placed on a separate performance bond.
- (B) The amount of the sidewalk bond is to be determined by the Public Works Director.
- (C) Once the sidewalks are completed, there shall be a sidewalk maintenance bond, which shall not be less than 10 percent of the sidewalk performance bond and shall be for a one-year period from the date when the sidewalks were completed.
- (D) The sidewalk maintenance bond shall only apply to sidewalks not installed at the time of the establishment of the sidewalk performance bond. All sidewalks completed at that time will be subject to the maintenance bond for the entire subdivision.

1193.04 Drywell Bond

- (A) If drywells are to be used in any new subdivision or dedication of public improvement, the applicant shall be required to post a performance bond in accordance with Section [1193.01](#)

1193.0 Subdivision Bonds

1193.05 Types of Bonds

1193.05 Types of Bonds

All bonds are subject to the approval of the Law Director, who has jurisdiction as to the types of bonds which are acceptable to the city. Those which are generally acceptable are as follows:

(A) **Irrevocable Letter of Credit.** A bank, savings and loan, or other lending institution may secure a subdivision performance bond or maintenance bond by rendering a letter. The letter of credit shall be submitted to the following:

- 1) As improvements are installed, the city shall sign and release all loan withdrawals against the bond submitted by the contractor or applicant. Each withdrawal form shall list the items, quantities, item costs and total cost for the improvements. Each withdrawal must be signed by the applicant, the applicant's engineer, and the Public Works Director in that order. The lending institution shall not release the withdrawal until it is properly signed by all three individuals listed above.
- 2) The withdrawals from the letter of credit shall only include completed work. Draws for materials delivered to the site only shall not be approved.
- 3) Throughout the performance period, the bond amount shall not be reduced to less than 10 percent of its original amount.

(B) **Property Bonds.** Bonds that may be posted for either performance or maintenance bonds must meet the following requirements to be acceptable.

- 1) The applicant must submit an appraisal prepared by a licensed real estate appraiser of the property to be held as a bond.
- 2) The applicant must submit evidence that it is the first and best lien on the property at the time the bond is accepted.
- 3) For land which has not been previously plotted, the applicant shall provide a description of and plat for the parcel of land designated for the property bond.
- 4) The bond shall be executed on a form provided by the Law Director.

(C) **Insurance Bonds.** Insurance bonds issued on a company form by a reputable insurance company may be accepted for a performance or maintenance bond.

(D) **Cash Bonds.** Cash bonds may be posted for both performance and maintenance bonds. The cash shall be in a savings account of a bank, savings and loan, or other federally insured savings association. Funds in the savings account shall be disbursed only after two representatives from the city sign the withdrawal card. Signature cards for such city officers shall be maintained on file at the bank. The account book will be held by the city.

1194.0 SUBDIVISION DESIGN STANDARDS

1194.01 Street Classifications

- (A) Street classifications shall be determined by the Planning Commission and shall conform to the city's official thoroughfare plan.
- (B) In addition to the street classifications identified in the thoroughfare plan, the following street classifications shall be included as part of the subdivision standards:
- 1) **Industrial Streets.** Streets primarily used for providing access to individual industrial property and designed to accommodate heavy local truck traffic.
 - 2) **Local Streets.** Streets primarily used for providing access to individual residential properties, and which should be designed to discourage through traffic movements.

1194.02 Street Design

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.

(A) **Street Design**

- 1) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.
- 2) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless determined by the Planning Commission that such extension is not necessary based on the layout of the subdivision or for the coordination of the subdivision with the future development of adjacent tracts of land.
- 3) Residential cul-de-sac and dead-end streets shall not exceed 600 feet in length. The length of the cul-de-sac shall be determined beginning at the centerline of the nearest intersecting through street.
- 4) Local streets shall be designed so that their use by through traffic is discouraged.
- 5) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than 60 degrees in any case

1194.0 Subdivision Design Standards

1194.02 Street Design

- 6) Proposed streets shall be adjusted to the contours of the land to produce reasonable gradient and more desirable building sites.
- 7) Alleys may be used within the city to provide rear access to a building or development.
- 8) Residential subdivisions abutting thoroughfares should be platted to minimize the impact of heavy traffic on such lots and to minimize the interference with traffic on such thoroughfares as well as to reduce the hazard for accidents. This may be accomplished by platting the lots abutting such thoroughfares at generous depth and by providing vehicular access to them by means of either rear alleys, or frontage access roads next to the thoroughfare, connected therewith at infrequent intervals. This shall be required on all federal numbered highways and any frontage access streets shall be incorporated as part of the public right-of-way of such highway.
- 9) The Planning Commission may determine the number and location of curb cuts and may require deceleration lanes, acceleration lanes, storage lanes, service drives, and frontage access roads where necessary. Such improvements shall be shown on the preliminary plat and construction plans.

(B) Intersections

- 1) Intersections of more than two streets at one point shall not be allowed.
- 2) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be 15 and 10 feet respectively. In commercial areas, a chord may be substituted for an arc.
- 3) Street curb intersections shall be rounded by a radius of at least 25 feet. The radii shall be increased when the smallest angle of the intersection is less than 90 degrees.

- (C) Minimum Right-of-Way and Pavement Widths. The minimum right-of-way and pavement widths shall conform to the City of Fairfield's Thoroughfare Plan and provided herein.

Table 1194.02 -1: Right-of-Way and Pavement Widths

Street Type	Right-of-Way Width	Pavement Width
Local	50 feet	28 feet
Industrial	60 feet	38 feet
Collector	60 feet	38 feet
Secondary Thoroughfare	80 feet	38 feet
Primary Thoroughfare	100 feet	38-52 feet
Regional Thoroughfare	Varies	Varies

- 1) The minimum right-of-way width and pavement width for a regional thoroughfare shall be specified in the thoroughfare plan.
- 2) The minimum right-of-way width and pavement width for an alley is 20 feet.
- 3) In business or industrial subdivisions, the above minimum right-of-way may be increased in accordance with the requirements of Planning Commission.
- 4) All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet. The edge of pavement of a turning circle of a cul-de-sac street shall have a minimum outside diameter of 80 feet.

1194.03 Block Design

(A) Block Design

- 1) The length of blocks shall be appropriate for the type of development contemplated, and the context of the surrounding area, but shall not exceed 1,300 feet in length where the average lot size does not exceed one acre, unless specifically approved by the Planning Commission.
- 2) The number of intersecting streets, driveways, and access points along highways and thoroughfares shall be held to a minimum. Blocks along such roads shall not be less than 1,000 feet in length.
- 3) In any block over 900 feet in length, the Planning Commission may require that a crosswalk, not less than five feet wide, be provided near the center and entirely across such block.
- 4) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except in the case of an interior street paralleling a thoroughfare.

1194.04 Lot Design

(A) Requirements for All Lots

- 1) Every lot shall have frontage along a public street.
- 2) Corner lots shall be sized appropriately in order to accommodate the greater setback requirements from each of the streets that front the property. A typical building envelope shall be provided that is consistent in size with surrounding development and uses.

1194.0 Subdivision Design Standards

1194.04 Lot Design

- 3) Lots abutting a water course, drainage way, channel, or stream shall be sized appropriately in order to accommodate a typical building envelope that is consistent with surrounding development and uses.
- 4) Side lot lines shall be approximately at right angles to the street on which the lot abuts.

(B) Lots Fronting on Thoroughfares

- 1) Alleys, frontage roads, or shared driveways should be used when residential lots front on thoroughfares to decrease the amount of residential curb cuts.

(C) Residential Lots

- 1) The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. All lots shall conform to the zoning requirements for lot size and dimensions for the zoning district in which they are located.
- 2) Flag lots, double frontage lots, or triple frontage lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. However, flag lots, double frontage lots or triple frontage lots may be approved by the Development Services Director on behalf of the Planning Commission during minor subdivision if necessitated by unique features.
- 3) Double frontage lots shall not be platted, except along thoroughfares where the lots face an interior street and the rear property line of the lot is along the thoroughfare. In such cases, a planting strip easement that is a minimum of 20 feet in width shall be provided along the thoroughfare that provides mounding and/or landscaping in order to provide a continuous year-round screen that buffers the residential rear yards from the thoroughfare.
- 4) Excessive depth in relation to width shall be avoided. A proportion of three and one-half to one normally shall be considered a maximum.



Figure 1194-1: Example of using mounding and landscaping to buffer the rear yards of residential lots

(D) Easements

- 1) Where alleys are not provided, 20 feet wide easements for utilities shall be provided along all residential rear lot lines and side lot lines where needed. When easements are located along side property lines, one-half of the width shall be taken from each lot.
- 2) Easements of a greater width may be required along or across lots where needed to accommodate the extension of main sewers, retention/detention facilities, or other when multiple utilities are to be located in the same easement.
- 3) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided an adequate drainage easement conforming substantially with the line of such water course. It shall include both edges of the flood plain area as designated by the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the city.
- 4) If there is a natural surface drainage across the subdivision from adjoining lands, easements of sufficient width shall be provided, storm sewers of sufficient capacity constructed to provide drainage of the adjacent properties for both present and future development.

1194.05 Modifications

The Planning Commission may alter or waive any of the regulations within this chapter when unusual or exceptional factors or conditions exist. A written statement of the reasons for such modification shall be attached to all copies of the construction plans.

1195.0 Construction Requirements

1195.01 Design Construction and Material Specification

1195.0 CONSTRUCTION REQUIREMENTS

1195.01 Design Construction and Material Specification

All construction shall be done in compliance with the “Design Construction and Material Specification Handbook”, which is hereby adopted and incorporated herein by reference.

1195.02 Excavating and Filling of Land

All requirements of Chapter [1159.0](#) shall be applicable.

1195.03 Construction Procedures

(A) Notice

- 1) Prior to the start of any construction, including earth moving, the applicant shall schedule a pre-construction meeting with the Public Works Director.
- 2) The applicant or their contractor shall give notice to the Public Works Director at least 48 hours in advance of each phase of construction, or when work is resumed after being suspended.

(B) Responsibility for Work

- 1) All construction shall be performed in the best and most professional manner and shall be in accordance with the best accepted practices of the trade involved.
- 2) The work shall always be under the control and supervision of the applicant or their designee until written final acceptance is issued by the city.
- 3) The applicant shall be responsible for the movement of traffic to and from the work site and for all suits, actions, or claims of any character brought on account of any injuries or damage sustained by any person or property by or on the work, until the final date of acceptance.
- 4) Completed portions of work that are damaged shall be rebuilt and corrected immediately.

- 5) Suitable drainage of the roadway shall be provided at all times. The applicant shall take whatever precautionary measures that are deemed necessary to protect all adjacent properties from damage or disruption due to drainage, mud, dust, rubbish, weeds, or similar nuisances.
- 6) The Public Works Director reserves the right to direct those measures necessary to remove such nuisances, to include dust abatement and the daily removal of mud and debris resulting from construction vehicles and equipment operating in or near the work area and on public streets.

(C) Inspection

- 1) The Public Works Director shall provide for inspection of all material used and all construction work. Such an inspection may extend to all parts of the work.
- 2) Inspection of construction of any utility may be done by representatives of the agency responsible for the utility, except that all backfill operations shall meet the requirements of these specifications and shall be approved by an inspector representing the Public Works Director.
- 3) The contractor, upon request, shall furnish the Public Works Director with all information relating to the work and the material thereof, and with samples of the materials.
- 4) The Public Works Director shall have the authority to reject defective material and to suspend any work that is being improperly and/or unsafely done.
- 5) Upon completion of all improvements except sidewalks, the applicant shall submit a written request for final construction inspection. Immediately prior to termination of the one-year maintenance period, the applicant shall submit a written request for the final maintenance inspection and acceptance of the subdivision by the city. All sidewalks must be complete prior to the final maintenance inspection or secured by a sidewalk performance bond.

(D) Sequence of Construction. Prior to issuance of a certificate of occupancy in a new subdivision, all improvements necessary for the safety, health, and welfare of a prospective resident must be completed. This includes the construction of all sanitary sewers, water lines, storm sewers, drainage and sedimentation facilities, grading, streets, underground electric utilities, telephone utilities, and any other vital improvement. Before any occupancy of houses is permitted, the streets must have a minimum of one course of asphalt, but not the final course. The final course of asphalt shall be installed during the maintenance period.

1195.0 Construction Requirements

1195.04 Design, Construction, and Material Requirements

1195.04 Design, Construction, and Material Requirements

In addition to the “Design, Construction, and Material Requirements Specifications Handbook”, the following requirements must be met.

- (A) **General State and City Standards.** All construction work and materials shall be provided in accordance with city standards, specifications and applicable portions of the State Department of Transportation specifications, and other private utility specifications.
- (B) **Traffic Control.** When construction interferes with the normal use of a highway, street, or walkway, the applicant shall be responsible for adequate warning signs, barricades, lighting, and warning lights to assure safety. The installation and operating of all traffic controls and traffic control devices shall conform to the requirements of the "Ohio Manual of Uniform Traffic Control Devices for Streets and Highways."
- (C) **Street Signs.** After construction of the streets is completed, or prior to the occupancy of any residence, industrial building or commercial establishment, street name signs shall be erected by the city at the expense of the applicant, after the area in the vicinity of the street sign is properly graded by the applicant. Prior to the installation of permanent street name signs, the applicant shall install temporary street signs to aid construction traffic.
- (D) **Driveways.**
- 1) The applicant shall be responsible for the proper construction of all driveways from the edge of the pavement to the public right-of-way line. Any driveway which has not been built in compliance with the "Design, Construction and Material Specification Handbook" shall be replaced by the applicant before the subdivision streets and utilities are accepted by the city. If the street has been inspected and accepted by the city before the driveway is built, the owner or builder will be required to obtain a curb cut permit from the Development Services Department before placing the driveway.
 - 2) No part of any driveway or driveway approach within the public right-of-way shall be closer than two feet to any inlet utility pole, guy wire anchor, or closer than five feet to any hydrant.
 - 3) Driveways shall have a maximum grade of eight percent.
- (E) **Sidewalks.** Concrete sidewalks at least five feet wide and four inches thick or of such other type and width as required by the Public Works Director shall be constructed on both sides of all streets within all residential subdivisions. Sidewalks are required for commercial and industrial subdivisions unless exempt per Section [1131.02 \(D\)](#).

- (F) **Multi-Use Path.** Multi-use paths may be required in lieu of sidewalks as shown in the Fairfield Connectivity Plan.
- (G) **Curbs and Curb Ramps.** Curbs shall be constructed on both sides of all new streets within all subdivisions.
- (H) **Constructing Utilities Under Existing Roadways.** Where utilities (water lines, sewer lines, storm lines, etc.) must be installed under existing roadways, the applicant must bore, tunnel, push, or by some other approved method, install the utility under the roadway without cutting or otherwise disturbing the road surface or use of the road. An exemption may be granted when it is not possible to install the utility under the road surface without an open cut. The applicant shall submit a written request and receive written permission for an open road cut from the Public Works Director before they can proceed with the installation.
- (I) **Control of Drainage, Silting, and Erosion.** The applicant shall perform all work in strict accordance with the requirement of Chapter [1196.0](#).
- (J) **Guardrails.** Guardrails shall be constructed when required by the Public Works Director.
- (K) **Planting Strip/Tree Lawn.** All utilities including water, sanitary sewer, storm sewer, gas mains, underground telephone, telecommunication, and electric lines, or any other public or quasi-public utility shall be located in the planting strip.

1195.05 Monuments and Markers

- (A) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments and markers shall be placed so that the marked point shall coincide exactly with the intersections of lines to be marked.
- (B) Permanent markers shall be set:
 - 1) At all points where lot lines intersect curves, either front or rear.
 - 2) At all angles in property lines of lots.
 - 3) At all other lot corners. Curbs may be notched in lieu of front corner markers.
- (C) Offset permanent marking is permitted should conditions prevent the placing of monuments on line, provided that exact offset courses and distances are accurately shown on the subdivision plat.

1195.0 Construction Requirements

1195.05 Monuments and Markers

- (D)** Monuments shall be of concrete with a minimum size of six-inch square by 36 inches in length and shall be marked on top with a steel pin or copper cap set flush with the top of the monument which shall be flush with the ground.

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1196.0 STORM DRAINAGE AND SEDIMENT CONTROL

1196.01 General Requirements

- (A) Each subdivision shall have a properly designed and constructed storm drainage system which includes sediment control. In addition to this chapter, all subdivisions shall comply with the requirements of Chapter [1156.0](#).
- (B) The drainage system and sediment control provisions shall be adequate to serve the area being platted and to protect both adjacent and downstream properties and shall meet the approval of the Public Works Director.

1196.02 Enforcement

- (A) The Public Works Director shall enforce compliance with the approved sediment control plans for projects that involve the construction of public infrastructure, including residential and commercial subdivisions.
- (B) The Development Services Director shall enforce compliance with the approved sediment control plans for individual lot development projects.
- (C) The Public Works Director and Development Services Director have the authority to issue stop work orders to any person, firm or corporation performing work where sediment and erosion control measures are not provided in accordance with the approved site development plans.

1196.03 Drainage and Grading Plan

- (A) **Plan Content.** The drainage and grading plan shall conform to the requirements set forth in Section 1196.03
- (B) **Applicability.** The subdivision construction drawings shall include a drainage and grading plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses.

1196.0 Storm Drainage and Sediment Control

1196.04 Sedimentation Control Plan

1196.04 Sedimentation Control Plan

- (A) **Plan Content.** The sedimentation control plan shall conform to the requirements set forth in Section [1199.03 \(G\)](#).
- (B) **Applicability.** No subdivision shall be approved, and no change shall be made to the contour of the land including no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land unless:
- 1) There has been a plan approved by the Development Services Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other acceptable securities are deposited with the city in the form of an escrow guarantee which will insure installation and completion of the required improvements.
- (C) **Standards.** The following standards shall be followed in all storm-water management and sediment control plans:
- 1) All lots shall be graded to provide proper drainage away from buildings and to dispose of it without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding.
 - 2) All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted, or finished as required and shall be of such slope, shape, and size as to conform with the requirements of the city.
 - 3) The installation of the specified stormwater management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources document entitled, "Rainwater and Land Development Manual."
 - 4) Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing.
- (D) **Design Principles.** The following principles are effective in minimizing erosion and sedimentation and shall be met where applicable for developing a subdivision and included in the sediment control plan:

- 1) Development or redevelopment sites that are covered under the Ohio EPA General Construction Permit shall develop a stand-alone Storm-Water Pollution Prevention Plan (SWP3) per the requirements of the Ohio EPA General Construction Permit. This SWP3 shall be provided to the Public Works Director for review when the plan for minimizing erosion and sedimentation is submitted for the development proposal. After the SWP3 is approved and during construction, it shall be kept on the construction site, along with a copy of the NOI and letter granting permit coverage under the Ohio EPA General Construction Permit.
 - 2) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected, and supplemented. For additional regulations, see the tree preservation regulations in Section [1152.09](#)
 - 3) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography to create the least erosion potential.
 - 4) The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.
 - 5) Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.
 - 6) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - 7) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally impeded.
 - 8) Sediment in the run-off water shall be trapped until the disturbed area is stabilized using debris basins, sediment basins, silt traps or similar measures.
- (E) For subdivisions regulated under the Ohio EPA General Construction Permit for Storm-Water Discharges, the person seeking coverage under that Ohio EPA Construction Permit, shall provide a copy of the "Notice of Intent" (NOI) to do so and a copy of the Ohio EPA's related "letter of coverage authorization", prior to start of construction.

1196.0 Storm Drainage and Sediment Control

1196.05 Detention/Retention of Stormwater Plan

1196.05 Detention/Retention of Stormwater Plan

- (A) **Plan Content.** The detention/retention of stormwater plan shall conform to the requirements set forth in Section [1199.03 \(H\)](#).
- (B) **Applicability.** Detention/retention of stormwater shall be required for each subdivision and land development.
- (C) **Objective.** The objective of a detention/retention facility is to regulate the run-off from rainfall and to control discharges to downstream areas to reduce the impact on downstream drainage systems.
- (D) **Exemptions.** The applicant may apply to the Planning Commission for exemption from construction of detention/retention facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.
- (E) **Design**
- 1) **Quality of Run-off.** The peak rate of run-off during the 100-year post development storm cannot exceed the peak rate of run-off during the two year pre-development storm. For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the Public Works Director may require additional controls.
 - 2) **Stormwater Management General Requirements**
 - a) *Quantitative Control.* Detention/retention of stormwater will be required for each subdivision unless specifically exempted.
 - b) *Qualitative Control.* Stormwater quality control shall be implemented into subdivisions in accordance with general and specific requirements outlined in the latest edition of the Ohio EPA General (NPDES) Permit for Storm-Water Discharges associated with construction activity. (See Part IIIG2E of the Ohio EPA's NPDES Permit).
 - 3) When an existing site is being partially or totally redeveloped all requirements of this chapter will be in full force and effect. If conditions warrant on partially redeveloped sites and the applicant can show that the application of all requirements would cause a hardship, they may request relief of the requirements from the Planning Commission.
 - 4) **Drywells.** If drywells are to be used for stormwater drainage control or stormwater detention/retention in any new subdivision or dedication of public improvements, the applicant shall be required to execute an agreement with the City of Fairfield satisfactory to the Law Director prior to recording of the plat or dedication which provides a warranty by

the applicant of the proper and efficient operation of all stormwater drainage and retention/detention facilities of the subdivision in accordance with the requirements of this chapter for a period of five years after the recording of the plat or dedication. The agreement shall require the applicant to take all corrective action, including, but not limited to, the installation of new or additional facilities in order for the subdivision or improvements to meet the requirements of this chapter. The applicant's performance of the agreement shall be secured by an appropriate performance bond or other security approved by the Law Director.

1196.06 Flooding Restrictions

- (A)** All subdivision proposals shall address how to minimize flood damage.
- (B)** All subdivision proposals shall have public utilities and facilities such as sewers, gas, water, electrical, and storm-water systems located and constructed to minimize flood damage.
- (C)** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (D)** Base flood elevation data shall be provided for subdivision proposals which contain at least five lots or one acre, whichever is less. Refer to the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the city.
- (E)** Streets must be located at elevations which will make them flood-free in order that no portion of the subdivision would become isolated by floods.
- (F)** For those streams and drainage areas not identified by the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the city, but where there is an experience of flood hazard, the following shall apply:
 - 1)** The applicant shall make such improvements which will render the area substantially safe for residential, commercial, or industrial uses.
 - 2)** If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm-water easement or drainage right-of-way along the stream for a floodway of at least ten 10 feet in width. For smaller streams, the plat shall provide for channel improvements which would enable it to carry all reasonable floods within its banks. Floodway easements shall be provided which are wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run off rates are increased.

1196.0 Storm Drainage and Sediment Control

1196.07 Design of Storm Sewers

1196.07 Design of Storm Sewers

- (A) The design and construction of all stormwater facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook."
- (B) All storm sewers, open ditches, and driveway culverts shall have a minimum size adequate for a 10-year storm frequency, except as noted herein:
 - 1) All road culverts on primary and secondary thoroughfares and collector streets shall be adequate for a 25-year storm frequency and be designed in accordance with the latest Ohio State Department of Transportation requirements.
 - 2) In all cases where there are flood hazards, the applicant's engineer shall ensure that all drainage courses, ditches, sewers, and other such facilities are adequate for a 50-year storm frequency and in addition will prevent flooding of residential, commercial, and public buildings or that would endanger health, life, or property.
- (C) The minimum grade for all ditches shall be one percent except for streams, large channels with a paved bottom, and slopes paved to a height approved by the Public Works Director.
- (D) All proposed channels shall be properly lined to prevent erosion unless waived by the Public Works Director. All ditches having a velocity of five feet per second or less shall be sodded, except that ditches not along the roadway may be seeded if the velocity is under two feet per second. All ditches with a velocity of over five feet per second shall be lined.
- (E) Where possible, natural streams, including growth along the banks, shall not be disturbed. Roughness coefficients and increased peak flows and velocities shall be evaluated to determine stability.
- (F) When part of a storm drainage system is outside of the public right-of-way, the applicant shall provide an easement for storm drainage and maintenance. All easements for water courses or ditches shall be wide enough to contain such ditches, including side slopes, plus ample clearance for maintenance operations. Easements shall be shown and shall be provided for all existing or proposed channels. Easements shall provide ingress and egress for maintenance equipment from a public right of way.

1196.08 Sanitary Sewers and Water Supply

- (A) **Design.** The design and construction of all sanitary sewer and water facilities shall be done in compliance with the “Design, Construction, and Material Specification Handbook” and the requirements within this section.
- (B) **Trenching, Grade, and Cover**
- 1) No trenching or laying of pipe or fitting shall be done until the curb and gutter have been installed or until curb grade stakes have been set. Trench cut stakes may, in certain installations, be substituted for curb grade stakes, but only when approved by the Public Works Director.
 - 2) The applicant shall establish all locations, lines, and grades in advance of all work insofar as it is practical. The applicant shall keep the Public Works Director informed at a reasonable time in advance of the times and places at which work is intended to be completed.
 - 3) All work during the progress and its completion shall conform to the lines and grades given by the engineer and shall be done in accordance with the drawings and specifications, subject to such modifications as the engineer or city may determine to be necessary during the execution of the work. The main shall have a minimum of 48 inches of cover, except at such points where the grade must be adjusted to meet existing conditions or unforeseeable obstacles, and except where otherwise indicated on the plans.
- (C) **Sanitary Sewer Requirements**
- 1) **Protection of Water Supplies.** There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto, which would permit the passage of any sewage into the potable supply.
 - 2) **Design Capacity.** In determining the required capacity of sanitary sewers, the following factor shall be considered:
 - a) Maximum hourly sewage flow;
 - b) Additional maximum sewage or waste flow from industrial plants;
 - c) Ground water infiltration;
 - d) Topography of area;
 - e) Location of waste treatment plant;
 - f) Depth of excavation; and

1196.0 Storm Drainage and Sediment Control

1196.08 Sanitary Sewers and Water Supply

g) Pumping requirements.

3) **Treatment Requirements.** All sewage must be treated before discharge into the water of the State or any drainage facility.

a) Wastes from commercial laundries and manufacturing processes are considered as industrial wastes and must be given special treatment and consideration.

b) Waste from laboratories is corrosive waste and must be given special consideration.

c) Waste from swimming pool filter backwash must be given special consideration.

d) Roof drainage, foundation drainage, cooling waste, swimming pool water, or other clear water wastes need no treatment and shall not be connected to the sanitary sewer system.

4) **Sanitary Sewer Mains**

a) In general, the minimum size of sanitary sewers may be used as lateral sewers for multi-family buildings, mobile home parks, schools, restaurants, and other semi-public operations, provided their hydraulic capacity is not exceeded because of short run-off periods (high peak flows).

b) In general, sewers shall be sufficiently deep to receive sewage from basements and to prevent freezing.

c) Sewers 24 inches or less shall be laid straight alignment between manholes.

5) **Sanitary Sewer Individual Service**

a) The applicant shall provide each lot with an individual sanitary sewer service.

b) The applicant shall install the sanitary sewer lateral in a suitable manner from the sewer main to one foot beyond the public right-of-way line.

c) The location of each service line shall be clearly marked with an "S" and printed on a concrete curb before the concrete hardens.

(D) **Water Requirements**

1) **Minimum Size.** The minimum size of pipe along subdivision streets shall be eight inches in diameter.

2) **Grading.** The standards grading schedule of the American Insurance Association and related agencies shall be followed in all cases for purposes of fire protection.

- 3) **Sizing.** Any departure in sizing shall be justified by hydraulic analysis and future water use and can be considered only in special circumstances.
- 4) **Connection to Hydrants.** Mains not intended to carry fire flows shall not be connected to fire hydrants.
- 5) **Dead Ends.** Dead ends shall be minimized by the looping of all mains. Where dead ends occur, they should be provided with a fire hydrant, flushing hydrant, or blow-off for flushing purposes.
- 6) **Pressure.** The system shall be designed to maintain a minimum pressure of 20 pounds per square inch at all points in the proposed distribution system under all conditions of flow.
- 7) **Individual Water Services**
 - a) The applicant shall provide each lot with an individual water service.
 - b) The applicant shall install the service line in a suitable manner from the water main to the curb box.
 - c) The location of each curb stop shall be clearly marked with a “W” imprinted in the concrete curb, near the top, before the concrete hardens. The applicant shall ensure that the curb stops can be operated at all times. The curb stop box shall be free of mud and debris, straight, lids bolted in place, in good condition, and easy to open.

1197.0 Electric and Communication Utilities

1197.01 Underground Utilities

1197.0 ELECTRIC AND COMMUNICATION UTILITIES

1197.01 Underground Utilities

The applicant shall provide underground electrical distribution and street lighting facilities, and underground communication distribution facilities in all new subdivisions. In all cases where underground utilities are installed, street lights shall be included by the applicant.

- (A) Underground utilities shall serve the subdivision within or along the right-of-way of existing or proposed public streets, provided that prior to installation of such facilities, the applicant pays the utility company schedules and gives written commitment to pay the utility company for the cost of any relocation of such facilities and to provide all easements necessary, at no cost, for relocation and for any extension of a utility.
- (B) All service lines connecting the customer's service with the utility company's underground distribution lines shall be installed underground to connection points on the distribution facilities determined by the utility companies. The customer's service line shall be installed by the applicant or customer, except for communications service lines. The actual connection to the utility company's facilities shall be made by the utility companies. Underground wiring shall be a minimum of 30 inches below final grade and shall be bedded in and covered by a minimum of four inches of sand or shall be protected by commercially available electric schedule 40 PVC or approved equal.
- (C) Installation of transformers and communication inter-connection cabinets are required and nothing in this chapter shall be construed as requiring the installation of this equipment underground. The use of underground transformers shall not be permitted. Prior to paving any street, the applicant shall install, at their own cost, acceptable separate conduit crossovers for electric, street lights and communication facilities at locations specified by the utility company.

1197.02 Street Lighting

(A) Applicability

- 1) The applicant shall install street lights in all subdivisions.
- 2) A street lighting plan shall be submitted as part of the construction drawings for a subdivision. The street lighting plan shall be prepared by the utility company for approval by the city.
- 3) The light pole and fixture shall be provided and installed by the applicant, the maintenance of the pole and fixture shall be provided by the utility company and the electricity fees for the street light only shall be paid by the city.
- 4) Nothing in this chapter shall be construed to require the conversion to underground of any existing overhead electric or communication distribution or street lighting system.

(B) Location and Fixtures

- 1) Street lights shall be located within the public right-of-way at every intersection, at the neck of every cul-de-sac, and shall be spaced at a maximum of approximately 150 feet on center therein between and on or near abutting property lines.
- 2) The type of street light fixtures to be used shall be reviewed by the Development Services Director or their designee and shall be of a type consistent with the scale and character of the proposed subdivision.
- 3) All new street light installations shall utilize Light Emitting Diode (LED) luminaires.
- 4) Street lights shall be designed with appropriate lamps and reflectors, to minimize light pollution. Refer to Chapter [1154.0](#).

1198.0 Street Trees

1198.01 General Requirements

1198.0 STREET TREES

1198.01 General Requirements

- (A) As part of the construction drawings to be submitted with a proposed subdivision, the applicant shall submit a street tree plan for shade trees of a desirable and approved type which shall be planted at appropriate intervals along streets in the subdivision either in or adjacent to the public right-of-way. At a minimum, one street tree per lot shall be planted.
- (B) The shade trees planted pursuant to the approved plan shall be a part of the improvements of the subdivision and the cost of planting and maintenance of such shade trees shall be included in the performance and maintenance bond amounts for the subdivision.
- (C) The street tree plan shall conform to the requirements of Chapter [901](#) of the City of Fairfield Codified Ordinances and shall be approved by the Development Services Director. The applicant shall be responsible for the planting of shade trees in accordance with Chapter [901](#) of the City of Fairfield Codified Ordinances. The timing of planting shall be subject to the discretion of the Public Works Director.
- (D) In lieu of the street tree plan, the applicant may pay the city a fee of \$500 per required tree, of which is established by and approved by City Council. The Public Works Director shall be responsible for the planting of shade trees in accordance with Chapter 901 of the Codified Ordinances of Fairfield, Ohio. The timing of the plantings shall be subject to the discretion of the Public Works Director.

1199.0 SUBDIVISION APPLICATION SUBMITTAL REQUIREMENTS

1199.01 Preliminary Plat Submittal Requirements

The preliminary plat shall be prepared in accordance with the provisions stated herein. An application and filing fee for preliminary plat approval must be submitted with the preliminary plat. The preliminary plat shall include the following:

- (A) Five black line prints (24 inches by 36 inches) along with a digital copy prepared by a registered professional surveyor or engineer of the preliminary plat of the proposed subdivision.
- (B) The plat shall show all existing subdivisions, and the street and tract lines or acreage parcels of land, together with the names of record owners of such parcels immediately adjoining the proposed subdivisions and between it and the nearest existing roads or thoroughfares.
- (C) The plat shall show the streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood.
- (D) The horizontal scale of the preliminary plat shall be 100 feet or less to the inch.
- (E) The preliminary plat shall clearly show the following features and information:
 - 1) A vicinity map.
 - 2) The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the county. The Planning Commission shall have the final authority on the selection of all subdivision names.
 - 3) The tract designation according to real estate records of the county recorder.
 - 4) The names and addresses of the owner of record, the applicant and the engineer or surveyor who prepared the plat. In the case where the owner of record is a corporation, the principal officers shall be listed.
 - 5) The names of adjacent subdivisions and the names of recorded owners of adjacent parcels of unplatted land.
 - 6) The boundary lines, accurate in scale, of the tract to be subdivided and the approximate acreage of the tract.

1199.0 Subdivision Application Submittal Requirements

1199.01 Preliminary Plat Submittal Requirements

- 7)** The location, widths, and names of all existing or platted streets or other public ways within or immediately adjacent to the tracts, and other important features, such as railroad and utility rights of way, public open spaces, existing permanent buildings and structures, large trees, watercourses, section, and corporation lines, etc. The boundary of any floodway and/or floodway fringe area must be shown.
- 8)** Existing sewers, water lines, culverts, and other underground structures and power transmission poles and lines within and adjacent to the tract with sizes shown.
- 9)** Approximate location of proposed water and sanitary sewer lines, showing their connection with the existing system.
- 10)** Approximate location of all storm sewer pipes, catch basins, and retention/detention areas.
- 11)** Calculation of retention/detention volume as required in the "Design, Construction and Material Specification Handbook".
- 12)** Existing contours at an interval of not greater than two feet.
- 13)** The layout, proposed names, and widths of proposed streets, alleys, and easements. The layout, numbers, and approximate dimensions of proposed lots. Proposed street names shall not duplicate or closely approximate any existing street names in the county, except for extensions of existing streets. The Planning Commission shall have the final authority on all street names.
- 14)** Existing zoning of the tract and adjacent areas, including zoning boundary lines, if any; proposed uses of property and proposed front yard setback lines.
- 15)** All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for public use, or to be reserved in the deed for the common use of property owners in the subdivision, with the purpose, conditions or limitations of such reservation indicated.
- 16)** North-point, scale, and date.

1199.02 Final Plat Submittal Requirements

The final plat shall be prepared in accordance with the provisions stated herein. An application and filing fee for final plat approval must be submitted with the final plat. The final plat shall include all the information contained on the approved preliminary plat in addition to the following:

- (A)** All information contained on the approved preliminary plat must also appear on the submitted final plat.
- (B)** Five black line prints (24 inches by 36 inches) along with a digital copy prepared by a registered engineer or surveyor of the final plat of the proposed subdivision. A mylar or similar durable reproducible material shall be required for the signature of the Planning Commission chairperson for recording at the county recorder.
- (C)** All plats shall conform to the minimum standards for plats and surveys passed by the State Board of Registration for Professional Engineers and Surveyors. If the regulations herein conflict with such standards, the more restrictive provision shall apply.
- (D)** The final plat shall be at a scale of 100 feet or less to the inch.
- (E)** The final plan shall clearly show the following features and information:
 - 1)** A vicinity map.
 - 2)** All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes.
 - a)** These boundaries to be determined by an accurate survey in the field which shall be balanced and closed with an error of closures not to exceed 1 to 10,000.
 - b)** A copy of the closure calculations shall be submitted with the final plat.
 - 3)** The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
 - 4)** Bearings and distances to the nearest established street bounds, established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be located on them.
 - 5)** The accurate location and material of all permanent reference monuments.
 - 6)** The exact layout of street alley lines, their names, bearings, and widths, including widths along the line of any obliquely intersecting street.

1199.0 Subdivision Application Submittal Requirements

1199.02 Final Plat Submittal Requirements

- 7)** The proposed names of the streets which shall not duplicate or closely approximate the name of any other street in the county. The Planning Commission shall have the final authority on the selection of all street names.
- 8)** The exact layout of the lengths of all arcs-radii, points of curvature and tangent bearings.
- 9)** The exact layout of all easements, existing or proposed, both public and private, delineated with limitation of the easements rights definitely stated on the plat.
- 10)** The exact layout of all lot lines with dimensions in feet and hundredths and with bearings to half minutes if other than right angles to the street and alley lines.
- 11)** Lots and blocks in numerical order.
- 12)** Municipal, township, county, or section lines if located within or adjacent to the tract to be subdivided, accurately tied to the lines of the subdivision by distances and bearings.
- 13)** The accurate outlines with dimensions and legal description, when necessary, of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.
- 14)** In case the subdivision is traversed by a watercourse, channel, stream, or creek, show the prior or present location of such watercourse, channel, stream, or creek. The boundary of floodway and/or floodway fringe area shall be shown, if applicable.
- 15)** Setback building lines as fixed by the applicable zoning code and any other setback lines or street lines established by public authority, and those stipulated in the deed restriction.
- 16)** Private restrictions, if any.
 - a)** Boundaries of each type of use restrictions.
 - b)** Other private restrictions for each restricted section of the subdivision.
- 17)** Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
- 18)** Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
- 19)** Names and addresses of the owner of record, the applicant, and of the engineer or surveyor. In the case the owner is a corporation, the principal officers shall be listed.
- 20)** North-point, numerical scale, and date.

- 21)** A statement shall be included on all applicable subdivision final plats showing sanitary sewers to be connected to the sanitary sewers of the city stating, "All sanitary sewers shown on this plat shall be subject to the same charges and the same rates as required for the city-wide system."
- 22)** The following statements shall be affixed as applicable to the final plat in addition to any additional notes pertinent to the particular subdivision:
- a)** The undersigned, being owners of _____ acres of land in Section _____, Town _____, Range _____, City of Fairfield, Butler County, Ohio and also being known as part lot(s) # _____, in said City, do hereby dedicate to the public forever, in accordance with the laws in such cases made and provided, the streets and roadways as shown on said plat, certifying the same to be free and unencumbered.
 - b)** Utility easements are provided on this plat and designated as such. No improvement or impediment of any kind shall be made on said utility easement which will interfere with access to the said utility. The City of Fairfield, and/or the Utility Company shall not be responsible to any present or future owner(s) of said lot for any damages done on said easement to sod, shrubbery, or other improvements natural or artificial by reason of entry for purposes of constructing, maintaining, replacing, or repairing the utility. The erection or placement of any structure and planting or placement of any trees on said utility easement shall also be prohibited. Private drainage easements are provided on this plat and designated as such. The City of Fairfield does not accept private drainage easements shown on this plat and the City of Fairfield is not obligated to maintain or repair any channels or installations in said easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may obstruct, retain, or change the direction of the flow of the water through the drainage channel in the easement.
 - c)** The lots are numbered from _____ to _____ inclusive. Note: If the protective covenants are to be filed with the plat, the above statement shall further state: "and shall be subject to the protective covenants and restrictive provisions as set forth in deed book _____, page _____ of the Butler County, Ohio records."
 - d)** All public improvements included as part of this subdivision shall be constructed and designed in accordance with the current requirements of the "Design, Construction and Material Specification Handbook for Fairfield, Ohio" and all other applicable ordinances adopted by the City of Fairfield.

1199.0 Subdivision Application Submittal Requirements

1199.02 Final Plat Submittal Requirements

- e) The plat shall also include the signature of the owners or their authorized agent and a notarization of their signatures with the following suggested format:

"In witness thereof we have hereunto set our hand this _____ day of _____, 20____.

WITNESS

_____ Signed _____

STATE OF OHIO, COUNTY OF BUTLER, SS:

Be it known, that on this _____ day of _____, 20____, before me a Notary Public in and for the State aforesaid, personally came _____, who then and there did acknowledge the signing of the foregoing instrument to be his voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year aforesaid."

My Commission expires _____ Notary Public State of Ohio

- f) A statement by a registered land surveyor:

I hereby certify that the accompanying plat is the correct return of a survey made by me for _____ subdivision, that all monuments have been set, and Subdivision Ordinance No. _____,24 of the City of Fairfield, Ohio has been complied with to the best of my knowledge.

Signature

Reg. Surveyor No. _____ in Ohio

- g) G. The acceptance of the plat will be provided for by including the following statement:

"Approved by the Planning Commission, City of Fairfield, Ohio, this _____ day of _____ 20____.

1199.0 Subdivision Application Submittal Requirements

1199.03 Construction Plans Submittal Requirements

- h)** Provisions for acknowledging the transfer and recording the plat shall be provided for by the following:

"Entered for transfer _____, 20____

Transferred _____, 20____

_____ by _____

Auditor, Butler County, Ohio Deputy

Filed for record _____ at _____

Recorded _____ 20 _____

Plat Book _____ Page _____

_____ by _____

Recorder, Butler County, Ohio Deputy

File _____ Free _____ "

- i)** A certificate of title for the platted property showing ownership and any encumbrances on the platted property.
- j)** Any mortgagee holding a mortgage on the property shall sign the plat signifying their consent to the plat and any dedication of lands to public use in the plat.

1199.03 Construction Plans Submittal Requirements

The construction plans shall be prepared in accordance with the provisions stated herein. An application and filing fee for construction plan approval must be submitted with the construction plans. The construction plans shall include the following:

- (A)** The plans shall be signed and approved by a registered engineer.
- (B)** Four sets of the construction plans (24 inches by 36 inches) shall be submitted to the Development Services Department for review and approval.
- (C)** All elevations shall be based on the U.S.G.S. datum. Each plat, and the construction plans, shall show the description and elevation of the benchmarks which are used for the subdivision survey.

1199.0 Subdivision Application Submittal Requirements

1199.03 Construction Plans Submittal Requirements

(D) Standard Drawings

- 1) The standard drawings included in the "Design, Construction and Material Specification Handbook" shall accompany the plan to show the details of many items which are frequently used. Those standard drawings which will be needed for construction shall be listed on the title page of the construction plan.
- 2) Special detail drawings shall be included in the plans for all items where conformance with the standard drawings is not practical. Special intermediate prints of those standard drawings may be obtained on the city's website.
- 3) Details such as the type of pavement, locations of utilities and other facilities shall be as shown on typical sections and standard drawings for the city subdivision streets.
- 4) Streets within and on the perimeter of industrial subdivisions shall be individually designed in accordance with the procedures outlined in the "Design, Construction and Material Specification Handbook."

(E) The construction plans shall clearly show the following features and information:

- 1) A detailed plan and profile of all existing and proposed facilities at a horizontal scale of 50 feet or less to the inch, and a vertical scale of 10 feet or less to the inch.
- 2) The locations of all existing facilities, structures, drives and any other facilities which may be affected by the improvements.
- 3) All proposed lots and streets shall be delineated on the plan, showing radii, function of curves, curbs, sidewalks, ramps, and any other relevant information.
- 4) Street names, lot numbers, lot dimensions and easements.
- 5) The plans and profiles of proposed streets, sanitary sewers, storm sewers and water mains, and other utilities, with grades and size indicated.
- 6) Water lines, gas lines, storm sewers, and sanitary sewer details shall be shown as required in the Design, Construction, and Materials Specification Handbook. Other details shall be shown as required by the Development Service Director. Plans for the retention/detention of stormwater shall be provided in accordance with Section [1199.03 \(H\)](#).
- 7) Where a street ends at a property line or may be extended in the future, the profile shall be shown for at least 200 feet beyond the subdivision property line or end of a street.
- 8) A plan for any proposed gas distribution system showing pipe sizes, location of valves and other facilities.

1199.0 Subdivision Application Submittal Requirements

1199.03 Construction Plans Submittal Requirements

- 9) General notes and miscellaneous details shall include any pertinent notes and details that are not covered in the standard drawings or the plan or profile.
 - 10) Construction notes as necessary.
 - 11) A note shall be included as follows: "roof drains, foundation drains, and other clear water connections to the sanitary sewer are prohibited."
 - 12) A not shall be included as follows: "All work shall be done under the supervision of the Public Works Director and in accordance with the City of Fairfield Subdivision Standards."
 - 13) Other relevant information as listed on the "Site Development Checklist" located on the city's website.
- (F) **Drainage Plan.** The construction plans shall include a drainage plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses. The drainage plan shall include the following:
- 1) Topographic map of the area prior to construction with two-foot contours and a minimum scale of 50 feet to the inch.
 - 2) Grading plan superimposed on the topographic map, which shows in two foot contours the grading of all streets, lots, swales, and any other proposed improvements.
 - 3) Location, size, grade, and capacity of existing and proposed storm sewer pipes, inlets, culverts, watercourses, bridges, creeks, ditches, and swales.
 - 4) Locations and dimensions of existing and proposed streets, lot lines, and utilities.
 - 5) Engineering estimate of the quantity of storm-water entering the subdivision.
 - 6) Estimate of the quantity of flow and each pick-up point (inlet, channel or culvert).
 - 7) Locate and describe any apparent pollution of watercourses and ditches.
 - 8) Arrows depicting proposed flow along each lot line, curb line, storm sewer pipe, and open watercourse.
 - 9) Proposed elevations to the nearest foot of each lot corner, change in lot line grade, pipe, inlet or outlet, and other points critical to the drainage of the area. The minimum proposed elevation of each house first floor, to the nearest tenth of a foot based on one-half inch per foot of fall from the house on the curb line at midpoint. The Public Works Director may waive this requirement in writing.

1199.0 Subdivision Application Submittal Requirements

1199.03 Construction Plans Submittal Requirements

- 10) The area encompassed within the drainage plan shall be compatible with any area-wide drainage plan or drainage plans for adjacent areas. There must exist or be provided an adequate outlet for storm-water, such that buildings in the development will not be flooded by a 50 year storm.
 - 11) A statement by the engineer or surveyor certifying that the plans submitted provide adequate and complete storm drainage service for all parts of the entire area being platted and comments on the effects that the proposed development will have on drainage of adjacent areas.
 - 12) The plot plan for each building permit shall include the same grading, draining, and elevation information as the drainage plan.
 - 13) Drainage plans shall also include a drainage report containing calculations, evaluations and explanations of drainage.
- (G) **Sedimentation Control Plan.** The plan for stormwater management and sediment control shall include, but not be restricted to, requirements:
- 1) A description of the nature and type of construction activity.
 - 2) The total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling, or grading, including off-site borrow areas).
 - 3) An estimate of the impervious area and percent imperviousness created by the construction activity.
 - 4) A calculation of the runoff coefficients for both the pre-construction and post-construction site conditions.
 - 5) Existing data describing the soil and, if available, the quality of any discharge from the site.
 - 6) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed, or which will receive discharges from disturbed areas of the project. For discharges to the MS4, the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated.
 - 7) A description of prior land uses at the site.
 - 8) A site map identifying the following:

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- a) Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3.
- b) Elevations and/or contours, dimensions, location, and extent of all work proposed to be done, and the existing elevations and/or contours of the land all in two-foot increments. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.
- c) Soil types for all areas of the site, including locations of unstable or highly erodible soils.
- d) Location of any buildings, structures, utilities, sewers, water, and storm drains on the site where the work is to be performed.
- e) Location of any building or structure on land of adjacent property owners within 100 feet of the site.
- f) The location of all erosion and sediment control practices that are designed in accordance with the Ohio EPA General Construction Permit Requirements and ODNR Rainwater and Land Development Manual Standards, including the location of areas likely to require temporary stabilization during site development.
- g) Sediment and stormwater management basins noting their sediment settling volume and contributing drainage area.
- h) For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
- i) The location of designated construction entrances where the vehicles will access the construction site.
- j) The location of any in-stream activities including stream crossings.
- k) Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.
- l) Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of proposed fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per

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second run-off of the area served by any drain, computed in accordance with current city storm drainage criteria.

- 9) Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing.
 - 10) Temporary and permanent soil stabilization controls in accordance with the Ohio EPA General Construction Permit Requirements and ODNR Rainwater and Land Development Manual Standards.
 - 11) Detail drawings for all structural practices that include installation, inspection, and maintenance procedures.
 - 12) A certification of the quantity of excavation and fill involved.
 - 13) A timing schedule and sequence indicating the anticipated starting and completion dates of the development; stripping and/or clearing, rough grading and construction, final grading and vegetative establishment, and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
 - 14) The estimated cost of the grading and/or filling and the cost of the required erosion controls.
- (H) **Detention/Retention of Stormwater Plan.** Plans and supporting data to verify storage volumes, release dates, etc., shall be submitted to the Public Works Director. The submission shall include, but not limited to, the following:
- 1) A plan prepared by a registered engineer, which may be the construction plan, drainage and grading plan, or similar plan at a scale of 100 feet or larger to the inch, shall be submitted and contain at least the following information:
 - 2) All existing and proposed drainage facilities.
 - 3) Existing and proposed contours.
 - 4) Existing structures.
 - 5) The detention/retention facility with outlet structures.
 - 6) Cross section through detention/retention facility.
 - 7) Pertinent elevations, e.g., water surface, flow line of flow control devices, etc.

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- 8) Emergency spillway designed to pass a 100 year storm and with a minimum depth of one foot.
 - 9) Any other information required by the Public Works Director to clarify intent or design features.
 - 10) All calculations, outlines and designation of drainage areas, and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.
- (I) **Street Lighting Plan**. Refer to Section [1197.02](#)
- (J) **Street Tree Plan**. Refer to Chapter [1198.0](#).
- (K) **Tree Preservation Plan**. Refer to Section [1152.09](#)