

OFFICIAL ZONING ORDINANCE

COVINGTON, OHIO

ORIGINAL ADOPTION: 1992

TABLE OF CONTENTS

Article I - Title and Authorization

Article II – Intent and Purpose

Article III – Enactment and Effective Date

Article IV – Interpretation

Article V – Definitions

Article VI – Enforcement

Article VII – Provisions for Official Zoning Maps

Article VIII – Provisions for Zoning Districts

- 805 – Site Plan Review
- 806 – Telecommunication Towers
- 807 – Home Occupations
- 808 – Adult Entertainment
- 809 – Alternative Energy

Article IX – District Requirements

- 901 – “R-1” Suburban Residential District
- 902 – “R-2” Urban Residential District
- 903 – “R-3” Downtown Residential District
- 904 – “OR” Office Residential District
- 905 – “OS” Office Service District
- 906 – “NB” Neighborhood Business District
- 907 – “HS” Highway Service District
- 908 – “CB” Central Business District
- 909 – “I-1” Light Industrial – Commercial District
- 910 – Planned Developments
- 911 – “CON” Conservation District
- 912 – “F” Floodplain District
- 913 – Additional Regulations on Zoning Districts

914 – Special Provisions for Commercial and Industrial Uses

915 – Fences, Walls, Hedges

916 – Additional Standards

Article X – Parking and Loading Requirements

Article XI – Sign Regulations

Article XII – Procedure and Requirements for Approval of Conditional Use Permits

Article XIII – Non-Conforming Buildings, Structures, and Uses

Article XIV – Amendment

Article XV – Procedures and requirements for Appeals and Variances

Article XVI – Administration

Appendix

ZONING ORDINANCE REVISIONS

Resolution #	Zoning Case #	Article Modified	Date
05-26		Article 8	04.06.2026
04-26		Article 5	03.02.2026
21-21	02-21	Article 9	09.07.2021
20-21	01-21	Article 8	09.07.2021
08-13		Article 11	05.06.2013
16-12		Article 9	12.03.2012
		Original Adoption	1992

Article I – TITLE AND AUTHORIZATION

101 Long Title

An Ordinance to Provide for the Comprehensive Zoning of Covington, Ohio; Establishing Use Districts, Encouraging, Regulating and Restricting Therein the Location, Construction, reconstruction, Alteration and Use of Structures and Land, providing for Off-Street Parking, Regulating Signs; Authorizing Conditional Zoning Certificates; Controlling Nonconforming Uses, Establishing a Zoning Districts Map, Providing for the Administration of this Ordinance, Defining the Powers and Duties of the Administrative Offices as Provided hereafter, Establishing a Board of Zoning Appeals; and Prescribing Penalties for the Violation of the Provisions in this Ordinance or any Amendment Thereto.

102 Short Title

This Ordinance shall be known as the "Zoning Ordinance of Covington, Ohio."

103 Authorization

This Ordinance is authorized by the provisions of Chapter 713, Ohio Revised Code.

Article II – INTENT AND PURPOSE

201 Purpose

The Zoning Ordinance of the Village of Covington is adopted with the purpose of promoting and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of the purpose is to be accomplished by seeking:

201.1 To encourage and facilitate orderly, efficient, and appropriate growth and development.

201.2 To establish population densities to prevent or reduce congestion and to secure economy in the cost providing water supply and sewerage systems, streets, and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services.

201.3 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village.

201.4 To protect residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.

201.5 To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.

201.6 To foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

The standards and requirements contained in this Ordinance, and the district mapping reflected on the village of Covington Zoning Map, are intended to further the implementation of the objectives of the Land Development Plan for the Village of Covington as well as protect all desirable existing structures and uses.

Article III – ENACTMENT AND EFFECTIVE DATE

Article IV – INTERPRETATION

401 Interpretation of Provisions

In the interpretation and application, the provisions of the ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

402 Validity and Separability

It is hereby declared to be the legislative intent that, if any provision or provisions of this Ordinance, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, to be inapplicable to any person or situation, the effective of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of the Ordinance shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

403 Repeal of Conflicting Ordinance

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

Article V – DEFINITIONS

INTERPRETATION OF TERMS OR WORDS: For the purpose of this ordinance, certain terms or words interpreted as follows:

1. The word "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may is a permissive requirement and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or parcel."

Accessory Use or Structure:

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture:

The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agriculture activities, and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

Airport:

Any runway, land area or other facility designed or used either publicly or privately by any person 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.

Alley:

See Thoroughfare.

Alterations, Structural:

Any change in the supporting members bearing walls, columns, beams, or girders.

Automotive Repair:

The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales:

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking:

The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement:

A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Building:

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Accessory:

A subordinate building detached from, but lot as the principal building, the use of and accessory to the of the main building

Building Height:

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line:

See Setback Line.

Building, Principal:

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

Business, Convenience:

Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to drugstores, beauty salons, barber shops, carry- outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in the classification tend to serve a day-to-day need in the neighborhood.

Business, General:

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to- day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

Business, Highway:

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service; restaurants and motels; and commercial recreation.

Business, Office:

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting.

Business, Services:

Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Business, Wholesale:

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Cemetery:

Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Channel:

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic:

A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club:

A building or portion thereof or premises owned or operated by a person for a social literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Entertainment Facilities:

Any profit-making activity which is generally related to the entertainment field, such as motion picture theatres, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Community Oriented Social Services Facility:

A facility which provides resident services to a group of individuals of who one or more are unrelated. These individuals are mentally retarded, handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised or under contract by any Federal, State, County or other political subdivision. Community Oriented Residential Social Service Facilities (Residential Homes) include the following listed categories:

1. Residential Facilities are homes or facilities in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides. ("Developmental disability" means a disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.)
    a. *Family Homes* are residential facilities that provide room and board, personal care, rehabilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities.
    b. *Group Homes* are residential facilities that provide the services of Family Homes for at least nine but no more than sixteen persons with developmental disabilities.
2. *Social Care Homes* are residential homes for children or adolescents who lack social maturity or have emotional problems but who have not been or judged delinquent. Residency may be permanent or transient.
3. *Intermediate Care Homes* are or adolescents who have been residential home in lieu of institution residential homes assigned by a placement in a for children court to a correctional institution.
4. *Halfway Houses* are residential homes for adolescents or adults who have been institutionalized and released or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a group setting.

Comprehensive Development Plan:

A plan, or any portion thereof, adopted by the planning commission and the legislative authority of the Village of Covington, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major

thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use:

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the official Schedule of District Regulations.

Conditional Use Permit:

A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Corner Lot:

See Lot Types.

Cul-de-Sac:

See Thoroughfare.

Dead-End Street:

See Thoroughfare.

Density:

A unit of measurement: the number of dwelling units per acre of land.

1. Gross Density - The number of dwelling units per acre or the total land to be developed.
2. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling:

Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit:

Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single Family:

A dwelling consisting of a single dwelling unit only separated from other dwelling units by open space.

Dwelling, Two-Family:

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family:

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements or entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Industrialized Unit:

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):

A dwelling part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement:

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of this property.

Essential Services:

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

Family:

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoptions, or marriage, no such family shall contain over five persons.

Farm Vacation Enterprises (Profit or Non-Profit):

Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and water-shed projects.

Flood plains:

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional:

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway:

That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe:

That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building:

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be used in calculating parking requirements):

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Useable:

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing:

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garages, Private:

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;
2. Not more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

Garage, Public:

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station:

Building and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacements of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head of crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other information material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Home Occupation:

An occupation conducted in a dwelling unit, provided that:

1. Not more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than
3. twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, nonilluminated, and mounted
5. flat against the wall of the principal building;
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 ordinance, and shall not be located in a required front yard;

7. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence.
8. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Hotel or Motel and Apartment Hotel:

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Institution:

Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Junk Building, Junk Shops, Junk Yards:

Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kennel:

Any lot or premises on which four (4) or more domesticated animals more than (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Loading Space, Off-Street:

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off street-loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map:

See Vicinity Map.

Lot:

For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage:

The ratio of enclosed ground floor area of all building on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage:

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot, Minimum Area of:

The area of a lot is computed exclusively of any portion of the right-of-way of any public or private street.

Lot Measurement:

A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building set-back line.

Lot of Record:

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types:

Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

1. Corner lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with a frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

4. Reversed Frontage Lot: A lot on which frontage is at right angles to the area. A reversed a corner lot may also be a corner lot.

Major Thoroughfare Plan:

The portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Maintenance and Storage Facilities:

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Heavy:

Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, bpen storage and service areas, extensive services and facilities ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light:

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Manufacturing, Extractive:

Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resources.

Mobile Home:

Any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet.

Mobile Home Park:

Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosed used or intended for use as a part of the facilities of such park.

Non-Conformities:

A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home:

A home or facility for the care and treatment of babies, children pensioners, or elderly people.

Nursery, Plant Materials:

Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail gardening or landscaping.

Open Space:

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the planning commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Parking Space, Off-Street:

For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond:

An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Personal Services:

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development:

An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Planning Commission:

The Planning Commission has the general authority as stated in ORC Chapters 711 and 713, to review and approve plans for unsubdivided property, and all proposals for minor and major subdivisions of the Village. The Commission is generally responsible for creating and modifying the Master Plan of streets and zoning throughout the Village, and for reviewing specific

preliminary development plans in the specific zoning districts of the Village. The Planning Commission consist of five members, the mayor, one member of the legislative authority to be elected thereby for the remainder of the individual's term as such member of the legislative authority, two citizens of the village, and one public member to be appointed by the mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years. All members shall serve without compensation.

Professional Activities:

The use of offices and related spaces for such professional services are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facility:

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants and other similar public service structures by a public utility, by a railroad whether publicly or privately owned or by a municipal or other governmental agency, transport, communication, public water and sewage services.

Public Uses:

Public parks, schools, administrative and cultural building and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way:

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use:

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Recreation Camp:

An area of land on which two or more travel trailers, camper's tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities:

Public or private facilities that may be classified as eight "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing,

and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

Research Activities:

Research, development, and testing relating to such fields as chemical pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Roadside Stand:

A temporary structure designed or used for the display or sale of agricultural and related products.

Right-of-Way (ROW):

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Seat:

For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated for each twenty- four (24) lineal inches of benches, pews, or space for loose chairs.

Setback Line:

A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground except as may be provided in said code.

Sewers, Central or Group:

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site:

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk:

The portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign:

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such a sign is located.
2. Sign, Off Premises: Any sign unrelated to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Light Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

Story:

That part of a building between the surface of a floor and the ceiling immediately above.

Structure:

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Supply Yards:

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool:

A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, an accessory use.
2. Community: Operated with a charge for admission, a primary use.

Thoroughfare, Street or Road:

The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service assess to the back or side of properties abutting on another street.

2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous basis.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-De-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street with end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Through Lot:

See Lot Types.

Transportation, Director of:

The Director of the Ohio Department of Transportation.

Tree Lawn/Curb Lawn/Buffer Strip

Is the public area of land between the street or curb and the sidewalk. It can also be found between the street and the property line. It serves to provide a green space, a buffer between vehicles and pedestrians, and a suitable environment for trees to grow

Use:

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance:

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic:

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map:

A drawing located on the plat which sets forth the by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway:

A public way, four (4) feet or more in width, for pedestrian use only whether along the side of a road or not.

Yard:

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard Front: A yard extending between side lot lines, across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building, to the side lot line on both sides of the principal building the lines establishing the front and rear yards.

Zoning Board:

Zoning Board reference in this document shall be the Planning Commission.

Zoning Permit:

A document issued by the zoning authorizing the use of lots, structures, uses of structures, and the characteristics of the uses.

Article VI – ENFORCEMENT

601 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the board of Zoning Appeals deciding an appeal, conditional use or variance or from the Village Council approving a Planned Unit Development District, as provided by this ordinance.

602 Contents of Application for Zoning Permits

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state the permit shall expire and may be revoked if construction has· not begun within one hundred twenty (120) days or completed within two (2) years. At a minimum, the application shall contain the following information:

A. Name, address, and phone number of applicants
B. Legal description of property
C. Existing use
D. Proposed use
E. Zoning district
F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
G. Building heights
H. Number of off-street parking spaces or loading berths.
I. Number of Dwelling Units
J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

603 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of the ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. On copy of the plans, similarly marked, shall be retained by a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

604 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred {300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he will proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If public interest of upon the expiration of the one hundred twenty {120) day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance issue the zoning permit.

605 Expiration of Zoning Permit

If the construction described in any zoning permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the construction described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further construction as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

606 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of the ordinance.

606.1 Application for Occupancy Certificates

Every application for a building permit or zoning permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land when no building permit is required shall be made directly to the Zoning Inspector.

606.2 Issuance of Occupancy Certificates

The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Zoning Inspector is notified in writing that the building or premises are ready for occupancy.

607 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

608 Record of Zoning Permits and Certificates of Occupancy

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

609 Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under section 612 of this ordinance.

610 Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in section 612 of this ordinance.

611 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by the ordinance.

612 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (100) dollars or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense.

613 Schedule of Fees, Charges, and Expenses

Per the approved Fee Schedule Ordinance.

Article VII – PROVISIONS FOR OFFICIAL ZONING MAPS

701 Official Zoning Maps

The district established in Article 8 of this ordinance as shown on the Official Zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

702 Identification of the Official Zoning Maps

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village.

703 Interpretation of District Boundaries

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

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the village unless otherwise indicated.

704 Zoning of Annexed Land

On land hereafter annexed to, or consolidated with, the Village of Covington, no building or structure shall be erected, enlarged or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by Village Council. Within 30 days of the annexation, the Zoning Board shall file an application for an amendment to establish the zoning district classification of such land. Action shall be taken by the Village Council regarding the classification of annexed land within 60 days of its receipt of the amendment from the Zoning Board.

Article VIII – PROVISIONS FOR ZONING DISTRICTS

801 Establishment of Zoning Districts

For the purpose of promoting the public health, safety, convenience, comfort prosperity, and general welfare Village, the following districts are hereby established:

801 Establishment of Zoning Districts Table	
R-1	Suburban Residential District
R-2	Urban Residential District
R-3	Downtown Residential District
OR	Office Residential District
OS	Office Service District
NB	Neighborhood Business District
HS	Highway Service Commercial District
CB	Central Business District
I-1	Light Industrial – Commercial District
PUD-R	Planned Residential District
PUD-MH	Planned Mobile Home Residential District
PUD-C	Planned Commercial District
PUD-I	Planned Industrial District
CON	Conservation District
FP	Flood Plain District

802 Compliance with Regulations

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

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
   a) to provide for greater height or bulk
   b) to accommodate or house a greater number of families

c) to occupy a greater percentage of lot area
d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner by contrary to the provisions of this ordinance;

3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

803 Essential Services Exempted

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other reasonable necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this ordinance. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

804 Prohibited Uses

In all Zoning Districts the following uses shall be prohibited:

804 Prohibited Use Table
Retail Dispensaries, cultivators, and processors of medical marijuana as defined in Ohio Revised Code Chapter 3796.
Any use listed as prohibited or any use not listed within the district for which it is to be located or any use not fitting within the examples of uses listed and permitted within the district in which the use is to be located.

805 Site Plan Review

To promote the health, safety, comfort, convenience, prosperity, and general welfare of the affected districts in the Village of Covington, a consistent and standard design review process shall be required for the following Zoning Districts:

805 Site Plan Review Required Table	
R-3	Downtown Residential District
OR	Office Residential District
OS	Office Service District
NB	Neighborhood Business District
HS	Highway Service Commercial District
CB	Central Business District
I-1	Light Industrial – Commercial District
CON	Conservation District
FP	Flood Plain District

805.01 Purpose and Intent

A. It is the intent of the Village of Covington to have existing and new development within the Village provide high quality buildings, landscaping, and pedestrian connections to ensure that development:

1. Provides attractive and adequate on-site facilities to meet the demands of residents, employees, and visitors.
2. Assures and promotes convenient and safe pedestrian and bicycle access to public and private spaces.
3. Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods.

B. Site and Building Design Standards are established to create a unified image for commercial, office, and mixed-use districts. High quality, mixed-use developments with integrated open spaces, streets, parking and pedestrian facilities are desired that maintain human scale design elements. To that end, the design and development standards in this Section are further designed to:

1. Utilize decorative and long-lasting building designs and materials on all building walls facing public roadways.
2. Develop unique buildings that fit into the overall character and design theme of the Village of Covington and new developments planned and constructed under these standards by requiring decorative architectural elements and unique, landmark building designs.
3. Place structures closer to the streets to create an identifiable image unique to the Village of Covington with adequate room for tree preservation zones and / or landscape buffers between structures and road rights-of-way.

4. Place parking lots in the rear or side yards to make Covington's structures the focal point of every development site.
5. Preserve and integrate existing tree stands, open spaces, stream corridors, wetlands, and scenic views on development parcels and along corridors, to maintain Covington's natural heritage.
6. Require non-motorized transportation system for exclusive use of pedestrian and bicyclists that provides safe linkages between neighborhoods, businesses, recreational, and open space areas.
7. Incorporate sound site design techniques to minimize the intrusion on existing residential neighborhoods by saving existing vegetation where possible, placing buildings and parking lots in appropriate locations, and providing landscape buffer areas.
8. Restrict access to development parcels adjacent to arterial and collector roads by requiring shared service drives, parallel access, or access off nearby cross streets.
9. Utilize low profile monument signage, blade signage, and other unique ground signage and encourage architecturally compatible wall identification signs on building elevations.

C. For the purpose of this Section, the following definitions are meant to be followed:
    1. Primary Road Frontage – The frontage facing the public space such as a street of higher importance (i.e. traffic volume, number of lanes, etc.). These three roadways will always be considered primary.
        a. State Route 48 (High Street)
        b. State Route 41 (Troy Pike)
        c. State Route 36 (Broadway)

    2. Secondary Road Frontage – The frontage facing the public space such as a street that is of lesser importance (i.e. traffic volume, number of lanes, etc.).

805.02 **Plan Review Process**

A Site Plan consists of several elements that represent the physical location and design of the various components of a development. Certain areas within Covington, primarily around, but not exclusively commercial areas, are required to have a Site Plan reviewed and approved by the Village prior to the issuance of a Zoning Certificate. The following will be the process under which a site plan can be reviewed:

A. *Pre-Application Meeting*
The applicant shall meet with the Village Administrator or his/her designee prior to submission of a formal application. The intent of this meeting is to discuss early and informally, the purpose and effect of this article and the criteria and standards contained herein. It will also give the developer the opportunity to

become familiar with zoning and other applicable regulations, as well as the benefit of any comments on his specific proposal by the Village Staff.

B. *Site Plan Approval Required*
The following sites shall be required to submit for site plan approval through a Site Plan Hearing or Administrative Review.

1. Sites Subject to Site Plan Hearing
   a. Sites that involve the creation of a new lot, regardless of whether or not the new lot is being created out of an existing parking lot or other improved area, and construction of a new principal building on a previously vacant property or portion of the property that did not previously have a principal structure;
   b. Sites or structures that require architectural review or interpretation of specific architectural design elements in order to determine consistency with the design standards of this section.
   c. Previous use of the proposed site for a parking lot or other ancillary use by another structure does not preclude the new structure or site from the requirement for a Site Plan Hearing under this Section.

2. Sites Eligible for Administrative Review
   a. Sites that do not involve the creation of a new lot and construction of a new principal building on a previously vacant property or portion of the property that did not previously have a principal structure; and
   b. Sites that require only review of site lighting, landscaping, or signage that can be found to meet the numerical requirements and physical standards of the applicable section and where an architectural determination is not required.
   c. Sites requesting only modification of existing structures as listed in sub-section 3 below.

3. Existing Structures and Associated Sites
   a. **General Standards**
   As part of the Site Plan Review all sites shall become more compliant with the existing standards within the Zoning Ordinance. This includes meetings the parking and permanent paving requirements (Article X), and landscaping and building material requirements of this Section. The percentage of compliance is dependent upon the work being completed.

   b. **Façade Renovation**
   A Façade Renovation is defined as any changes to the exterior of the building surfaces, excluding roofing surfaces, but including parapets, and the installation of new windows and doors where such door or window did not previously exist (not including the routine maintenance and replacement of existing windows and doors), that modify the texture, arrangement, pattern, or other architectural features of the surface.

1) Shall be required to have permanent parking spaces, including having a final surface of bituminous concrete (asphalt) or Portland cement concrete, brick, cobblestone, or similar hard surface. The number and design of such spaces shall meet Article X.
2) Shall be required to have street trees planted in the tree lawn at a rate of one (1) tree per 25 feet of frontage. The caliper of tree shall be at a minimum 2.5" at chest height. The listing of permitted street trees shall be followed per Ordinance 11-11.
3) Shall be required to meet all building material requirements of sub-section 805.05.

c. **Building Additions** (any addition to the primary building or request for an accessory building). Structures proposed to receive a building addition or accessory structure shall meet the building design standards for the applicable structure in addition to the following:

1) Shall be required to have permanent parking spaces, including having a final surface of bituminous concrete (asphalt) or Portland cement concrete, brick, cobblestone, or similar hard surface. The number and design of such spaces shall meet Article X.
2) Shall be required to have street trees planted in the tree lawn at a rate of one (1) tree per 25 feet of frontage. The caliper of tree shall be at a minimum 2.5" at chest height. The listing of permitted street trees shall be followed per Ordinance 11-11.
3) Shall be required to meet all building material requirements of sub-section 805.05.

d. **Existing Non-Conforming Structure and Site Review**
1) Property owners of existing structures may apply to the Planning Commission for an Existing Non-Conforming Structure and Site Review. The Planning Commission shall have the power to determine the appropriate level of architectural or landscaping modifications required for existing non-conforming structures and sites, to meet the spirit and intent of the building design criteria and landscaping requirements of this code.
2) A hearing shall be held upon receipt of an application following the procedures of a Site Plan Hearing, detailed in sub-section 805.02.B.4.b.
3) The Planning Commission in administering the architectural and landscape review of existing non-conforming structures and sites shall do so with the intent of bringing structures and site ultimately into full compliance with these standards, while making reasonable accommodations, but may not permit the existing non-conforming structure or site to become less conforming in any manner.

e. **New Construction**
All new construction shall meet all standards of this Section 805.

4. Options for Approval

a. **Application for Administrative Review**

In cases where an existing site requires partial modification and is not required to meet full Design Criteria per sub-section 804.04 or a previously approved site plan requires modification to specific site plan elements, the Village Administrator or his designee are authorized to approve certain Site Plan Elements that meet the criteria of this Article without the Site Plan requiring review before the Planning Commission.

An application for Administrative Review shall include the Zoning certificate application form and fee required, per the Fee Schedule Ordinance, along with the specific detailed Site Plan Element sheet for the applicable installation showing compliance with the standards for that element.

1) Site Plan Elements Available for Staff Review.

A) Lighting Changes.
B) Landscape Changes, Additions.
C) Signage Plans.
D) Dumpster and Mechanical Screening and Design Changes.
E) Parking Changes.
F) Modifications to site plan sets previously reviewed by the Planning Commission that do not alter the general design intent and involve numerical modifications due to existing field conditions, engineering or building requirements and can be found by the Village Administrator or his/her designee to meet the strict requirements of this Ordinance.

2) **Timeline.** If all plans are received and acceptable to the Village Administrator or his designee, the plans will be approved within twenty (20) business days.

b. **Application for Site Plan Hearing to the Planning Commission**

All new construction or development and any existing site that requires site plan approval under Section 805.02 shall have a complete site plan reviewed by the Planning Commission pursuant to the standard notification process, which requires written notification to the adjacent property owners by mail. The Development Plan together with an application and fee shall be filed with the Village. The application package must be submitted at least thirty (30) days prior to a regular Planning Commission meeting to be placed on the next meeting agenda.

1) The Development Plan and application shall be completed in full, and indications as to why any section is not able to be completed shall be noted. The Village has the right to refuse an application if the required items are missing. In such case, the Village shall notify the applicant in writing or by electronic mail within one week indicating which items are missing if the application is not complete and is being refused. The applicant has the right to resubmit drawings and have the case placed

on the following month's agenda, provided all required elements are provided, without additional fees.

2) The development plan shall be distributed to appropriate local, county, and state officials and bodies for review and written comment within one week from the time the application materials were received provided that the Village finds that the application is complete.
3) Written comments received from reviewing agencies should specify and deficiencies in the development plan and make recommendations as appropriate. The Village may assume the review agency does not have any concerns or comments in the absence of a written response.
4) The Planning Commission shall review the development plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this Ordinance. The Planning Commission shall consider the comments and recommendations received from the Village Staff and any other agency or organization that has submitted comments.
5) If the Planning Commission determines that revisions are necessary to bring the development plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised development plan. The revised development plan and application materials shall be reviewed by the Commission or their designee within forty-five (45) days after the Village receives a complete revised application. The Planning Commission is authorized to approve, approve subject to conditions, or deny a development plan, as follows:

    A) **Approval.** Upon determination that a development plan is in compliance with the standards and requirements of this Section and other applicable ordinances and laws, the Commission shall approve the plan.
    B) **Approval Subject to Conditions.** Upon determination that a development plan is in compliance except for slight adjustments, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The Commission may waive its right to review the revised plan, and instead recommend the Village Administrator or his/her designee review and approve the re-submitted plan if all required conditions have been addressed.
    C) **Denial.** Upon determination that a development plan does not comply with the standards and regulations set forth in this resolution or require extensive revision in order to comply with said standards and regulations, the Commission shall deny development plan approval.

6) The Village shall submit a letter, by certified mail, to the applicant indicating the Planning Commission's decision. The letter shall list all approval contingencies, if any, or the reasons why the application was continued or denied. A reduced size set of approved plans stamped by the Village shall be forwarded to the applicant and one stamped set

shall be placed in the Village's files and a digital file created. Development Plan approval does not grant authority to excavate, work in the road right-of-way, install utilities, prepare building foundations or preform other site improvements. The applicant shall first apply for an receive all necessary permits required for construction including, but not limited to, zoning certificate, engineering, storm water, and building code approval.

c. **Expiration of Development Plan Approval**
If a zoning certificate is not obtained within one (1) year of development plan approval, the Zoning Inspector shall not issue a zoning certificate until:

1) The applicant applies for an extension prior to the expiration of the development plan including any appliable fees for the extension hearing and is granted an extension, not to exceed six (6) months by the Planning Commission. The Planning Commission may grant an extension up to two (2) times if deemed appropriate by the Planning Commission; or
2) A new development plan is prepared and submitted for approval to the Planning Commission under the standard procedures of this Section.
3) In the case of phased developments or multi-structure developments, each structure proposed in the overall development plan or phase shall obtain a zoning certificate within the time indicated by the developer and approved by the Planning Commission at the time of development plan approval. Structures not obtaining a zoning certificate within the agreed upon time frame shall follow the procedures of either item 1 or 2 as noted above.

805.03 **Plans and Materials Required**

A. General Development Plan Set.
1. Site Plan
2. Utilities Plan
3. Building Elevations
4. Lighting Plan
5. Landscape Plan
6. Parking Plan (if not detailed in the site plan)
7. Signage Package

B. Traffic Study
i. A traffic impact study may be required to be submitted as part of a general development plan application as required by the Ohio Department of Transportation, the Miami County Engineer's Office, and/or the Village of Covington.
ii. If required, this plan shall be provided to the Village of Covington prior to the issuance of a Zoning Certificate.

C. Utilities Plan

The location of all overhead and underground utilities and their easements will be provided at the time of submission on a single plan sheet titled “Utilities Plan”.

D. Storm Water Plan
A plan showing how the site adequately manages stormwater runoff that meets the EPA requirements of quality and quantity for the site. This includes providing pervious and impervious surface calculations for the site and details of how the property will connect to the storm sewer system if applicable.

E. Material Samples
A sample board shall be furnished that clearly indicates all potential materials being shown on the elevations with color names clearly labeled.

F. Development Plan Data Requirements
The applicant shall provide the following plan sets for all of the above plans:

i. One digital copy as a PDF file on a thumb drive, USB drive, or DVD, or such other physical media as the department may stipulate in the application package owing to future technological changes;
ii. One full size, scalable copy with a standard scale of one inch equals forty feet (1”=40’) or other set scale at ten foot (10’) increments (a maximum of 36” x 36”); and
iii. Six (6) reduced copies, no smaller than eight and one-half inches by eleven inches (8.5”x11”) and no larger than eleven inches by seventeen inches (11”x17”). This requirement may be waived by the Village Administrator if they are not needed.

805.04 Site Design Criteria

A. Building Location Criteria
Buildings shall be located near the public or private roadway frontage and shall generally not have parking between them and the roadway as noted below.

1. **Standard Lots.** It being the intent to have buildings front on pedestrian walkways with inviting entrances facing the walkways and public road, the standard building setback may be reduced to zero (0) feet from the right of way line upon the approval of the Planning Commission based upon engineering analysis and a positive recommendation from the authority in control of the respective road frontage.
2. **Corner Lots.** Buildings located on a corner of two streets shall meet the above standard lot requirements for the primary road frontage and be located no greater than forty (40) feet from the secondary street right—of-way line.
3. **Double Frontage Lots.** Buildings shall meet the above standard lot requirements on the primary road frontage. The building shall be oriented towards the primary road frontage and may not front on the second roadway.
4. **Multiple Buildings on a Single Lot.** If there is more than one primary building on a single parcel (as in the case of a shopping center out lot),

each building must meet the standard lot setback requirements. If such a parcel is on a corner the building or out lot closest to the corner must meet the corner lot requirement.

5. **Required Setbacks Adjacent to Residential Areas.**
    1. Side Yard. A side yard setback shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such side yard shall be not less than fifteen (15) feet.
    2. Rear Yard. A rear yard setback shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yard shall be not less than twenty (20) feet. If a use is to be serviced from the rear, a rear yard shall be provided not less than forty (40) feet deep.

B. Utilities Criteria

All new utilities shall be located below ground to minimize disruptions in utility service reduce weather related losses, and to enhance the visual appearance of the Village of Covington.

C. Fence Criteria

The requirements of Section 915 apply, except:

1. Any fence in the front yard of a commercial building or as part of required screening elements, shall be a decorative fence, painted black or another neutral color, but not left bare metal, with the exception of highway fencing required by the Ohio Department of Transportation (ODOT) within the ODOT right-of-way.
2. The Planning Commission may approve fences or walls up to a maximum of twelve (12) feet as an architectural design element following the criteria outlined in sub-section D. Screening Criteria below.

D. Screening Criteria

Proper placement of utilitarian features enhances the effectiveness of screening.

1. Ground and roof mounted mechanical equipment and loading areas shall be screened from view from any public right-of-way or adjacent property through the use of:

    a. Landscape plantings that completely block visibility like evergreen trees or large evergreen bushes, or
    b. Three sided enclosures constructed of similar materials to the primary building.

2. Trash receptables / dumpsters shall be screened on three (3) sides with durable building materials consistent with the colors and materials used on the façade of the principal building. The fourth side shall be screened with

a decorative opaque gate with a lockable latch assembly. Bollards shall be provided to protect adjacent vehicles from gate over-swing.

E. Drive-in / Drive-Thru Criteria
1. Drive-in / Drive-Thrus are permitted only as a conditional use use in the "HS" Highway Service District.
2. Drive-in / Drive-Thru vehicular stacking areas and associated service locations shall not be on the side of a building facing a primary road frontage.
3. No drive-thru signs, speakers, or service windows shall be located between any façade of the principal structure and a primary road frontage.
4. Drive-in / Drive-thru vehicle stacking spaces shall be at least twenty (20) feet long. Stacking spaces may not impede on-site or off-site vehicular, bicycle, or pedestrian circulation. Where five or more stacking spaces are provided, the individual stacking lanes shall be clearly delineated. The number of stacking spaces and a traffic and pedestrian circulation plan shall be submitted by the application with the conditional use application and approved by the Planning Commission.
5. Audible electronic devices such as loudspeakers, service order devices, and similar instruments shall not be located within twenty-five (25) feet of the lot line of any residential district or use and shall not result in the emission of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from the source of the sound.
6. Protective bollards, when used, shall be painted to match one of the colors used on the nearest structure with which the bollards are associated.

F. Outdoor Dining and Seating Criteria
1. Outdoor dining and seating areas, furniture, and enclosures shall be setback at least five (5) feet from the curb and at least five (5) feet from all street trees and street furniture. In no case shall these amenities be placed in a manner that would provide less than six (6) feet of clear area for pedestrian use.
2. Signage shall follow Article XI.
3. Dining furniture shall be of the same design, material and color for all furniture associated with the use. When not in regular use, outdoor furniture shall be stored in a location that is not visible to the general public, unless the patio furniture is all-weather material, setup for use and not covered in any way, and weather conditions make the use of furniture possible.

G. Pedestrian and Bicycle Connectivity Criteria
All sites must have the following pedestrian amenities:
1. Bike racks for at least four (4) bicycles located nearest to the main entryway to the building.
2. When the placement of bike racks near the entrance to the building is impractical or not possible, Village approved standard bike racks may be donated to the Village for placement in other locations throughout the Village.

805.05 **Building Design Criteria**

A. General. Any building elevation of any structure facing a public roadway shall be considered a front side or façade for design purposes.

B. Facades. Facades must incorporate a minimum of percentage of brick, stone, and other types of masonry or masonry veneer material based on the table below. For the purpose of this requirement brick is defined as a chemically cured construction block that has a design of a standard brick and provides structural support to a wall. Stone is defined as a naturally created rock material that provides structural support to a wall. Masonry veneer is defined as a single non-structural external layer of masonry, typically made of brick, stone or manufactured stone. Split faced block is not considered brick or stone.

For multi-story buildings, upper floors may utilize Exterior Insulation Finishing System (EIFS) or dryvit and similar exterior finishing materials or panes that have similar aesthetic characteristics and appearance as brick, with light or dark brick and the opposite light or dark mortar to accentuate the difference, like brick and mortar. An example of an acceptable EIFS architectural application is a gray brick stamp and light mortar appearance or red brick stamp with light mortar appearance.

805 Façade Material Percentage Requirement Table	
Downtown Residential District (R-3)	50%
Office Residential District (OR)	50%
Office Service District (OS)	50%
Neighborhood Business District (NB)	60%
Highway Service Commercial District (HS)	60%
Central Business District (CB)	80%
Light Industrial – Commercial District (I-1)	20%

C. Façade Breakup.
1. Office and retail façade walls must not have a blank, uninterrupted length greater than forty feet (40') without including the required change in plane and one additional feature such as a change in texture or pattern, or other equivalent elements that subdivide the wall into human scale proportions.
2. For buildings three (3) stories or more, the ground story building wall materials shall be different from the materials above or an expression line shall be provided to differentiate the ground story from the upper stories and to reinforce the street space.

D. Façade Base Treatment. Facades shall have a recognizable base with but not limited to:
1. Thicker walls, ledges or sills,
2. Integrally textured elements such as stone or other masonry,
3. Integrally colored and patterned elements such as smooth-finished stone,
4. Lighter or darker colored elements, mullions, or panels; or

5. Planters.

E. Side or Rear Walls. Walls facing walkways or visible from a street right-of-way may include false windows and door openings defined by frames, sills, and lintels, or similarly proposed modulations, only when actual doors or windows are not feasible because of the building use.

F. Main Building Entrance. Building frontages must incorporate a main entrance door that faces the primary roadway. The main public entrance door shall be inviting and pronounced with lighting; high quality building materials; and architectural elements that draw the eye to the opening such as decorative transoms, columns, recesses, or protrusions. Entrances shall combine different colors, textures, and the before mentioned architectural elements to emphasize entrances and to break the monotony of large vertical surfaces.

Public entrance vistas shall be established or preserved by framing the area leading to the entrance with landscaping. It is not the intent of the landscaping or screening requirements found in this Section to block the view of the primary building entrances. Also, entrances should be designed with attention to pedestrian use, as well as automobile drop-off convenience.

G. Multi-Story Mixed-Use Buildings. Buildings that have three (3) or more stories and include mixed uses including residential shall be required to meet the following:
1. The purpose of the mixed-use residential standards is to allow for a variety of housing types in the Village that serve all types of households, while also achieving the Village goals of an active pedestrian realm along main thoroughfares.
2. Mixed-Use residential development within a multi-story building shall include commercial uses on the ground floor, with a shared residential entry lobby, and common access areas such as hallways or stairways that lead to individual residential units above or behind the commercial uses.
3. Parking for mixed-use developments in multi-story buildings will be required to be substantially on-site unless it can be defined that the commercial uses will not impact on-street parking within the adjacent areas.

H. Architectural Details. Buildings shall incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices, or porches to vary building facades.

I. Accents. Building shall use canopies, overhangs, raised parapets over the door, archways, awnings, larger openings and display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls to add detail and additional interest to building designs.

1. Canopies and Awnings shall project a minimum of four (4') feet from the façade, with a maximum projection over a sidewalk to within two (2) feet of

a public street curb. The awning or canopy shall have a minimum clearance height of eight feet (8') above the sidewalk.
2. Strong, waterproof fabric must be used for awnings. No plastic awnings are permitted.

J. Retail and Office Building Walls. In addition to the other standards found herein, retail and office buildings shall incorporate four-sided building wall architecture. The intent of this requirement is to provide a pleasant environment on all sides of the development regardless of orientation or location. As such, the side and rear building walls shall incorporate the same aesthetic value, look, and design, proportionality, color and texture as the front façade. This requirement may only be waived by the Planning Commission in cases where owing to the topography of the site, orientation of the building, or adjacent features to the site, it is found by the Commission that the applicable façade will not be visible to the public and is in an area that will not be ordinarily utilized by the public.

K. Building Materials, Colors, and Painting
1. Building colors must be non-chromatic, low-reflecting, muted and neutral or earth-toned. Colors shall be from the "America's Heritage" Exterior Color Palette. Roof colors must be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited, except shiny, glossy or reflective materials, black or brighter colors may be used on building trim and accents with a cumulative surface area of less than or equal to one quarter of one percent (<=0.25%) of a wall. Neon lighting as an architectural trim is prohibited.
2. Color changes must occur only at a change of plane or reveal line. Color changes at the outside corners of structures are prohibited.
3. Buildings shall not be left or painted to resemble gray or bare concrete colors. Accent colors, including primary colors are permitted on up to twenty-five (25%) of a single façade, but no more than fifteen percent (15%) of the combined façade area facing public roadways.
4. Only "America's Heritage" Exterior Color Palette is permitted within the Downtown Historic District.

805.06 **Lighting Plan.** All parcels, sites, lots and buildings, coved under Article 8, Section 805 shall be required to meet the lighting requirements below.

A. Fully Shielded Lights. All lights exceeding ten (10') feet in height as measured from grade directly below the fixture to the top of the fixture shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
B. Light Level Measurement. Lighting shall not exceed ten (10) foot candles as measured at ground level, except gasoline service station pumps, and drive-thru's may be permitted to have lighting not in excess of fifteen (15) foot candles, provided the lighting is concentrated for safety and security

purposes and not allowed across an entire site or to spill onto adjacent areas.

C. Light Levels at Property Line. The maximum illumination at the property line shall not exceed one-half (0.5) foot candles. No direct light source shall be visible at the property line (adjacent to residential) at ground level, additional house side shielding may be required where light sources are visible.

D. Planning Commission Modifications. The Planning Commission, as applicable, may modify these levels or place conditions on their application (e.g., the installation of screening such as an open buffer, landscaping, wall, or fence) if such modifications are deemed necessary and appropriate for the use and surrounding area.

E. Uniform Illumination Levels. Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot-candles, shall not exceed a ratio of 4-to-1. In no case shall the maximum to minimum light levels exceed a ratio of 10-to-1 between any 2 points on a lot.

F. Color Temperature of Lighting. Lighting utilized for street or parking lot lighting shall not have a correlated color temperature exceeding three thousand kelvin (3,000K). Security lighting such as at an ATM or drive thru may be permitted by the Zoning Commission to exceed three thousand kelvin (3,000K).

G. Light Pole Height. Light fixtures mounted on poles (i.e. site lighting as opposed to building wall packs and architectural lighting mounted to a building façade) shall not exceed twenty-five (25') feet above grade for lighting in residential districts and for uses adjacent to a residential district or use nor thirty-five (35') feet for all other districts. In no case shall lights be mounted in excess of the maximum height limitation of the district in which they are located. Fixture height shall be measured from the grade of the illuminated surface to the top of the fixture.

H. Light Pole Construction. Bare metal light poles and elevated "sonotube" type concrete bases are prohibited.
   1. Existing sites (i.e. a site with an existing primary structure and parking area lighting) may be permitted to utilize elevated concrete bases, projecting no more than thirty-six (36") inches above grade, during replacement or renovation of parking area lighting where owing to the existing conditions of the site and or public safety considerations it is the determination of the Planning Commission that it is not practical to eliminate the use of elevated bases.
   2. Such uses shall be minimized to areas where due to the location of existing landscape islands or other features it is not possible to locate a light in such feature and still maintain compliance with the photometric requirements of the site without adding additional lighting.

3. Light poles located in landscape areas shall be flush with the ground or on a poured concrete foundation extending no more than three (3") inches above grade.

I. Wall Pack Placement. Wall packs designed and utilized for security and safety purposes must be fully shielded to direct the light downward. They shall not be used to draw attention to the building or to provide general building or site lighting.

J. Canopy Mounted Lighting. Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with (i.e., no more than one inch beyond) the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of 85 degrees. Fixtures shall not be mounted on the top or sides of canopies. The illumination of canopy sides shall be prohibited.

K. Glare Reduction. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.

L. Security Lighting. Lighting for security purposes shall be directed only onto the area to be secured:
   1. All fixtures shall be located, shielded and aimed so that light is not cast toward adjacent properties or streets or unnecessarily transmitted into the night sky.
   2. Fixtures mounted on the building and designed to illuminate the faced are preferred.

M. Exceptions to Light Levels. The illumination of vehicle fueling stations, drive-thru operations (areas directly associated directly with the drive through operations, not the entire use or property) and convenience stores shall not exceed 15 foot-candles as measured at any one point. Excessive lighting for the purposes of attraction and advertising shall not be permitted.

N. General Design Requirements.
   1. Neon or exposed LED accent lighting is prohibited on buildings.
   2. Electrical service to the light fixtures shall be placed underground.
   3. No flashing or moving lights shall be permitted.
   4. Light poles shall be consistent with the overall architectural theme of the site.
   5. Any light used for advertising purposes in violation of Article XI is prohibited.

O. Maintenance of Light Fixtures.
   1. All installed and approved light fixtures shall be kept in good repair. This includes, but is not limited to, replacing non-working bulbs, repairing broken or malfunctioning fixtures and poles, painting poles and similar activities. Failure to maintain fixtures shall be deemed a violation of the Zoning Ordinance and/or the Property Maintenance Code of the Village of Covington, Ohio.

2. Upon the repair, replacement, or relocation of any fixture, the fixture shall be brought into compliance with these requirements. Existing fixtures that are currently not in compliance with these requirements do not need to be brought in compliance until such time as any repair, replacement, or relocation of the fixture is performed.

P. Exemptions to Lighting Standards. The following lighting applications shall be exempt from the provisions of this section:
   1. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
   2. National, state and local flag lighting, provided that the illumination is a maximum of 10 foot-candles, and that the light source is aimed and fully- shielded to direct light only onto the intended target and to prevent glare for motorists, pedestrians and adjacent property;
   3. Lighting for bona fide sporting events, provided such lighting is directed to avoid unnecessary glare and illumination of adjacent residential areas and such lighting is operated only during active use of the sport facility;
   4. Holiday lighting provided individual lamps do not exceed 10 watts;
   5. Temporary lighting for theatrical, television, and performance areas;
   6. Lighting required and regulated by the Federal Aviation Administration and/or other state or federal agencies, such as collision avoidance lighting for telecommunication towers and other tall structures, or safety lighting required by a public agency in conjunction with an industrial facility;
   7. Emergency lighting approved by Covington, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting;
   8. Other temporary lighting determined to be reasonable and appropriate by the Zoning Inspector;
   9. Architectural Building Lighting shall be permitted on vertical surfaces of a structure provided the following conditions are met:
      a. Lighting levels do not exceed five (5.0) foot-candles at any one point on the elevation;
      b. Lighting shall be located, shielded and aimed so light is only directed on the building surface;
      c. Lighting shall not be directed toward adjacent streets, roads or residential areas;
      d. To the maximum extent practical, lighting fixtures shall be directed below the horizontal plane of the bottom of the fixture rather than above;
      e. Aside from security lighting, building elevations visible from adjacent residential property (i.e., residential properties that directly abut the property on which the building lies) shall not be lighted. This provision may be modified as part of an approved planned development or general development plan that includes a

residential component within the same development project and the lighting can otherwise be mitigated through the comprehensive development design of the buildings; and

f. Such lighting shall comply with the design standards of this Section.

805.07 **Landscaping/Screening/Buffering Plan:** It is the purpose of this section to safeguard the health, property, and welfare of the citizens of the Village of Covington, and to promote a high-quality visual environment by regulating and controlling the design, location, and use of buffer strips:

A. Maintenance and regulations of landscapes within the Village shall adhere to all the requirements in the Village of Covington's "*Ordinance 21-21 – Adoption of a Property Maintenance Ordinance"*

B. Standards for Buffer Strips. The landscaping materials used in a buffer strip shall be a combination of shrubs, trees, grass and/or other ground cover. The primary landscaping materials used shall be of shrubbery and hedges. Shrubbery and hedges shall be a minimum of four (4) feet in height at time of planting. Any landscaping involving the planting, maintenance, and removal of trees in the public streets, rights-of-way, parkways, and other village owned property shall adhere to the rules and regulations of *"Ordinance 12-24 Ordinance Addressing New and Existing Trees, Care, and Maintenance withing the Village of Covington."*

C. Plans Required for Buffer Strips. A copy of a landscape plan for the buffer strip shall be submitted to the Zoning Inspector and/or Village Administrator at the time of submittal of the application for the zoning permit. The plan shall be drawn to scale, locating the landscaping materials, and providing any other information deemed necessary under this Zoning Ordinance.

D. Maintenance of Buffer Strips. The property owners and lessee are responsible for the maintenance of all buffer strips.

E. Screening requirements are specified for each development/district within this document.

F. Overall, traffic visibility should not be obscured within fifty (50) feet of an intersection.

G. Landscaping/Screening/Buffering Plans reviews shall follow the steps outlined in section 805.02 "Plan Review Process" of this document.

806 Telecommunication Towers

A. **Purpose.**

The purpose of Section 806 is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunication marketplace.

1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Village of Covington.
2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunication facilities.
3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed.
6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

B. **Applicability.**

All towers, antenna support structures, and wireless telecommunication facilities, any portion of which is located within The Village of Covington, are subject to Section 806 of this Zoning Ordinance. Except as provided herein, any use being made of an existing tower or antenna support structure on the effective date of this Zoning Code shall be deemed a non-conforming structure and allowed to continue, even if in conflict with the terms of this Zoning Ordinance. Any tower site that has received approval in the form of a zoning or building permit by the Village of Covington, but has not yet been constructed or located, shall be considered a non-conforming structure so long as such approval is current and not expired.

C. **Standards.**

1. Construction Standards. All wireless telecommunication facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.
2. Natural Resource Protection Standards. The location of the wireless telecommunication facility shall comply with all-natural resource protection standards established either in this Zoning Ordinance or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.

3. Historic or Architectural Standards Compliance. Any application to locate a wireless telecommunication facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Village of Covington, shall be subject to review by the Village of Covington Planning Commission to insure architectural and design standards are maintained.
4. Color and Appearance Standards. All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under Article 8 of the Zoning Ordinance. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village of Covington.
5. Advertising Prohibited. No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.
6. Artificial Lighting Restricted. No wireless telecommunication facility shall be artificially lit except as required by the Federal Aviation Administration.
7. Co-Location. All wireless telecommunication facilities shall be subject to the co-location requirements set forth in Section 806(D).
8. Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 806(G).
9. Setback from Edge of Roof. Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two (2) inches in thickness mounted to the sides of antenna support structures and do not protrude more than six (6) inches from the side of such an antenna support structure. This requirement is subject to change by the Village of Covington upon the review of the photo simulation provided in compliance with Section 806(H)(3).
10. Security Enclosure Required. All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village of Covington. The Village of Covington and co-locators shall have reasonable access. Fencing shall be required, except no fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
11. Existing Vegetation and Buffer Plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible, if deemed appropriate. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village of Covington. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
12. Access Control and Emergency Contact. "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of whom to contact in the event of an emergency.

D. **Co-Location Requirements**

1. Jurisdiction Study of Potential Public Sites. In order to encourage the location of a wireless telecommunication facility on publicly owned property, the Village of

Covington shall cooperate with the entity desiring to locate a wireless telecommunication facility in the Village to determine if it is feasible to locate such a facility on publicly owned property.

2. Exemption from Proof of Co-Location Availability. Persons locating a wireless telecommunication facility upon a publicly owned property shall be exempted from the requirements herein regarding presentation of proof that colocation is not available. However, persons locating a wireless telecommunication facility on publicly owned property shall continue to be subject to the requirements contained in Section 1151.13(4) below.
3. Exemption from Certain Requirements. Persons locating a wireless telecommunication facility on a publicly owned property identified by the Village of Covington to be suitable for such purposes shall be exempt from the requirements of Sections 806(E) and 806(F)..
4. Co-Location Design Required. No new tower shall be constructed in the Village of Covington unless such tower is capable of accommodating at least three (3) carriers if height is sufficient for coverage.
5. Technically Suitable Space. Authorization for a tower shall be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.
6. Application Requirements. With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonably proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, applicant must show that an offer was made to the owner of such tower to co- locate an antenna on a tower owned by the applicant on reciprocal terms within the Village of Covington, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

E. **Wireless Telecommunication Facilities in Residential Districts.**
   1. The following wireless telecommunication facilities are permitted as a conditional use upon a lot, subject to the following requirements:
      a. Maximum Height: The antenna shall not extend more than twenty (20) feet above the roof of the existing building or top of the existing structure.
      b. Separate Equipment Shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front or side yard.
      c. Vehicular Access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

F. **Wireless Telecommunication Facilities in Office, Business, and Industrial Districts. The following wireless telecommunication facilities are permitted as a conditional use, subject to the following requirements:**
   1. Tower:

a. Maximum Height: The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
b. Minimum Setback from Property Lines. The minimum setbacks and yard requirements for principal or accessory structures shall apply.
c. Minimum Setback from Residential Structure. No tower shall be located a distance less than its height from a structure used as a residence.
d. Equipment Shelter. The minimum setbacks and yard requirements for principal or accessory structures shall apply and such shelter shall not be located above ground in any required front or side yard.

2. Antenna: The antenna shall not be attached to a structure unless such structure is four (4) or more stories in height.

G. Abandonment of Wireless Telecommunication Tower.

i. Required Notification. All providers utilizing towers shall present a report to Covington notifying it of any tower facility located in the Village of Covington whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village of Covington thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred eighty (180) days, the Zoning Inspector may declare the facility abandoned. The one hundred eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility shall, upon receipt of a written notice from the Zoning Inspector, to either reactivate use of the facility within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village of Covington will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

ii. Required Notice to Owner. The Village of Covington must provide the tower owner thirty (30) days notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action to remove or dismantle the facility. After such notice has been provided, the Village of Covington shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

iii. Right to Public Hearing by Owner. The Village of Covington shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30) day notice required in Section 807(G)(2) of this Zoning Ordinance. All interested parties shall be allowed an opportunity to be heard at the public hearing.

iv. Order of Abatement or Demolition. After a public hearing is held pursuant to Section 807(G)(3), the Village of Covington may order the abatement or demolition of the tower. The Village of Covington shall require licensee to pay for all expenses necessary to acquire or demolish the tower.

H. Application and Review Requirements for Wireless Telecommunication Facilities.

i. Required Information for Applications. All applications for wireless telecommunication facilities, including towers, shall include the information required under this Section.

ii. Plot Plan Required. When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one-inch equals one hundred (100) feet shall be submitted. This plot plan shall indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

iii. Photo Simulations Required. Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.

iv. Proof Why Nonresidential Tower Location Not Feasible. In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such tower in a more appropriate nonresidential zone. Village of Covington shall review this evidence. If Village of Covington refutes the evidence, then the tower is not permitted.

v. Technical Necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.

vi. Review by Radio Frequency Engineer. A radio frequency engineer, who will support or refute the evidence, shall review the evidence submitted by the applicant.

vii. Land Owner Support and Access. Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

viii. Required Site and Landscaping Plan. The applicant shall present a site and landscaping plan showing the following:

1. Specific placement of the wireless telecommunication facility on the site.
2. The location of existing structures, trees, and other significant site features.
3. Type and locations of plant materials used to screen the facilities.
4. The proposed color of the facilities.

ix. Co-Location and Removal Agreement. The applicant shall present signed statements indicating that: A. The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and B. The Applicant agrees to remove the facility within one hundred eighty (180) days after its use is discontinued.

x. Denial by Jurisdiction. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

807 Home Occupations

A. A home occupation shall be an occupation carried on only within a dwelling unit by members of the family residing therein and provided:
   1. Said occupation does not require state or local inspections.
   2. There shall be no internal nor external alteration of the structure when such alteration would be necessitated by such occupation.
   3. The occupation shall not occupy more than six hundred (600) square feet of floor area within the dwelling unit.
   4. Physical inventories for wholesale or retail trade shall not be maintained.
   5. The occupation shall not generate any additional pedestrian or vehicular traffic other than that normal to a residential use.
   6. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.
   7. No identification of the home occupation shall be permitted on the premises.

B. No accessory building or structure shall be used to operate a business, store equipment or supplies used for a business, or be a location where employees meet or park, in the R-1 or R-2 districts.

808 Adult Entertainment Facilities

To be updated in the future.

809 Alternative Energy Facilities

A. **Purpose.**
It is the purpose of this chapter to regulate the construction, modification, operation and abandonment by discontinuation of use of alternative energy systems in the Village of Covington, subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use, and development, allowing the safe, effective, and efficient use of alternative energy systems. Alternative energy systems shall be considered a permitted use in any zoning district, subject to the requirements of any other applicable chapter of this Ordinance.

B. **Definitions.**
   1. “Abandonment” means choosing to give up or discontinue use of the solar energy generation system in whole or part.
   2. “Alternating-current (ac) module” means a complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
   3. “Applicant” means the person or entity filing an application under this Chapter.

4. “Array” means a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required, to form a direct-current power producing unit.
5. “Facility owner” means the entity or entities having equity interest in the solar energy facility, including their respective successors and assigns.
6. “Ground mount” means a solar electrical system that is mounted directly to ground-mounted structure instead of solely on a building wall or roof.
7. “Operator” means the entity responsible for the day-to-day operation and maintenance of the solar energy system.
8. “Solar cell” means the basic photovoltaic device that generates electricity when exposed to light.
9. “Solar energy system (active or passive)” means the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include Passive Solar Energy Systems that capture the Sun's energy in building design and construction components; Solar Thermal Energy Systems that convert sunlight to heat as in a hot water tank or swimming pool; and Photovoltaic Solar Energy Systems that convert sunlight to electricity.
10. “Solar panel” means one of any type of assembly that produces energy, either electrical, heat or hot water for use or distribution include PV (Photovoltaic) an electrical device consisting of an array of connected solar cells, heat collectors and interstitial spaces including trombe panels, or hydronic panels for water heating systems.
11. “Solar photovoltaic systems” means the total components and subsystems that, in combination convert solar energy into electrical energy suitable for connection to utilization load.
12. “Wind Energy Conversion Systems” means a system designed to convert the energy of wind movement into mechanical power via turbine generators or other similar mechanical device.
13. “Large Wind Energy Conversion Systems” means wind energy conversion systems producing more than one hundred (100) kilowatts.
14. “Small Wind Energy Conversion Systems” means wind energy conversion systems producing less than one hundred (100) kilowatts.

C. **Applicability.**

All towers, support structures, and alternative energy systems, any portion of which is located within the Village of Covington, are subject to Section 809 of this Zoning Ordinance. Except as provided herein, any use being made of an existing tower or support structure on the effective date of this Zoning Ordinance shall be deemed a non-conforming structure and allowed to continue, even if in conflict with the terms of this Zoning Ordinance. Any tower site that has received approval in the form of a zoning or building permit by the Village of Covington, but has not yet been constructed or located, shall be considered a non-conforming structure so long as such approval is current and not expired.

D. **Design and Performance Standards.**

1. Construction Standards. All alternative energy systems and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.
2. Color and Appearance Standards. All alternative energy systems shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Aviation Administration. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village of Covington.
3. Advertising Prohibited. No advertising is permitted anywhere upon or attached to any alternative energy system.
4. Artificial Lighting Restricted. No alternative energy system shall be artificially lit except as required by the Federal Aviation Administration.
5. Access Control. The base of any tower ladders or other climbing apparatus shall be a minimum of twelve (12) feet above the ground.
6. Noise. All alternative energy systems shall comply with the noise regulations outlined in Section 914 of this Zoning Ordinance.
7. Large Wind Energy Conversion Systems are permitted on parcels larger than 10 acres within the “CD” Conservation District.
    1. Maximum Height. The maximum height of the pole or support structure shall be less than the distance of such pole or support structure from the nearest property line.
    2. Minimum Setback from Property Lines. All elements of a Large Wind Energy Conversion System shall be set back 1.25 times the distance from the ground to the center of the turbine.
    3. Siting. All Large Wind Energy Conversion Systems shall adhere to all Federal and State Regulations including, but not limited to, submittal of an application to the Ohio Power Siting Board and Section 4906 of the Ohio Administrative Code.
    4. Vehicular Access. Vehicular access to the wind turbines or equipment shelter shall be via concrete or asphalt roadways.
    5. Equipment Shelter. The minimum setbacks for principal and accessory structures shall apply and such shelter shall not be located in any required front or side yards.
    6. Uncontrolled Rotation. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
8. Small Wind Energy Conversion Systems.
    a. Number. No more than one (1) small wind energy conversion system shall be permitted per zoning lot and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.
    b. Maximum Height. The maximum height of a small wind energy conversion system shall be forty (40) feet, measured from the ground to the center of the turbine.
    c. Minimum Setback from Property Lines. All elements of a small wind energy conversion system shall be setback the same distance from the

ground to the center of the turbine from all boundaries of the property or shall adhere to the side and rear yard setbacks for the district in which it is located, whichever is greater. If a lesser setback is proposed, the Village shall require that the small wind energy conversion system and foundation design, taking into consideration the soil conditions at the site, be certified by a State of Ohio Professional Engineer.

d. Design. The small wind energy conversion system shall be designed with a monopole without guide wires support structure. Lattice towers are prohibited.
e. Historic District Prohibition. Small wind energy conversion systems shall be prohibited in the Downtown Historic District.
f. Uncontrolled Rotation. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

9. Alternative Energy Source Systems. Alternative energy source systems, such as solar panels, shall be permitted in all zoning districts subject to the following provisions:
   a. Ground-Mounted:
      1) Location. Ground mounted systems shall be located in the rear yard of the property and shall not be located nearer any lot lines than what is permitted for accessory uses in that district.
      2) Screening. Ground mounted shall be screened with landscaping.
   b. Roof-Mounted. Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by the Planning Commission.
   c. Number. Alternative energy source systems shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.

E. Abandonment
1. Required Notification. All persons utilizing wind energy conversion systems shall present a report to Village of Covington notifying it of any tower facility located in the Village of Covington whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village of Covington thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred and eighty (180) days, the Zoning Inspector may declare the facility abandoned. The one hundred eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility shall, upon receipt of a written notice from the Zoning Inspector, either reactivate use of the facility within one hundred eighty (180) days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village of Covington will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
2. Required Notice to Owner. The Village of Covington must provide the tower owner thirty (30) days' notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action to remove or dismantle the facility. After such notice has been provided, the Village of Covington shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

3. Right to Public Hearing by Owner. The Village of Covington shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30) day notice required. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. Order of Abatement or Demolition. After a public hearing is held, the Village of Covington may order the abatement or demolition of the tower. The Village shall require licensee to pay for all expenses necessary to acquire or demolish the tower.

F. Application and Review Requirements.
The following information shall be submitted as part of the Zoning Permit application to the Village for an alternative energy system:
1. Plot Plan. Must be to a standard scale that indicates all building and land uses within one hundred (100) feet of the proposed facility. Aerial photographs and/or renderings may augment the plot plan.
2. A detailed description of the proposed alternative energy system, which must include:
    a. Specifications and drawings, including proposed generation capacity, the generator, hub and blade, prepared by the manufacturer or a professional engineer.
    b. Proposed height.
    c. A line drawing, photograph or equivalent graphic representation of the wind turbine, solar panel or other alternative energy device, including support structure.
    d. Structural drawings of the tower, base or foundation, prepared by the manufacturer or a professional engineer.
    e. Documentation from the manufacturer that the wind energy conversion system or alternative energy system will not produce noise levels in excess of those permitted by Section 914.
    f. Photographs of the proposed site, including photographs taken from public rights-of-way and neighboring properties if available.
3. For Large Wind Energy Conversion Systems, documentation that the proposed project is in compliance with all applicable Federal and State regulations. Copies of all regulatory agency permits shall be included in the application.
4. If a connection to the publicly regulated utility grid is proposed, a copy of the contract between the applicant and the utility verifying that the proposed connection is acceptable, and/or other evidence demonstrating that the utility is aware of the proposed connection and does not object to said connection.
5. Any other additional information deemed necessary by the Village Administrator.
6. A fee as noted in the Fee Schedule Ordinance shall be paid as part of the application.

Article IX – DISTRICT REQUIREMENTS

901 "R-1" Suburban Residential District

901.01 **Purpose**

This district is intended to provide areas suitable for single-family residential development at a lower density.

901.02 **Uses**

A. Principal Permitted Uses

Use	**Special Conditions or Sections**
Single-Family Dwelling	
Schools and Colleges	
Government or publicly owned and operated buildings and facilities	
Public Parks, playgrounds, and Open Spaces	
Church and other buildings for the purpose of religious worship	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Home Occupations.	See Section 807
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Cultural institutions, including public libraries and public art galleries, public museums	
Cemetery	
Hospitals and sanitoriums	
Telecommunication Towers	See Section 806

901.03 **Development Standards:**

Table 901.03 – Development Standards	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	85 feet
Minimum Front Yard Depth	35 feet
Minimum Rear Yard Depth	40 feet
Minimum Side Yard Width on Each Side	10 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	50%

901.04 **Parking and Loading Requirements.** See Article X.

901.05 **Signs.** See Article XI.

901.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

901.07 **Landscaping, Buffering, and Screening Requirements**. See Article VIII, Section 805.

902 "R-2" Urban Residential District

902.01 Purpose

This zone is intended to accommodate single and multi-family dwellings in neighborhoods which are characterized by smaller lots. This district requires additional consideration of the look and feel of the building placement and context on the lot.

902.02 Uses

A. Principal Permitted Uses

Use	Special Conditions or Sections
All permitted uses in "R-1" District	
Two-Family Dwelling	

B. Accessory Uses

Use	Special Conditions or Sections
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Home Occupations.	See Section 807
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	Special Conditions or Sections
Cultural institutions, including public libraries and public art galleries, public museums	
Hospitals and sanitoriums	
Telecommunication Towers	See Section 806

902.03 Development Standards

Table 902.03 – Development Standards	
Permitted Uses in "R-1", not listed below	See Table 901.03

Single Family - Minimum Lot Area	8,500 square feet
Single Family - Minimum Lot Width	70 feet
Two-Family – Minimum Lot Area	10,000 square feet
Two-Family – Minimum Lot Width	80 feet
Minimum Front Yard Depth	15 feet
Minimum Rear Yard Depth	40 feet
Minimum Side Yard Width on Each Side	8 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	60%

902.04 **Parking and Loading Requirements.** See Article X.

902.05 **Signs.** See Article XI.

902.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

902.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

903 "R-3" Downtown Residential District

903.01 Purpose

This zone is intended to accommodate a variety of housing types suited to the various lifestyles of individuals and families - particularly those residing within neighborhoods relatively near the central area of the Village.

This district prioritizes more density and types of uses including multi-family development, townhomes, or reutilization of larger homes into two-family dwellings. The purpose of this district is to act as a transition into the office and commercial areas from the less dense residential districts.

903.02 Uses

A. Principal Permitted Uses

Use	Special Conditions or Sections
All permitted uses in "R-2" District	
Multi-Family Dwelling	
Townhomes	

B. Accessory Uses

Use	Special Conditions or Sections
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Home Occupations.	See Section 807
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	Special Conditions or Sections
Cultural institutions, including public libraries and public art galleries, public museums	
Hospitals and sanitoriums	
Telecommunication Towers	See Section 806

903.03 **Development Standards**

Table 903.03 – Development Standards	
Single Family - Minimum Lot Area	7,500 square feet
Single Family - Minimum Lot Width	60 feet
Multi-Family – Minimum Lot Area	36,000 square feet
Multi-Family – Minimum Lot Width	90 feet
Minimum Front Yard Depth	15 feet
Minimum Rear Yard Depth	30 feet
Minimum Side Yard Width on Each Side	10 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	85%

903.04 **Parking and Loading Requirements.** See Article X.

903.05 **Signs.** See Article XI.

903.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

903.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

904 "OR" Office Residential District

904.01 **Purpose**

This district provides as a transition from the denser residential districts to the commercial uses within the Village. This district is intended to have life / work buildings with people living and working within the same structure. More density is permitted within this district, but additional buffers are required to protect the surrounding residential properties.

904.02 **Uses**

A. Principal Permitted Uses

Use	**Special Conditions or Sections**
All permitted uses in "R-3" District	
Professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar ty pe professions limited to three (3) such professionals and supporting personnel per site.	
Real Estate, insurance, and similar type offices provided no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.	
Barber and Beauty Shops (one chair per site)	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Home Occupations.	See Section 807
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**

Cultural institutions, including public libraries and public art galleries, public museums	
Hospitals and sanitoriums	
Telecommunication Towers	See Section 806

904.03 **Development Standards**

Table 904.03 – Development Standards	
Permitted Uses in "R-3"	See Table 903.03
Minimum Lot Area	7,500 square feet
Minimum Lot Width	60 feet
Minimum Front Yard Depth	25 feet
Minimum Rear Yard Depth	10 feet
Minimum Side Yard Width on Each Side	8 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	60%
Structure Size for Standalone Office	2,000 square feet

904.04 **Parking and Loading Requirements.** See Article X.

904.05 **Signs.** See Article XI.

904.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

904.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

905 "OS" Office Service District

905.01 **Purpose**

This district provides for the location of office, banks, institutional, governmental, and personal services in suitable locations in which they can support community needs as well as serve as transitional areas between residential and commercial district or between major thoroughfares and residential districts.

905.02 **Uses**

A. Principal Permitted Uses

Use	**Special Conditions or Sections**
All permitted uses as provided within the OR District	
Banks and Financial Institutions (except drive-in types)	
Medical Research Facilities	
Veterinarian Offices, no outdoor facilities	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops, as part of a permitted use.	
Nursing Homes	
Testing Laboratories which are compatible with the other permitted uses	

Telecommunication Towers	See Section 806

905.03 **Development Standards**

Table 905.03 – Development Standards	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Minimum Front Yard Depth	25 feet
Maximum Front Yard Depth	30 feet
Minimum Rear Yard Depth	35 feet
Minimum Side Yard Width on Each Side	10 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	60%

905.04 **Parking and Loading Requirements**. See Article X.

905.05 **Signs.** See Article XI.

905.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

905.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

906 "NB" Neighborhood Business District

906.01 Purpose

The purpose of this zone is to encourage grouping of small individual establishments that will retail convenience goods and provide personal services responding to the daily staple needs for a neighborhood area. It is intended that the size of the commercial grouping be directly related to the purchasing power needed to support the types of uses permitted. Since the commercial establishments permitted in the Neighborhood Business District will be closely associated with residential, religious, recreational, and educational land uses at the neighborhood level, more restrictive requirements for light, air, and open space are necessitated than in other commercial zoning districts.

906.02 Uses

A. Principal Permitted Uses

Use	**Special Conditions or Sections**
Drug Store	
Small food stores such as bake shops (retail only), candy and ice cream stores, grocery and delicatessen stores, carry out beverage snack shops, and pizzerias.	
Book and Stationary Store	
Hardware and Paint Store	
Liquor Store	
Barber Shop	
Beauty Shop	
Florist Shop	
Shoe Repair Shop	
Pick-up station for dry cleaning and laundry, dry cleaning, and laundromats of the self-service type.	
Doctor's and Dentist's Office	
Real Estate and Insurance Agency	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	

Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
General Merchandise or variety store	
Banks, with or without drive-thru facilities	
Food Market	Not bigger than 5,000 square feet.
Preparation and processing of food and drink products to be retailed on the premises.	
Church and other buildings for the purpose of religious worship	
Off-Street Parking Lot	
Telecommunication Towers	See Section 806

906.03 **Development Standards**

Table 906.03 – Development Standards	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	None
Minimum Front Yard Depth	25 feet
Maximum Front Yard Depth	30 feet
Minimum Rear Yard Depth	40 feet
Minimum Side Yard Width on Each Side	10 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	75%

906.04 **Parking and Loading Requirements.** See Article X.

906.05 **Signs.** See Article XI.

906.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

906.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

907 "HS" Highway Service District

907.01 Purpose

The purpose of this district is to provide for commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. Development within the Highway Service District should be controlled to assure that the operational characteristics are not in immediate and direct conflict with the function of adjacent land use areas or the street system. Establishments within this district can and should be a visual asset to the community because of their size and prominent location. Parking, storage, and accessory operations are to be screened. The relationship among establishments within this district is to be compatible with each having adequate space for the operation performed.

907.02 Uses

A. Principal Permitted Uses

Use	**Special Conditions or Sections**
Food, Drink, Entertainment	
Assembly and performance halls	
Brew pubs and similar establishments	
Indoor commercial recreation such as theaters, bowling lanes, and skating rinks.	
Outdoor Commercial Recreation such as mini-golf and batting cages.	
Restaurants, excluding drive-in or drive-thru facilities.	
Office, Service, Financial, Healthcare	
Banks, credit unions, and similar financial institutions, with or without drive-thru facilities	Must meet Article 8.
Business machine sales and service	
Cleaning Services	
Electric, plumbing supplies, sales, and service	
Glass sales and service	
HVAC sales and service	
Locksmith	
Machinery Equipment sales and Service	
Mail order businesses and fulfillment centers	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	
Pest Control Services	
Repair shops (non-automotive)	
Tool and equipment rental	

Health and Fitness Clubs	
Personal service establishments including barber and beauty shops, tailors, photo studios, shoe repair, watch repair, and other similar services.	
Tattoo Parlor	
Institutional	
Government offices and facilities, including parks and plazas	
Cultural institutions, including public libraries, public art galleries, public museums.	
Community Centers and Senior Centers	
Residential / Housing	
Dwellings units on the upper floors of buildings with non-residential uses on the first floor.	
Hotels and Motels	
Retail	
Department Stores	Maximum square footage of 10,000 s.f.
Auto, Boat, Farm, and Truck Rental	
New and Used Auto, Boat, Farm, and Truck Sales	
Artisan shops, including artists and local producers of goods, who produce and sell their goods for retail on premises.	
Bicycle Sales, rental, and repair	
General Retail catering to the needs of the community, with or without drive-thru facilities	Maximum square footage of 10,000 s.f., must meet Article 8.
Car Wash	Must meet Article 8.
Trailer Sale and Rental	
Seed and Grain Sales	
Gas and Petroleum Sales and Service, not automobile gas stations	
Agricultural Sales and Service	
Grocery Store / Supermarket	Must meet Article 8.
Other	
Mortuaries and funeral homes	
Showrooms for home improvements, decorations, and similar items, not including outdoor storage.	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted	

use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Single Family Residential, detached	
Gas Stations, petroleum product sales, and automobile service stations.	
Restaurants, with drive-thru facilities.	Section 805.04.
Farmer's Market	
Bed and Breakfast	
Outdoor patio seating in conjunction with a permitted restaurant	
Mobile Vending (Food Truck)	
Tattoo Parlor	
Adult Entertainment Facilities	See Section 809.
Church and other buildings for the purpose of religious worship	
Off-Street Parking Lot	
Telecommunication Towers	See Section 806

907.03 **Development Standards**

Table 907.03 – Development Standards	
Minimum Lot Area	20,000 square feet
Minimum Lot Width	150 feet
Minimum Front Yard Depth	80 feet
Minimum Rear Yard Depth	50 feet
Minimum Side Yard Width on Each Side	30 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	75%

907.04 **Parking and Loading Requirements.** See Article X.

907.05 **Signs.** See Article XI.

907.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

907.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

908 "CB" Central Business District

908.01 Purpose

The "CB" District serves as the focal point for the social and commercial activities of the Village. The integration of business, institutional, public, quasi-public, cultural, residential, and other related uses is permitted and encouraged. Use for this district are intended to promote social interaction and should be of a scale and character that is consistent with the small-town ambiance of the Village.

908.02 Uses

A. Principal Permitted Uses

Use	Special Conditions or Sections
Food, Drink, Entertainment	
Assembly and performance halls	
Bars, taverns, clubs and restaurants serving alcoholic beverages.	
Bed and Breakfasts	
Brew pubs and similar establishments	
Indoor commercial recreation such as theaters, bowling lanes, and skating rinks.	
Restaurants, excluding drive-in or drive-thru facilities.	
Office, Service, Financial, Healthcare	
Medical and Dental Offices and Clinics	
Banks, credit unions, and similar financial institutions, excluding drive-in and drive-thru facilities.	
Offices for executive, administrative, professional, real estate, engineering, accounting, and similar professional activities.	
Printing, photocopying, and publishing services.	
Commercial Schools and studios including art, dance, martial arts, and music	
Day care, nursery schools, and childcare establishments	
Health and Fitness Clubs	
Personal service establishments including barber and beauty shops, tailors, photo studios, shoe repair, watch repair, and other similar services.	
Institutional	
Government Offices and Facilities, including parks and plazas	

Cultural institutions, including public libraries, public art galleries, public museums.	
Community Centers and Senior Centers	
Residential / Housing	
Dwellings units on the upper floors of buildings with non-residential uses on the first floor.	See Section 805.05
Hotels	
Retail	
Department Stores	Maximum square footage of 10,000 s.f.
Artisan shops, including artists and local producers of goods, who produce and sell their goods for retail on premises.	
Bicycle Sales, rental, and repair	
General Retail catering to the needs of the community	Maximum square footage of 10,000 s.f.
Other	
Mortuaries and funeral homes	
Showrooms for home improvements, decorations, and similar items, not including outdoor storage.	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Home Occupations.	See Section 807
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Single Family Residential	
Farmer's Market	
Bed and Breakfast	
Outdoor patio seating in conjunction with a permitted restaurant	See Section 805.04
Mobile Vending (Food Truck)	

Tattoo Parlor	
Church and other buildings for the purpose of religious worship	
Off-Street Parking Lot	

D. Prohibited Uses

Use	**Special Conditions or Sections**
Internet Sweepstakes café	
Telecommunication Towers.	
Outdoor commercial recreation, such as mini-golf or batting cages.	
Hospitals or medical centers.	

908.03 **Development Standards**

Table 908.03 – Development Standards	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Front Yard Depth	None
Maximum Front Yard Depth	10 feet
Minimum Rear Yard Depth	None
Minimum Side Yard Width on Each Side	None
Maximum Building Height	80 feet
Maximum Lot Coverage	100%
Floor Area Ratio	4.0

908.04 **Parking and Loading Requirements.** See Article X.

908.05 **Signs.** See Article XI.

908.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

908.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

909 "I-1" Light Industrial-Commercial District

909.01 **Purpose**

A. Certain commercial uses engaged in the storage, distribution, and handling of certain products, goods, and materials which are believed out of scale or incompatible with retail commercial area and;
B. Industrial operations engaged in the fabrication, repair, or storage of manufactured goods of such nature that no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electromagnetic interference, noise more than the customary to loading, unloading, and handling of goods and materials) are noticed beyond the site on which the facility is located.

909.02 **Uses**

A. Permitted Uses

Use	**Special Conditions or Sections**
Administrative, executive, financial, accounting, clerical and drafting offices	
Research, design, and/or pilot or experimental product development or technical training.	
Medical, Dental, Optical manufacturing	
Automobile and truck service and repair	
Warehousing, industrially related wholesale establishments excluding those specifically listed as Conditional Uses.	
Printing, publishing, binding and typesetting plants.	
Manufacturing, compounding, processing, packaging, or treatment of such products as, but not limited to bakery goods, boxes and paperboard containers, business machinery, candy, clocks and toys, cosmetics, electrical and electronic products, hardware and cutlery, tool, die gauge, machine shops, and pharmaceuticals.	
The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, sheet metal (excluding large stampings such as automobile fenders or bodies) shell, textiles, tobacco, wax, wire, wood (excluding saw and planning mills), and yards.	

The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fire only by electricity or gas.	
The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs	
The manufacture and repair of electronic and neon signs.	
Light sheet metal products including heating and ventilating equipment, cornices or eaves.	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Adult Entertainment Facilities	See Section 808.
Electroplating	
Graphic Products Manufacture	
Laundries	
Automobile Service Stations	
Car Washes	
Garages for Storage, Repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding	
Fast food and drive-in restaurants	
Cocktail lounges	
Radio, television, or other transmission towers and related station facilities	
Yards of general contractors engaged in building or heavy construction, building materials storage and sales	

Machinery and heavy equipment rental, sales, and storage	
Building materials storage and sales	
Feed mills, grain storage and/or processing facilities	
Truck and motor freight terminals and hauling services	
Other manufacturing, processing or storage uses determined by the Board of Zoning Appeals to be of the same general character as the permitted uses previously listed and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke dust, or glare or heat. In this regard, the Board of Zoning Appeals may seek expert advice of what conditions should be imposed on a particular operation to carry out the purposes of this zone; the cost of such expert assistance shall be borne by the applicant.	

909.03 **Development Standards**

Table 909.03 – Development Standards	
Minimum Lot Area	None
Minimum Lot Width	100 feet
Minimum Front Yard Depth	50 feet
Minimum Rear Yard Depth	(1) (2)
Minimum Side Yard Width on Each Side	(1) (2)
Maximum Building Height	50 feet
Maximum Lot Coverage	70%

(1) Each side and rear yard shall be equal to the height of the principal building. If adjacent lots are industrially developed to the lot line, no side yard need be provided. Where a side or rear yard abut onto residential district, the yard shall in no case be less than fifty (50) feet and a landscaped screening as specified in Section 805 shall be provided. An opaque fence may be substituted for such plantings if approved by the Board of Zoning Appeals. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

(2) Each side and rear yard for conditional uses shall be equal to two (2) times the height of the principal building. If adjacent lots are industrially developed to the lot line, no side yard need be provided. Where a side or rear yard abuts onto a residential district, said yard shall in no case be less than one hundred (100) feet and a landscaped screening as specified in Section 805 shall be provided. An opaque fence may be

substituted for such plantings if approved by the Board of Zoning Appeals. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

909.04 **Parking and Loading Requirements.** See Article X.

909.05 **Signs.** See Article XI.

909.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

909.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

910 Planned Districts

910.01 Purpose

A. To take advantage of advances in technology, architectural design, and functional land use design.

B. To recognize the problems of population density, distribution, and circulation and allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives.

C. To produce a comprehensive development equal to or better than that resulting from traditional lot by lot land use development.

D. To permit flexibility of design in the placement, height, and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of site, characterized by special features of geography, topography size or shape.

910.02 General Standards for Planned Development (See 910.10 – 910.40) for specific standards for respective planned development districts.

The Covington Zoning Board shall not approve a request for a Planned Development unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

I. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

J. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of proposed development.

K. The development will not impose an undue burden on public services and facilities, such as utilities, fire, and police protection.

L. The Development Plan contains such proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonable as are required for the public health, safety and welfare.

M. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surround land uses, and any part of a Planned Development not used for structures, parking and loading area, or accessways, shall be landscaped or otherwise improved.

N. Natural features such as water courses, trees and rock outcrops will be preserved, to the degree possible, so that they can be incorporated

into the layout to enhance the overall design of the Planned Development.

O. The layout must be designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services.

P. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer, unless waived by the Planning Commission because of technical reasons.

910.03 Procedure for Approval

A. Pre-application Conference. Prior to filing a formal application for approval of a Planned Development, the developer shall request a pre-application conference with the Covington Zoning Board.

The purpose of the conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to, the following:

1. Written "letter of intent" from the developer establishing his intentions as to development of the land.
2. Topographic survey and location map.
3. Sketch plans and ideas regarding land use, dwelling type and density, street and lot arrangement, and tentative lot sizes.
4. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.

The Zoning Board shall advise the developer of the Zoning Requirements and Village plans which might affect the proposed development as well as the procedural steps for approval.

B. Preliminary Plan. The Preliminary plans of the Planned Development shall be filed with the Zoning Inspector, who shall in turn forward copies to the Zoning Board for consideration.

The required procedure for consideration and approval of the preliminary plan shall be:

1. Submission of the following:
Written application for approval of a Planned Development shall be made on forms and in the manner prescribed by the Village.

The application shall be accompanied by fee consistent with Section 613.

2. The Zoning Board shall study material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Zoning Board may request the applicant shall supply additional material needed to make specific determinations.
3. Following such study, the Zoning Board or its staff shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the preliminary development plan and report.
4. Recommendations of the Zoning Board to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Zoning Board as to changes in the preliminary plan and report or other matters to be recorded and acknowledged by the Zoning Board and the applicant. On items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded, and the applicant may place in the record his reasons for any disagreement.
5. When preliminary development plan and report has been approved in principle (as a whole or with reservations specifically indicated) or when the applicant indicates in writing that no further negotiations with the Zoning Board are desired before proceeding, the Zoning Board shall schedule the proposed plan for a public hearing, following which it shall make its recommendations to Council. Such recommendations shall indicate approval, approval with specific reservations, or disapproval with reasons. With such recommendations, the Zoning Board shall transmit within 60 days the latest draft of the preliminary plan and report submitted by the applicant, a record of agreements reached, and matters on which there was no specific agreement, including any reasons recorded by the applicant for any such disagreement.
6. Council shall schedule a public hearing for the preliminary plan and respective planned development zone designation after receiving the proposal from the Zoning Board. Within 60 days, the Council shall approve the proposal, approve subject to conditions, or deny the proposal. If approved, the area of land marked shall be redesignated PR (Planned Residential District), PMH (Planned Mobile Home Residential District), PC (Planned Commercial District), or PI (Planned Industrial District), and shall be used only in accordance with the uses and densities shown on the Planned Development Preliminary Plan.

B. Final Plan. The final Planned Development plan shall conform substantially to the preliminary plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval for a final plan shall be:

1. The final plan and supporting data shall be filed with the Zoning Inspector who in turn forwards copies to the Planning Commission for certification that the final plan is the conformity with these regulations and in agreement with the approved preliminary plan.
2. After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan within 60 days after submitted by the developer. Disapproval of the final plan shall include a clear statement of the reasons therefor.
3. The Zoning Board shall then forward the final plan together with their recommendations to the Council. The Council shall review the recommendations of the Zoning Board at the next regular meeting of the Council, and shall approve, approve subject to conditions, or deny the final application.

C. Recording of Final Development Plan
After approval by the Council of the final plan, the Zoning Inspector shall see that all requirements of 910.52 have been complied with before the Final Development Plan is presented to the Miami County Recorder for recording.

The purpose of such recording is to designate with particularity the land subdivided into conventional lots as well as the dimension of other lands, not so treated into common open areas and building areas, and to designate each building or structure, as well as the use of the land in general.

No Final Development Plan within the corporate limits of Covington shall be so recorded unless it shall have the approval of Council inscribed thereon.

D. Zoning Permit
No Zoning Permit shall be issued by the building inspector until the final development plan has been approved and duly recorded and the Zoning Board has approved the detailed plans (described in Section 910.52C).

E. The building official shall issue no certificate of occupancy until all utilities have been accepted by the Village in accordance with the Final Development Plan.

910.04 Changes in the Planned Development

A planned development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, guarantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the Planned Development as set forth therein.

A. Major Changes. Changes which alter the concept of intent of the Planned Development including increases in the number of units per acre, change in location or amount of nonresidential land uses, more that 15 percent modification in proportion of housing types, significant redesign or roadways, utilities or drainage, may be approved only by submission of a new pre- liminary plan and supporting data, and following the "preliminary approval" steps and subsequent amendment of the final Planned Development Plan.
B. Minor Changes. The Zoning Inspector, upon notifying the Zoning Board, may jointly approve minor changes in the Planned Development which do not change the concept pr intent of the development, without going through the "preliminary approval" steps. Minor changes are defined as any change not defined as a major change.

910.05 Schedule of Construction

The Zoning Board shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule files with the final plan.

910.06 Effect of Denial of a Planned Development

No application for a planned development, which has been denied wholly or in part by the Zoning Board and Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Board and Council.

910.07 Revocation

In any case where a planned development has not been established (substantially under way) within one year from the date of granting thereof, then, without further action by the Zoning Board, the planned development authorization thereof shall be null and void.

910.08 Penalty

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of the article shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined as specified in Section 612 of this Ordinance.

910.09 LEFT EMPTY

910.10 Planned Residential Development

A. Policies Underlying Use of Zone
This district is intended to provide a good deal of flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Natural features such as topography, trees and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space, unified design concept with particular attention devoted to the periphery of the development, with the objective being the compatibility of the development with its surroundings.

B. Permitted Uses
Those uses included as permitted and accessory uses in R-1 through R-3 Residential Districts developed in a unified manner in accordance with the approved development plan.

Convenience establishments as accessory uses which have been established as necessary for the proper development of the community and to be so located, designated and operated to serve primarily the needs of the persons within the Planned Development if specifically approved as part of the Planned Development Plan. Uses shall be generally limited to those uses permitted in the CB District, with no direct access or advertising signs for such uses to be visible from the exterior of the development.

Such convenience establishments and their parking areas shall not occupy more than five (5) percent of the total area of development.

No separate building or structure designed or intended to be used, in whole or part, for business proposes within a Residential Planned Development shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

C. Area Requirements
The minimum land area required for a Planned Residential Development shall be five (5) acres.This area requirement may be varied at the discretion of the Zoning Board and Village Council if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

D. Density Requirements
Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, exclusive of the area of street right-of-way, parking areas and commercial area, will not be less than eighty percent (80%) of the lot area per family required in the district in which the site is located. This density requirement may be varied at the discretion of the Zoning Board and Village Council if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

E. Site Design
All housing shall be sited to preserve privacy and to ensure natural light.

Lot width may be variety to permit a variety of structural designs. It is also recommended that setbacks be varied.

Every housing unit should be situated to
abut upon common open space or similar areas. A clustering of dwellings is encouraged.

F. Structure Spacing
A minimum of fifteen (15) feet shall be maintained between principal structures.

G. Length
There shall be no continuous structure or town house, attached dwellings or apartments containing more than twelve
(12) units side by side.

H. Height

The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet, unless it can be demonstrated that an additional height is required with provision of suit- able open space to protect adjacent
structures from reduction of light and air.

I. Setback and Screening
A set back of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods, or suitable landscaped with grass and/or ground cover, shrubs and trees. Projects located adjacent to Commercial or Industrially zoned areas shall provide suitable protection to the residential development as adjudged by the Zoning Board and the Village council. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

J. Common Open Space
A minimum of twenty-five percent (25%) of the land in any planned residential development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed.

K. Parking Requirements
See Article X for required spaces and design criteria.

L. Signs
See Article XI for size and location of permitted signs.

910.20 Planned Mobile Home Residential Development

A. Policies Underlying Use of Zone
This district is intended to permit the development of Mobile Home Parks in association with other residential development types while maintaining a reasonable population density and by providing for the unique requirements for this type of development. The provisions of this district are established to assure that the site design and arrangement in relation to other areas together with the provisions of associated facilities result in an attractive, orderly and efficient residential environment of sustained desirability in harmony with adjacent areas.

B. Permitted Uses
Mobile Home Parks:
1. Mobile Homes (no self-propelled vehicles)
2. Modular or Sectional Homes

C. Accessory Uses

1. Coin operated laundry, laundry and dry-cleaning pick-up stations for use of tenants only. No external sign of any nature whatsoever shall be permitted.
2. Other accessory uses, buildings or structures customarily incidental to the aforesaid use.
3. On-site Mobile Home Sales. The sales of mobile homes within a mobile home park or subdivision shall be a conditional use having a one (1) year duration. Said use shall be reviewed at the end of the first year for possible extension for an additional year, in total representing a maximum two (2) year duration.

   Such sales areas shall be well screened from the residential section of the park or subdivision and shall be located at the periphery of the site. All signs used for advertising shall be unobtrusive to the surrounding property.
4. Neighborhood commercial facilities. in mobile home parks of fifty (50) acres or more, neighborhood commercial facilities such as markets, barbers, beauty shops, doctor's offices, etc. may be planned in conjunction with a mobile home park but may not be physically occupied until the park is seventy-five (75) percent occupied by residents.

D. Minimum Floor Area
   Individual mobile homes located within the PMH district shall have a minimum floor area of six hundred (600) square feet.

E. Area Requirements
   Each mobile home park shall have a minimum gross site area of 10 acres.

F. Density Requirements
   Gross density for a mobile home park shall not exceed six (6) dwelling units per acre.

G. Utilities
   1. Public Utilities – Each mobile home park shall be served by public water and sewer systems.
   2. Underground utilities – in each mobile home park, all wires, cables, and lines providing telecommunication, including cable television, and electric utility services and connections of such utility systems to buildings and light poles in such parks, shall be located underground.
   3. Mobile home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Public Health Council under the authority of Ohio Revised Code Section 3733.20.

H. Streets and Pedestrian Ways
   1. Access – Each mobile home park shall have direct access to a principal county, township city, or state highway or arterial street or road.
   2. Streets
      a. Streets should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.
      b. Flexible Pavement - The required base should be a minimum of eight (8) inches thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the practical maximum density. The wearing surface should be bituminous concrete a minimum of one and one half (1 1/2) inches thick compacted to the maximum practical density.
      c. Rigid Pavement - Where Portland cement concrete is used, it should not be less than five (5) inches thick on a prepared subgrade constructed in accordance with accepted practices, with expansion joints where driveways and walks abut each other or the curb.
      d. The minimum pavement width of interior one-way streets with parking permitted on one side shall be twenty (20) feet.

         The minimum pavement width of two-way streets with parking permitted on one side shall be thirty (30) feet. The minimum width of two-way streets without parking permitted shall be twenty (20) feet.
   3. Walks - All mobile home parks shall be provided with safe, convenient, all season sidewalks with a minimum width of three (3) feet, six (6) inches for the intended use of pedestrian circulation between individual mobile homes.

I. Landscaping – In all mobile home parks, the following landscape provisions shall apply:

   1. Along each property line, and within the fifty (50) foot setback area, there shall be provided screen fencing, landscape planting or a landscaped berm or a combination thereof which shall be so designed or planted as to be twenty-five (25) percent or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level.
   2. Trees of at least one (1) inch caliber shall be installed on both sides of all streets within the mobile home park at a spacing of fifty (50) feet between trees.

J. Setback requirements – the following setback requirements for all mobile homes located in a mobile home park shall apply:

1. From all perimeter lot lines – 50 feet
2. From any mobile home located in the mobile home park – 15 feet
3. From any community building – 50 feet
4. From any public or private street located within the park – 15 feet

K. Required Open Space - A minimum of ten (10) percent of the gross site area shall be set aside and reserved for usable open space. Said open space shall be in one or more parcels, not less than one (1) acre each. The minimum dimensions of said open space shall be two hundred (200) feet in any direction. For the purposes of the section, "Usable Open Space" shall be construed to mean parks, common open areas, and areas containing a combination of community service buildings (clubhouses, swimming pools, etc.) and outdoor recreation areas.

L. Parking Requirements

Two paved, off-street parking spaces having a minimum area of two hundred (200) square feet shall be provided for each mobile home site. Said parking space shall be located whether on the mobile home site, behind the front setback area, or in a common parking area within the mobile home park.

M. Signs

Signs within the mobile home development shall be limited to a name plate attached to each mobile home, which is no larger than one (1) square foot, directional signs indicating the location of utility buildings, including management office, parking areas and common recreation areas, and traffic control signs.

N. Miscellaneous Requirements

1. Lighting – Appropriate lighting shall be provided along all interior roadways and walkways. All lights shall be so positioned and shaded to avoid a glare on adjoining properties.
2. Drainage - Each mobile home space shall be so constructed to provide adequate storm water drainage from ramps, patios, and all wall foundations of the mobile home to the roadway.
3. Fuel Supply - Where fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from view of surrounding mobile home spaces and the street.
4. Enclosed Undercarriage. All mobile homes located in the mobile home park shall be enclosed from the bottom of the structure to the ground.

5. Refuse Containers. All refuse containers shall be screened from view of surrounding mobile home spaces and the street.

910.30 Planned Commercial Development

A. Policies Underlying Use of Zone
Commercial District Planning shall be the Zoning Board and Zoning Inspector's responsibility. This district is provided in recognition that many commercial establishments seek to develop within unified commercial areas, usually under single ownership and control, and typically called "shopping centers". Within the premises of the zone, such centers would have all necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian/vehicular separation, all of which would be compatible with surrounding land uses.

B. Permitted Uses
Those uses included as permitted and accessory uses in OR, CB, HS, and CBD Business Districts.

C. Arrangements of Commercial Uses
Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

D. Area Requirements
The minimum land area for a Planned Commercial Development shall be two (2) acres.

E. Structure Spacing
A minimum of twenty (20) feet shall be required between adjacent principal buildings.

F. Setback and Screening
A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a Business or Industrial District in which case setback and screening requirements shall be at the

discretion of the Zoning Board. Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

Vehicular access through such landscaped strip when adjacent to residential areas shall be permitted only for convenience of residents of adjoining residential areas, and not for use by the general public.

G. Parking Requirements
See Article X.

H. Loading and Unloading Areas
See Article X.

I. Signs
See Article XI for size and location of permitted signs.

910.40 Planned Industrial Development

A. Policies Underlying Use of Zone
The provisions of this district are provided in recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. As in the Planned Commercial Zone, provisions of this zone are formulated to encourage a high degree of coordinated development upon well landscaped premises. Particular attention is devoted to design of the periphery of the development with the objective of compatibility with surrounding land uses.

B. Permitted Uses
Those uses included as permitted and accessory uses in I-1 Light Industrial Commercial District.

C. Arrangements of Industrial Uses
A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Industrial uses and parcels shall be developed to the degree possible

utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw material or products.

D. Area Requirements
The minimum land area for a Planned Industrial Development shall be ten (10) acres.

E. Structure Spacing
A minimum of fifty (50) feet shall be required between adjacent principal buildings.

F. Setback and Screening
A setback of one-hundred (100) feet shall be provided along the entire perimeter of the development, except where it adjoins a Business or Industrial District in which case setback and screening requirements shall be at the discretion of the Zoning Board. Where situated adjacent to a residentially zoned area, a minimum of thirty (30) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Such landscaping shall be fifty (50) percent or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level. A suitably designed fence or wall may be substituted for such screen plantings at the discretion of the Zoning Board, if in certain cases natural plantings are deemed infeasible. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

G. Parking Requirements
See Article X.

H. Loading and Unloading Areas
See Article X.

I. Signs
See Article XI.

910.50 Submission Requirements for Planned Development Proposals

910.51 Preliminary Plan Stage

A. Application
An application for preliminary planned unit development shall be filed with the Chairman of the Zoning Board by at least one owner or leasee of property for which the planned unit development is proposed. At a

minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
2. Legal description of property.
3. Description of existing use.
4. Zoning District(s).

B. Material to be Submitted with Applications:
   1. Identification of all property owners within the proposed district, evidence of unified control of the entire area of the district, tentative agreement of all owners to proceed with development according to plans, and timing schedule approved if the proposed amendment is passed, and to bind their successors in title to abide by any final commitments made, and evidence of financial capability to complete the development according to plan or to provide adequate sureties for completing.
   2. A map or maps indicating the relation of the proposed district to the surrounding area. As appropriate to the development proposed, such map or maps shall demonstrate access to major streets, and show the approximate location and sizes of existing public sewers, water lines, and storm drainage systems and other utilities systems and installations which will be expected to serve the development. In the case of planned development, to contain housing, location of schools and nearby commercial facilities shall be indicated.
   3. Topographic data map drawn to a scale of one-hundred (100) feet to one (1) inch by a registered surveyor and/or engineer showing:
      a. Boundary Lines – bearings and distances.
      b. Easements – location, width, and purpose.
      c. Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site,
      d. Ground elevations on the tract – for land that slopes less than on-half (1/2) percent, show one (1) foot contours; for land that slopes more than one-half (1/2) percent, show two (2) foot contours.
      e. If deemed necessary, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and ground water, and the existing depth of ground water.

C. A preliminary development plan and report, with maps at a scale of one-hundred (100) feet or less to the inch, including as appropriate to the following information, presented in generalized form:
   1. Proposed land uses and appropriate height, bulk and location of principal structures sufficient to permit an understanding of the style of

the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the initial phase of the proposal or within the overall development if the development is not to be staged.

2. Proposed automotive and pedestrian circulation patterns, including streets by type (major, collector, or minor) width, public or private, and pedestrian ways. Existing or plotted streets proposed to be vacated.
3. Major off-street parking areas.
4. Proposed parks, playgrounds, school sites, pedestrian parkways and other major open spaces as well as the general form of organization proposed to own and maintain any common open space.
5. General location of utilities installations and easements.
6. If development is to be in stages, indications as to order and timing of development, and demonstration that each stage, when completed, would complement any completed earlier, and would form a reasonably independent unit even though succeeding stages were delayed.
7. Proposals for expediting provision of public facilities, utilities or services where lacking or unlikely to be available when needed for the planned development, or for providing suitable private facilities, utilities or services. A report shall be provided, if appropriate in a particular development, containing proposals for improvement and continuing maintenance and management of any private streets.
8. The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.

910.52 Final Plan Stage

A. Final Development plans and reports shall include:
   1. A map or maps in the form required by the Subdivision Regulations for final plots of subdivisions, with such modifications and additions as required concerning such items as building sites when used as a substitute for lots, common open space not dedicated for public use, and other matters as appropriate to planned developments generally or to the specific planned development.

   2. Similar modifications of standards contained in the Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and report if the Zoning Board shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the formal plan and reports.

3. A general site and land use plan for the planned development as a whole, indicating subareas for phased development, if any, and showing location and use of structures and portions of structures in relation to building site lines, building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and use for which it is intended, and such other matters as are required to establish a clear pattern of the relationships to exist between structures, uses, circulation and land.

B. Agreements, contracts, deed restrictions, and sureties:
The applicant shall guarantee the installation of the public improvements specified in the Final Development Plan through one of the following methods:
   1. Filing a performance and labor and material payment bond in the amount of one-hundred and ten (110) percent of the estimated construction cost as determined by the Village.
   2. Depositing or placing in escrow or certified check, cash, or other acceptable pledge, in the amount of one-hundred and ten (110) percent of the construction cost as approved by the Village.

C. Detailed Plans: Before any zoning permit may be issued in the planned development, detailed plans for individual buildings or groups of buildings shall be submitted to the Zoning Board for approval. Such plans shall be in accord with the final development plan and report as approved by the Zoning Board, and shall be in sufficient detail to permit determinations as to compliance with the requirements of this ordinance with respect to the particular planned development district and uses involved. The plans shall include:
   1. Site plans for the building site or sites, indicating relationship to adjoining areas.
   2. Floor plans of the buildings involved, indicating horizontal dimensions, uses of space, and floor areas.
   3. Elevations of the buildings involved, indicating heigh and, if required in determinations for the particular building or use, location and dimensions of all windows and other glassed areas.

911 "CON" Conservation District

911.01 **Purpose**

This zone is established for the following purposes:

A. To protect undeveloped land located outside the present limits of urban services from indiscriminate development until urban services can be extended, enabling growth to be preplanned in a coordinated and efficient manner,
B. To extend protection from urban encroachment to active agricultural enterprises and areas particularly suitable for open space and recreational use until required for urban expansion needs or public acquisition in the case of those areas possessing distinctive geologic and/or scenic values.

911.02 **Uses**

A. Permitted Uses

Use	**Special Conditions or Sections**
Agriculture (excluding animal sales lots and feed lots)	
Residences of farm workers incidental and necessary to agricultural operations conducted on the same parcel of land on which said residences are located.	
Single Family Dwellings	
Hunting preserve	
Wildlife refuge and game preserve	
Publicly owned and operated trails, recreation, parks, and other similar services.	
Church and other buildings for the purpose of religious worship	
Governmentally owned and/or operated building or facility.	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, provided that such accessory uses shall not involve the conduct of any business, trade or	

industry, or any private way or walk giving access to such activity.	
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**
Home Occupation	See Section 807
Cemetery	
Sanitary landfill site.	
Soil removal, sand and gravel extraction operation.	See Section 913.12
Kennel	See Section 913.13
Outdoor advertising billboard	See Article XI.
Recreational uses other than those governmentally owned and/or operated such as: swimming pools, outdoor rifle and skeet shooting range, and riding academy.	
Telecommunication Towers	See Section 806

911.03 **Development Standards**

Table 911.03 – Development Standards	
Minimum Lot Area	20 acres
Minimum Lot Width	300 feet
Minimum Front Yard Depth	65 feet
Minimum Rear Yard Depth	60 feet
Minimum Side Yard Width on Each Side	50 feet
Maximum Building Height	40 feet

911.04 **Parking and Loading Requirements.** See Article X.

911.05 **Signs.** See Article XI.

911.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

911.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

912 "F" Flood Plain District

912.01 **Purpose**

The purpose of the flood plain district is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconvenience to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwater.

912.02 **Uses**

A. Permitted Uses

Use	**Special Conditions or Sections**
Agriculture (excluding animal sales lots and feed lots)	
Farm buildings necessary to a principal agricultural use, but not including dwellings for a permanent or temporary nature.	
Hunting preserve	
Wildlife refuge and game preserve	
Publicly owned and operated trails, recreation, parks, and other similar services.	
Private airport landing strip.	

B. Accessory Uses

Use	**Special Conditions or Sections**
Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.	
Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.	

C. Conditional Uses

Use	**Special Conditions or Sections**

Transient amusement activities such as a circus show, fair, and carnival rides, provided appropriate permits are issued.	See Section 913.14
Soil removal, sand and gravel extraction operation.	See Section 913.12
Parking Lot: Excluding storage or salvage.	See Article X.
Recreational uses other than those governmentally owned and/or operated such as: swimming pools, outdoor rifle and skeet shooting range, and riding academy.	
Telecommunication Towers	See Section 806

912.03 **Development Standards**

Table 912.03 – Development Standards	
Minimum Lot Area	5 acres
Minimum Lot Width	300 feet
Minimum Front Yard Depth	50 feet
Minimum Rear Yard Depth	50 feet
Minimum Side Yard Width on Each Side	25 feet
Maximum Building Height	40 feet

912.04 **Parking and Loading Requirements.** See Article X.

912.05 **Signs.** See Article XI.

912.06 **Site Plan Review Requirements.** See Article VIII, Section 805.

912.07 **Landscaping, Buffering, and Screening Requirements.** See Article VIII, Section 805.

913 Additional Regulations on Zoning Districts

In addition to all regulations specified in Sections 901 – 912 and in other sections of this ordinance, the provisions of this section shall be met.

913.01 Setback Requirements for Corner Buildings

On a corner lot, the principal building and accessory structures shall be required to have same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

913.02 Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision above a height of two and a half (2 ½) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines fifty (50) feet from the point of intersection.

913.03 Supplemental Height and Yard Specifications

Fences shall meet Section 915.

913.04 Parking and Storage of Certain Vehicles

A. Automotive vehicles, recreational vehicles, or trailers of any kind or type without current license plates are not permitted to be parked or stored on any residentially or commercially zoned property other than in completely enclosed buildings.
B. One recreational vehicle, which includes boats on trailers, RVs, campers, ATVs, and other similar vehicles may be parked in the rear yard of a residentially zoned property as long as it is in operational working order (i.e. not on blocks, pumped tires, and having all necessary parts to run), and has all current licensing and permits.
C. One trailer of any type may be stored in the rear yard if they have a current license and are maintained to a level that they can be legally operated on the roadways of the state of Ohio.
D. For Section 913.04 the intention is that a property may have either a recreational vehicle that meets 913.04(B) or a trailer that meets 913.04(C) on a property, but not both. A vehicle may be placed on a trailer and still meet the requirements.

913.05 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as

specified for dwelling in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

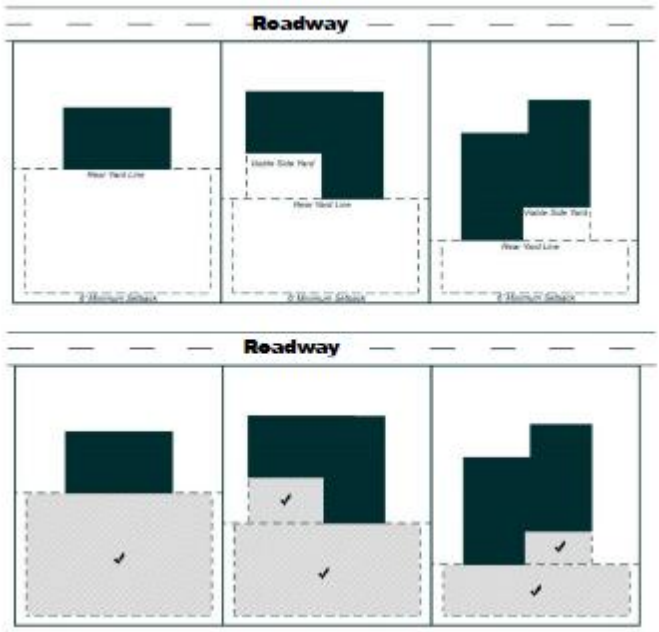
913.06 **Side and Rear Yard Requirements for Non-residential Uses Abutting Residential Districts**

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within (50) feet of an intersection.

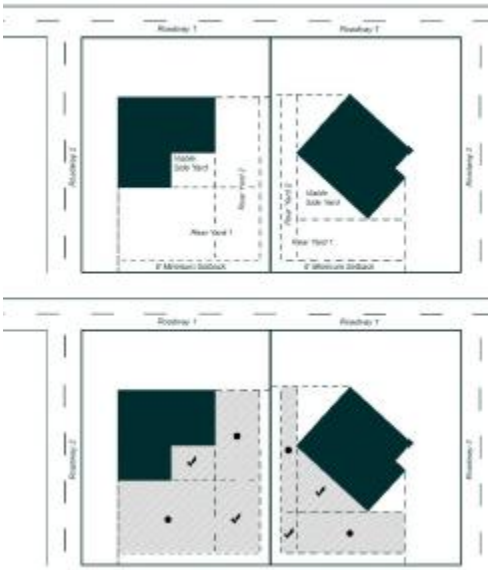
913.07 **Accessory Structures and Uses**

A. For the purpose to this section the term accessory use shall be used in conjunction with accessory structure or may be used in placement thereof.
B. Accessory uses and structures may be detached or attached to the primary structure. An example of an attached accessory structure is a deck. When determining if an accessory structure is an attached accessory structure or a dwelling addition the following shall be considered:
   i. A dwelling addition shall be integrated visually, structurally and architecturally with the principal structure, has an attached roof with similar design to the principal structure, permits access between the principal structure and the addition either internally or under the roof, and/or shares a common wall with the principal structure or is connected to the principal structure by an enclosed space.
   ii. An attached accessory structure shall be an unenclosed space that may have solid walls no greater than 18 inches in height around its entire exterior. It may have a fence or railings that are not opaque up to 48 inches. It shall not be screened, walled, or provided with glass from floor to ceiling, where the enclosed interior space is completely separated from the outside.
C. Accessory uses are to be subordinate in size and appearance to principal permitted structures and therefore should be restricted in size, height and location in order to maintain the integrity of the permitted uses within the various districts and protect property values and the general public welfare.
D. Home Occupations are approved per Section 807.
E. Location Requirements:

1. **Standard Lot.** Accessory structures shall be located within the rear yard or in a side yard that is obstructed from view from the front lot line by a primary structure provided the accessory structure is placed at least three (3) feet from any lot line, as shown in the figures below. Accessory structures located in the viable portion of a side yard as shown below must not extend past the side wall of the principal structure.



2. **Corner Lot.** Where a lot has frontages on two roadways that intersect, accessory structures shall be placed at least three (3) feet from any lot line and shall be located within one or several of the following:
   a. The rear yard of either roadway one or roadway two. This shall permit the property owner to choose to consider either roadway, but not both, as the primary frontage and the subsequent rear yard shall be permitted to have accessory structures. If existing accessory structures are on the property, the location of these structures shall determine which rear yard is permitted. Removal of all accessory structures shall again permit the property owner to choose which rear yard they would like designated as the permissible yard area.
   b. A side yard that is obstructed from direct view from the front lot line by a primary structure.



F. Maximum Rear Yard Coverage.
All accessory structures shall not occupy more than the total of forty (40) percent of the area of the required portion of the rear yard.

G. Total Square Footage.
Total square footage of all accessory structures shall not be more than 50% of the square footage of the primary structure.

H. Maximum Height.
A detached accessory structure or structures shall not exceed twenty-five feet in height or the height of the principal building, whichever is the least.

I. Setbacks.
Except as provided in 913.01, accessory structures fewer than 200 square feet are required to have a side and rear yard setback of no less than 3 feet inside of the property line and shall be outside of any existing utility easement. Accessory structures over 200 square feet are required to have the same setbacks as the primary structure.

J. Permit Required
All accessory structures require a zoning permit.

913.08 Swimming Pool and Hot Tub Requirements

A. Permit Required.
All pool structures that are capable of holding at least thirty-six inches (36”) of water require a zoning permit, this includes in-ground swimming pools, above ground swimming pools, and hot tubs.

B. Required Setbacks.
Except as provided in 913.01, pools are required to have a side and rear yard setback of no less than 10 feet inside of the property line and shall be outside of any existing utility easement. Pools shall not be located in the front yard of the primary structure.

C. Protection from Electrical Hazards
Swimming pools shall not be located beneath or within 20 feet horizontally of any overhead power lines. Swimming pool equipment shall be powered from an approved ground fault circuit interrupter.

D. Fencing Requirements
All Swimming pools are required to have a fence of at least four (4) feet in height installed around the pool perimeter. Such fence shall be required to be equipped with a gate that shall be self-latching and lockable. In lieu of a fence, a functional lockable cover may be substituted that allows a maximum of four (4) inches between the cover and the pool structure.

E. Owner to Provide for Drainage
Water discharged from any pool shall not be discharged onto adjacent lots or be allowed to discharge into the sanitary sewer system. If an off-lot discharge is required it shall be routed to an available storm sewer approved and inspected by the village.

F. Hot Tubs
A hot tub is required to get a zoning permit and have a working lockable top that meets section D. above.

913.09 **Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall not project into the required minimum front, side or rear yard.

913.10 **Exceptions to Height Regulations**

The height limitations contained in Article IX District Requirements do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard for the safe landing and take-off of an aircraft at an established airport.

913.11 **Supplementary Yard Requirements**

A. Front Yard Modifications

In any R-District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Article IX of this Zoning Ordinance, the front yard requirements shall be modified as follows:

1. The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lots.

913.12 **Soil Removal, Sand and Gravel Extraction Operations**

A. The removal of sand, gravel, limestone, or similar materials by excavation, stripping, mining, or otherwise taking and including on-site operations appurtenant to the taking including washing, grading, sorting, grinding operations shall be carried on. No material resource extracted outside of the limits of this use shall be brought in for washing, grading, or further processing.

B. Development Standards.
   1. Excavation, washing, and stockpiling of extracted material shall not be carried on closer than fifty (50) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
   2. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road or adjacent to residentially zoned districts, no part of such operation shall take place closer than one hundred and fifty (150) feet to the nearest line of such right-of-way or Residential District, except as may otherwise be provided by Section 4153.11 of the Revised Code of State of Ohio.
   3. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred and fifty (150) feet from the right-of-way line.
   4. Each tract of land for Natural Resources development shall have a minimum frontage on a major or secondary thoroughfare of at least two hundred (200) feet which shall provide the only approved access to the property, except that the Village Council may approve:

a. A lesser frontage if written consent of the owner in fee of adjacent property is first secured.
b. If the tract has no frontage but is fronted by a natural resource operation properly zoned; if written permission for access to a major or secondary thoroughfare is first secured from the owner in fee and leaseholder, if any.

5. Fencing or other suitable barrier, including the planting of multi-flora rose, shall be erected and maintained around the entire site or portions thereof where in the opinion of the Village Council, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Council.
6. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Village Council.
7. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.
8. Hours of operation shall be during daylight hours.

C. Rehabilitation Requirements.

1. All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Village Council, at their discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out.
2. The Village Council shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:
   a. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, non-combustible and non-inflammable solids, to ensure:
      i. That the excavated area shall not collect, and permit to remain therein, stagnant water; or,
      ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
   b. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.

c. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
d. Proper drainage shall be provided for the mined-out area.
e. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining there from.
f. The Village Council may impose such other reasonable conditions and restrictions as they may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
g. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Village Council are hereby empowered to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

913.13 **Kennels, Animal Hospitals, and Veterinary Clinics**

A. Any structure or runway in which dogs or other small animals are kept or treated for compensation or sale.
B. Outdoor runs must be at least two hundred (200) feet from any lot in a residential district.

914 Special Provisions for Commercial and Industrial Uses

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in this section, inclusive.

914.01 Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

914.02 Radioactivity or Electric Disturbance

No activity shall emit dangerous radioactivity at any point, or electric disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

914.03 Noise

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

914.04 Vibration

No vibration shall be permitted which is discernible with instruments on any adjoining lot or property.

914.05 Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

914.06 Glare

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

914.07 Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

914.08 Water Pollution

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

914.09 Enforcement Provisions

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

914.10 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Associations, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

915 Fence, Walls, and Hedges

A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line in all districts or adjacent thereto a height not exceeding eight (8) feet above the ground level for a fence or wall, except in I-1 where such fence may contain an additional two (2) feet of barbed wire or razor wire, such that the total fence or wall height shall not exceed ten (10) feet.

A. No such fence, wall, hedge, or shrubbery which is located in a front or corner side yard setback shall exceed a height of three and one-half feet and shall be subject to the traffic visibility requirements of Section 913.02.
B. Each span of any fence or wall shall be uniformly constructed of any commonly used fencing materials, such as: masonry, wood, chain link, wrought iron or wire, "span" being defined as any portion of a fence or wall without corners. Barbed wire, razor wire or electrified fences are prohibited (except in I-1). Fences or walls must be constructed and maintained according to commonly accepted practices.
C. A zoning certificate shall be required prior to the erection of all fences or walls seventeen (17) feet in length or longer, or any fence or wall that encloses any portion of a property or is intended to complete an enclosure. All fences and walls, however, must meet all other provisions of this section.

916 Additional Standards

A. **Curbs and Gutters:** Whenever any new lot is created, split, or developed the developer shall construct curbs and gutters, of Portland cement, that are nearly as possible consistent with what is in the neighborhood and be of an accepted design per the Village Construction Standards.

B. **Curb Radii:** The minimum curb radius at intersections shall be as follows:

Type of Street Intersection	Min. Curb Radius (feet)
Local – Local	20
Local – Collector	25
Collector – Collector	30
Collector – Arterial	35
Arterial - Arterial	50

* In the case of local or collector streets located in commercial or industrial areas, the minimum curb radii shall be increased to fifty (50) feet.

C. **Sidewalks / Trail Requirements**
A minimum of four (4) foot wide sidewalks constructed of portland cement concrete and four (4) inches thick, constructed in accordance with Village specifications shall be required on both sides of all local and collector streets in all areas of the Village. Additionally, in lieu of a sidewalk on one side of the

street within business, office, and two and multi-family developments one of the sidewalks must be at least eight (8) feet in width and can be constructed of bitumous asphalt to provide a shared walking and biking trail.

D. **Replacement of Existing Sidewalks**
Replacement of existing sidewalks are to be consistent with what was removed and of the same height of neighboring sidewalks. Sidewalks shall comply with the current Covington Construction Standards and Drawings.

E. **Wheelchair / ADA Ramps**
Whenever any new sidewalk is constructed or any old sidewalk is constructed or any old sidewalk is replaced, ADA accessibility ramps are to be installed at each intersection and/or crosswalk at the cost of the property owner or developer requesting the work.

F. **Parking Lot Construction Requirements**
All parking facilities shall be hard-surfaced and being of asphalt or Portland cement concrete. The surface shall be graded and drained so as to dispose of surface water, which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. No surface water from such parking area shall be permitted to drain into adjoining private property. Each parking facility shall comply with the current Covington Construction Standards and Drawings and shall also meet any other engineering standards deemed necessary by the Zoning Inspector or his/her Representative.

Article X – PARKING AND LOADING REGULATIONS

1001 Scope and Application

1001.01 Scope of Regulations

The off-street parking and loading requirements of this ordinance shall apply as follows:

a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance and provided that construction begins within six (6) months of such effective date and diligently pursued to completion, parking and loading facilities in said building permit may be provided in lieu of any different amounts required by this ordinance.
b. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurements specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty percent (50%) of any existing deficiency in parking or loading facilities.
c. Whenever the existing use of a building structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities, are mandatory only in the amount by which the requirements for the new use would

1001.02 Existing Parking and Loading Facilities

a. Off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.
b. Any area once designated as required off- street parking or loading shall never be changed to any other use unless and until equal facilities are provided elsewhere.

1002 Off-Street Parking

1002.01 Location

The off-street parking required by this article shall be provided in accordance with the following requirements:

a. One- and Two-Family Dwellings. The off- street parking facilities required for one- and two-family dwellings should be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this article.
b. Multiple Family. The off-street parking facilities for multi-family dwellings shall consist of parking lot as defined elsewhere in this article. In no event shall any uncovered parking space in a Multi-family district be located nearer than ten (10) feet to any main building.
c. Mobile Home Parks. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site.
d. Other Land Uses. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Such off-lot spaces shall be located only in districts in which similar off-street parking is permitted.
e. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or lease shall be filed with the Covington Village Clerk, Miami County, Ohio. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities of the duration of the use served or of the deed or lease, whichever such terminate sooner.

   All parking facilities required for single- and two-family dwellings, unless specifically provided for otherwise by the Zoning Board, shall be surfaced, with a dust-free and durable material, and shall be graded and drained to dispose of surface water.

1002.02 Parking Lot Plans

Plans for the development of any parking lot must be submitted to the Zoning Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indication existing and proposed grades, drainage, pipe sizes, dimensions of parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used. The plans of the proposed parking lot layout shall be prepared in a presentable form by person or persons competent in such work and shall reflect conformance with the following provisions:

a. Parking Space Dimensions:
   Plans for the layout of off-street parking facilities should be in accordance with the minimum standards contained in Table 1-1. The minimum parking space dimensions for a layout not provided for in this table shall be 9.5 feet in width, 20 feet in length, and 189 square feet in area.
b. Required Yards:
   Off-street parking spaces, open to the sky, may be located in any yard if the parking facility is located within a Commercial or Industrial Zone, except that when a required nonresidential parking lot or parking area is situated on a parcel which adjoins a residential district or a residential use, abutting directly or across a roadway, the respective side or rear yard setback shall be a minimum of twenty (20) feet, of which the ten (10) feet nearest the respective property line is developed as a greenbelt. Within Residential Districts, it shall be unlawful to use the space between the front setback line and the sidewalk for the parking of trailers, mobile homes, motor homes and recreational vehicles.

1002.03 Screening and Landscaping

All open vehicle parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting on property situated in a Residence District or any institutional premises by a wall, fence or densely planted coniferous hedge or planting not less than four (4) feet or more than eight (8) feet in height.

All parts of open off-street parking areas which are unusable, either for parking or for traffic, as well all required yard areas shall be landscaped with grass, coniferous shrubs, evergreen material and/or ornamental trees. All such landscaping and planting shall be maintained in a healthy, growing condition neat and orderly in appearance.

1002.04 Access

All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Access to parking areas in Commercial Districts (with the exception of shopping centers in these districts) shall be provided from a service drive where required. Access to such parking areas by curb cuts or driveways across the front lot line should be avoided wherever possible.

Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.

Each entrance and exit to and from any off- street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.

1002.05 Lighting

All illumination for or on all such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than sixteen (16) feet above the parking lot surface.

1002.06 Wheel Stops

All parking lots shall be provided with wheel stops or bumper guards so located as to prevent any vehicle from projecting over the lot or setback lines.

1002.07 Cleaning and Maintenance

The parking facility shall be kept free from refuse and debris and in good structural condition through periodic maintenance by the owner or his agent, who shall also be responsible for snow removal.

1002.08 Parking Space Requirements

A. Computation
When determination of the number of off-street parking spaces required by this ordinance results in a requirement of fractional space, any fraction of less than one half (1/2) may be disregarded, while a fraction of one half (1/2) or more shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

B. Collection Provision
Off street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Zoning board.

Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial or industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access; and that are not

normally used between the hours of 6 a.m. and 6 p.m. on Sundays; and that are made available to their respective church for parking use, may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of such church.

C. Utilization

Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed in Table 1-2 shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

D. Parking Restrictions

Off-street parking of vehicles shall be further restricted by the following requirements:

1. Parking Duration. Except when land is used as storage space in connection with the business of repair or service garage, a twenty-four (24) hour time limit for parking in nonresidential off-street parking areas shall prevail, it being the purpose and intention for the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the street, but such requirements is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such District wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

2. Restriction on Parking on Private Property. It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use of said private property as parking space, without the express or implied consent, authorization, or ratification of holder, owner, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

3. After the effective date of this ordinance, it shall be unlawful for the owner, tenant or lessee of any lot, parcel or tract of land in a Residential District or in the Residential area of any other District, to permit or allow the open storage or parking, either day or night, thereon of trucks, semi-trucks and trailers, mobile homes (exclusive of recreational vehicles), bulldozers, earth carriers, drag lines, cranes, steam shovels and/or any other equipment or machinery. It is provided, however, that the

owner, tenant or lessee of a farm may openly store the machinery and equipment used on his farm; and it is further provided that equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.

4. Specific Requirements. All off-street parking spaces hereinafter required by this ordinance shall be designed in accordance with one of the formulas set forth in Table 1-1.

   Off-street parking spaces shall be provided in accordance with the space requirements for respective types of spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or conditional) use requirement. If, classification of any use, for any reason, the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable hereunder, the parking class of such use shall be fixed by the Zoning Inspector.

Table 1-1

	Maneuvering Lane Width				**Total Width of Tow Tiers + maneuvering lane**	
Parking Pattern	**One-Way**	**Two-Way**	**Parking Space Width (1)**	**Parking Space Length (2)**	**One-Way**	**Two-Way**
0 Degree (parallel)	11 ft.	18 ft.	8.5 ft.	25 ft.	28 ft.	35 ft.
30-53 Degrees	12 ft.	20 ft.	9 ft.	21 ft.	54 ft.	62 ft.
54-74 Degrees	13 ft.	24 ft.	9 ft.	21 ft.	55 ft.	66 ft.
75-90 Degrees	15 ft.	26 ft.	9.5 ft.	20 ft.	55 ft.	66 ft.

(1) Measured perpendicular to the longitudinal space centerline

(2) Measured along the longitudinal space centerline

Table 1-2

Use	**Required # of Parking Spaces**	**Per Each Unit of Measure as Follows:**
Animal Hospitals and Kennels	1	Per each 400 square feet UFA per each two (2) employees

Auto salesrooms, wholesale stores, machinery sales and other similar uses	1	Per each 1,000 square feet UFA, plus one (1) per employee
Banks (other than drive-in banks), post offices	1	Per each 200 square feet UFA, plus one (1) per employee
Barber Shops	2	Per each barber
Beauty Shops	3	Per each beauty operator
Bowling Alleys	6	Per bowling lane, plus amount required for accessory uses
Business and processional offices	1	Per each 300 square feet GFA
Carry out, drive-in restaurant	1	Per each 200 square feet GFA, plus per each two (2) employees, with a minimum total of 8 parking spaces
Churches	1	Per each three (3) seats based on maximum seating capacity in the main place of assembly herein
Child care center, day nurseries, or nursery schools	1	Per each 400 square feet of UFA, plus per each employee
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls	1	Per each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire health or building codes
Drive-In Bank	4	Per each teller window
Drive-In Restaurant	1	Per each 50 square feet GFA, plus per each three (3) employees with a minimum total of 40 parking spaces
Drive-In Restaurant – Fast Food	1	Per each 125 square feet GFA, plus per each two (2) employees with a minimum total of 25 parking spaces
Drive-In Theater	1	Per each outdoor speaker facility, plus per each two (2) employees
Establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages or refreshments	1	Per each three (3) persons allowed within the maximum occupancy load as established by local, state, or county fire, health or building codes, plus per each three (3) employees
Elementary and junior high schools, trade schools	1	Per each teacher, plus per each employee or administrator, plus requirements of the auditorium or assembly hall therein
Filling stations, automobile service stations	2	Per each service stall, plus per each employee, plus per each service vehicle
Furniture, appliances, and household, equipment, repair hardware stores, and other similar uses	1	Per each 800 square feet of useable floor area, shops, plus per each two (2) employees

Golf Courses open to the general public	5	Per each hole, plus one (1) per each employee, plus amount required for accessory uses
High Schools	1	Per each teacher, plus one per each ten (10) students, plus one (1) per each employee or administrator, plus requirements of the auditorium or assembly hall therein
Housing Units – One, two, multi-family housing units, rooming houses	2	Per each housing unit. One (1) per each two roomers or boarders based on the designed capacity of the building plans two spaces for a resident manager or resident owner.
Housing for the elderly	5	Per each dwelling unit plus one (1) per each employee
Hospitals	1	Per each two (2) beds, plus one (1) per staff doctor plus one (1) per each two (2) employees
Industrial or manufacturing establishments, research establishments	1	Per each 1.5 employees computed on the basis of the greatest number of persons employed at any one time, day or night.
Laundromats, coin operated drying cleaning establishment	1	Per each washing to dry cleaning machine
Libraries and museums	1	Per each 400 square feet UFA
Medical clinic and dental clinic	1	Per each staff or visiting doctor, plus one (1) per each employee
Miniature or Par “3” golf course	2	Per each hole, plus one (1) per each employee
Mobile Home Site	2	Per each mobile home site
Mortuary establishments, funeral homes, undertaking parlors	1	Per each fifty (5) square feet of parlor area
Motels, hotels, tourist homes	1	Per each guest bedroom plus one (1) per each employee plus amount required for accessory uses
Motor vehicle wash establishments (self service)	4	Per each wash stall
Motor vehicle wash establishments (other than self-service)	4	Per each unit which represents the establishment’s maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operations by 20’ plus one (2) per each employee
Open air business (not otherwise provided for herein)	1	Per 800 square feet of lot area used for said business
Personal Service Establishment (not otherwise provided for herein)	1	Per each 300 square feet UFA, plus one (1) per each two (2) employees

Private clubs and lounges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by local, county, state, fire health, and building codes
Private tennis club, swim club, golf club, or other similar uses	1	Per each two (2) members of individuals, plus amount required for accessory uses
Retail stores, except as otherwise specified herein	1	Per each 200 square feet of GFA, plus one (1) per each three (3) employees
Roadside Stands	5	Per each installment
Sanitariums, convalescent homes, homes for the aged, nursing homes, children's homes	1	Per each four (4) beds, plus one (1) per each staff doctor, plus one (1) per each two (2) employees
Service garages, auto repair shops collision or bump shops, and other similar uses	1	Per each 800 square feet UFA, plus one (1) per each two (2) employees computed on the basis of maximum number of employees on duty at any one time, plus one (1) per each stall or service area
Stadiums and sports arenas	1	Per each four (4) seats or eight feet of bench
Theaters, auditoriums	2	Per each five (5) seats based on the maximum seating capacity in the main place of assembly therein, plus one (1) per each two (2) employees
Warehouses and storage buildings	1	Per each 2,000 square feet GFA

UFA – Useable Floor Area

GFA – Gross Floor Area

1003 Off-Street Loading

1003.01 General Requirements

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, restaurant, wholesale, market, hotel, hospital, laundry, dry cleaning, or other uses similarly involved the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas.

A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten (10) feet

by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to Table 1-3.

B. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
C. All loading areas in view of any residential district shall be screened from such view in a manner satisfactory to the Zoning Board.
D. Off-street loading space areas shall not be construed as, or counted towards, the supplying area required as off-street parking space area.

Table 1-3

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area
0 - 2,000	None
2,001 – 20,000	One (1) space (10 feet x 50 feet)
20,001 – 100,000	One (1) space plus one space for each 20,000 s.f. in excess of 20,000 s.f.
100,001 – 500,000	Five (5) spaces plus one space for each 40,000 s.f. in excess of 100,000 s.f.
500,001+	Fifteen (15) spaces plus one space for each 80,000 s.f. in excess of 500,000 s.f.

Article XI – SIGN REGULA1TIONS

1101 Purpose

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect the physical appearance of the Village, and preserve the 'scenic and natural beauty of designated areas. It is further intended to reduce sign of advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance Village development.

1102 Governmental Signs Excluded

For the purpose of this ordinance "sign" does not include signs erected and maintained pursuant to or in the discharge of any governmental function, or that required by any law, or ordinance, or governmental regulation.

1103 General Requirements for all Signs and Districts

1103.01 The regulations contained in this section shall apply to all signs and all use districts.

A. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections A and B of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar service.
C. All wiring, fittings, and materials used in construction, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.
D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
E. No sign shall be placed on the roof on any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1115 herein.
G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.

Such devices, as well as strings of lights shall not be used for the purpose of advertising or attracting attention when not part of a sign.

H. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface.

I. No sign of any classification\ shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

J. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.

K. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such a sign in a safe and secure condition or remove the sign.

L. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

1103.02 Animated or Changeable Copy Signs

Definitions and Exhibits

For the purpose of Article XI of this code, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

E. Animated Sign

A sign employing motion or the illusion of motion, whose message or content changes more frequently than every 20 seconds, are differentiated from changeable copy signs as defined and regulated by this code, including the following types:

1. Electronically Activated (Animated)
   Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

   a. Flashing
      Animated signs or animated portions of signs whose illumination is characterized by a cycle of illumination and non-illumination.

   b. Patterned Illusionary Movement
      Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the

purpose of producing light patterns designed to appear in some form of motion.

2. Environmentally Activated
   Animated signs or devices motivated by wind, thermal changes or other natural environmental input. This classification includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

3. Mechanically Activated
   Animated signs characterized by motion and/or rotation activated by a mechanical means.

B. Changeable Copy Signs
   A sign with changeable copy, whose message or content changes not more frequently than every 20 seconds, including the following types:

1. Electronically Activated (Changeable Copy)
   A changeable copy sign whose message copy or content can be changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

2. Manually Activated Sign
   A changeable copy sign whose message or copy or content can be changed manually.

1103.03 Prohibited Signs

The following signs shall be prohibited in all districts unless specifically authorized by the provisions stated in Article XI.

A. Animated Sign
B. Flashing Sign

1104 Measurement of Sign Area

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed.

1105 Signs Permitted in All Districts Not Requiring a Permit

1105.01 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all

residential districts where the area of the sign shall not be more than six (6) square feet.

1105.02 Professional name plate not to exceed four (4) square feet in area.

1105.03 Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

1106 Signs Permitted in Any District Requiring a Permit

1106.01 Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.

1106.02 Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

1107 Signs Permitted in the Agricultural, Flood Plain, Office Residential, and Residential Districts

Only those signs described in Sections 1105 and 1106 shall be permitted within these districts.

1108 Signs Permitted in Commercial Districts (OS, NB, HS, CBD, and PC)

1108.01 Each business permitted within the above listed commercial districts shall be permitted flat or wall on-premises signs. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one square foot of sign area for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed one hundred (100) square feet

1108.02 Service Stations, drive-in type uses, as well as any use within the HS District shall be permitted, in addition to the above permitted signs, on free standing on-premise sign advertising the establishment, provided such sign shall not have an area of more than fifty (50) square feet per face. Only one such sign shall be permitted per street upon which the establishment fronts. No such sign shall be located in any required front, side, or rear yard space and in any case shall be located not closer than ten (10) feet to any street right- of-way. The sign shall not be over thirty (30) feet in height.

1108.03 Within the PC District, in addition to those signs permitted under provision .01, an additional sign to identify the shopping center may be permitted. Such sign

shall not exceed fifteen (15) square feet per face and shall not be over thirty (30) feet in height.

1108.04 Changeable Copy signs permitted in these districts are limited to one single face sign flush mounted to the exterior of the building or displayed through the window. Changeable copy signs in these districts are limited to fifteen (15) square feet of display per face and shall not exceed sixteen (16) feet in height above ground level.

1109 Signs Permitted in Industrial Districts I-1 and PI Zones

1109.01 Within the I-1 and PI Districts, all signs shall be permitted as regulated within Section 1108.01 and .02. However, as an alternative to sign area based upon building frontage, such sign area may also be based upon the following: One half square foot for each lineal foot of lot frontage, whichever results in the larger sign area.

1109.02 Within the PI District, in addition to those signs permitted under provision .01, an additional sign to identify the industrial development may be permitted. Such sign shall not exceed fifteen (15) square feet per face and shall not be over thirty (30) feet in height.

1109.03 Changeable Copy signs permitted in this district are limited to one sign with 2 faces with twenty (20) square feet of display area per face. Overall height of a changeable copy shall not exceed ten (10) feet above ground level in these districts.

1110 Sign Setback Requirements

Except as modified in Sections 1111-1114; On premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

1111 Increased Setback

For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback is increased by one half (1/2) foot but the setback need not exceed one hundred (100) feet.

1112 Setbacks for Off-Premises Signs

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line. In addition, regulation of signs along interstate and primary highways shall conform to the requirements Ohio revised Code Chapter 5-16 and the regulation adopted pursuant thereto.

1113 Setbacks for Public and Quasi-Public Signs

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections. This section does not allow signs prohibited in section 1103.03.

1114 Special Yard Provisions

On premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed twelve (12) feet of a side or rear lot line. If the requirements for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

1115 Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1103, the setback requirements in Sections 1110- 1113 and, in addition, such other standards deemed necessary to accomplish the intent of the Article as stated in Section 1101.

1116 Wall Signs Pertaining to Non-conforming Uses

On premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use shall be permitted, provided the area of such sign does not exceed twelve (12) square feet.

1117 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right- of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons, responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

1118 Corporation Limit Signs

Signs established by the Village of Covington designating its boundaries and providing information which may be useful to persons traveling into the community. Corporation limit signs may include the signs of non-profit churches, civic organizations and the like, provided such signs are established in accord with regulations established by the Covington Village Council.

1119 Supplementary Regulations

1119.01 No sign shall be erected closer than fifty (50) feet to any intersection, with exception of those signs' incidental to the legal process and necessary to the public welfare or those business signs attached to a building or structure.

1119.02 All signs and billboards erected within two hundred (200) feet of any intersection must be erected so as not to obstruct traffic sight lines at street intersection or railroad grade crossings.

1119.03 Service station and restaurant signs located within 660 feet of a freeway and orientated to traffic utilizing such freeway, shall be permitted a maximum height of 50 feet as measured from the center line elevation of the freeway to which they are orientated and subject to sign area restrictions as specified under Fee Standing Sign provisions.

1120 Sign Permit Application and Fees

No sign regulated by this ordinance may be erected, painted, installed, or otherwise established in the Village of Covington without a permit, therefore, which permit shall be obtained through the office of the Zoning Officer. All sign permits with the exception of political advertising permits, shall bear a fee set forth in section 613 of the zoning code. No fee shall be charged for a political advertising permit. No permit shall be required for real estate signs of ten (10) square feet or less, or for domestic advertising signs.

1121 Enforcement Responsibility

Enforcement of this ordinance shall be the responsibility of the Zoning Officer, Village Administrator, and such other appropriate personnel as may be designated by the Village Mayor.

1122 Removal of Unlawful Signs

Any sign which violates the provisions of this ordinance is a public and private nuisance, and the building and zoning inspector shall give ten (10) days' notice by personal service or by registered or certified mail, to the owner or lessee of the land on which such sign is located, to remove such sign.

If any such sign has not been removed on or before expiration of 10 days following the receipt of the said notice by the owner or lessee of the land upon which the sign is located, the zoning officer or any of his duly authorized agents may enter upon the premises and remove, obliterate or abate the sign. The cost of such removal, obliteration or abatement shall be then certified to the Village Solicitor for collection by civil action against the owner and/or lessee of the land upon which the sign is located.

Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the zoning officer, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance; nor shall notice be required of the building and zoning inspector, creates an immediate or potential danger to persons or property because of its location.

Article XII – PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requires of Section 1201-1203, inclusive of this Ordinance.

1201 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. these specific uses as they are conditionally permitted under the provisions of Article IX, shall follow the procedures and requirements set forth in Section 1202-1203, inclusive.

1202 Procedure for Making Application

1202.01 Contents of Application for Conditional Use Permit

An application shall be submitted to the Board of Zoning Appeals and it shall contain the following data:

A. Name, address, and phone number of applicants;
B. Legal description of property
C. Description of existing use.
D. Zoning District
E. Description of proposed conditional use.
F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.
G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; and discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Zoning District Map;
H. The fee payment for Conditional Zoning Permits.

1202.02 Review by Board of Zoning Appeals

The Village Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this ordinance. Such review shall be completed and a public hearing held according to the procedures specified in Sections 1406 through 1408 within a 60 day period following the submission of such application.

1202.03 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 1202.02, the Board shall either approve, approve with supplementary conditions as specified in Section 1505, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval.

If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from the Board decisions shall be made in the manner specified in Section 1608.

1202.04 Issuance and Revocation of Conditional Use Permit

Only upon conclusions of hearing procedures relative to a particular application may the Board of Appeals issue a conditional Use Permit. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted, and shall constitute a violation of this Zoning Resolution. Such violation shall be punishable as specified in Section 612.

1202.05 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

1202.06 Reapplication

No application for a Conditional use Permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

1203 Standards and Requirements for Conditional Uses

The Board of Zoning Appeals shall establish beyond reasonable doubt that both the general standards and the specific requirements pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The Board of Zoning Appeals may also impose such additional conditions, guarantees, and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this ordinance will be observed.

1203.01 General Requirements

The Board of Zoning Appeals shall review the particular facts and circumstance of each proposed use in terms of the following standards and shall find adequate evidence that such use on the proposed location:

A. Is in fact a conditional use as established under the provisions of Article IX for the zoning district involved.

B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village comprehensive plan and/or the zoning ordinance,

C. 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 change the essential character of the area.

D. Will not be hazardous or disturbing to existing or future neighboring uses,

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately and such services.

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

I. Will not result in the destruction, damage of a natural, scenic, or feature of major importance.

1203.02 Specific Guidelines for Conditional Uses and Selected Permitted Uses

Following is a list of guidelines for conditional and permitted uses as specified in the respective district regulations contained within Article IX of this ordinance as well as any additional requirements cited within the respective Zoning District:

A. Churches
   1. Minimum lot width shall be 150 feet.
   2. Minimum lot area shall be two acres.

3. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the District, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
4. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare.

B. Drive-In, Fast Food, and Carry-Out Restaurants
1. All points of entrance or exit should be located no closer than one hundred (100) feet from the intersection of two arterial thoroughfares, or not closer than fifty (50) feet from the intersection of an arterial street and a local or collector street.
2. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
3. Each business shall be limited to two (2) driveways. The maximum width of which shall not exceed 30 feet and which shall be defined by concrete or rolled curbing. Driveways opening on traffic lanes leading to the intersection of surface streets at which the business is situated shall be located as to provide not less than 40 feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway. Driveways opening on traffic lanes leading away from the intersection shall be located so as to provide not less than 20 feet spacing between the intersection formed by the adjacent street right-of-way lines and nearest side of such driveways, measured along the right-of-way lines and nearest side of such driveways, measured along the right-of-way line. in the event the lineal frontage of the site exceeds three hundred (300) feet, three (3) driveways shall be permitted with one (1) additional drive permitted per 100 lineal feet thereafter.
4. Wherever feasible, the applicant is encouraged to design and construct a common service drive to accommodate individual access drives within the development. When located upon an arterial thoroughfare, the Board of Appeals may require such service drives be incorporated within the plan, and be constructed or performance bonds in lieu of such construction be presented to the Village of Covington prior to the issuance of a building permit for the proposed structures.
5. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
6. A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a Business or Industrial District in which case setback and screening requirements shall be at the discretion of the Board of Appeals. Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or planting of evergreen shrubs not less than four (4) feet in height at the

time of planting. Open storage, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an opaqueness of seventy-five (75) percent or more. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection. Said sight-proof screening provisions shall appear on the site plan submitted for a building permit, and shall be physically constructed when the business is occupied. These screening requirements may be waived if the business is effectively screened by natural topography. The Board of Appeals shall determine by whatever means it deems necessary to make such determination, and grant such relief from this standard in writing to the proposed user of the land.

7. Parking may be located in the front yard in the case of fast-foods or carry-out restaurant only.

C. Drive-In Theater
   1. The lot location shall be such that at least one property line abuts a major thoroughfare and shall be at least one thousand (1,000) feet from any residentially zoned District.
   2. The premises shall be enclosed with a solid screen fence seven (7) feet in height.
   3. All points of entrance or exit shall be located no closer than (250) feet to any intersection (as measured to the nearest intersection right-of-way line).
   4. The interior of the premises shall be designed with respect to lighting, drainage, and like, to the satisfaction of the Planning Commission.
   5. Space shall be provided, on premises, for a reasonable amount of waiting vehicles to stand at the entrance to the facility.
   6. The theater screen shall not face, directly, or obliquely by less than 75 degrees, a major thoroughfare.
   7. Acceleration and deceleration land shall be provided at points of public ingress and egress to the site.

D. Hotel, Motel, and Motor Court
   1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. Only one (1) exit to the major thoroughfare shall be permitted.
   2. Where the front yard is used to provide access, a 25-foot-wide greenbelt shall be provided along the front property line, except for drive openings.
   3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.

E. Bowling Alley, Indoor Skating and Similar Uses
   1. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).

2. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.

F. Mortuary
   1. Minimum lot area shall be one acre.
   2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall be in addition to required off-street parking area or its related maneuvering space.
   3. A caretaker's residence may be provided within the main building.

G. Child Care Centers, Nursery School, Day Nurseries
   1. No dormitory facilities permitted.
   2. For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
   3. The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses.

H. Convalescent Homes (Other than those Facilities regulated by Provisions under R.)
   1. Minimum lot size shall be three (3) acres.
   2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
   3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
   4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. this open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

I. Kennels for Dogs
   1. All dog kennels shall be operated in conformance with all applicable County and State regulations, permits being valid no longer than one year.
   2. For dog kennels, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
   3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

4. All such facilities shall be subject to such other requirements deemed necessary to insure against the occurrence of any possible nuisance (i.e. fencing, sound proofing, sanitary requirements).

J. Animal Hospitals
   1. Minimum main and accessory building setback shall be seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
   2. All principal use activities shall be conducted within a totally enclosed main building.

K. Vehicle Wash Establishment
   1. Minimum lot size shall be 10,000 square feet.
   2. All washing activities must be carried on within a building.
   3. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distance from any adjoining residential use.
   4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.

L. Private Clubs and Lodges
   1. The lot shall be located so as to abut a collector street, secondary thoroughfare or major thoroughfare with at least one property line.
   2. Retail sales to guests only may be permitted, but there shall be no externally visible evidence of a commercial activity, however incidental, nor any access to any space used for commercial activity from other than within the building.

M. Home Occupation
   1. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
   2. The use shall be conducted by the occupant with no employees.
   3. The use shall be carried on entirely within the dwelling and not in an accessory building.
   4. The home occupation shall not occupy more than twenty (20) percent of the floor area of the dwelling unit.
   5. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
   6. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
   7. For purposes of identification of a home occupation, there shall be no more than one (1) non-illuminated sign not to exceed two (2) square feet in area and attached flat against a building wall.
   8. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

N. Commercial Television, Radio, Public Utility and Microwave Towers

1. Said use shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line.
2. Unless specifically waived by the Board of Appeals, an open air fence between four and six feet in height shall be constructed on the boundary property lines.

O. Development of natural resources and extraction of raw materials such as rock, gravel and sand, all provided that the following minimum conditions shall be complied with:
   1. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
   2. Dimensional requirements for quarries shall be as specified below:

Required Minimum Distance from Adjacent Property that is zoned:	Residential or Office or Business	Industrial
To any building	200 Feet	100 Feet
To any crushing of rock, or processing of stone, gravel or other material	300 Feet	200 Feet
To any blasting	500 Feet	400 Feet

   3. No excavation shall approach nearer than 300 feet to any residential district; 100 feet to a major traffic street; or nearer than 60 feet to any other street.
   4. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect upon the existing water table and coordinated with the Ohio Division of Water.
   5. A permit for any quarrying may be issued for any period of from one to five years, at the discretion of the Board of Appeals, but the same shall not be issued until after the applicant shall have filled with the Village Clerk a bond with surety satisfactory to both the Village and the attorney for the Village as to form, sufficiency and execution. such bond shall be in the amount of thousand dollars per acre for each acre of land to be used for the operations set forth in the application and shall guarantee that the applicant will conform with the terms of the permit for the operations and with all other provision of this Article applying to such operations.
   6. If all operations undertaken pursuant to any permit issued hereunder have been conducted in full compliance with the terms of such permit and all provisions of this article, the time limit of such permit may be extended by the Zoning Inspector for successive further periods each equal to the period for which the permit was originally issued, but not beyond any final limit shall be subject to

the filing of a new application to the Board of Appeals and the issuance of a new permit, as in the first instance.

7. Specific Requirements. When any open excavation will have a depth of ten feet or more, a substantial fence shall be erected at least fifty feet outside the edge of the excavation, which fence shall be at least six feet in height, with suitable gates effectively controlling access to the area in which such excavation is located.
8. All means of access to the property from any street shall be so located and designed as to avoid the creating of dangerous or otherwise undesirable traffic conditions and so as to avoid the routing of vehicles to an from the property over streets that primarily serve abutting residential development.
9. Side slope of the excavation shall be no steeper than two horizontals to one vertical, and a vegetative cover of such slopes shall consist of a short perennial drought resistant grass which will permit the establishment of a good sod cover.
10. All operations shall be conducted in a safe manner, with respect to likelihood of hazard to persons, physical damage to adjacent land or improvements and damage to any street by reason of slides, sinking or collapse.
11. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust free condition by surfacing or other treatment as may be specified by the Village Engineer.
12. The quarry and all its buildings, pits and processing equipment shall be effectively screened from the view of any adjoining property in a Residential District with a fence or durable masonry wall six feet in height or natural planting of comparable opacity at least six feet in height.
13. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
14. Filing with the Village Clerk of a restrictive covenant providing that no foreign matter, such as rubbish, car bodies, refuse, etc., shall be deposited within the excavation area. Such covenant shall be approved as to the form by the attorney for the Village, binding upon the applicants, their heirs, successors or assigns.
15. There shall be filed with the Board of Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
16. The following requirements shall be met in the Restoration Plan:

a. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back filled with non-noxious, non-flammable and non-combustible solids, to secure:
    1. That the excavated areas shall not collect and permit to remain therein stagnant water or,
    2. That the surface of such areas which is not permanently submerged is graded or back filled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not back filled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
b. All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes of grasses and maintained until the soil is stabilized and approved by the Village Zoning Inspector.
c. All equipment and structures shall be removed within three (3) months of the completion of the extraction of materials.

17. There shall be filed with the Village Clerk a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by the ordinance of the Village Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

P. Sanitary Landfills
    1. All sanitary landfill sites shall be subject to approval by the County Health Department.
    2. A topographic map showing the design of the stationary landfill site at a scale of not over 200 feet to the inch and with five (5) foot contour intervals shall be submitted with application.
    3. The applicant shall submit information describing the geological characteristics of the site.
    4. The site shall be limited to areas where water pollution not occur. The Board of Appeals may impose any conditions it deems necessary to prevent water pollution.
    5. The site shall be accessible from at least two directions.
    6. The site shall be so located as to minimize the effect of winds carrying objectionable odors to urbanized or urbanizing areas.

7. The sanitary landfill site shall be designed by a qualified expert and submitted to the County Health Department for approval.
8. Suitable shelter for landfill equipment shall be provided.
9. Suitable shelter and sanitary facilities shall be provided for personnel.
10. Suitable measures shall be taken to control fires.
11. An attendant shall be on duty, during the time the sanitary landfill is open, to supervise the unloading of refuse.
12. Blowing paper shall be controlled by providing a portable fence near the working areas. the fence and area shall be policed regularly.
13. Sewage solids or liquids and other hazardous materials shall not be disposed on the site.
14. There shall be no open storage or burning of refuse or garbage.
15. No bulky items such as car refrigerators, and large tires disposed on the site.
16. Refuse shall be spread and compacted in shallow layers not exceeding a depth of two (2) feet of compacted material.
17. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each work day.
18. In all but the final layer of a landfill, a layer of suitable cover material compacted to a minimum depth of one (1) foot shall be placed daily on all surfaces of the fill except those where operations will continue on the following work day.
19. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final layer not later than one (1) week following the placement of refuse within that portion.
20. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner.
21. Suitable measures shall be taken whenever dust is a problem.
22. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rain water falling on the fill, and to prevent the collection of standing water.
23. An inspection of the entire site shall be made by a representative of the County Health Department before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following completion of the fill.
24. Domestic animals shall be excluded from the site.

Q. Automobile Service Stations, Repair Garages, Filling Stations

1. The use of the site shall be restricted to those functions related to the servicing and maintenance of automotive vehicles. The use of the site for nonautomotive service and maintenance functions such as used car sales, trailer rental and the like shall be prohibited except where specifically provided for and approved as part of the Building Permit. The Board of Appeals shall have the authority to permit such uses for existing service stations only where the use can be adequately accommodated and the public interest served.
2. Outdoor display of merchandise on the site shall be restricted to the following:

a. Small supplies at the pump island of lubricating oils, additives, antifreeze, windshield wiper blades and similar items.
b. Tire displays and vending machines if located within or immediately adjacent to the perimeter of the service station building.
c. All other merchandise shall be located completely within the enclosed service station building.

3. All hydraulic hoists, oil pits and all lubricants, greasing, automobile washing and repair equipment shall be enclosed entirely within a building.
4. Minimum lot area shall be 15,000 square feet for an automobile service station or public garage and 12,000 square feet for a filling station.
5. Minimum lot width shall be one hundred twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
6. An automobile service station shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially used property.
7. Ingress and egress drives shall not be more than 30 feet as measured at the property line.
8. No more than one (1) curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street, with a maximum of two per frontage.
9. Driveways opening on traffic lanes leading to the intersection at which the business is situated shall be located as to provide not less than 40 feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway. Driveways opening on traffic lanes leading away from the intersection shall be located so as to provide not less than 20 feet spacing between the intersection formed by adjacent street right-of-way lines and the nearest side of such driveways, measured along the right-of-way line.
10. Exterior lighting shall be directed inward and away from abutting properties.

11. External areas for storage of rubbish and other discarded materials shall be completely screened by the use of a properly maintained rigid fence.
12. All parking and loading areas abutting residentially zoned land shall be completely screened with sight-proof screening with eight of the following:
    a. A solid masonry wall or solid fence not less than four feet nor more than six feet in height.
    b. Densely planted evergreen hedge or evergreen shrubs not less than four feet in height at the time of planting to be located on a strip of land, not less than twenty feet in width. Such grass strips and shrubs shall be maintained in good condition.

    This standard is not mandatory when the business is separated from the residential property by a public street. Said sight-proofing screening provisions shall appear on the site plan submitted for a building permit, and shall be physically constructed when the business is occupied. These screening requirements may be waived if the business is effectively screened by natural topography. The Board of Appeals shall determine by whatever means it deems necessary to make such determination, and grant such relief from this standard in writing to the proposed user of the land.

13. A raised curb six inches high and six inches wide shall be constructed along all street frontages, except within driveway openings, and shall form an island having a minimum width of two feet. Such areas shall be landscaped by use of either of two (2) foot berm or landscape material two feet in height at installation with proper setback for safety. All such landscaped areas shall be adequately protected by a raised curb of not more than six (6) inches in height, or a bumper guard.

R. Community Based Residential Social Service Facilities
    1. Submission Requirements
    The operator or agency applying for a conditional use permit to operate a Community Based residential Social Service Facility shall submit the following information to aid the Board of Appeals in their review of the requested facility:
        a. Information sufficient to establish the need for the facility in the proposed location, in relationship to the specific clientele served.
        b. Identification of similar facilities presently existing with the County and its municipalities.
        c. A license or evidence of ability to obtain a license, if such is required, from the pertinent governmental unit prior to operation.

Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed special use on the subject property. If licensing is not available, a verified affidavit so stating shall be presented.

d. A copy of the sponsoring agency's operational and occupancy standards.
e. A detailed plan for services and programs.

2. Facility Requirements
   a. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square foot of habitable room area for one occupant, and when occupied by more than one shall contain at least sixty (60) square foot of habitable room area for each occupant.
   b. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
   c. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures prepared shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
   d. Off-street parking requirements: 1 space per every 3-person residing in a family or community based residential social service facility except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on a one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on-street parking is accepted practice, on-street space directly abutting the subject lot may substitute for a proportion of the required off-street spaces if approved by the Board of Appeals.
   e. Resident density shall not exceed that density permitted within the respective zoning district in which the facility is proposed.
3. Findings by the Board of Appeals
   In its review of each proposed facility, the Board of Appeals shall make specific findings of fact relative to the following criteria. The proposed facility:
   a. Is in fact a community based residential social service facility licensed by the appropriate authority to provide such service within the State of Ohio (and the Village of Covington, Miami County). If such licensing is not available, a verified affidavit so stating has been presented to document this statement.
   b. Is in fact a needed facility in the location proposed, based upon the evidence acceptable to the Board of Appeals.

c. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing of officially planned uses in the general vicinity and that such use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
d. Will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighboring environment.
e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
f. Will not involve uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Article XIII – Nonconforming Buildings, Structures, and Uses

1301 Purpose

This ordinance established separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. Within such established districts as well as those which may be established by future amendments, there are and will be lots, uses and land, structure and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Since such no-conformities are deemed incompatible with the districts in which they are located, it is the intent of this article to specify those circumstances and conditions under which such non-conformities shall be permitted to continue, but not to encourage their survival. Rather it is the intent of this ordinance to encourage either for the conversion of non-conforming uses as soon as reasonably possible or for their eventual and equitable elimination.

1302 Restrictions on Non-conforming Building, Structure and Uses

1302.01 General

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, as well as any which shall become non-conforming upon any subsequent amendments thereto, may be continued but shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. No additional signs intended to be seen from off the premises shall be utilized in conjunction with non-conforming uses of land or structures shall be permitted upon passage of this ordinance.

1302.02 Single Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitation imposed by other provisions of this ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to are or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 9 and 10 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 1504 through 1509.

1302.03 Non-Conforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot widths and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

1302.04 Non-Conforming Uses of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance the uses may be continued so long as they remain otherwise lawful, provided:

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
C. If any such non-conforming uses of land are discontinued or abandoned for more than six (6) months (except when government action impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
D. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

1302.05 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of the ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1302.06 Non-Conforming uses of Structures or of Structure and Land in Combination

If a lawful use involved individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
C. If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon appeal to the Board of Appeals, be changed to another non-conforming use provided that the Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions f this ordinance.
D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
E. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
F. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

1302.07 Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

1302.08 Displacement

No non-conforming use shall displace a conforming use.

1302.09 Change in Use

A non-conforming use may be changed to another non-conforming use provided that the Board of Appeals determines that the proposed non-conforming use is less in conflict with the character and intent of the zoning district that the existing non-conforming use.

1302.10 Non-Conforming Conditional Uses

Uses existing prior to the enactment of this ordinance which are listed as conditional uses in the district in which they are located will be considered as non-conforming uses until a conditional zoning certificate has been applied for and issued for said use.

1302.11 Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on a repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it become non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

1302.12 Restoration

Whenever a building, the use of which does not conform to the provisions of this ordinance is damaged by fire, explosion, or act of God to extent of sixty (60) percent or more of its assessed value, it shall not be restored except in conformity with the district regulations of the district in which it is located.

1302.13 Discontinuance and Abandonment

Whenever a non-conforming use has been discontinued for a period of six (6) months or more, such discontinuance shall be considered legal abandonment of the non-conforming use. At the end of that six-month period, the non-conforming use shall not be re-established, and any further use shall be in conformity with the provisions of this ordinance.

1302.14 Elimination of Non-Conforming Signs

Any sign which is non-conforming as to type, location, zoning district, size, setback, or for any other reason (except those signs that are adjunct to the use of any valid non-conforming building or structure, in which case they shall be regulated by the provisions applicable to such structure (shall be altered, moved, converted, or removed) within five (5) years of the date of adoption of this ordinance.

1303 Avoidance of Undue Hardships

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently within a period of 90 days.

Article XIV – Amendment

1401 General

Whenever the public necessity, convenience, general welfare of good zoning practices require, Village Council may be ordinance after receipt or recommendation thereon from the Zoning Board, and subject to procedures provided by law amend, supplement, change or repeal the regulations restrictions, and boundaries or classifications or property.

1402 Initiation of Zoning Amendments

Amendments of this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Board;
2. By adoption of a resolution by Village Council;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

1403 Contents of Application

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 301 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposes use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property line, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
7. A list of all property owners and their mailing addresses who are within, or within two-hundred (200) feet from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. Response to all pertinent questions contained within the application form (see Appendix for example);
9. A fee as established by Village Council according to Section 613.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance, other than the Official Zoning Map shall include, in addition to the proposed amending ordinance, approved as to form by the Village Legal Advisor, items (1), (2), (8) and (9) listed above.

1404 Transmittal to Zoning Board

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee or property, said resolution of application shall be transmitted to the Zoning Board.

1405 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Board shall give notice, by registered or certified mail to the Director of Transportation. The Board may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

1406 Recommendation by Zoning Board

Within thirty-five (35) days from the receipt of the proposed amendment, the Zoning Board shall transmit its recommendation to the Village Council. The Zoning Board may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment request, or it may recommend that the amendment be denied.

1407 Public Hearing by Village Council

Upon receipt of the recommendation from the Zoning Board, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Zoning Board.

1408 Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 1407 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set for the time and place of the public hearing a summary of the proposed amendment.

1409 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten 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 amil, return receipt requested, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not

invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1408.

1410 Action by Village Council

Within thirty (30) days after the public hearing required by Section 1407, the Village Council shall either adopt or deny the recommendation of the Zoning Board or adopt some modification thereof. In the vent that Village Council denies or modifies the recommendation of the Zoning Board, it must do so by not less than three-fourth (3/4) of the full membership of the Village Council.

1411 Effective Date and Referendum

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village qual to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

1412 Annexation

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous county or township zoning district until such time as the Official Zoning Map is amended according to the provisions of the Article.

Article XV – PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

1501 General

Appeals and variances shall conform to the procedures and requirements of Sections 1502-1509, inclusive of this ordinance. As specified in Section 1607, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1502 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

1503 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court or record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

1504 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

1504.01 Application and Standards for Variances

The Zoning Board of Appeals shall not vary the regulations of this ordinance, as authorized in Section 1504 unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

A. Name, address, and phone number of applicants;
B. Legal description of property;

C. Description of nature or variance requested;
D. Narrative statements which demonstrate to the satisfaction of the Board of Zoning Appeals that the variance conforms to the following standards:
    1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
    2. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
    3. The purpose of the variance is not based exclusively upon a desire to increase financial gain;
    4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property;
    5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property or improvements in the neighborhood in which the property is located;
    6. The proposed variance will not impair on adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
    7. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this ordinance.

1504.02 Authorized Variances

Variances from the regulations of this ordinance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which supports conclusions that the standards and conditions imposed in Section 1504.01, above have been met by the applicant. Variances may be granted as guided by the following:

A. To permit any yard or setback less than a yard or setback required by the applicable regulations.
B. To permit the use of a lot of lots for a use otherwise prohibited solely because of the insufficient area or width or the lot or lots, but generally the respective areas and width of the lot or lots should not be less than 80 percent of the required area and width;

C. To permit the same off-street parking facility to quality as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
D. To reduce the applicable off-street parking or loading facilities required by generally not more than one parking space or loading space, or 25 percent of the required facilities, whichever is greater;
E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
F. To increase the maximum distance that required parking spaces are permitted to be located from the use served but generally not more than 40 percent;
G. To increase the maximum allowable size or area of signs on a lot but generally by no more and 25 percent;
H. To increase the maximum gross floor area of any use so limited by the applicable regulations but generally not more than 25 percent;
I. To modify the supplemental yard and height regulations found in Section 911.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the building permit or zoning approval is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

1505 Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 612 of this ordinance.

1506 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

1507 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 1506, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1508 Notice to Parties in Interest

Before holding the public hearing required in Section 1506, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1507.

1509 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 1506, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1505, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 1608.

Article XVI – ADMINISTRATION

1601 Office of Zoning Inspector Created

A Zoning Inspector designated by the Mayor shall administer and enforce this ordinance. He may be provided with the assistance of such other person as the Mayor may direct.

1602 Duties of the Zoning Inspector

Upon finding that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

Order discontinuance of illegal uses of land, buildings, or structures;

Order removal of illegal buildings or structures or illegal additions or structural altercations;

Order discontinuance of any illegal work being done;

Take any action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

The Zoning Inspector may issue a permit on any lands that are within the corporation limits of the Village of Covington, Ohio prior to June 1, 1991 and the property owner to be in compliance with this ordinance if the Zoning Inspector finds that the permit being applied for conforms with Section 913.02, Visibility of Intersections, and is like other existing structures as far as type of structure and setback.

If the Zoning Inspector finds that the permit being applied for conforms with Section 913.02, Visibility at Intersections, and is not like any other existing structure in type or setback in a 150 foot radius from the parcel, the Zoning Inspector may recommend a variance be granted by the Appeals Board so the property owner should be in compliance with this ordinance if notarized and witnessed letters of agreement from all property owners within a 150 foot radius from the parcel are received with the permit application; In addition, if the Zoning Inspector deems the application being applied for adversely effects the safety and welfare of the citizens of Covington, Ohio, the Zoning Inspector will also be required to obtain a letter of authority from the Police Chief, Fire Chief, and Street Department Superintendent of the Village of Covington, Ohio before a permit may be issued. This clarification will assist the Zoning Inspector in carrying out any section in the Zoning Ordinances where it may appear to be unclear, yet Section 1602 is not meant to and shall not affect the Zoning Appeal process as set forth in the Zoning Ordinance.

1603 Proceedings of Zoning Board

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. The

Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Board.

1604 Responsibilities of Zoning Board

Review conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article XII and such additional safeguards as will uphold the intent of this ordinance.

For the purpose of this ordinance, the Board shall have the following duties:

- Initiate proposed amendments to this ordinance;
- Review all proposed amendments to this ordinance and make recommendations to the Village Council, as specified in Article XIV;
- Review all planned unit developments and make recommendations to the Village Council as provided in Section 910.

1605 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Village.

1606 Proceeding of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records if its examinations and other fiscal actions, all of which shall be a public record and be immediately filed in the office of the Board.

1607 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring votes of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to effect any

variation in the application of this ordinance. For the purpose of this ordinance, the Board has the following specific responsibilities.

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
B. To authorize such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

1608 Responsibilities of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the Village Council, in connection with this ordinance, shall not include hearing and deciding questions or interpretation and enforcement that may arise.

The procedure for deciding such questions shall be as stated in the section and this ordinance. Under this ordinance, the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 613 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within the ten (10) days of the Board's written decision.

APPENDIX