



WHITEHOUSE ZONING CODE

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CODIFIED ORDINANCES OF WHITEHOUSE PART TWELVE - ZONING CODE

	<u>Page</u>
TITLE ONE - Administration	1
Chapter 1240 General Provisions	1
Chapter 1241 Enforcement / Chief Zoning Official	5
Chapter 1242 Board of Zoning Appeals	21
Chapter 1246 Special Uses	31
Chapter 1247 Planned Unit Development Review	33
Chapter 1248 Amendments	39
TITLE THREE - Zoning Districts and Use Regulations	43
Chapter 1250 Establishment of Districts	45
Chapter 1251 Waterville Street (SR 64) Overlay District	51
Chapter 1252 Traditional Neighborhood District	63
Chapter 1253 Planned Unit Development	79
Chapter 1255 Permitted and Conditional Land Use	85
Chapter 1256 Development Standards	93
Chapter 1257 Supplemental District Uses and Structures	97
Chapter 1258 Off-Street Parking and Loading	137
Chapter 1259 Signs	149
Chapter 1260 Nonconforming Lots, Structures and Uses	159
TITLE FIVE - Definitions	165
Chapter 1270	165

EDITOR'S NOTE: The Zoning Ordinance codified as this Part Twelve was originally adopted by Ordinance 12-98, passed April 7, 1998.

TITLE ONE - ADMINISTRATION

Chapter 1240	General Provisions
Chapter 1241	Enforcement / Chief Zoning Official
Chapter 1242	Board of Zoning Appeals
Chapter 1246	Special Uses
Chapter 1247	PUD Development Plan Review Procedure
Chapter 1248	Amendments

CHAPTER 1240 GENERAL PROVISIONS

1240.01	Short Title
1240.02	Intent and Purpose
1240.03	Incorporation of Zoning Map
1240.04	Interpretation; Conflict of Interest
1240.05	Separability
1240.06	Conflicting Sections Repealed
1240.07	Effect of Zoning Code

1240.01 Short Title

This Zoning Code shall be known and may be cited and referred to as the "Zoning Ordinance of Whitehouse, as amended in 1998" or just the "Zoning Code."

1240.02 Intent and Purpose

- A. To amend Title IV of the Whitehouse Planning and Zoning Code, as amended, and by an Ordinance dividing the municipal corporation into districts in accordance with a comprehensive plan for the purpose of limiting and regulating the height, bulk and location of buildings, building setback lines, area and dimensions of yards and other open spaces, and the use of buildings and other structures and of premises in such zones or districts, and to require off-street parking facilities in most of the districts.
- B. All of the above shall be done in the interest of the public health, safety, convenience or general welfare.

1240.03 Incorporation of Zoning Map

This Zoning Code shall consist of the text hereof, together with a certain map identified by the approving signatures of the Mayor and the Clerk of Council and marked and designated as the "Map of the Zoning Ordinance of Whitehouse, Lucas County, Ohio," which Map is now on file in the office of the Administrator. Such Map has been examined in detail by Council and is hereby adopted as a part of this Zoning Code. This

Zoning Code shall be read and interpreted considering the contents of such Map. If any conflict between the Map and the text of this Zoning Code is deemed to arise, the text of this Zoning Code shall prevail.

1240.04 **Interpretation; Conflict of Laws**

- A. In the interpretation and application of the provisions of this Ordinance, the same shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare and shall be liberally construed in favor of the municipality and shall not be construed to be a limitation or repeal of any other power granted by the Ohio Statutes, as may be amended from time to time, or now possessed by Whitehouse.
- B. It is not intended by this Zoning Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties. However, where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by any easement, covenant, Home Owner's Association/Declaration of Restrictions, agreement, other Ordinance, rule, regulation or permit, this Zoning Code shall govern.

1240.05 **Separability**

In the event that any section, clause or provision of this Zoning Code shall be declared by a Court to be invalid, the same shall not affect the validity of this Zoning Code as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

1240.06 **Conflicting Sections Repealed**

All sections of the existing Zoning Ordinance or portions thereof which are not contained in this amended Zoning Ordinance or are in conflict herewith are hereby repealed.

1240.07 **Effect of Zoning Code**

- A. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established in this Zoning Code for the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.
- D. The minimum yards, parking spaces and other open spaces, including lot area per family, required by this Zoning Code for any building hereafter erected shall not be

encroached upon or considered as parking, yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of this Zoning Code.

- E. Every single family residential building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one main single family residential building on one lot unless otherwise provided in this Zoning Code.
- F. No nonconforming structure or use that was erected, converted or structurally altered, or premises used in violation of the Zoning Ordinance passed May 22, 1961, or amended thereafter; shall be validated by the adoption of this Zoning Code and such violation or a violation of any of the provisions of this Zoning Code may be ordered removed or corrected by the proper officials at any time.
- G. No building shall be erected, converted, enlarged, reconstructed or structurally altered for a dwelling use except in conformity with the floor area regulations of the district in which it is located.

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CHAPTER 1241 ENFORCEMENT / CHIEF ZONING OFFICIAL

- 1241.01 General
 - 1241.02 Office of Zoning Inspector
 - 1241.03 Permits Required
 - 1241.04 Application and Issuance of Zoning Permits
 - 1241.05 Plot Plan Requirements
 - 1241.06 Site Plan Requirements
 - 1241.07 Violations
 - 1241.08 Appeal
 - 1241.09 Remedies
 - 1241.99 Penalty
-

1241.01 **General**

- A. The Administrator shall maintain record of all resolutions of council concerning zoning, zoning ordinances and appeals to Whitehouse Council.
- B. It shall be the duty of the Zoning Inspector to enforce the zoning code, issue zoning permits and to maintain the zoning permit record and maps.
- C. The Board of Zoning Appeals shall conduct hearings and decide on matters of zoning appeal, granting of zoning variances and exceptions to provisions of the zoning code.
- D. The Planning Commission shall be responsible for review and recommendation of zoning amendments and Site Plans (as required or requested).
- E. Whitehouse Council shall act on requests of zoning amendments and serve as the final appeal for action on matters of zoning.

1241.02 **Office of Zoning Inspector / Chief Zoning Official**

- A. Appointment
 - 1. The office of Zoning Inspector / Chief Zoning Official is hereby created for the purpose of enforcement of the zoning code.
 - 2. The Zoning Inspector / Chief Zoning Official shall be appointed by the Mayor subject to confirmation of Council. The Zoning Inspector / Chief Zoning Official shall report to the Administrator.

- B. Duties. The Zoning Inspector shall enforce this Zoning Code and be responsible for zoning administration. This shall include:
1. *Zoning Enforcement.* The Zoning Inspector will have the primary duty of enforcing violations of the zoning code. Officers and employees of Whitehouse, shall assist the Zoning Inspector by reporting to him or her new construction, reconstruction or land uses and apparent violations of this Zoning Code.
 2. *Administration of Zoning Permits.* Administration of the Zoning Ordinance shall include the review and issuance of zoning permits, enforcement of the zoning code, amendments to the zoning code, zoning appeals and the maintenance of zoning records for zoning permits, zoning violations and nonconformities, ordinances and maps.
- C. Enforcement Official
1. *Chief Enforcement Official and Assigned Enforcement Officials.* The Village Administrator shall serve as the Chief Enforcement Official and may assign the duties of administering and enforcing this Maintenance Code to other related technical officials, inspectors, and other employees (hereinafter, the Chief and any assigned Enforcement Officials shall be denoted as the Enforcement Official).
 - a) The Enforcement Official shall issue all necessary notices or orders to ensure compliance with the Code.
 - b) The Enforcement Official may call upon any department for whatever assistance may be necessary to abate a violation of this Exterior Property Maintenance Code.
 2. *Relief from Personal Responsibility.* Any officer or employee of Whitehouse, acting in good faith and without malice, is hereby relieved from all personal liability or costs in any action, suit, or proceeding instituted for damage accruing to persons or property as a result of any act performed by that officer or employee in the lawful discharge of official duties under the provisions of this Maintenance Code, and shall be defended by the legal representative of Whitehouse until the final termination of the proceedings. However, the municipality will not be liable for the actions of any independent contractor, hired to affect this Maintenance Code, for acts outside the scope of official duties.
 3. *Rulemaking Authority.* The Enforcement Official shall have power as necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and procedures to implement the provisions of this Maintenance Code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire protection requirements specifically provided in this Maintenance Code, or of violating accepted engineering methods involving public safety.

4. *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this Maintenance Code, the Enforcement Official shall have the authority to grant modifications for individual cases, provided the Enforcement Official shall first find that special individual reason makes the strict letter of this Maintenance Code impractical and the modification is in compliance with the intent and purpose of this Maintenance Code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the official records for the property.
5. *Official Records.* All inspections, notices, and orders shall be in writing and be certified by the Enforcement Official. An official record shall be kept of all inspections and related activities of the Enforcement Official as long as the building or structure to which such records relate remains in existence. All such records shall be open to public inspection during business hours and according to reasonable rules to maintain the integrity and security of such records.

D. Inspections

The Enforcement Official is authorized, subject to constitutional restrictions on unreasonable searches and seizures, to make inspections of all residential, commercial, industrial, and all other building exteriors and premises for purposes of enforcing the provisions of this Maintenance Code.

1. The Enforcement Official, in enforcing provisions of this Maintenance Code, is authorized and directed to make inspections either in response to a complaint alleging the existence of a public nuisance or when the Enforcement Official has reasonable grounds to believe a public nuisance exists. The identification of a person who makes a complaint pursuant to this Maintenance Code shall be kept confidential and shall not be subject to disclosure under ORC 149.43.
2. Whenever inspections are necessary by any other Whitehouse department, the Enforcement Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.
3. The Enforcement Official or any official or employee connected with the enforcement of this Maintenance Code shall not be engaged in, or be directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof; nor shall such official or employee engage in any work that conflicts with official duties or with the interests of any Whitehouse Department.
4. For the purpose of making such inspections, pursuant to the Charter and applicable ordinances, the Enforcement Official may enter any building, premises or real estate, including vacant land, or any appurtenance thereto in Whitehouse to perform any duty imposed upon him or her by this Maintenance

Code or may apply to a judge of a court of record, pursuant to ORC 2933.21(F), for a search warrant to conduct an inspection. Every occupant of a building, premises or real estate or any appurtenance thereto shall give the Enforcement Official access to any part of the building, premises or real estate or any appurtenance thereto at all reasonable times for the purposes of making an inspection as necessary to comply with this Maintenance Code.

5. *Expert Opinion.* The Enforcement Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

E. Notice of Violation

1. Whenever the Enforcement Official determines that there is a violation of the provisions of this Maintenance Code, notice of such violation and order for compliance shall be given to the person or persons responsible therefore, as hereinafter provided. No owner shall fail to comply with any notice of violation, and no owner or other person shall obstruct or interfere with service or the enforcement of the notice. The Enforcement Officer may issue additional warnings to property owners nearing violation of applicable requirements contained in the Exterior Property Maintenance Code.
2. *Content.* Such notice of violation and order shall:
 - a) Be in writing.
 - b) Include a description of the real estate sufficient for identification.
 - c) Include a statement of the reason or reasons why the notice is being issued, including identification of the relevant sections of the Maintenance Code or ORC.
 - d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Maintenance Code;
 - e) Advise that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the Enforcement Officer may:
 - 1) Initiate a civil and/or criminal action against the owner, or
 - 2) Cause the conditions indicated in the notice of violation to be corrected by Village personnel or private contractor and charge the costs of such correction as a lien upon the real estate.
 - f) State the right of the violator to file an appeal of the notice and to have a hearing with the Board of Zoning Appeals within fifteen (15) days of receipt of the notice.

3. *Service of Notice of Violation*

- a) A notice of violation shall be deemed to be properly served if one (1) or more of the following methods are used:
- 1) By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or
 - 2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - 3) By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Village. The published legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation; or
 - 4) Publication in a newspaper of general circulation in Lucas County a minimum of once per week for three (3) consecutive weeks where a copy of the newspaper, with the notice clearly marked, shall be mailed to the owner at the last known address and the notice shall be deemed received as of the date of the last publication.
- b) When the notice of violation has been served, it shall be effective as to anyone having any interest in the real estate whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions causing the real estate exist and the Enforcement Officer maintains a record of the notice of violation in a public file.
- c) Written or oral acknowledgement by the owner of receipt of a notice of violation shall be evidence that the owner received the notice. An appeal of the notice by the owner pursuant to [Section 1002.08](#) (Appeals) shall constitute evidence of written acknowledgement by the owner of service of the notice of violation.
4. *Emergencies.* Whenever the Enforcement Official finds that an emergency exists which requires immediate action to protect the public health and safety, a written order shall be provided to the owner reciting the existence of such an emergency and specifying such action as necessary be taken to meet the emergency, or such action deemed necessary by the Enforcement Official using

Village or private contractor resources to abate the conditions causing the emergency.

- a) The Enforcement Official may declare the property as a public nuisance or declare the structure a hazardous public nuisance pursuant to [Section 1003.02](#) (Hazardous Structures).
- b) The Enforcement Official shall make every reasonable effort to personally serve the owner with the order; however, it shall be adequate to affix upon the door or entrance to the building, premises, or real estate, to include vacant land, or appurtenances thereto, where the emergency is alleged to exist, a placard on which shall be printed the written order issued by the Enforcement Official.
- c) Notwithstanding other provisions of this Maintenance Code, such order shall be effective immediately and shall be complied with immediately.
- d) If in the opinion of the Enforcement Official action is deemed necessary using Village or private contractor resources to abate the conditions causing the emergency, the Enforcement Official shall cause a request for a temporary restraining order to be filed seeking judicial approval for the Village to abate the public nuisance.
 - 1) The cost of any repairs shall not exceed fifty (50%) percent of the fair market value of a structure to be repaired. Determination of such shall be made by a certified appraiser to be contracted for that purpose by the Village.
 - 2) When repairs are made or other corrective action is taken at the direction of the Enforcement Official, the cost of such repairs and corrective action shall be paid by the Village and shall constitute a debt in favor of the Village against the owner of the repaired structure.
 - 3) In the event said owner fails, neglects, or refused to pay the Village the amount of this debt within sixty (60) days from receipt of the bill for repairs, the Village Administrator may recover the costs against the owner in a civil action or certify the cost and expense of repairs to the county auditor and the same shall become a lien upon the real estate.
- e) The owner has the right to immediately appeal the emergency order to the Board of Zoning Appeals, but such appeal does not waive the owner's requirement to immediately comply with the order.
 - 1) If the owner appeals the emergency order, the burden is on the Enforcement Official to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the owner. The owner has the burden to prove there was not an emergency.

- 2) If the Court has issued a temporary restraining order approving demolition or modification, an owner's appeal will not stay the Court's order.

1241.03 Permits Required

- A. Zoning Permit. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning permit has been issued by the Zoning Inspector.
 1. A zoning permit shall be required for any of the following, except as herein provided:
 - a) Construction or structural alteration of any building, including accessory buildings.
 - b) Change in use of an existing building or accessory building to a use of a different classification.
 - c) Occupancy and use of vacant land.
 - d) Change in the use of land to a use of a different classification.
 - e) Any change in the use of a nonconforming use.
 - f) A zoning permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of the Ordinance or any amendments.
 2. *Legal Nonconforming Uses*. Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning permit for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Zoning Code. No charge shall be made for issuing a zoning permit in accordance with this paragraph.
- B. Building Permit. Upon approval and issuance of a Zoning Permit and before proceeding with the erection, relocation or alteration of any building or part thereof, a Building Permit for such erection, relocation or alteration shall be first obtained by the owner or the owner's agent from the Building Inspector or authorized deputy. The permit shall be in such form as may be prescribed by Council and no person or entity shall proceed with the erection, relocation or alteration of any building unless such permit has first been obtained.¹
- C. Schedule of Fees, Charges and Expenses. The Council shall by separate Ordinance establish a schedule of fees, charges, and expenses and a collection procedure for

¹ Amended Ord. 27-2006; Effective August 1, 2006

appeals, permits for exceptions or variances, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Council. Fees shall be paid to the Administrator in accordance with the Rate & Fee Schedule. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1241.04 **Application and Issuance of Zoning Permits²**

- A. Application. Application shall be made for a zoning permit to the Zoning Inspector, for the construction of a new building, the alteration of an existing building, use of vacant land, change in the use of land or building, or for a change in a nonconforming use as herein provided.
1. The application form and/or petition shall be provided by the Zoning Inspector.
 2. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- B. Plans and Specifications. The applicant for a permit shall submit with his or her application, plans and specifications of the building which the applicant intends to erect, relocate or alter. Each application shall include a Plot Plan as described in [Section 1241.05](#) (Plot Plan) or a Site Plan as described in [Section 1241.06](#) (Site Plan Requirements).
1. *Plot Plan Review*. If a Site Plan is not required according to [Section 1241.06.A](#). (When Site Plan Required), a Plot Plan shall be submitted and subject to review and approval by the Zoning Inspector. The Plot Plan shall be sufficient to enable the Zoning Inspector to obtain full and complete information as to the extent and character of the work to be done. The Zoning Inspector may seek further review and recommendation from the Planning Commission.
 2. *Site Plan Review*. The Zoning Inspector shall not issue a zoning permit for any application requiring Site Plan review specifically required under [Section 1241.06](#) (Site Plan Requirements) and [Section 1246.03](#) (Site Design and Development for Special Uses) prior to review and recommendation by the Planning Commission and subsequent approval by Council when required by [Section 1246.01.C](#). (General Provision) for Special Use Review.
 3. *Optional Concurrent PUD Development Plan Review*. A Site Plan may be concurrently reviewed with a PUD Final Development Plan as described in [Section 1247.03](#) (Submission of Development Plan) or a Subdivision Final Plat pursuant to Chapter 1123 of the Subdivision Regulations.

² Amended Ord. 27-2006; Effective August 1, 2006

4. *Survey.* A registered survey and/or a stake out survey for all buildings and structures shall be supplied by the applicant if deemed necessary by the Zoning Inspector.
- C. Issuance of Zoning Permit. If the proposed use or construction is in conformity with the provisions of this Code and other applicable municipal Ordinances, the Zoning Inspector shall issue the Zoning Permit. Upon approval by the Zoning Inspector, no erection, removal or alteration of any building shall be made other than in conformity with submitted plans.
- D. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

1241.05 **Plot Plan Requirements**

- A. A Plot Plan shall contain a complete and accurate legal description of the subject property and a general location sketch showing nearby section lines and/or roadways. The legal description shall be given by metes and bounds or by lot number and subdivision name with recorded references to same. Additionally, the Plot Plan shall show:
 1. The scale of the drawing (Engineer's scale) and a north arrow pointing to the top of the drawing and placed on the right hand side of the drawing.
 2. A general location sketch showing nearby section lines and/or residential and major roadways.
 3. The name of the concerned lot plan, if any, and the lot numbers and the street address (if assigned) of the concerned and abutting properties.
 4. A complete and accurate legal description of the subject property. The legal description shall be given by metes and bounds or by lot number and subdivision name.
 5. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 6. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 7. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 8. *Screening and Landscaping Plans.* Indicate the locations, size (height), and material of all existing and proposed wooded areas, landscaping and screening by means of walls, fences or plantings proposed to effectively buffer lighting, parking areas, and loading areas or docks on the subject property. Where a proposed subject residential property will adjoin one or more main traffic arteries

or will be located adjacent to an existing agricultural, commercial, or industrial use or district, the Plot Plan shall indicate how the view or other elements of the existing, adjacent property shall be suitably screened or buffered. The plan shall also indicate how the external areas of structures will be landscaped and maintained.

9. Base 100-Year Flood Elevation (BFE) and the lowest floor elevation of the structure.
 10. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.
- B. Each plan shall bear statements declaring:
1. That no part of the land involved in the application has previously been used to provide required yard space or lot area for another structure.
 2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.

1241.06 **Site Plan Requirements**

Site plans shall accompany the application for a Zoning Permit and shall be subject to review and approval by the Planning Commission.³

- A. When Site Plan Required. Site plan review and landscaping shall be required under the following conditions:
1. For all multi-family and non-residential uses which are original uses.
 2. A change in use.
 3. When a building or structure is erected, changed, or enlarged by fifty (50) percent or more or five thousand (5,000) square feet or greater in floor area.
 4. When ten (10) or more parking spaces are added or a parking lot is expanded by four thousand (4,000) square feet or greater.
 5. For all Special Uses pursuant to [Section 1246.03](#) (Site Design and Development for Special Uses).⁴
- B. Submission Requirements. The following standards shall apply and shall be consistent with all provisions in the Zoning Code.

³ Amended Ord. 27-2006; Effective August 1, 2006

⁴ Amended Ord. 27-2006; Effective August 1, 2006

1. *General Requirements.* The Site Plan shall meet the following format requirements:
 - a) Three (3) copies of the plan drawn on blueline or blackline prints on paper no larger than 24" X 36".⁵
 - b) A good quality black and white reproducible, PMT, PDF digital copy, or velox reduction of the original print shall be submitted at a size ranging from 8 ½" by 11" to 11" by 17".
 - c) A formal letter of submittal shall accompany the Site Plan. The letter should give reference to a case file number if one has been assigned for the property and shall provide the name, address and phone number of any parties who should be informed of the progress of the request. Parties to be notified should include the land owner, developer, attorney, architect, engineer, landscape architect or other appropriate consultant.
 - d) All Site Plans shall have a title and indicate the type of request being made, i.e. a request for a zone change, special use permit, etc.
 - e) The Site Plan shall indicate the scale of the drawing and shall use an engineer's scale. The Site Plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing.
 - f) A general location sketch showing nearby section lines and/or residential and major roadways shall be provided. The location map and Site Plan orientation shall be identical.
 - g) The Site Plan shall be accompanied by a complete legal description of the subject property.
2. *Specific Requirements*
 - a) The Site Plan shall show the zoning classification(s) and existing uses of the subject property and all abutting property.
 - b) The Site Plan shall indicate by name all adjacent roadways. The Site Plan shall show both right-of-way and pavement widths measured from the centerline of the roadway.
 - c) The Site Plan shall indicate the dimensions of the property.
 - d) The Site Plan shall show the dimensions of existing and proposed buildings to be removed or constructed or other alterations to occur on the property. The Site Plan shall indicate the distance of existing and proposed structure(s) to the right-of-way line and the distances of the structure(s) to

⁵ Amended Ord. 27-2006; Effective August 1, 2006

the side and rear property lines. It shall also show the approximate location of buildings and driveway locations opposite to and adjacent to the subject property.

- e) The site plan shall indicate a Landscaping and Screening Plan in accordance with [Section 1257.09](#) (Landscaping and Screening Regulations), the Whitehouse Street Tree Ordinance, and other landscaping provisions of this Ordinance.⁶
- f) The Site Plan shall indicate the locations, size (height), and material of all existing and proposed fencing and/or walls on the subject property.
- g) The Site Plan shall show the location, height and dimensions of existing or proposed signs on the property.
- h) The Site Plan shall indicate the width(s) and location(s) of existing or proposed sidewalks if any and drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat.
- i) Site plans shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, the two-foot (2') contours, the Base 100-Year Flood Elevation (BFE) and the lowest floor elevation of the structure shall be shown on the Site Plan.
- j) The Site Plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention/retention. Refer to the Detention Basin Maintenance brochure provided by the municipality.
- k) The Site Plan shall show existing and proposed sanitary and storm sewers, water mains and the location(s) of fire hydrants if present. In the event these improvements are not available, the Site Plan shall indicate the location of proposed or existing wells and/or on-lot sewage systems both on-site and on abutting parcels.
- l) The Site Plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, shall be indicated and if the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.

⁶ Amended Ord. 27-2006; Effective August 1, 2006

- m) A Site Plan with a proposed drive-thru window operation shall indicate where the vehicles will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and/or drive-up window.

C. Review by Planning Commission

1. Site plans shall be filed with the Zoning Inspector. The Zoning Inspector shall transmit the completed Site Plan including all Specific Requirements of this Section to the Planning Commission for review and recommendation.
2. The date the Planning Commission accepts the Site Plan shall constitute the official filing date.
3. No permit shall be issued for any use or change in use prior to the review and recommendation of the Site Plan by the Planning Commission. Conditions or modifications may be attached to these plans.
4. The review time for Site Plans, generally shall be in keeping with the time requirements established for zoning changes.
5. Any change in the Site Plan once approved shall require a review by the Planning Commission.

1241.07 **Violations**

- A. If the Zoning Inspector determines that the work under a lawful zoning permit issued by the municipality is not proceeding according to the plans and specifications upon which the permit was issued, but is proceeding in violation of any of the provisions of this Zoning Code, the Zoning Inspector shall notify the property owner or his or her agent, in writing, that the work is being constructed in violation of the permit and this Zoning Code and that the same shall be immediately rectified to conform to such permit and this Zoning Code.⁷
- B. If the owner neglects to comply with such notice or to make such correction within ten (10) days, the Zoning Inspector shall revoke such permit, and notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work and posted on the premises referred to in such permit. Such notice shall be in writing and shall be signed by the Zoning Inspector.
- C. After such revocation, no contractor or worker shall perform any work in or about such building or premises.

1241.08 **Appeal**

⁷ Amended Ord. 27-2006; Effective August 1, 2006

- A. Any person aggrieved by the enforcement of this Zoning Code shall have the right to appeal to the Board of Zoning Appeals. The appeal shall be made in writing within thirty (30) days of notice of adverse decision. The procedure for filing of the appeal shall be in accordance with [Section 1242.06](#) (Procedures for Appeal) of this Ordinance.
- B. The application for the appeal shall include:
 - 1. A statement citing applicable Sections of this Ordinance which are being appealed.
 - 2. The particular grounds thereof upon which the applicant is seeking minimum relief from the provision of the Ordinance. The applicant must show with particularity the basis of the hardship or practical difficulty that the Ordinance is imposing upon the applicant.
 - 3. The appeal and all applicable documentation shall be filed with the Zoning Inspector.
 - 4. The Zoning Inspector shall forward all documentation to the Board of Zoning Appeals for determination in accordance with provisions under [Chapter 1242.06](#) (Procedures for Appeal).

1241.09 Remedies

- A. Any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Inspector, the permit shall be revoked by notice in writing to be delivered to the holder of the void permit upon the premises concerned, or, if such holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this Ordinance shall be deemed guilty of violation thereof.
- B. In case any building is or is proposed to be located, erected, constructed, reconstructed, relocated, altered, enlarged, changed, repaired, converted, maintained, or any land is used or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Solicitor, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, actions, administrative proceeding or legal proceeding to prevent, enjoin, correct, abate, or remove such violation.⁸

⁸ Amended Ord. 27-2006; Effective August 1, 2006

1241.99 **Penalty**

- A. Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Zoning Code shall be fined not more than one hundred fifty (\$150) dollars.
- B. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- C. The owner of any building or premises or part thereof where anything in violation of this Zoning Code is placed or exists, and any architect, builder, contractor, agent, corporation or other person employed in connection therewith who or which may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

CHAPTER 1242 BOARD OF ZONING APPEALS

- 1242.01 Creation, Composition and Term
 - 1242.02 Organization, Meetings and Rules
 - 1242.03 Powers and Jurisdiction
 - 1242.04 Form and Scope of Decisions
 - 1242.05 Conditions
 - 1242.06 Procedures
-

1242.01 **Creation, Composition and Term**

- A. The Board of Zoning Appeals, hereinafter designated as "The Board", is established under the Whitehouse Municipal Charter for the purpose to hear and decide on appeals of a lawfully executed order by any administrative official and in the enforcement of this ordinance. The Board shall consider and make a determination on requests for variances from the terms and conditions of this Ordinance and consider appeals for exception for the use of land, buildings or other structures as applicable under the requirements and conditions of this Ordinance. The Board is an administrative agency which shall at all times comply with Ohio Revised Code 2506.
- B. The Board shall consist of five (5) electors of the Municipality not holding other municipal office or appointment. The members of the board shall be appointed by the Mayor, subject to the confirmation by the majority of the members of Council.
- C. The members of the Board shall serve for a term of four (4) years from the date of appointment or until their successors are appointed and qualified, except that of the first five (5) appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and two (2) a term of four (4) years.

1242.02 **Organization, Meetings and Rules⁹**

- A. The Administrator shall establish the date, time and place for the first meeting each year, at which the Board shall organize under a chairman and secretary elected from among its members for a term of one (1) year.
- B. The Chairman shall call a meeting of the Board at least once a year or as otherwise required by provisions of the charter and at such times as its members may determine.
- C. The Board shall adopt its own rules and procedures which shall be in accordance and consistent with the Whitehouse Charter. There shall be a fixed place of the meeting.

⁹ Amended Ord. 27-2006; Effective August 1, 2006

All meetings shall be open to the public and the meeting time and place shall be posted in accordance with the provisions of the Whitehouse Charter.

- D. The presence of the majority of Board Members shall be necessary to constitute a quorum. A meeting shall not be called to order or may not continue without a quorum.
- E. All members and officers of the Board may participate in any discussion and shall be a voting member of the Commission.
 - 1. The Board shall transact all business by an affirmative vote of no less than three members of the Board in attendance at the time of the vote.
 - 2. Should a meeting be called to order with only three (3) members present, the Chairperson will explain to the audience that a unanimous vote of those present will be required to transact business.
 - 3. A tie vote shall be treated as a defeat to the measure.
 - 4. The basis for decisions reached shall be specified by rendering findings of fact and conclusions of law.
 - 5. The Board shall keep a record of its proceedings showing the action of the Board and showing the vote of each member on each question considered.
- F. The Board shall consult with and request recommendations from the Planning Commission on all matters of concern to the comprehensive plan of the municipality.
- G. The Board shall establish procedures for appeal to Council of any action by the Board.

1242.03 Powers and Jurisdiction¹⁰

The Board of Zoning Appeals shall have the power and jurisdiction to conduct adjudicative hearings to consider and decide on the following matters:

- A. Appeals. On matters of zoning appeal where it is alleged there is an error of law in any order, requirement, decision or determination by the Zoning Inspector or other Whitehouse administrative official in the enforcement of this ordinance.
- B. Variances. To authorize, upon appeal, a variance from the practical difficulties of strict application of the terms of this Zoning Ordinance, where the landowner would be deprived of reasonable return or beneficial use of property by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, provided such relief may be granted without substantial detriment to the public good and without substantially

¹⁰ Amended Ord. 27-2006; Effective August 1, 2006

impairing the intent of the Zoning Ordinance, and provided further that no variance shall be granted unless the Board specifically finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
 2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
 3. The condition from which relief or a variance is sought did not result from action by the applicant.
 4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of Whitehouse.
- C. Exceptions. To authorize, upon appeal, exceptions to these regulations in specific cases where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, providing such exception is in harmony with the general purpose and intent of the Ordinance. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations. The Board of Zoning Appeals may permit the following exceptions:
1. *Replacement of Nonconforming Buildings.* Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
 2. *Modification of Parking and Loading Space Requirements.* Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (a) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (b) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.

3. *Public Parking Areas Location.* Permit in the "S-1 or R" Districts, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts with a length not to exceed 150 feet. Such parking areas shall not cross streets or alleys.
4. *Use Impact Determinations.* Determine whether an industry should be permitted within an "M" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
5. *Substitution of Nonconforming Uses.* The substitution of a nonconforming use existing at the time of enactment of this Ordinance of another nonconforming use, if no structural alterations except those required by law or ordinance are made; provided, however that in any "S-1 or R" District, no change shall be authorized by the Board to any use which is not a permitted or special use in any "S-1 or R" District, and in a "C" District no change shall be authorized to any use which is not a permitted or special use in any "C" District.
6. *Temporary Structures and Uses.* Permit the temporary use of a structure or premises for purpose of Commercial or Industrial development activity and the use of manufactured homes/construction trailers, or industrialized units (modulars) as temporary sales office, storage facilities etc., in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a six (6) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. The above shall be considered temporary buildings for purpose of this section and shall not be used as a residence, during such development nor for the purpose of construction or reconstruction of a single family dwelling on a lot. The Board may renew this permit once for the above time period respectively.
7. *Extension of Off-street Parking Area into Residential District*
 - a) Permit an off-street parking area, serving a commercial or industrial use, within any residence district, after the request has been referred to the Whitehouse Planning Commission for study, which study shall include consideration of the following criteria:
 - 1) The use will not impair an adequate supply of light and air to adjacent property, or
 - 2) Increase the congestion in public streets, or
 - 3) Increase the danger of fire, or
 - 4) Impair the public safety, or

- 5) Diminish or impair established property values within the surrounding area, or
 - 6) In any other respect impair the health, safety, convenience or general welfare of the inhabitants of Whitehouse,
- b) and provided the following conditions are met:
- 1) The parking area adjoins a commercial or industrial district provided such area does not extend more than one hundred fifty (150) feet from such commercial or industrial district. The parking area shall not be across a street from the commercial or industrial district, but may be across an alley, in which case the one hundred fifty (150) feet shall be measured from the centerline of the alley.
 - 2) Ingress and egress to such parking area shall be subject to approval by the Board of Zoning Appeals.
 - 3) No business involving the repair or service to a vehicle, or sale, or display thereof, shall be conducted from or upon such parking area.
 - 4) No structure shall be erected or remain on any portion of the parking area.
 - 5) No signs shall be erected on the parking area prior to review by the Planning Commission. No signs shall project beyond the property lines of the premises.
 - 6) Parking areas shall be used for the parking of patrons' private passenger vehicles only and no charge shall be made for parking within such premises.
 - 7) Yard requirements and improvements shall be in accordance with [Chapter 1258](#) (Off-street Parking and Loading).

D. Testimony -Fact Finding

1. To subpoena witnesses, administer oaths, take testimony, and require necessary production and presentation of documents.
2. To solicit expert testimony and advice on matters presented to the Board for consideration and/or appeal.

E. Interpretation of Ordinance. The Board of Zoning Appeals shall:

1. Interpret this Zoning Code in such a way as to carry out the intent and purpose of the Comprehensive Plan and purposes hereof;

2. Interpret the map fixing the several districts, accompanying and made a part of this Ordinance where the street layout actually on the ground varies from the street layout as shown on such map. and
3. Rule on the proper application or interpret the meaning of this Zoning Code if a dispute arises between administrative officials and any owner of property.

1242.04 **Form and Scope of Decisions**

- A. In exercising the powers conferred upon it, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the Zoning Inspector charged by this Zoning Ordinance with enforcement. The concurring affirmative vote of the majority of the Board Members appointed shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of the applicant in any matter of which it has jurisdiction. The Board may, upon the affirmative vote of the majority of the Board Members appointed, reconsider any decision made and, upon such consideration render a decision by formal resolution. Every decision of the Board shall be based upon a finding of fact based on sworn testimony which finding of fact shall be reduced to writing and preserved among its records.
- B. In granting a permit under the powers conferred herein, the Board may stipulate the manner in which the variance or exception shall be carried out, or may require other improvements and safeguards for the protection of the health, safety and welfare of owners and occupants of surrounding lots or the public. Specifically, the Board in such cases may attach conditions dealing with:
 1. Paving, shrubbery, ornamental or screening fence or wall;
 2. Control or elimination of smoke, dust, radiation, vibration, gas, noise or odor;
 3. Hours of operation;
 4. Location of exits or show windows;
 5. Cleaning and painting;
 6. Nonconforming uses of land or buildings.
 7. Direction and intensity of outdoor illumination;
 8. Amount and location of off-street parking, loading and signs;
 9. A period of time after which the permitted variation or exception shall expire.

1242.05 **Conditions**

- A. Requirements for an Appealable Action. The following facts and information shall be included in the application as a condition for filing of an appeal.
 1. There shall be an action or order of an official (citation of zoning violation, zoning permit denied, zoning permit revoked) code, regulation or action being appealed; referencing specific chapter(s) and section(s) of the Zoning Code.

This shall be specific as to the use of the land or buildings or the location or height buildings or structures on the parcel (dimensions, setback, height).

2. Facts and information showing the basis of the appeal:
 - a) Factors or characteristics unique to that parcel or applicants use of the parcel.
 - b) Circumstances not caused by applicant or previous owner or occupant.
 - c) Detriment/harm to applicant in relation to the use of the property or inability to derive use or value of the property.
 - d) Factors preventing strict compliance to zoning code requirement.
3. Remedy proposed:
 - a) Must be measurable in relation to zoning code (i.e. location of building, use of land, etc.);
 - b) Must show any adverse effects to contiguous parcels or property and any effects contrary to the public interest.

B. Granting of Variances. A variance is defined as the right to use or to build on land in a way prohibited by a strict application of an Ordinance. **USE VARIANCES ARE PROHIBITED AND SHALL NOT BE GRANTED BY THE BOARD.** There are two (2) types of variances:

1. *Use Variances:* A variance which allows a land owner to engage in a use that would otherwise violate the Zoning Ordinance. Examples of use variances include but are not limited to:
 - a) Industrial use in a commercial zone;
 - b) Commercial use in a residential district;
 - c) A multi-family dwelling in an area zoned for a single-family dwelling;
 - d) The extension of a nonconforming use.
2. *Non Use or Area Variance:* a variance which would allow the owner to engage in a permitted use but is allowed to build improvements that would otherwise violate the Zoning Ordinance. Examples of a non-use or area variances include but are not limited to:
 - a) reduction of yard requirements

- b) the placement of structures in a location on a lot otherwise prohibited by the ordinance
 - c) a permitted use or activity in a location on a lot otherwise prohibited by the ordinance
 - d) a waiver or reduction of supplemental regulations otherwise required for a permitted use or accessory use.
- C. Implementation of Variance. If the variance is not implemented within six (6) months of its approval, the variance is null and void.

1242.06 **Procedures**

An application, in cases in which the Board has jurisdiction under the provisions of this Ordinance, may be taken by any person aggrieved, including a tenant, or by a Whitehouse official, or its representative, department, board, or commission.

A. Application

1. All applications shall be in writing using forms provided by the municipality, signed by the owner of the property involved or his duly authorized agent or attorney, specifying the request and grounds thereof, and filed in the office of the Zoning Inspector.
2. An appeal from any action, refusal or ruling of the Zoning Inspector shall be filed within 30 days after such action or refusal or the announcement of such ruling. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action or ruling appealed from was taken.
3. If the Secretary of the Board receives from the Zoning Inspector the documentation associated with an appeal ten (10) or more days before the next regularly scheduled meeting of the Board, the Secretary shall place the appeal on the agenda for the next scheduled meeting of the Board. If the documentation is received with less than ten (10) days remaining before the next regularly scheduled meeting of the Board, the Secretary shall place the appeal on the agenda for the meeting of the Board scheduled after the next regularly scheduled meeting of the Board.

- B. Public Hearing and Notice. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, stating the time and place thereof. The Board shall make its findings and determination in writing within sixty (60) days from the date of the filing of the appeal or in the case of an application for an exception within sixty (60) days after receipt of the review or information requested from the Zoning Inspector. At the hearing any party may appear in person by agent or by attorney and shall be given the opportunity to be heard and request waiver of time limitations. A copy of such findings and determination shall be transmitted to the applicant within fourteen (14) days thereafter.

C. Hearing of the Appeal

1. The Board of Zoning Appeals hearing any appeal shall proceed pursuant to the following:
 - a) Shall require a complete application as required under [Section 1242.06](#) (Procedure) the application shall be accompanied by necessary legal description of parcel, site drawings and graphics to explain the nature of the appeal;
 - b) Publish notice of public hearing;
 - c) Upon its decision to seek information may solicit; seek a review, comment and recommendation from administrative officials, solicitor, and other experts, and subpoena witnesses;
 - d) Require that the Secretary of the Board make an audible record of the hearing which may be transcribed upon request.
 - e) Provide the appellant or appellant's agent or attorney the opportunity to appear and present their position, argument and contentions to the order, action or rule/regulation;¹¹
 - f) Require all testimony to be sworn under oath;
 - g) Provide for the examination of witnesses and presentation of evidence;
 - h) Allow cross-examination of witnesses;
 - i) Require placement into the record any such evidence denied by person or body appealed from;
 - j) Present conclusions of fact supporting the final order, adjudication or decision appealed from.
2. The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board after the notice of appeal shall have been filed with it, that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

¹¹ Amended Ord. 27-2006; Effective August 1, 2006

D. Appeal to Whitehouse Council

1. Any final written ruling of the Board of Zoning Appeals pertaining to the granting or denial of a permit or any other ruling may be appealed to Whitehouse Council. The appellant resident or administrative officer, within ten (10) days from the issuance of a written ruling of the Board, may file a written appeal to the Administrator and the Secretary of the Board requesting a hearing, stating the reasons for such appeal.¹²
2. Prior to the hearing, the Secretary of the Board will transmit to Council all papers and documents constituting the records which prompted the appeal to be filed. Council will review the documentation and may receive further evidence as deemed relevant.
3. In all appeals to Council, the Council shall follow the same procedures for hearing an appeal as those required of the Board of Zoning Appeals for hearing appeals.
4. An affirmative vote of five (5) members of Council is required to overturn a final decision from the Board of Zoning Appeals.
2. A public record of all appeals, variances, and appeal for exception and their disposition shall be kept on file in the office of the Zoning Inspector.

¹² Amended Ord. 27-2006; Effective August 1, 2006

CHAPTER 1246 SPECIAL USES

- 1246.01 General Provision
 - 1246.02 Permit Procedure
 - 1246.03 Site Design and Development
 - 1246.04 Expiration of Special Use Permit
-

To provide for an orderly arrangement of compatible building and land uses, and for the social and economic welfare of Whitehouse, special uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.¹³

1246.01 General Provision

- A. Council, is hereby vested with the power to permit, in the following districts, uses which may be permitted for the respective district, provided that such uses are deemed to be in keeping with authorized uses.¹⁴
- B. Such special permits shall be subject to such protective restrictions as may be deemed necessary, including, but not limited to, term limitations, hours of operation, off-street parking, lighting restrictions, set back requirements and fencing. Council, may terminate any permit for a violation of terms or limitations therein prescribed.
- C. If recommended by the Planning Commission, Council, may authorize the issuance of such a special permit by a majority vote. With Commission approval or without Commission recommendation, such action by Council, shall require the concurrence of five members.

1246.02 Permit Procedure

The procedure for filing of the application, detailed Site Plan, filing fees, notices, referral to the Planning Commission and review by Council shall be the same procedure as an amendment to the Zoning District parcel as set forth in [Chapter 1248](#) (Amendments) of this Zoning Code. All applicants shall use the form provided by the administration to request special use permit. A Special Use Permit is restricted to the use granted and shall not be changed without approval of Council.

¹³ Amended Ord. 27-2006; Effective August 1, 2006

¹⁴ Amended Ord. 27-2006; Effective August 1, 2006

1246.03 Site Design and Development

Site plan review according to [Section 1241.06](#) (Site Plan Requirements) and review of landscaping plans by the Whitehouse Tree Commission shall be required for all Special Uses.

1246.04 Expiration of Special Use Permit

A Special Use Permit, if granted, shall be for only one (1) main use and said permit shall automatically expire if, for any reason, the special use is not initiated within one (1) year of the granting of the permit or if the special use ceases to exist for more than two (2) years.

CHAPTER 1247 PLANNED UNIT DEVELOPMENT REVIEW

- 1247.01 [Application Procedure](#)
 - 1247.02 [Amendments to an Approved Planned Unit Development \(changes\)](#)
 - 1247.03 [Submission of Development Plan](#)
-

1247.01 **Application Procedure**¹⁵

- A. Rezoning to a Planned Unit Development (PUD) District is discretionary and may be initiated by the property owner or an agent legally authorized to act on their behalf by petition, submitted and processed in accordance with [Chapter 1248](#) (Amendments).
- B. A PUD District may be located in the “S,” “R,” “C,” “M,” and “BP” Districts in accordance with [Chapter 1253](#) (Planned Unit Development).
- C. The application shall include a Development Plan in accordance with [Section 1247.03](#) (Submission of Development Plan). If a PUD district is proposed to be associated with a different conventional district than the zoning district in effect for the site, the applicant may defer submission of a Development Plan until Council votes on the petition to amend the Zoning Map to the proposed PUD Zoning District. Such non-concurrent review of the PUD Development Plan shall be submitted and processed in accordance with [Chapter 1248](#) (Amendments).
 - 1. *Preliminary Discussions.* Prior to submission of the Development Plan, each subdivider of land or their surveyor or registered professional engineer is encouraged to confer with the Administrator before preparing a Development Plan in order to become thoroughly familiar with the subdivision requirements and those of the official plans affecting the area within which the proposed subdivision lies.
 - 2. *Preliminary Sketch Drawings.* In addition, a sketch drawing may be submitted, in duplicate, to the Planning Commission for its preliminary review and recommendations. The drawing shall contain enough information so that an accurate analysis can be made. The Commission shall advise and aid the developer or owner in obtaining the best possible layout for all concerned. After a proper solution has been worked out, the developer or owner may proceed with preparation of a Development Plan.
- D. Upon submission of a PUD Development Plan, the drawing shall be analyzed by the Commission for conformity to the PUD and Subdivision Regulations. If the drawing does not conform to these Subdivision Regulations, the owner or an agent legally authorized to act on their behalf shall be notified so that the drawing may be revised.

¹⁵ Amended Ord. 27-2006; Effective August 1, 2006

1. Prior to review by the Planning Commission, the Development Plan shall be sent to the appropriate public agencies for their review and recommendations. When the recommendations of the public agencies are received, they shall be reviewed by the Planning Commission. If the drawing is not acceptable to public agency, the owner or an agent legally authorized to act on their behalf shall be notified so that the drawing may be revised. If the drawing is acceptable and/or subject to certain modifications, the drawing shall be presented to the Commission for consideration.
 2. The Commission may introduce such changes or revisions to the drawing as are deemed necessary to the interests and needs of the community, provided that such changes are not in violation of the Planned Unit Development and Subdivision Regulations. Changes agreed to by the owner or an agent legally authorized to act on their behalf shall be marked in red on the approved drawing. The developer or his or her agent shall then furnish the Commission with three (3), 24" x 36" blueline or blackline paper prints of the revised drawing containing such agreements and three (3) good quality black and white reproducible, PMT, PDF digital copy, or velox reductions of the original prints at a size 11" by 17".
 3. The Commission shall disapprove the drawing if it does not contain the necessary information, if it is not in accordance with the Planned Unit Development and Subdivision Regulations, or if the proposed improvements are not approved by the appropriate public agencies.
 4. The Commission shall render a decision upon the PUD and within ten (10) days thereafter, the owner or an agent legally authorized to act on their behalf shall be notified in writing of the Commission action, and such notification will also be given to appropriate public agencies.
- E. Upon final approval of the Development Plan by Council, the subject property shall be designated as a PUD District on the Zoning Map and any other zoning district regulations that applied to the property shall no longer apply to that property. Such designation shall include the zoning district in the name along with the PUD notation (e.g., "R-4 PUD").
- F. All planned developments shall be platted in accordance with applicable subdivision rules and regulations. An approved Development Plan shall replace the Preliminary Plat Procedure requirement according to Section 1123.04 of the Subdivision Regulations. Council approval of a Development Plan is valid for one (1) year and allows the developer to proceed with the preparation of the improvement plans required by the various public agencies. Within this time period, a Plat may be filed as provided for in Section 1123.05 (Plat Requirements) of the Subdivision Regulations.

- G. No construction of any improvement on a parcel to be developed pursuant to an approved Development Plan shall occur prior to Plat approval, recording of the Plat in the office of the County Recorder, and filing for a Zoning Permit with the Zoning Inspector subject to [Section 1241.03](#) (Permits Required), [Section 1241.05](#) (Application and Issuance of Zoning Permits), and [Section 1241.06](#) (Site Design and Development).

1247.02 Amendments to an Approved Planned Unit Development (changes)

After the final development plan has been approved by Council, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents.

A. Major Change

1. A major change, as defined herein, shall require review and recommendation by the Planning Commission and approval by Council.
2. A major change is any change which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended and which does not meet the criteria under a minor change, as herein described.

B. Minor Change

1. Minor changes or revisions, as defined herein, may be approved by the Administrator provided such requests substantially conform to the standards established by the approved Development Plan and this Ordinance.¹⁶
2. Minor changes or revisions shall be limited to the following:
 - a) Adjustments to the size and location of buildings, swimming pools, and other on site structures so long as:
 - 1) They do not result in an increase in the number of units over and above those that the plan covers;
 - 2) They do not encroach materially into the established setback areas;
 - 3) They do not encroach into the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; and
 - 4) They do not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.

¹⁶ Amended Ord. 27-2006; Effective August 1, 2006

- b) Alterations to the proposed drives and/or parking areas so long as they do not encroach into building areas or specified recreation areas.
- c) Adjustments in the size and location of development identification signs.

1247.03 Submission of Development Plan¹⁷

A Development Plan illustrating compliance with the standards and criteria set forth in [Chapter 1253](#) (Planned Unit Development) shall be submitted for all subdivisions located within Whitehouse, which are intended to be recorded as a plat within a PUD. The Development Plan shall not be accepted for processing unless it is submitted at least thirty (30) days before a meeting of the Commission and the following data are contained therein:

A. Submission Format

1. The Development Plan shall be based on a boundary survey prepared by a registered surveyor or a registered, professional engineer.
2. The submission shall contain:
 - a) Three (3) blueline or blackline prints of the Development Plan on 24" x36"; and
 - b) Three (3) good quality black and white reproducible PMT, PDF digital copy, or velox reductions of the original prints shall be submitted at a size 11" by 17".
2. Identification shall be noted as follows:
 - a) The title "Development Plan" and the proposed name of the subdivision;
 - b) The case file number if one has been assigned for the development;
 - c) Names, addresses, and phone numbers of the developer, and any parties who should be informed of the progress of the request, including the land owner(s), attorney, architect, engineer, landscape architect or other appropriate consultants;
 - d) The scale of the drawing (one inch equals 100 feet preferred);
 - e) The date and a north point which points either toward the top of the drawing or to the left side of the drawing;

¹⁷ Amended Ord. 27-2006; Effective August 1, 2006

- f) A general location sketch showing and section and corporation lines, and all adjacent roadways;
 - g) A complete legal description by township, section, town and range or by other legal description;
 - h) The approximate acreage.
3. Delineation shall include, but not be limited to, the following:
- a) Boundary lines of the proposed subdivision indicated by dashed heavy lines;
 - b) Boundary lines of all tracts of unsubdivided and subdivided land abutting the proposed plat, showing owners of tracts greater than one acre;
 - c) The existing zoning of the proposed subdivision and abutting tracts in zoned areas;
 - d) Contours are preferably indicated at two (2) foot intervals as measured in the field;
 - e) Indication of ground forms, ditches, creeks, or other natural features that may affect the development of the property;
 - f) The Base 100-year Flood Elevations (BFE) and the lowest floor elevation of the structure;
 - g) Locations, widths and names of all existing or prior platted streets, other public ways, and sidewalks. The layout of proposed streets, their proposed names and widths and the widths of proposed alleys, sidewalks, crosswalks, trails, etc. Proposed street names shall be checked with the Real Estate Transfer Department of the County Auditor's office to avoid duplication. Right-of-way and pavement widths shall be measured from the centerline of the roadway;
 - h) Railroad and utility rights of way and other easements;
 - i) Parks and other public open spaces;
 - j) Existing and proposed lots or parcels indicating dimensions and lot areas, lot numbers, proposed use of lots, and zoning setback requirements. Indicate in a table the type, total number, total area, and unit density for a residential plan, or in the case of a business or industrial plan, a statement identifying the principal types of office, business, and/or industrial uses that are to be included in the proposed development;

- k) Proposed drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat;
- l) Existing buildings and structures within or adjacent to the tract. Proposed building set-back lines, showing dimensions. Dimensions of proposed buildings to be constructed. Indicate any building removals or other alterations to occur on the property;
- m) Existing sewers, water mains, fire hydrants, culverts, other underground facilities and open drainage ditches in and within close proximity to the tract, indicating the size, depth, direction of flow and location. Suggested locations of proposed water lines, sanitary sewer lines, and storm sewer lines, including a diagram of proposed drainage of streets and lots, with indication of areas to be used for storm water detention or retention , their outlet into existing facilities, and proposed elevations of drains at critical points.
- n) An entranceway, perimeter, and common space landscaping and screening plan in accordance with [Section 1257.09](#) (Landscaping and Screening Requirements) and the Whitehouse Street Tree Ordinance;
- o) The locations, size (height), and material of all existing and proposed entranceway, perimeter, and common space fencing and/or walls;
- p) The location, height and dimensions of existing or proposed signs on the property;
- q) The location and dimensions of existing or proposed off-street parking spaces and drive aisles for common areas. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, *i.e.*, asphalt or concrete shall be indicated. If the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.

CHAPTER 1248 AMENDMENTS

- 1248.01 Authority of Council
 - 1248.02 Initiation of Amendments
 - 1248.03 Referral to Planning Commission
 - 1248.04 Public Hearing and Notice by Planning Commission
 - 1248.05 Action of Planning Commission/Recommendations to Council
 - 1248.06 Public Hearing and Notice by Council
 - 1248.07 Action of Council
 - 1248.08 Application/Time Limitation
-

1248.01 Authority of Council

Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may, by ordinance, after receipt of recommendations thereon from the Planning Commission, and subject to and in compliance with all applicable statutory provisions of the Charter, amend, supplement or change the regulations, district boundaries or classification of property now or hereafter established by this Zoning Code or amendments hereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to Council. This Zoning Code may also be amended as provided in [Section 1248.02](#) (Initiation of Amendments).

1248.02 Initiation of Amendments

Council, on its own motion or on a petition by an owner/applicant or his/her agent, after reference to and report by the Planning Commission, and after public notice and hearing as provided in this section, may amend, supplement or change district boundaries or zoning regulations herein or subsequently established. This Zoning Code may also be amended as provided in [Section 1248.01](#) (Authority of Council).

1248.03 Referral to Planning Commission

- A. The Planning Commission shall prepare and recommend to the Council legislation on amendments to the Zoning Code.
- B. Upon the direction of Council and the adoption of the Ordinance to amend, supplement, or change existing boundaries or zoning regulations, the Clerk of Council shall certify the Ordinance to the Planning Commission for report and recommendation within thirty (30) days after such certification.
- C. Failure of the Commission to report within sixty (60) days after receipt of such Ordinance shall be construed as no action of the proposed amendment, supplement or change. Council may proceed to take final action on the amendment.

1248.04 Public Hearing and Notice of Planning Commission

- A. A public hearing shall be held by the Planning Commission on all proposed amendments to or changes in the District Map or the text of the Zoning Regulations.
- B. Notice of the time and place of such hearing shall be published in the paper of general circulation in Whitehouse within at least 30 days in advance of such hearing. During such thirty (30) days, the text, or a copy of the text, of the proposed ordinance or measure amending, supplementing or changing the boundaries or regulations herein established, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance or measure, and the maps, plans and reports submitted by the Commission with reference thereto, shall be on file for public examination in the office of the Administrator.
- C. If the proposed ordinance or measure is intended for rezoning or redistricting ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of such hearing shall be mailed by the Planning Commission, by certified mail, at least ten (10) days before the date of such public hearing to the owners of property within one hundred fifty (150) feet of such parcels, to the addresses of such owners appearing on the current tax list of the County Auditor or on the mailing list of the County Treasurer. The failure of delivery of such notice shall not invalidate any such ordinance or measure.

1248.05 Action of Planning Commission/Recommendations to Council

- A. Commission may recommend that the application be granted as requested, or it may recommend a modification of the Zoning Amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall be certified to Council.
- B. No ordinance or measure which differs or departs from the plan or report submitted by the Planning Commission shall be adopted unless passed or approved by the affirmative vote of four (4) members of the Council.

1248.06 Public Hearing and Notice by Council

After receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Council shall hold a public hearing. If the proposed ordinance or measure is intended for rezoning or redistricting ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of such hearing shall be mailed by the Administrator, by certified mail at least ten (10) days before the date of such public hearing, to the owners of property within, one hundred fifty (150) feet of such parcels to the addresses of such owners appearing on the current tax list of the County Auditor or on the mailing list of the County Treasurer. The failure of delivery of such notice shall not invalidate any such ordinance or measure.

1248.07 Action of Council

After holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the Text of the Zoning Ordinance or the Zoning Map. The Council may overrule a negative or modify the recommendation of the Planning Commission by the affirmative vote of the majority of the Council. On other actions by the Commission, a majority vote by Council shall decide.

1248.08 Application/Time Limitation

An application shall not be made more frequently than once each year for any change of zoning or a special use on a parcel of record.

TITLE THREE

ZONING DISTRICTS AND USE REGULATIONS

Chapter 1250	Establishment of Districts
Chapter 1251	Waterville Street (State Route 64) Overlay District
Chapter 1252	Traditional Neighborhood Development District
Chapter 1253	Planned Unit Development District
Chapter 1255	Permitted and Conditional Uses
Chapter 1256	Development Standards
Chapter 1257	Supplemental District Uses and Structures
Chapter 1258	Off-Street Parking and Loading Standards
Chapter 1259	Sign Standards
Chapter 1260	Nonconforming Lots, Structures and Uses

Introduction

- A. Whitehouse is divided into zoning districts as indicated in [Chapter 1250](#) (Establishment of Districts) and as indicated on the Official Zoning Map which is described in [Section 1250.02](#) (Zoning Map) and referenced herein.
- B. State Route 64 Overlay District. All development indicated in the Waterville Street (State Route 64) Overlay District shall comply with the requirements of [Chapter 1251](#) in addition to the regulations in each underlay district.
- C. Traditional Neighborhood Development District. Where allowed, TND shall be provided in accordance with the requirements of [Chapter 1252](#) (Traditional Neighborhood Development District).
- D. Planned Unit Development. Where allowed, PUD shall be provided in accordance with the requirements of [Chapter 1253](#) (Planned Unit Development).
- E. The land uses permitted within each district shall constitute [Chapter 1255](#) (Permitted and Conditional Uses) of the Zoning Ordinance. Where Special Land Uses are allowed, these conditional uses shall be provided in accordance with requirements of [Chapter 1246](#) (Special Uses).
- F. [Chapter 1256](#) (Development Standards), [Chapter 1257](#) (Supplemental District Uses and Structures), [Chapter 1258](#) (Off-Street Parking and Loading Standards), and [Chapter 1259](#) (Sign Standards) provide lot, yard, height, and land use requirements.
- G. Nonconforming Lots, Uses and Structures. Where allowed, shall be provided in accordance with requirements of [Chapter 1260](#) (Nonconforming, Lots, Structures and Uses).

CHAPTER 1250 ESTABLISHMENT OF DISTRICTS

- 1250.01 Establishment and Purpose of Districts
 - 1250.02 Zoning Map
 - 1250.03 Zoning of Annexed Land
-

1250.01 Establishment and Purpose of Districts

- A. For the purposes of classifying and regulating the location of businesses, industries and buildings for specified uses, regulating and limiting the height and bulk of buildings hereafter erected or structurally altered and regulating and determining yards and other open spaces within and adjacent to such buildings, Whitehouse is hereby divided into the following districts:

"A" AGRICULTURAL DISTRICT

"S-1" SUBURBAN RESIDENTIAL DISTRICT

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

"R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

"R-3" SINGLE FAMILY RESIDENTIAL, DISTRICT

"R-4" TWO FAMILY RESIDENTIAL DISTRICT

"R-5" MULTI-FAMILY RESIDENTIAL DISTRICT

"C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

"C-2" VILLAGE CENTER COMMERCIAL DISTRICT

"C-3" GENERAL COMMERCIAL DISTRICT

"C-4" HIGHWAY SHOPPING CENTER BUSINESS DISTRICT

WATERVILLE STREET (STATE ROUTE 64) OVERLAY DISTRICT

"TND" TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT¹⁸

"B-P" BUSINESS PARK DISTRICT

"M-1" LIGHT INDUSTRIAL / OFFICE / RESEARCH DISTRICT

"M-2" GENERAL INDUSTRIAL DISTRICT

"PUD" PLANNED UNIT DEVELOPMENT

B. Purpose and Intent of Districts

1. **"A" Agricultural District.** The "A" District provides for agricultural and associated single-family dwellings. It is intended also to serve as a holding district for future development and to allow uses related to agriculture. Essential public facilities and services such as public buildings, schools, railroads, and public utilities; activities which are an integral part of agriculture, such as farm

¹⁸ Amended Ord. 27-2006; Effective August 1, 2006

markets or structures used for the sale of agricultural produce or products and/or nursery and greenhouse sales area; as well as churches and other related non-profit public service facilities, may be permitted by Special Use and shall require a minimum lot area of three (3) acres.

2. **"S-1" Suburban Residential District.** The "S-1" Suburban Residential District provides for low density residential development. It is intended also to allow for agricultural crop land uses and associated roadside stands, but not to include animal husbandry nor the boarding of animals and livestock. Essential public facilities and services such as public buildings, schools, railroads, and public utilities and structures used for the sale of agricultural produce or products and/or nursery and greenhouse sales area; churches and other related non-profit public service facilities, may be permitted by Special Use Permit and shall require a minimum lot area of three (3) acres.
3. **"R-1" Single Family Residential District.** The "R-1" Single Family Residential District is to provide for low-medium density residential development where public water and/or public sanitary sewers are available. It is intended that uses within this district be exclusively residential contained within a neighborhood setting.
4. **"R-2" Single Family Residential District.** The "R-2" Single Family Residential District is to provide for medium density residential development where public water and/or public sanitary sewers are available.
5. **"R-3" Single Family Residential District.** The "R-3" Single Family Residential District provides for medium-high density residential development, where public water and/or public sanitary sewers are available.¹⁹
6. **"R-4" Two Family Residential District.** The "R-4" Two-Family Residential District is to provide for medium-high density residential development on lots which are served by public water and public sanitary sewers and which are located in proximity to community services, shopping and related personal services. This district may serve as a transition zoning between single family and multi family or between single family and commercial uses.
7. **"R-5" Multi-family Residential District.** The "R-5" Multi-Family Residential District is to provide for high density residential development on lots which are served by public water and public sanitary sewers and located in proximity to community services, shopping and related personal services.
8. **"C-1" Neighborhood Commercial District.** The "C-1" Neighborhood Commercial District provides for businesses which primarily serve nearby residential areas with convenience goods and services. Businesses should be

¹⁹ Amended Ord. 27-2006; Effective August 1, 2006

of the type which are low generators of traffic and therefore, are compatible with surrounding residential areas.²⁰

9. **"C-2" Village Center Commercial District.** The "C-2" Village Center Commercial District provides for business, governmental and institutional uses which serve the entire community.²¹
10. **"C-3" General Commercial District.** The "C-3" General Commercial District provides for businesses which serve a community level or regional market. Businesses may be grouped into small centers located along a major thoroughfare, or at corners of major intersections on large lots to allow for ingress, egress, internal circulation and adequate parking. Typically, these businesses will be high generators of traffic. Examples of these include but are not limited to large market stores (grocery, hardware, etc.), drive-through businesses, motels, restaurants, gas stations, etc.²²
11. **"C-4" Highway Shopping Centers Business District.** The "C-4" Highway Shopping Center Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.
12. **"TND" Traditional Neighborhood Development District.** The purpose of the TND: Traditional Neighborhood District is to utilize new urbanist principles and standards for the development of new urban neighborhoods and the revitalization or extension of existing developed areas. A TND is structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces in a mixed-use neighborhood environment. It recognizes that many daily activities of living should occur within easy walking distance. It offers a mixture of housing types and prices, prominently sited civic or community buildings, and commercial stores, offices and workplaces that foster pedestrian activity and a balanced sense of community. TNDs have a recognizable center and clearly defined edges where many activities of living occur within easy walking distance, generally no more than a quarter mile from center to edge. Land use within the district should also incorporate linkages to the broader community by providing appropriate densities and land uses within walking distance of public uses, and wherever possible, Downtown Whitehouse. Sites as small as two (2) acres can be rezoned TND throughout Whitehouse, but this district should bear a relationship to what surrounds it and may be most applicable to places within the Downtown "pedestrian shed" (½ mile). This TND District is designed to foster a vital public life through use of creative open spaces such as public squares and tree-lined streets overlooked by upper story residential balconies.²³

²⁰ Amended Ord. 27-2006; Effective August 1, 2006

²¹ Amended Ord. 27-2006; Effective August 1, 2006

²² Amended Ord. 27-2006; Effective August 1, 2006

²³ Amended Ord. 27-2006; Effective August 1, 2006

13. **Waterville Street (State Route 64) Overlay District.** The purpose of this district is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Waterville Street (State Route 64). Waterville Street (State Route 64) is the major east-west route serving Whitehouse, and links it with the City of Waterville and US 24. As a state route, it is a regionally significant roadway that will likely serve as a major commercial corridor, as Whitehouse and surrounding townships continue to grow and urbanize. For these reasons, it is the purpose of this overlay district to:
- a) Preserve and enhance the aesthetic and environmental qualities of the Corridor;
 - b) Provide a means to manage access to property in a manner that will help maintain traffic safety and roadway capacity;
 - c) Provide standards and requirements that encourage innovative site design and efficient land use.
14. **"B-P" Business Park District.** This district is intended to provide space where office, retail, and customer service uses may be mixed with industrial uses in highly landscaped setting free of outside storage or display, where the setting is highly visible to one or more main traffic arteries, and all of the uses seek or require such exposure and all are willing to adhere to a higher standard of architectural and grounds appearance to maximize the benefit of such visibility.
15. **"M-1" Light Industrial, Office Research District.** The "M-1" Light Industrial/Office Research District is to provide for light industrial, research laboratories, or warehousing types of businesses which may be conducted in areas proximate to residential and commercial areas with adequate attempts to provide as much isolation from other areas as possible. These uses may include activities such as manufacturing, processing, or assembly of products or the provision of services. No offensive or hazardous conditions shall be created by an industry and other disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas. This would include the absence of such things as excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Since certain industrial uses as a part of their operation may have need for sales distribution and sales outlets, it may be permitted only as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system.²⁴
16. **"M-2" General Industrial District.** The "M-2" General Industrial District provides for industries which by their nature and function require large parcels

²⁴ Amended Ord. 27-2006; Effective August 1, 2006

for development, and access to utilities and major transportation networks. These uses may be objectionable to adjacent residential or commercial properties and therefore should be grouped together with similar uses. Certain industries may need special consideration because of their potential spill-over effect on surrounding areas. These are provided for either as a conditional use or as a special use. These industries may include such activities as fabricating, processing, smelting and refining, extraction of minerals and stone, foundries, blast furnaces and similar industries which have the potential of creating impacts in the area adjacent to and near the industrial activity. Sales distribution and sales outlets may be permitted as an accessory use providing that goods and services distributed or sold are produced at the site or are an integral part of a warehousing distribution system.²⁵

17. **“PUD” Planned Unit Development.** For the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds and other non-residential uses, promoting efficiency in providing public utility services and receiving the benefits of new techniques of community development and renewal, the process of planned unit development shall be established for all districts. Planned Unit Developments may be residential, commercial, or industrial developments or they may be combinations of uses, such as residential and commercial, commercial and industrial or a combination of uses in a business park.

1250.02 Zoning Map

- A. The boundaries of the Use Districts are shown upon the map referred to in [Section 1240.03](#) (Incorporation of Zoning Map), known and designated as the Zoning Map and all notations and references and other matters set forth thereon shall constitute a part of this zoning code. The District boundaries as shown on the Map are, unless otherwise indicated, the centerlines of streets or alleys or lot lines.
- B. Where the actual street layout on the ground varies from that shown on the Zoning Map, the designations shown on the Map shall be applied to the street as actually laid out so as to carry out the intent and purpose of the zoning plan for the district.
- C. Where district boundaries are not otherwise indicated and where the property has been or may hereafter be subdivided into blocks and lots, the district boundaries shall be construed to be lot lines.
- D. If a district boundary line cuts a property having a single ownership as of record at the time of the passage of this Zoning Code, such property may take the least restrictive classification, provided that the property is developed as one unit.

²⁵ Amended Ord. 27-2006; Effective August 1, 2006

1250.03 Zoning of Annexed Land

All parcels of land which may hereafter be annexed into Whitehouse shall be zoned "A" Agricultural unless petitioner request other specific zoning classification. Within one (1) year after annexation, a public hearing on the question of the permanent zoning classification shall be held. Recommendations of the Planning Commission shall be reported to Council, in accordance with [Section 1248.05](#) (Action of Planning Commission/Recommendations to Council).

CHAPTER 1251 WATERVILLE STREET (STATE ROUTE 64) OVERLAY DISTRICT

- 1251.01 Purpose and Intent
 - 1251.02 Waterville Street Overlay District Boundaries
 - 1251.03 Review and Approval Procedures
 - 1251.04 Permitted and Special Uses
 - 1251.05 Excluded Uses
 - 1251.06 Accessory Buildings and Uses
 - 1251.07 Development Standards
 - 1251.08 Architectural Review Requirements
 - 1251.09 Access to Individual Parcels
-

1251.01 Purpose and Intent²⁶

- A. In addition to the underlying zoning district and the permitted and special uses and applicable development requirements, the following overlay district will apply to all uses and development within the designated boundaries of the district. Land use and development within the boundaries of this overlay district shall meet the overlay district requirements as well as the underlying zoning district requirements. Where a conflict in district regulations is found to exist, the overlay district regulation shall control.
- B. The purpose of this district is to provide for consistent and coordinated treatment of the properties bordering Waterville Street (State Route 64). Waterville Street is the major east-west route serving Whitehouse, and links it with the City of Waterville and US 24. As a state route, it is a regionally significant gateway to Whitehouse that will likely serve as a major commercial corridor, as Whitehouse and the surrounding townships continue to grow and urbanize. For these reasons, it is the purpose of this overlay district to:
 - 1. Preserve and enhance the aesthetic and environmental qualities of the Corridor;
 - 2. Provide a means to manage access to property in a manner that will protect and enhance the functional capacity and safety of the roadway by reducing the overall number of curb cuts;
 - 3. Provide standards and requirements that encourage innovative site design and efficient land use and discourages “strip” development.

²⁶ Amended Ord. 27-2006; Effective August 1, 2006

1251.02 Waterville Street Overlay District Boundaries²⁷

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes those parcels with frontage along Waterville Street (State Route 64) right-of-way to a depth of twelve hundred (1,200) feet, from the centerline of the right-of-way along both sides, extending from the east municipal boundary of the Whitehouse corporate limits to Indianapolis Street.

1251.03 Review and Approval Procedures

Site plan review and approval shall be necessary for all new development and for any structure that is enlarged by fifty (50) percent or more or when the enlargement contains five thousand (5,000) square feet or more in floor area. The site plan review shall be as specified in [Section 1241.06](#) (Site Plan Review). In addition, the Ohio Department of Transportation (ODOT) requires a driveway access permit application for any new or modified access, as well as for a change in use for existing driveways. ODOT may require a performance bond for this permit.

1251.04 Permitted and Special Uses

All uses which are permitted or special uses in the underlying zoning district(s) except the uses expressly excluded by [Section 1251.05](#) (Excluded Uses).

1251.05 Excluded Uses²⁸

- A. Auction market
- B. Automobile/truck repair garage when not in conjunction with new car sales
- C. Auto wrecking/salvage yard/junk yard
- D. Boat storage
- E. Charitable Donation Collection Bins *
- F. Dwellings (subject to underlying zoning)
- G. Flea market
- H. Internet Sweepstake Terminal Cafés
- I. Kennel
- J. Manufactured home, mobile home or industrialized dwelling unit sales
- K. Sexually-oriented businesses
- L. Truck transport terminal
- M. Used car sales when not in conjunction with new car sales
- N. Warehouse / distribution center

1251.06 Accessory Buildings and Uses

²⁷ Amended Ord. 27-2006; Effective August 1, 2006

²⁸ Amended Ord. 27-2006; Effective August 1, 2006

*Amended Ord. 7 - 2013; Effective July 2, 2013

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

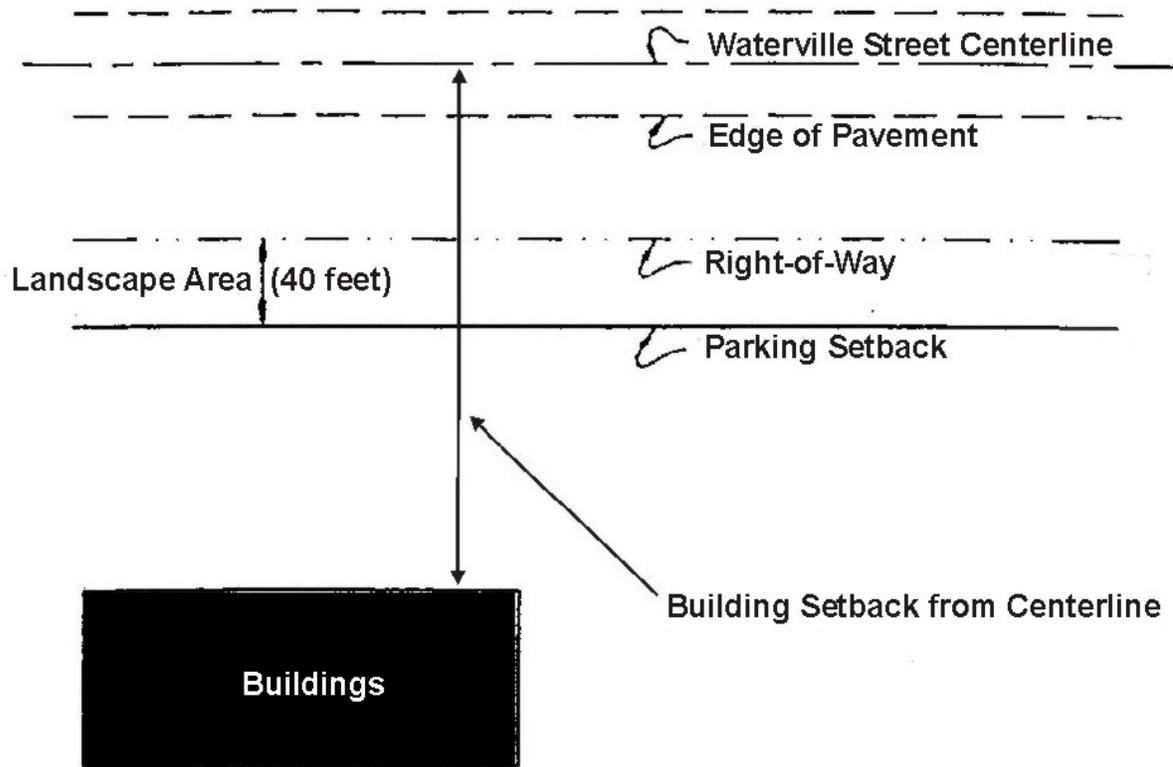
1251.07 Development Standards²⁹

- A. Lot Frontage. No lot that has frontage and access on Waterville Street may be subdivided in such a manner so as to reduce such frontage on Waterville Street to less than two hundred fifty (250) feet, unless a Traffic Impact Study is reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation. All other lot frontage shall meet requirements of the underlay district.
- B. Minimum Yard Setback from Waterville Street (State Route 64)
1. The minimum yard setback from Waterville Street shall be the greater of fifty (50) feet from the right-of-way line or one hundred fifty (150) feet from the centerline of Waterville Street. See [Figure 1251.07](#) (Development Standards Illustrated).
 2. Parcels with frontage on more than one street shall have a minimum front yard setback from the right-of-way line of the minor street as specified by yard requirements of the underlying zoning district.
 3. Landscaped Screening Area Required. A landscaped, screening strip is required along the full length of the lot line which abuts Waterville Street (State Route 64) except for any temporary access drive and vision clearance areas. The Planning Commission shall have the authority to vary the requirements of this Chapter for the Waterville Street Overlay District in furtherance of creativity and excellence in design quality of the landscaped, mounding, and screening areas of future development.
 - a) The landscaped screening area shall be located within a forty (40) foot wide portion of the required yard setback from Waterville Street and no off-street parking shall be located within the landscape area. See [Figure 1251.07](#) (Development Standards Illustrated).
 - b) The landscaped screening area shall feature undulating landscaped earth mounding designed with physical variations in height and alignment throughout the length of the mounding. Mounding shall average four and one-half (4.5) feet in height between heights of three (3) and six (6) feet, with slopes averaging 3:1 (horizontal to vertical distance). A masonry wall may be substituted for the earth berm to a height not to exceed four (4) feet.

²⁹ Amended Ord. 27-2006; Effective August 1, 2006

- c) Vegetative plantings consisting of trees, shrubs, and ground cover approved by the Whitehouse Tree Commission shall be arranged and installed in an irregular pattern to accentuate the physical variations in height and alignment and achieve a more natural appearance as set forth below. Ground cover shall be used and maintained to prevent erosion of the earth mound.
 - 1) Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
 - 2) Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than four (4) feet in height.
 - 3) Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall not be less than six (6) feet in height.
 - 4) Evergreen trees shall not be less than four (4) feet in height at the time of planting. Narrow evergreens shall be planted not less than four (4) feet apart.
 - 5) Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall not be less than two (2) inch caliper. Tall evergreen trees should be stagger planted, with branches touching the ground and no more than ten (10) feet between trees.
 - 6) All landscaped areas must be irrigated to provide an adequate water source to ensure the long-term survival of landscaping materials.
 - 7) Compliance for planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.
 - 8) Maintenance. Plant material shall be maintained in a healthy and growing condition and withered or dead plant materials shall be replaced within a reasonable time, but no longer than one growing season. Failure to maintain plant material shall be a violation of Section 1241.99.
- C. Minimum Side Yard Setback. As specified in the underlying zoning district, unless the side yard abuts an incompatible land use or district, whereupon a twenty-five (25) foot side yard landscape buffer area shall be provided pursuant to [Section 1257.09.C](#). (Buffering Between Incompatible Land Uses).
- D. Minimum Rear Yard Setback

1. Where lots do not front on Waterville Street as well as one or more minor streets, the minimum rear yard setback shall be as specified in the underlying zoning district.
 2. In addition, a twenty-five (25) foot rear yard landscape buffer area shall be provided where the rear yard abuts an incompatible land use or district pursuant to [Section 1257.09.C](#). (Buffering Between Incompatible Land Uses).
 3. No building or pavement shall be located within any required rear yard landscape area.
- E. Maximum Building Height. As specified in the underlying zoning district.
- F. Parking Requirements
1. Parking is prohibited in the required, landscaped screening area located in the Waterville Street yard setback and in any required yard setback when adjoining a residential district. When possible, parking lots should be encouraged behind buildings, to the rear of the lots. See [Figure 1251.07](#) (Development Standards Illustrated).
 2. Efforts to break up large expanses of pavement and absorb or detain storm water are to be encouraged by the interspersing of appropriate planting areas between parallel parking aisles wherever possible.
 3. The number of parking spaces required are as established in [Chapter 1258](#) (Off-street Parking and Loading) of this zoning code depending upon the zoning and the intended land use.
 4. There shall be an appropriate number of parking spaces reserved for use by disabled individuals in accordance with the provisions of the most recent update to the Americans with Disability Act.
- G. Semi-truck Loading Areas. Semi-truck loading berths or bays for merchandise and materials which face Waterville Street (State Route 64) shall be suitably screened by landscaping or fencing.
- H. Outside Storage or Refuse. All outdoor storage and refuse containment units shall be suitably screened from public view.
- I. Utilities. Utilities shall be located underground.

Figure 1251.07**DEVELOPMENT STANDARDS ILLUSTRATED****1251.08 Architectural Review Requirements**

Site plan review shall include review of architectural design elements. The architectural design of buildings within the Waterville Street (State Route 64) Overlay District shall include consideration of the following elements:

- A. Scale and proportion;
- B. Suitability of building materials;
- C. Design in relation to surrounding buildings;
- D. Design in relation to proposed landscaping; and
- E. Aesthetics of the proposed building.

1251.09 General Design Requirements

- A. An architectural typology shall be used that is consistent with or complementary of the local character. Building design shall reflect and compliment the identity and visual character of the existing architecture within one-half (0.5) mile.
- B. Building layout, facades, and roof lines shall maintain the relationships of buildings to one another, the design of the spaces between the buildings, and basic architectural "syntax" (i.e. proportions, openings, glazing, roof types and pitches, materials) is to be uniform or complimentary.
- C. New buildings which exceed the scale and density of existing buildings shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and density to integrate larger buildings with pre-existing smaller buildings.
- D. *Building Entries.* Building entries shall be located on the street side of the building. If the building does not front on a public street then the entry must be visible from a public street. Porches, windows and doors should be oriented and drawn toward the street.

1251.10 Commercial and Multi-Family Building Design

- A. Upper floors may have a mix of uses, including: office, retail, and/or residential.
- B. Building design shall not serve to communicate or reflect the corporate identity or product marketed. Corporate identity and product marketed shall be communicated by signage, not by building color or architecture.
- C. *Windows.* Windows shall be repeated across the façade on both bottom and upper stories. First floors shall have larger storefront windows and taller ceilings than upper floors. First floor uses shall be pedestrian-oriented and include substantial shop windows. New construction shall provide a minimum of fifty percent (50%) of the first story wall surface in windows on walls that face a street. Windows shall not be darkened by use of any material or coloration.
- D. *Building Style.* Architectural detailing of new buildings shall incorporate various design details appropriate to existing local architectural character including, but not limited to:
- Patterned wall surfaces: eg. patterned shingles and siding, brick patterns, terra cotta details;
 - Focal windows; window grouping patterns; window pane patterns; window surrounds and trim; transom windows above street level;
 - Shutters; awnings; door surrounds and top pieces;

- Columns and supports; balustrades; dormers; cupolas; towers; cornices; parapets; roof brackets; chimneys; and
- Decorative lighting.

E. *Building Style Consistency.* A single architectural style is not required for new development, but a building's style shall be consistent throughout. Buildings shall be designed to withstand the elements (gravity, sun, weather, and time) that also incorporate traditional rules of proportion and massing retain their appeal beyond a simple question of "style."

F. *Modulate Mass and Elevation.* Modulation is defined as a change in plane. The intent is to create architectural relief and interest. A building's elevation and mass should be modulated to match or replicate the narrow commercial facades and give a sense of human scale. Buildings shall be vertically modulated in no more than 20 foot increments or horizontally in no more than 30 foot increments.

G. *Undifferentiated Facades.* Undifferentiated facades shall not exceed twenty (20) feet horizontally or fifteen (15) feet vertically. Walls at facades shall be differentiated and relieved through a change in siding or other material, use of detail, projections, or change in color. (Differentiation is defined as visual relief and change.) The intent is to create architectural relief and interest.

H. *Relieve Blank Facades.* Blank facades shall not be visible to public spaces. Treatments to alleviate blank facades may include windows, architectural detail, or materials with texture (e.g., brick, siding, etc.).

I. *Visual Definition.* Vestibules, entries, windows, and other architectural features shall provide further visual definition and reduce the visual mass of larger buildings. Facades shall reflect the scale and massing of structures and achieve proportions that give a sense of human scale.

J. *Appropriate Building Materials.* Exterior materials may include brick, wood siding and/or stucco. All building materials shall express their specific properties. For example, heavier more permanent materials (i.e. masonry) support lighter materials (i.e. wood). Building materials for new buildings shall support the existing character of existing buildings within one-half (0.5) mile. The following street front siding materials are prohibited (although they may be permitted in other parts of the building):

- Plain concrete masonry block,
- Unfinished tilt-up concrete slab,
- Corrugated metal,
- Aluminum, vinyl or plastic siding,

- Neon is prohibited as exterior building ornamentation.

K. *Buildings Located on Street Corners.* Buildings located on street corners shall have additional architectural detailing to emphasize the street corner, which may include, for example: corner entry, balcony, integrated signage, public art, murals, and pedestrian amenities. Buildings or public amenities located on corners shall abut the property line on each side of the corner. Buildings that are located at major intersections of streets shall provide some form of visual interest such as: placement of the primary entry; articulation; towers; plazas; distinctive roof forms; ornamentation; or other distinctive architectural features.

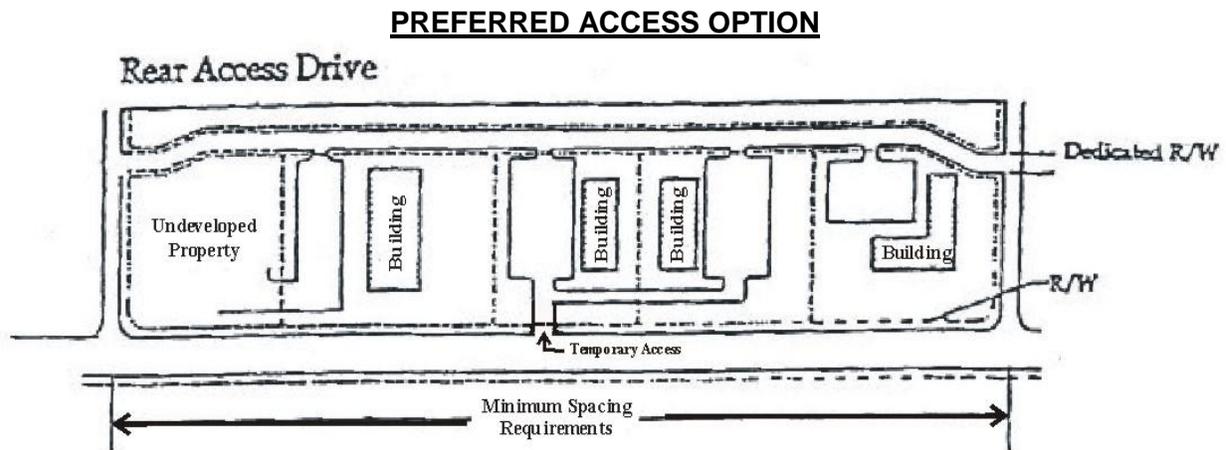
L. *Horizontal Moldings.* Alignment of horizontal moldings should be considered and relate to the moldings of adjacent buildings.

M. *Awnings.* Awnings and marquees are encouraged where appropriate: Awnings may be provided along the entire frontage of commercial buildings. Marquees are encouraged where appropriate. They shall be of a size, scale and shape appropriate to the specific building, window and door trim. Back lighted awnings are prohibited. Awning materials must be opaque if lighting is used underneath; however, canvas awnings are permitted and shall be opaque to the extent feasible. Awnings may have building or business names or street address on the apron, but may not function as signs, with extensive text areas. Awnings or canopies shall be hung above the display window space at least ten (10) to fourteen (14) feet above the public walkway with a minimum of an eight (8) foot vertical clearance. They may extend six (6) to eight (8) feet over the walkway from the building's face.

1251.11 Access to Individual Parcels³⁰

- A. Access Options. No lots shall have permanent access along Waterville Street (State Route 64) in order to preserve and maintain efficient traffic movement by reduction of the number of driveways. The preferred method of providing access to parcels is to gain access from secondary roads which intersect with Waterville Street, or from a parallel minor street to be located twelve hundred (1,200) feet from Waterville Street as is suggested in the Land Use Plan. When parcels abut more than one roadway, the preferred access option is to locate access points on less-traveled roadways. Where temporary access is granted to Waterville Street, developers shall reduce or eliminate driveways and curb cuts by using rear access drives, cross-access easements and shared drive approaches. The following figure indicates recommended access options.

³⁰ Amended Ord. 27-2006; Effective August 1, 2006



- B. Conditional Approval of Driveways. As part of the Site Plan review process, a Site Plan may be approved with a temporary driveway access to Waterville Street or other existing minor streets under the condition that an agreement is to be reached between the property owner and Whitehouse requiring that such driveway(s) be closed when specific circumstances are met. Such circumstances may include the future construction of a service road on adjacent property, the opportunity for a shared driveway with development of adjacent property, or other site-specific circumstances. Where such temporary access is allowed, all necessary permanent access drives shall be indicated on the Site Plan and installed in preparation for construction of the parallel minor street. This conditional approval may be required even if the driveway(s) conforms to all other requirements of this Section.
- C. Location. Each point of ingress and/or egress shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access shall be located as far as practical from the intersection of public streets, but at no time shall be closer than thirty (30) feet to an intersecting street right-of-way line. For integrated planned commercial developments, all points of ingress and/or egress shall be located no closer than one hundred fifty (150) feet to the intersection of two thoroughfares.
- D. Driveway. Each lot is permitted to have a single, two-way driveway except in cases where a Traffic Impact Study clearly demonstrates the benefits of a second driveway from the standpoint of traffic movement. Examples of where a second drive may be justified include large corner lots where driveways on both streets may be desirable and instances where two, one-way drives are preferred more than one, two-way drive. Parking arrangements within ingress and egress driveway areas shall be approved by the Planning Commission. There shall not be more than two accessways abutting on any one street.
- E. Alignment. New driveways shall be aligned with existing driveways across a street unless such alignment is shown to be undesirable in a Traffic Impact Study. Where such alignments are shown to be undesirable, the centerlines of opposing driveways shall be offset by at least one hundred (100) feet.

- F. Construction Materials. Each ingress and/or egress driveway shall be improved with hard surface materials (excluding gravel) from the street apron to the entrance of the parking area.
- G. Driveway Dimensions. Each ingress and/or egress driveway shall have a minimum width of twenty (20) lineal feet and shall be so designed so as to provide adequate turning and maneuvering for emergency and service vehicles.
- H. Waterville Street Access Permits. All access permits shall be reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation prior to approval. Design and location of access driveways onto state maintained portions of Waterville Street (State Route 64) must be in compliance with applicable ODOT guidelines and regulations.
- I. Traffic Impact Study. The developer may be required to prepare a traffic impact study when deemed appropriate by Whitehouse, the Lucas County Engineer, and Ohio Department of Transportation. If required, the traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc. to protect the safety and welfare of the traveling public. A required traffic impact study shall be prepared by a qualified professional engineer at the developer's expense and include the following elements:
1. A description of the site and study area.
 2. Anticipated development of adjacent parcels.
 3. Trip generation and distribution.
 4. Traffic assignment resulting from the development
 5. Projected future traffic volumes.
 6. An assessment of the impact resulting from driveway alternatives
 7. Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service
 8. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

CHAPTER 1252

TND: TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

- 1252.01 Intent of the TND District
 - 1252.02 General Administration
 - 1252.03 TND Neighborhood Subdistricts
 - 1252.04 General Site Requirements
 - 1252.05 Lot Requirements
 - 1252.06 Yard Requirements
 - 1252.07 Building Requirements
-

1252.01 Intent of the TND District ³¹

The intention behind these standards is not to replicate the past, but to utilize its discipline when designing or redeveloping sites and structures. A TND project has a mix of uses and an integrated mix of housing types and price ranges; an interconnecting street network (rather than a reliance on cul-de-sacs); a town center, formal civic spaces and squares; and pedestrian-oriented design that pushes garages to the rear of house lots and places parking lots behind buildings instead of in front of them. Developments created according to these standards will demonstrate a clear relationship to the longstanding architectural traditions of Whitehouse and the surrounding area. The goal is to create a continuous fabric of blended land uses, arranged so that travel between them can be made by a variety of methods (walk or bike), in addition to the automobile.

1252.02 General Administration³²

- A. Preliminary Discussions. Each developer intending to create a TND is encouraged to confer with the Administrator before preparing a Development Plan in order to become thoroughly familiar with the TND requirements and those of the official plans of Whitehouse affecting the area within which the proposed TND lies.
- B. Rezoning Application Requirements. Applications for rezoning to the TND District must include:
 - 1. *Concept Development Plan*. A concept development plan indicating the proposed Subdistrict(s): Neighborhood Residence, Neighborhood Center, or Business Center; a conceptual plan of proposed paths and bikeways; a conceptual thoroughfare plan including street types and connection to existing adjacent roadways; location and size of public spaces and any civic building sites; maximum number of residential units and maximum square feet of non-residential uses for each proposed Subdistrict. A conceptual architectural design theme should be shown for buildings, street lighting, and street furniture that will be used throughout the entire TND district.

³¹ Amended Ord. 27-2006; Effective August 1, 2006

³² Amended Ord. 27-2006; Effective August 1, 2006

2. *Community Context.* A community context diagram and brief narrative demonstrating how the application fits into the surrounding land uses and is consistent with the purpose statement and intent of this Chapter (drawing upon the existing land uses surrounding the development);
 3. After approval of the application for rezoning by Council, the applicant must submit a Development Plan and any additional documentation requested to support compliance with requirements of the rezoning.
- C. Development Plan Administrative Review. After approval of the rezoning application by Whitehouse Council, the applicant must submit a Development Plan to be reviewed by the Planning Commission for compliance with the requirements of this Chapter. The purpose of the administrative review is to confirm that submitted documents conform to the requirements of this Chapter.
1. The Development Plan must be in compliance with the boundaries of the zoning districts, maximum number of residential units, and maximum square feet of non-residential uses, as approved by Council. Substantial compliance must also be achieved with respect to the conceptual thoroughfare plan, conceptual pathway plan and the location and size of public spaces as shown in the master development plan previously approved by Council.
 2. The Planning Commission shall have leeway to relax the requirements of this Chapter for a TND development that exhibits creativity and excellence in design quality of the development.
 3. Documents including, but not limited to, the following shall constitute the Development Plan:
 - a) Development Plan review application;
 - b) A site plan pursuant to [Chapter 1241.06](#) (Site Plan Requirements);
 - c) Civic space detail plans at one (1) inch = fifty (50) feet minimum, showing landscaping and location of benches and play equipment. Catalog cuts of site furniture. Details and specifications of pads for site furniture. Layout drawings of any playground equipment and manufacturer specifications. Details and specifications of playground surfacing materials;
 - d) Final home owners association and public dedication documents;
 - e) Any additional materials, as required, to document compliance with this Chapter.
- D. Conflicts. Whenever any other resolution, ordinance, standard or regulation, requires a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more

restricted use of land, or imposes other standards than are required in this District, the specific regulations, standards, or requirements of this Chapter shall govern the TND District, subject to the interpretation of the Zoning Inspector under the expressed Purpose and Intent of this Chapter, excepting regulations where public health and safety concerns dictate otherwise (e.g. Fire Code).

1252.03 **TND Neighborhood Subdistricts**³³

- A. Neighborhood Residence Subdistrict. The Neighborhood Residence Subdistrict is a primarily residential part of a TND development, typically the largest area within the pedestrian shed. It consists of single-family, both attached and detached, houses with one (1) accessory permitted on each lot. Buildings are situated on smaller lots with shorter setbacks to the front and side yards. The narrow lots require that the parking be accessed from the rear by alleys or lanes. Building frontages allow for porches, fences, and small lawns. The streetscape consists of the regular, aligned planting of **approved trees**. The thoroughfares are roads or streets usually including parallel parking, bordered by curbs equipped with underground storm drains and bordered by sidewalks. Public spaces are parks, greens and squares.
- B. Neighborhood Center Subdistrict. The Neighborhood Center Subdistrict is a denser, fully mixed-use part of a TND development. It is typically located at the center of a pedestrian shed or along an important thoroughfare. It consists primarily of commercial and retail businesses developed as a “main street”. Any building with a mix of uses in it should confine residential uses to the second or third floors to maintain an appropriate commercial facade at street level. Attached residential buildings, townhouses and apartment houses without accessory uses may be found as well. The parking must be accessed by rear alley and located behind the front facade of the buildings. The thoroughfares include parallel parking and the public open spaces consist of squares and greens.
- C. Business Center Subdistrict. The Business Center Subdistrict is the densest business concentration of the TND development. Buildings are attached and are usually two to three stories tall, situated on a wide range of lot sizes. There is a very short mandatory front setback with wide sidewalks. The majority of required parking is to be accessed by rear alley or provided on the street. All uses not considered noxious are permitted within the buildings. Public spaces are squares and plazas.

1252.04 **General Site Requirements**³⁴

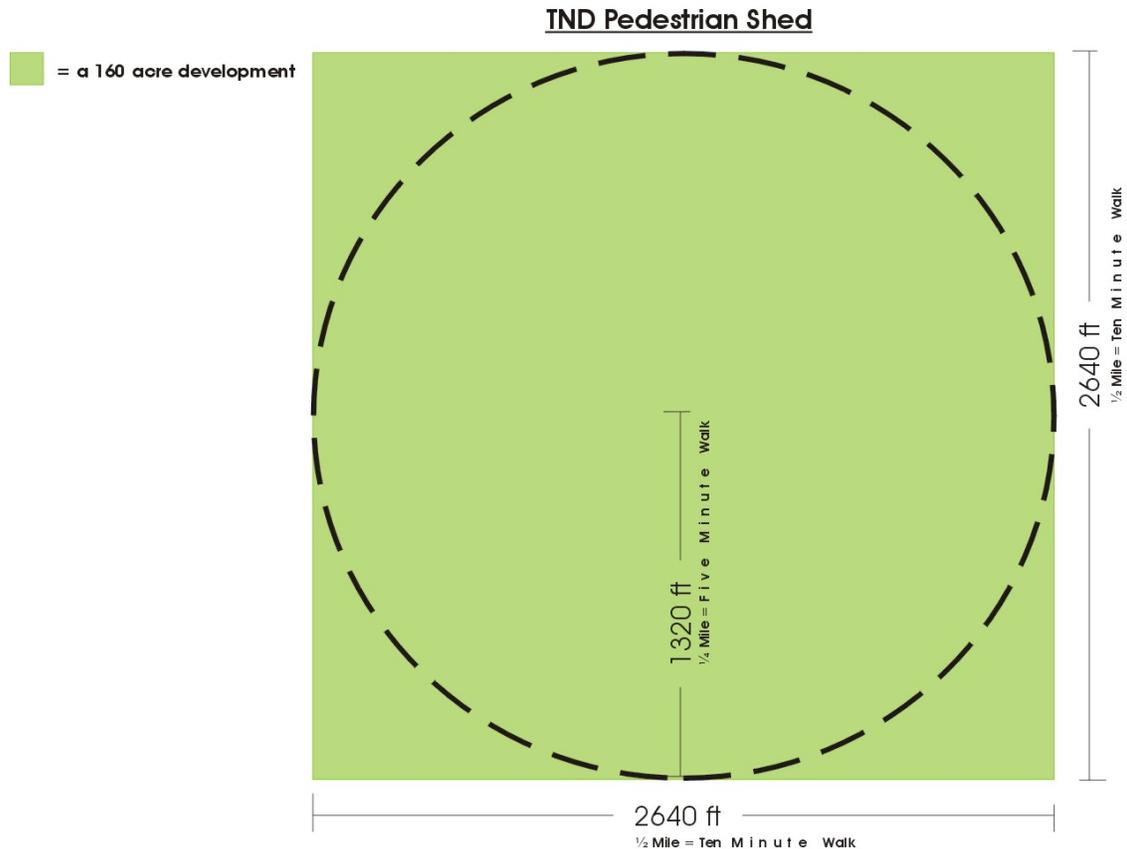
- A. Minimum Area. Two (2) acres.
- B. Maximum Area. One hundred sixty (160) acres; however, developments larger than one hundred sixty (160) acres may be developed as multiple Traditional

³³ Amended Ord. 27-2006; Effective August 1, 2006

³⁴ Amended Ord. 27-2006; Effective August 1, 2006

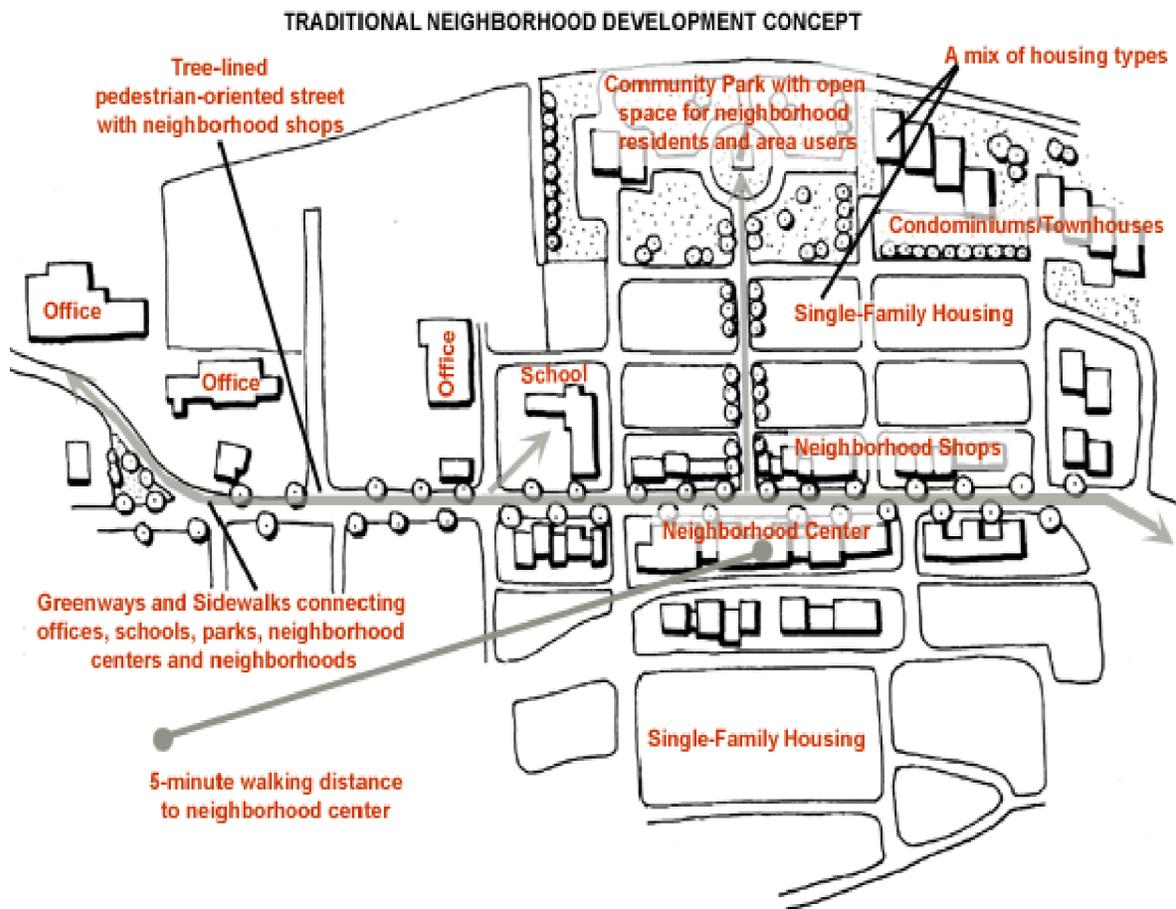
Neighborhood Developments, each individually subject to all of the provisions set forth herein.

- C. **Boundary.** No larger than one half ($\frac{1}{2}$) mile in any one direction to promote a pedestrian orientation and allow a resident to walk from the center of the development to the boundary in five minutes, and from one boundary to another or any internal destination in ten (10) minutes or less.



- D. **Density.** The arrangement of uses and their densities are site specific. There should be a synthesis of the site design with the existing built environment in order to blend with the aesthetics and density of the existing community.

1. There should be a central focus or neighborhood center to development such as a park, public open space, or special placement of civic uses or sites. This central focus shall be incorporated into the Neighborhood Center Subdistrict or Business Center Subdistrict of the development. Density should progressively decrease as development moves away from the central focus, but at all times should be relative to and consistent with the density of the existing development patterns that surround the TND. The central focus of the development shall not be designed around or front any existing expressway, principal arterial, minor arterial, or major collector streets. This is to maintain the desired pedestrian orientation of the development and to minimize future traffic congestion and/or conflict.



2. Uses should transition from more dense and intense commercial and office uses in the Neighborhood Center and Business Center Subdistricts of the development to less dense and intense residential uses in the Neighborhood Residence Subdistrict of the development. This transition should move outward away from the most intense existing uses or outward from the central focus of the development.
- E. Maximum Block Length. Maximum block length shall reflect traditional development patterns in Whitehouse (generally no greater than 300 - 500 feet) to maintain historical connectivity of streets and variety in the pedestrian experience.
- F. Land Use
1. Compatible mixed-uses are encouraged. A variety of uses is required to create vitality, synergy, and enhance the pedestrian experience, especially within core areas.

- a) Projects of fifty (50) acres or more must incorporate all three TND Neighborhood Subdistricts and shall designate no less than twenty (20) percent of the total project area to any one neighborhood Subdistrict.
 - b) No more than fifty (50) percent of any TND development may be allocated to the Neighborhood Residence Subdistrict.
2. As much as forty (40) percent of the land in the Neighborhood Residence Subdistrict of a TND development may be developed for detached single-family dwellings with lot widths greater than fifty (50) feet, provided the proposed density is compatible with the surrounding existing or proposed density to assure appropriate transition.
 3. In any TND Neighborhood Subdistrict, the developer will not permit the placement of single-family houses substantially similar in design next to or directly across the street from each other.

G. Pedestrian Orientation

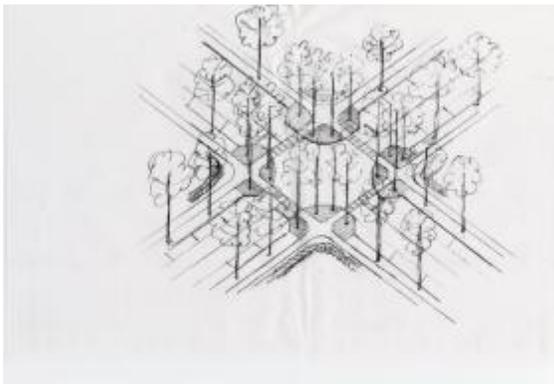
1. TND developments shall provide connectivity through an interconnected street grid network which disperses traffic and encourages a greater use of non-motorized transportation. It shall have a high-quality pedestrian environment to make walking pleasurable.
 2. Pedestrian crossings and pedestrian walkways in parking lots with ten (10) parking spaces or more shall be clearly delineated by: pavement scoring; various pavement materials intended to slow traffic; and changes in texture such as stamped concrete, pavers, and/or changes in color, etc. Private sidewalks shall be provided between the public sidewalk and building entrances and between connecting parking areas and the public sidewalk.
 3. Pedestrian connections to neighboring streets and paths are recommended where possible. Paths and walkways should be designed throughout to make the development pedestrian-friendly for those who live and work there and also to make this development easily accessible to the adjacent land uses.
- H. Landscaping. Streets shall be lined with trees and landscaped in accordance with Chapter 1226.10 (Street Tree Requirements) in the Subdivision Regulations. Special consideration should be given to any proposed commercial storefronts when determining appropriate size and species. Removal of trees six (6) inches in diameter or greater, measured four (4) feet above ground requires approval of the Planning Commission and/or Whitehouse Tree Commission.
- I. Lighting. Street lighting shall be provided along all streets in the district. More, smaller lights, as opposed to fewer, high-intensity lights, shall be used. Street lights shall be installed on both sides of the street at intervals of no greater than seventy-five (75) feet. Lighting fixtures shall be distinctive, decorative lampposts designed on a human scale for pedestrian utility and shall be subject to Planning Commission

approval. Lighting may be placed on walls or in-ground, however, such illumination shall not cause glare upon adjacent street, roadway surfaces, or residential properties.

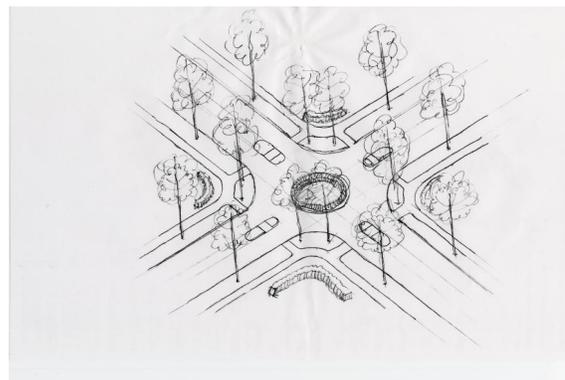
J. **Signage.** Signage shall adhere to the regulations and requirements set forth in [Chapter 1259](#) (Signs). A comprehensive sign program submitted by the Developer is required for each TND which establishes a uniform sign theme throughout the entire TND. Signs shall share a common style (e.g., size, shape, material).

K. **Streets, Alleys and Sidewalks**

1. **Streets.** Streets shall adhere to the regulations and requirements set forth in Section 1226.03 (Design Standards, Streets) and Section 1228.03 (Improvements, Streets) of the Whitehouse Subdivision Regulations.
2. Wherever possible, a traditional grid pattern shall be used when designing new interior streets for developments in the TND District. Streets shall be coordinated with existing, proposed, and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots. The street layout shall connect to all adjacent public stub streets, including public stub streets, to facilitate connections to adjacent future development sites. Substantial internal connections shall also exist within the site. The street layout shall contain no cul-de-sacs, or other unconnected streets, unless a determination is made by the Planning Commission that the provision of connected streets is infeasible or inappropriate.
3. On long, straight roads that are unimpeded for eight hundred (800) feet or more, traffic calming measures shall be required to reduce excessive vehicular speeds. Streets should have traffic calming elements to direct and slow traffic, including but not limited to:



Nubs: Street corners may be extended to slow traffic by forcing a 90° turn. This will shorten the crossing distance for pedestrians.



Traffic Circles: Installation of this measure in the center of an intersection may discourage infiltration traffic in residential neighborhoods. Circles should be large enough to slow traffic, but not impede it. Circles should be mounded in the center, landscaped, and enclosed by a curb or divided from the street by some form of masonry wall.

The actual pavement and right-of-way width shall be determined by the Planning Commission who shall make a decision based on site circumstances. In making this determination, Planning Commission shall consider the type and degree of traffic calming techniques applied to ensure the walkability and safety of the area. The Planning Commission shall consider the following criteria when reviewing such plans:

- a) Accessibility to all modes of transportation (automotive, pedestrian, bicycle, and/or public transit);
 - b) Street network connectivity;
 - c) Potential conflict between pedestrian and vehicles or vehicles and vehicles (i.e. location of parks, open space, schools, institutions, et cetera). Particular attention should be paid to line of sight issues and intersection design;
 - d) Street design regarding the minimization of infiltration traffic and encouragement of reduced speeds;
 - e) Adjacent conditions, streets, and properties regarding the mitigation of any possible negative impacts (noise, infiltration traffic, reduced safety) to these existing streets and/or neighborhoods;
 - f) Conformance with existing community plans.
4. *Alleys.* All lots less than fifty (50) feet in width and that fronts a street or a square shall provide rear alley access for off-street parking. Direct vehicular access from a single lot to a street is not encouraged.
5. *Sidewalks.* Sidewalks shall be required on both sides of the street. Sidewalks shall adhere to the regulations and requirements set forth Chapter 1228.09 (Improvements, Sidewalks) of the Subdivision Regulations. Adding sidewalks provides continuous path service to the site's amenities.
- a) The sidewalks required by this section shall be at least five (5) feet in width in residential areas and eight (8) feet in width in commercial areas. Where a sidewalk occurs adjacent to a parking lot in a residential area, such sidewalk shall be at least six (6) feet in width unless wheel stops are used to prevent vehicle overhang.
 - b) Wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the State of Ohio. Construction for the handicapped shall conform to the requirements of ORC 729.12 (Ramped curbing for Handicapped).

L. Parking

1. All parking in the Neighborhood Center and Business Center Subdistricts shall be on-street or is located in mid-block parking lots or in parking lots located behind the buildings accessed from an alley connected to other alleys. Parking lots shall not be located between streets and building entrances. Common driveways shall be created wherever possible to serve commercial facilities. The intent is to reduce curb cuts.
2. The Planning Commission may determine that the required number of off-street parking spaces may be reduced by implementing a shared parking policy based on "Shared Parking" © 1983 by The ULI (The Urban Land Institute) or successor documents.
3. On-street parking within the frontage of the building shall be counted toward on-site parking requirements of apartment buildings and townhouse buildings and other attached residential uses, but not apartment residences located above commercial uses. Subject to approval by the Planning Commission on-street parking may not be counted toward the maximum parking requirements of retail uses if requested by the applicant.
4. Reduce the Visual Impact of Parking. The goal is to reduce visual impact of parking and promote design features which support alternative forms of transportation, such as bike racks, bus stops, benches, and walkways. Where off-street parking is required, it shall be partially screened from adjacent rights-of-way.

M. Open Space. Public open space shall adhere to the regulations and requirements set forth in Chapter 1226.05 (Design Standards, Public Spaces) of the Subdivision Regulations. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities, scenic vistas, and environmentally sensitive areas.

1. Minimum Open Space. Thirty (30) percent of the gross acreage.
2. For every five (5) acres of neighborhood-oriented commercial area, one (1) acre of the required open space area shall be integrated into or adjacent to the neighborhood oriented commercial area. This five (5) to one (1) ratio shall apply in any acreage combination.
3. For residential lots, required open space shall adhere to the regulations and requirements set forth in Chapter 1226.05 (A) ~~3~~. (Design Standards, Public Spaces) of the Subdivision Regulations.
4. Incorporation of bike paths, walking paths, increased green space, and green buffer zones between vehicular and pedestrian areas are required in site design.

5. Internal public space and open spaces should connect by path or walkway, or by adjacency to existing open space.
 6. The Planning Commission may permit minor deviations from open space standards for any given project of up to ten (10) percent of the required usable open space, when it determines that the objectives underlying these standards can be met without strict adherence to them; and/or because of peculiarities in the tract of land or facilities proposed, it would be unreasonable to require strict adherence to these standards.
- N. Utilities. Utilities shall be provided by underground lines preferably at the rear of lots in an easement located in an alley right-of-way. Utility boxes and equipment shall be screened from view of the public right-of-way.

1252.05 Lot Requirements³⁵

A. Minimum Dimensional Requirements - Lots		
<u>Dwelling</u>	<u>Minimum Lot Width</u>	<u>Maximum Lot Coverage</u>
Single	40 feet	60%
Two Family Dwelling	75 feet	80%
Commercial & Multifamily	None Specified	100%

B. Design Requirements for Commercial and Multi-Family Residential Lots

1. *Land Use*. Storefronts and retail uses at the first floor level may be combined with restaurant, lodging, and office uses, while residential or office uses are permitted on upper floors. A mix of commercial and residential uses shall be sited in close proximity to encourage pedestrian activity.
 - a) Ground-floor spaces should be used for activities that generate pedestrian traffic, such as retail, restaurants, and personal service businesses.
 - b) Upper floors of buildings should contain a mix of apartments, offices, and miscellaneous compatible nonresidential uses.
 - c) The location of civic buildings (e.g. town hall, post office, library, school, or houses of worship, etc) should be promoted in visually prominent central locations.
 - d) Large-scale, single use facilities (e.g. conference spaces, theaters, athletic facilities, etc.) should generally be sited behind or above smaller scale uses of pedestrian orientation.

³⁵ Amended Ord. 27-2006; Effective August 1, 2006

2. *Location and Continuity.* Commercial and multi-family residential development shall occur in areas that abut arterial and collector streets.
3. *Build-To Front Property Line.* New buildings shall be located near the front property line and not separated from the street by parking, utilizing access from rear service roads.
4. *Public Outdoor Spaces Encouraged.* Public outdoor space such as eating and seating areas, plazas, retail alcoves and inner courtyard spaces are encouraged and may meet the requirements for public open space subject to the discretion of the Planning Commission. Entry alcoves and outdoor spaces may be located between the building and the sidewalk, provided such outdoor spaces do not obstruct pedestrian traffic. Seasonal flower plantings are encouraged, such as hanging baskets, oak barrels, and pots.
5. *Location and Screening of Service Areas.* Service areas shall be located away from streets and pedestrian areas, and shall be screened to reduce the visual impact of service activities. The following shall be screened completely with obscuring material: mechanical equipment (regardless of location), containers, recycling containers, utilities, and/or outside storage associated with a business.
6. *Fences.* Chain link fencing is prohibited.
7. *Deed Restrictions / Property Maintenance*
 - a) The developer shall be required to provide deed restrictions for the use of the commercial portion of the property to those uses approved by the Planning Commission.
 - b) The developer shall also provide restrictive covenants or other provisions guaranteeing the perpetual maintenance of open spaces, sidewalks and walkways, and other spaces dedicated to public use.

1252.06 Yard Requirements³⁶

<i>Dimensional Requirements - Yards</i>					
Dwelling	Front Yard Depth		Minimum Rear Yard Depth	Minimum Side Yard Width	
	<u>Minimum</u>	<u>Maximum</u>		<u>Either Side</u>	<u>Sum of Side Yards</u>
Single or Two Family	None	15 feet	25 feet	1 – 10 feet	10
Commercial & Multifamily	None	5 feet	20 feet	0 – 10 feet	10*

Footnotes: * Applies to each end unit

1252.07 Building Requirements³⁷

A. Dimensional Requirements – Buildings					
Dwelling	Building Height				Minimum Floor Area
	<u>Minimum (in feet)</u>	<u>Maximum (in feet)</u>	<u>Minimum (in stories)</u>	<u>Maximum (in stories)</u>	
Single or Two Family	20 feet	35 feet	1	2	1,000 square feet for each floor above finished grade.
Commercial & Multifamily	20 feet*	45 feet	1*	3	

Footnotes: * First floor ceiling heights shall be taller than upper stories.

B. General Design Requirements

1. An architectural typology shall be used that is consistent with or complementary of the local character. Building design shall reflect and compliment the identity and visual character of the existing architecture within one-half (0.5) mile.
2. Building layout, facades, and roof lines shall maintain the relationships of buildings to one another, the design of the spaces between the buildings, and basic architectural "syntax" (i.e. proportions, openings, glazing, roof types and pitches, materials) is to be uniform or complimentary.

³⁶ Amended Ord. 27-2006; Effective August 1, 2006

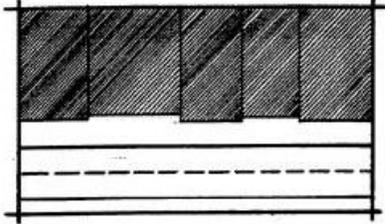
³⁷ Amended Ord. 27-2006; Effective August 1, 2006



3. New buildings which exceed the scale and density of existing buildings shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and density to integrate larger buildings with pre-existing smaller buildings.
4. *Building Entries.* Building entries shall be located on the street side of the building. If the building does not front on a public street then the entry must be visible from a public street. Porches, windows and doors should be oriented and drawn toward the street.

C. Commercial and Multi-Family Residential Building Design:

1. Upper floors may have a mix of uses, including: office, retail, and/or residential.
2. Building design shall not serve to communicate or reflect the corporate identity or product marketed. Corporate identity and product marketed shall be communicated by signage, not by building color or architecture.
3. *Windows.* Windows shall be repeated across the façade on both bottom and upper stories. First floors shall have larger storefront windows and taller ceilings than upper floors. First floor uses shall be pedestrian-oriented and include substantial shop windows. New construction shall provide a minimum of fifty percent (50%) of the first story wall surface in windows on walls that face a street. Windows shall not be darkened by use of any material or coloration. Drive-through windows are permitted on outlots only.
4. *Building Style.* Architectural detailing of new buildings shall incorporate various design details appropriate to existing local architectural character including, but not limited to:
 - a) Patterned wall surfaces: eg. patterned shingles and siding, brick patterns, terra cotta details;
 - b) Focal windows; window grouping patterns; window pane patterns; window surrounds and trim; transom windows above street level;
 - c) Shutters; awnings; door surrounds and top pieces;
 - d) Columns and supports; balustrades; dormers; cupolas; towers; cornices; parapets; roof brackets; chimneys; and
 - e) Decorative lighting.

5. *Building Style Consistency.* A single architectural style is not required for new development, but a building's style shall be consistent throughout. Buildings shall be designed to withstand the elements (gravity, sun, weather, and time) that also incorporate traditional rules of proportion and massing retain their appeal beyond a simple question of "style."
6. *Modulate Mass and Elevation.* Modulation is defined as a change in plane. The intent is to create architectural relief and interest. A building's elevation and mass should be modulated to match or replicate the narrow commercial facades and give a sense of human scale. Buildings shall be vertically modulated in no more than 20 foot increments or horizontally in no more than 30 foot increments.
- 
7. *Undifferentiated Facades.* Undifferentiated facades shall not exceed twenty (20) feet horizontally or fifteen (15) feet vertically. Walls at facades shall be differentiated and relieved through a change in siding or other material, use of detail, projections, or change in color. (Differentiation is defined as visual relief and change.) The intent is to create architectural relief and interest.
8. *Relieve Blank Facades.* Blank facades shall not be visible to public spaces. Treatments to alleviate blank facades may include windows, architectural detail, or materials with texture (e.g., brick, siding, etc.).
9. *Visual Definition.* Vestibules, entries, windows, and other architectural features shall provide further visual definition and reduce the visual mass of larger buildings. Facades shall reflect the scale and massing of structures and achieve proportions that give a sense of human scale.
10. *Appropriate Building Materials.* Exterior materials may include brick, wood siding and/or stucco. All building materials shall express their specific properties. For example, heavier more permanent materials (i.e. masonry) support lighter materials (i.e. wood). Building materials for new buildings shall support the existing character of existing buildings within one-half (0.5) mile. The following street front siding materials are prohibited (although they may be permitted in other parts of the building):
- Plain concrete masonry block,
 - Unfinished tilt-up concrete slab,
 - Corrugated metal,
 - Aluminum, vinyl or plastic siding,
 - Neon is prohibited as exterior building ornamentation.
11. *Buildings Located on Street Corners.* Buildings located on street corners shall have additional architectural detailing to emphasize the street corner, which may include, for example: corner entry, balcony, integrated signage, public art,

murals, and pedestrian amenities. Buildings or public amenities located on corners shall abut the property line on each side of the corner. Buildings that are located at major intersections of streets shall provide some form of visual interest such as: placement of the primary entry; articulation; towers; plazas; distinctive roof forms; ornamentation; or other distinctive architectural features.

12. *Horizontal Moldings.* Alignment of horizontal moldings should be considered and relate to the moldings of adjacent buildings.
13. *Awnings.* Awnings and marquees are encouraged where appropriate: Awnings may be provided along the entire frontage of commercial buildings. Marquees are encouraged where appropriate. They shall be of a size, scale and shape appropriate to the specific building, window and door trim. Back lighted awnings are prohibited. Awning materials must be opaque if lighting is used underneath; however, canvas awnings are permitted and shall be opaque to the extent feasible. Awnings may have building or business names or street address on the apron, but may not function as signs, with extensive text areas. Awnings or canopies shall be hung above the display window space at least ten (10) to fourteen (14) feet above the public walkway with a minimum of an eight (8) foot vertical clearance. They may extend six (6) to eight (8) feet over the walkway from the building's face.
14. *Signage.* Integrate Sign Design with Building Design. Signage design shall be considered as part of the building design. Signs may be mounted on the face of the building, provided the advertising does not detract or overpower the building architecture and scale. Signs may incorporate graphic symbols, logos, and other elements to provide visual interest and theme continuity. Reader board signs are prohibited.
 - a) *Illuminated Sign Regulations*
 - 1) An illuminated sign shall be defined as a sign in which a lighting device such as an incandescent bulb, florescent bulb, LED or neon tube are used on the sign plane itself and not as a means for making a sign visible using reflected light, such as a spotlight sign.
 - 2) The total permitted area for an illuminated sign shall be seventy-five (75) percent of the total permitted sign area. In the event the area for an illuminated sign is irregular in outline, then the area shall be defined as the area of the smallest rectangular perimeter drawn around the sign. If the sign is composed of separate illuminated elements (i.e. widely spaced letters in individual components), then the area of the sign shall be defined as the sum of the areas of the elements, each element's area calculated as the area of the smallest rectangle perimeter drawn around each element.

b) Prohibited Signs

- 1) Internally illuminated dagger board perpendicularly projecting signs and hanging signs. Unlighted dagger board signs are appropriate.
- 2) Bare tube neon signs mounted on an opaque mounting board in dagger board (blade sign) and perpendicularly hanging form. All other forms are permitted, such as a hanging neon sign with a clear plastic mounting board.
- 3) Signs with mirrors or other highly reflective surfaces when combined with on-sign lighting devices.

CHAPTER 1253 PLANNED UNIT DEVELOPMENT

- 1253.01 Purpose
 - 1253.02 Description
 - 1253.03 "S" or "R" District Planned Unit Development
 - 1253.04 "C" District Planned Unit Development
 - 1253.05 "M" District Planned Unit Development
 - 1253.06 "BP" Business Park District Planned Unit Development
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1253.01 Purpose³⁸

For the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds and other non-residential uses, promoting efficiency in providing public utility services and receiving the benefits of new techniques of community development and renewal, the process of planned unit development shall be established for the "S," "R," "C," "M," and "BP" Districts. The designation of a Planned Unit Development shall be at the discretion of the property owner and may be initiated pursuant to [Section 1247](#) (Planned Unit Development Review).

1253.02 Description³⁹

Planned Unit Developments may be residential, commercial, or industrial developments or they may be combinations of uses, such as residential and commercial, commercial and industrial or a combination of uses in a business park.

A. Minimum Site Area

1. The minimum site area for a PUD development shall be:

<u>Type of Development</u>	<u>Minimum Site Area</u>
Residential development:	5 net acres
Commercial development:	5 net acres
Industrial development and business park:	25 net acres
Combination residential-commercial development:	25 net acres
Combination commercial-industrial development:	30 net acres

³⁸ Amended Ord. 27-2006; Effective August 1, 2006

³⁹ Amended Ord. 27-2006; Effective August 1, 2006

2. In combination developments, the amount of land devoted to commercial usage shall not exceed twelve and one-half (12.5) percent of the total land area of the development. All Planned Units must be arranged progressively in relation to the zoning of the area abutting.
 3. The Planning Commission may recommend and Council may approve reduction in the area of a Planned Unit Development for those sites which are isolated by natural or man made barriers or by existing development so that additional land is not available for inclusion in the new development.
- B. All planned developments shall be platted in accordance with applicable subdivision rules and regulations.

1253.03 “S” or “R” Districts, Planned Unit Development

In an "S" or "R" District, Planned Unit Developments may be permitted as follows:

- A. Impervious Surface Coverage. No more than forty (40) percent of gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement, and parking area pavement.
- B. Open Space. No less than ten thousand (10,000) square feet or ten (10) percent of the net parcel acreage whichever is greater, none of which shall be a part of any yard, shall be allocated to consolidated common green space and/or recreation areas. Such open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites, and the developer shall incorporate into the protective covenants and/or deed restrictions, a clause giving an interest in such land to each owner who buys property within the development.
- C. Perimeter Setback. A yard setback of twenty-five (25) feet shall be maintained on all perimeter parcels of the Planned Unit Development.
- D. Maximum Density. The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown for the underlying zoned district. For purposes of this calculation, net residential acreage equals eighty (80) percent of the gross parcel acreage and gross parcel acreage is the total parcel area excluding public rights-of-way and flood plain.
- E. Minimum Dimensions. To provide maximum flexibility for the development of residential lots, the dimensional requirements under [Chapter 1250](#) (Establishment of Districts) may be reduced no less than the following dimensions:

Minimum Dimensional Requirements - Lots			Minimum Yard (in feet)	
Dwelling	Minimum Lot Width Per Family	Minimum Lot Area Per Family	Front	Rear
			Single or Two Family	45 feet (*)
Multi Family	24 feet (*)	2,400 sq. ft. (*)	30	0

* The Planning Commission may approve and recommend reductions below the minimum requirements of the Whitehouse Subdivision Regulations.

Minimum Dimensional Requirements - Yards/Buildings ⁴⁰				
Dwelling	Minimum Yard Width (in feet)		Maximum Height of Buildings	
	Either Side (*)	Sum of Side Yards	Stories	Feet
Single or Two Family	0 – 10 feet	10	2	35
Multi Family	0 – 10 feet	10 (**)	2	35

Footnotes: * Only zero lot line units may have a zero minimum side yard.
 ** Applies to each end unit

F. Minimum Requirements⁴¹

1. Maximum lot coverage of structures shall not exceed forty (40) percent of net acreage.
2. Minimum yard area, exclusive of structures, is six hundred (600) square feet.
3. End unit minimum building separation distance shall be ten (10) feet.
4. Required side yard setbacks shall contain no permanent structures.

G. Zero Lot Line Development

1. Proposed zero lot line developments shall submit deed restrictions of record for any vacant lot adjacent to the zero-foot setback which places the adjacent owner on notice that any development shall attach to the common wall of the first zero lot line development or provide a minimum side yard of ten (10) feet.⁴²

⁴⁰ Amended Ord. 27-2006; Effective August 1, 2006

⁴¹ Amended Ord. 27-2006; Effective August 1, 2006

⁴² Amended Ord. 27-2006; Effective August 1, 2006

2. Walls of structures adjacent to buildings built on the zero lot line must not contain any windows, doors, or openings of any kind unless ten (10) feet of separation is maintained.⁴³
3. The provisions of the following shall govern as to the rights and obligations and occupants of lots respecting side yard easements. For purposes of definition, the “servient tenement” is defined as the property providing a side yard easement. The “dominant tenement” is defined as the property adjoining benefiting from the easement.
 - a) A five (5) foot maintenance easement shall exist along all zero lot lines exclusive of lots which share a common zero lot line wall.
 - b) Lots subject to this easement will be set forth as an appropriate reservation grant in the deed to the dominant tenement
 - c) The easement shall be maintained by the owners or occupants of the servient tenement as open space, landscaping or as a garden and shall be retained in a manner not to restrict its use by the owners or occupants of the dominant tenement
 - d) The owners or occupants of the dominant tenement shall have limited, nonexclusive right to use and occupy the side yard easement for purposes of maintenance, repair or replacement of the structure. Ingress and egress will be provided without limitation for these purposes. Owners and occupants of the dominant tenement shall be responsible for all damage to the servient tenement which may restrict the use and enjoyment of the side yard. This responsibility extends to maintenance of the exterior walls of the structure which shall be maintained and retained in a manner compatible with the servient tenement.
 - e) The owners and occupants of the servient tenement shall be limited to the use of the easement for purposes described in 3.d) of this section. The owner or occupant of the servient tenement shall be responsible for any damage to the structure of the dominant tenement which is caused by the negligence of the owner or occupant of the servient tenement or by persons entering on the servient tenement with consent of the owner or occupant.

1253.04 “C” District Planned Unit Development

In “C” Districts, a planned unit development may be permitted in accordance with the provisions of the Whitehouse Zoning Code and are subject to all limitations as set forth therein.

⁴³ Amended Ord. 27-2006; Effective August 1, 2006

- A. 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. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting buffers using vegetative screens, walls, or fences pursuant to [Section 1258.05.B.6](#). (Landscaping and Screening) in this resolution shall be required.⁴⁴
- B. Off-street parking and loading requirements shall be observed as required; however, group parking is recommended so long as the number of spaces provided is equal to the required number of spaces required for each use to be developed.
- C. 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 developer as well as from the stand-point of the adjoining and surrounding existing or potential developments.
- D. The ground area occupied by all the buildings shall not exceed in the aggregate twenty-four (24) percent of the total area of the lot or tract.

1253.05 “M” District Planned Unit Development

In "M" Districts, a Planned Unit Development may be permitted as follows:

- A. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings 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 that those thoroughfares which are constructed may be built to the highest possible standards.
- B. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
- C. Off-street parking and loading areas shall conform to the provisions of this Ordinance and all screening requirements of [Section 1257.09.E](#). (Off-Street Parking Lot Landscaping and Screening) shall be observed.

⁴⁴ Amended Ord. 27-2006; Effective August 1, 2006

- D. No building shall be less than seventy-five (75) feet distance from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

1253.06 “BP” Business Park District Planned Unit Development

In a "BP" District, a planned unit development may be permitted as follows:

- A. All uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A business park area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout the planned business park in order that those thoroughfares which are constructed may be built to the highest possible standards.
- B. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned business park.
- C. Off-street parking and loading areas shall conform to the provisions of this Ordinance and all screening requirements of [Section 1257.09.E](#). (Off-Street Parking Lot Landscaping and Screening) shall be observed.
- D. No building shall be less than seventy-five (75) feet distance from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

CHAPTER 1255 PERMITTED AND CONDITIONAL LAND USES

1255.01 Use Designations in the Land Use Matrix

1255.02 Land Use Matrix

The principal objective of this Zoning Ordinance is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required for social and economic welfare of Whitehouse. To accomplish this objective, each type and kind of use is classified as a permitted use, a special use, or a prohibited use in one or more of the various districts established by this Ordinance.⁴⁵

1255.01 Use Designations in the Land Use Matrix⁴⁶

This Chapter provides a list of permitted, special, and prohibited land uses in the form of a Land Use Matrix.

- A. Zoning Districts. Each of the Zoning Districts established in [Chapter 1250](#) (Establishment of Districts) are indicated over each of the columns in the Land Use Matrix.
- B. Symbols for Permitted and Special Land Uses. When used in connection with a particular use listed in the Land Use Matrix:
 1. The letter “**P**” means that the use is permitted in the indicated zoning district with a Zoning Permit issued by the Zoning Inspector.
 2. The letter “**S**” means a Special Use Certificate must be obtained in accordance with [Chapter 1246](#) (Special Uses) and [Chapter 1257](#) (Supplemental Land Use Regulations) before a Zoning Permit may be issued by the Zoning Inspector.
 3. The lack of any symbol or the letter “**X**” means the proposed land use is prohibited in the Zoning District.
- C. Interpretation of Land Uses. The permitted and special land uses allowed in Whitehouse are indicated as rows in the matrix. Each land use listed in the matrix has been assigned to one of the following land use categories: agricultural uses, residential uses, public and semi-public uses, commercial uses, and industrial uses. Permitted and special accessory uses are also listed at the end of the Land Use Matrix.

⁴⁵ Amended Ord. 27-2006; Effective August 1, 2006

⁴⁶ Amended Ord. 27-2006; Effective August 1, 2006

1. The presumption established by this Chapter is that all principal uses of land allowed in Whitehouse are listed in the Land Use Matrix and assigned to at least one zoning district.
2. Since the list of land uses set forth in the Land Use Matrix cannot be all-inclusive, the Zoning Inspector shall refer proposed questionable uses to the Board of Zoning Appeals for determination whether or not a proposed use is of a similar nature, is similar in character, or will have similar impacts to a specified permitted or special land use listed in the Land Use Matrix.
3. The interpretation of uses given in categorical terms shall be as defined in [Chapter 1270.02](#) (Definitions) or as interpreted by the Board of Zoning Appeals.
4. Land uses which are indicated with the letter “X” for any Zoning District or uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under [Chapter 1255](#) (Permitted and Conditional Uses) and [Chapter 1270.02](#) (Definitions) shall be considered prohibited until such uses are amended into these regulations pursuant to [Chapter 1248](#) (Amendments).
5. The Land Use Matrix shall not be interpreted to allow a principal use in one zoning district when the use in question is more closely related to another specified principal use that is listed in another zoning district.
6. Whenever a mixed-use development could fall within more than one use classification in the Land Use Matrix, the classification that most closely and most specifically describes the development shall control. When a mixed use development comprises two or more principal uses where any of the principal uses is a special use, then the entire mixed-use development shall be deemed a special use.

1255.02 Land Use Matrix⁴⁷

Use Permitted: After obtaining a valid zoning permit in accordance with [Section 1241.04](#) (Application and Issuance of Zoning Permits), the following uses are permitted:

Land Uses	Zoning District															
	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
A. Agricultural Uses																
1. Agriculture	P															
2. Agriculture - Boarding of livestock and domesticated animals	P									S		X				
3. Agriculture - Cropland uses only	P	P														
4. Farm markets	S	S														
5. Greenhouses (commercial)	S															
6. Road side stands	S	S														
B. Residential Uses																
1. Boarding house								P				P		P		
2. Dwelling - Single family	P	P	P	P	P	P	P						P			
3. Dwelling - Two-family						P	P						P			
4. Dwelling - Multi-family							P						P			
5. Nursing home		S	S	S	S	S	S	P		S	P	S	P			
6. Residential unit(s) in the same building as a commercial use, subject to Section 1257.15.B. (Mixed Residential and Commercial Uses)										P	P	P	P			
C. Public and Semi-Public Uses																
1. Airports, Fixed Wing Air Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2. Cemetery/Memorial Gardens	S	S											S			
3. Child day care home, Type A							S	S	S	S	S	S	S	S		
4. Child Day care home, Type B	P	P	P	P	P	P	P	S	S	S	S	P				
5. Child Day care center, only when an integral part of an office building or office complex								S			S	P	S	S	S	
6. Health care clinics								P		P	P	S	P			
7. Institutional Health Care							S					S				

⁴⁷ Amended Ord. 27-2006; Effective August 1, 2006

Land Uses	Zoning District															
	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
8. Public service facilities							S	P	P	P	P	P	P	P		
9. Public and semi-public uses	S	S	S	S	S	S	S	P			P	P	P			
D. Commercial Uses																
1. Animal care facilities	S							S	S	P	P	X	P			
2. Animal hospital								S	P	P	P	S	P			
3. Auction Markets								S	S	S	S					
4. Car washes								S	S	P	P		P			
5. Garage, Public								S	P	P	P		P	S		
6. Hotels / motels principally oriented to trucking patronage								S	S	S	S		X			
7. Internet Sweepstake Terminal Cafés								S	S	S	S			S		
8. Lodging - Bed and breakfast		S	S					S	S	S	S	S				
9. Lodging - Hotels and motels								S	S	S	P	S	P			
10. Lodging - Tourist home								S	S	S	S					
11. Mortuary	S	S						P	P	P	P		P			
12. Offices								S	P	P	P	P	P	P	P	
13. Office Services - Banking, financial, and insurance institutions; including drive-up facilities								S	P	P	P		P			
14. Office Services - Banking, financial, and insurance institutions; without drive-up facilities								P	P	P	P	P	P			
15. Office Services - Banking when included as an integral part of an office building located in a "M-1" Light Industrial/Office Research Facility								S	S	S	S			P	P	
16. Office Services - Professional								P	P	P	P	P	P	P	S	
17. Printing and publishing								S	P	P	P	S	P	P	P	
18. Radioactive Warehouse Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
19. Recreation facilities	S	S	S	S	S	S		S	S	P	P	P	P			
20. Recreation facilities - Bowling alleys								S	S	S	P	P	P			
21. Recreation facilities - Indoor courts for tennis and racquetball, and physical fitness centers								S	S	S	P	P	P			
22. Rental facilities - Equipment								S	S	S	P		P			
23. Restaurants/Lounges								S	P	P	P	P	P			
24. Restaurants principally oriented to trucking patronage								S	S	S	P		X			

Land Uses	Zoning District															
	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
25. Restaurants with drive-up facilities								S	S	S	P	X	P			
26. Sales - Agricultural products								S	S	P	P		P			
27. Big box retail and service development pursuant to Section 1257.03								S	S	S	P	X				
28. Sales - Building supply stores where inventory is substantially enclosed in a building								S	S	S	P		P			
29. Sales - Building supply stores where inventory is not substantially enclosed in a building, such as a lumber yard								S	S	S	S	X		P	P	
30. Sales - Flea Markets								S	S	S	S	X				
31. Sales - Food stores								S	S	S	P	P	P			
32. Sales - Garden centers								S	S	S	P	S	P			
33. Sales - General business								S	P	P	P	P	P			
34. Sales - Manufactured homes								S	S	S	S	X				
35. Sales - Neighborhood-oriented business								P	P	P	P	P	P			
36. Sales - Shopping centers								S	S	S	S	P				
37. Sales and/or Rental - Motor vehicles								S	S	P	P	X	P			
38. Service and sales - Agricultural implement								S	S	P	P	X	P			
39. Service and sales - Aircraft								S	S	S	P	X	P			
40. Service and sales - Motor fuel service stations, principally oriented to trucking patronage								S	S	S	P	X	X			
41. Service and sales - Motor fuel service stations, principally-oriented to automobiles								S	P	P	P	S	P			
42. Service and sales - Motor vehicle								S	S	S	P	X	P			
43. Service and sales - Watercraft and marine								S	S	P	P	X	P			
44. Services - Boat Storage								S	S	P	P		P			
45. Services - Motor vehicle body shop								S	S	P	P	X	P			
46. Services - Personal								P	P	P	P	P	P			
47. Sexually-oriented business, subject to Section 1257.16								S	S	P	S	X		P		
48. Studios - Photography and art								P	P	P	P	P	P			
49. Warehousing - Building materials/storage garage								S	S	S	P		P	P	P	

Land Uses	Zoning District															
	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
50. Warehousing - Self service storage facilities, subject to Section 1257.17								S	S	P	P	X	P			
A. Industrial Uses	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
1. Extraction industries															S	
2. Grain Elevator/Storage															P	
3. Laboratories - Research												S	S	P	P	
4. Laboratories - Service										P	P		P	P	P	
5. Manufacturing, General Manufacturing, as defined by Section 1270.02.128													P	P	P	
6. Manufacturing, Heavy Manufacturing, as defined by Section 1270.02.129															P	
7. Manufacturing, Restricted Manufacturing, as defined by Section 1270.02.130													P	P	P	
8. Metal Stamping / Machine Shop													P	P	P	
9. Toxic Waste Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
10. Truck Transport Terminals														P	P	
11. Warehousing											P		P	P	P	
12. Sales - Wholesale												X	P	P		
B. Accessory Uses	A	S-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	TND	B-P	M-1	M-2	
1. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot	P	P	P	P	P	P	P	P	P	P	P	S		P	P	
2. Accessory uses, including signs permitted in the C-1 to C-4 or M-1 districts, as well as any others customarily associated with the permitted uses of this district, but excluding those involving outside storage or display												S	P			
3. Home Occupation	P	P	P	P	P	P	P					S				
4. Garages used for storage of vehicles used in conjunction with the operation of the business											P	S	P			
5. Restaurants when included as an integral part of an office building located in a "M-1" Light Industrial / Office Research Facility														P		

Land Uses	Zoning District															
	<u>A</u>	<u>S-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>TND</u>	<u>B-P</u>	<u>M-1</u>	<u>M-2</u>	
6. Roof mounted solar collectors. The location of the collector shall be approved in accordance with Chapter 1241 (Enforcement) and Section 1257.01 (Accessory Uses).	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
7. Warehousing when included as an integral part of an office building located in a "M-1" Light Industrial / Office Research Facility												S		P		
8. Small wind energy system	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
9. Micro wind system	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
10. Wind cubes	P							P	P	P	P			P	P	

CHAPTER 1256 DEVELOPMENT STANDARDS

- 1256.01 [General Development Standards](#)
 - 1256.02 [Development Standards Matrix](#)
-

1256.01 **General Development Standards**

- A. General Lot Area Regulations. No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. When the boundary line of two (2) zoning districts divide a lot held in single ownership, the yard requirements provided herein shall apply and extend from the zoning district line.⁴⁸
1. *Corner Lots*
 - a) All corner residential lots shall have extra width sufficient for maintenance of building setback lines on both streets. The minimum lot width shall be one hundred (100) feet.
 - b) Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
 2. *Nonconforming Lots.* A lot of less area or width, which was so recorded at the time of the adoption of this Ordinance, and the owner thereof owns no adjoining land, may be occupied by a single family dwelling and shall meet the requirements of [Chapter 1260](#) (Nonconforming Lots, Structures and Uses). Measurement of the lot area shall be made to the street right-of-way.
- B. General Yard Requirements. Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.⁴⁹
1. External areas of structures will be landscaped and maintained.
 2. Undeveloped areas of the parcel will be kept free of debris, weeds and routinely maintained by the cutting of all grass areas.
 3. All uses and activities shall be inside buildings unless related to the existing primary use of the property.
 - a) Commercial and where possible, industrial, work activities and material handling will be confined within buildings or within closures; and materials

⁴⁸ Amended Ord. 27-2006; Effective August 1, 2006

⁴⁹ Amended Ord. 27-2006; Effective August 1, 2006

and products will be stored in enclosed structures or areas screened from view from adjoining property.⁵⁰

C. Height. No building or other structure shall hereafter be erected or structurally altered to exceed the height required, except:⁵¹

1. *Buildings* - The maximum height of buildings and number of stories specified in each district may be exceeded for public and semi-public buildings, commercial, industrial and apartment buildings provided the required front, side and rear yards are increased by two (2) feet for each foot of additional building height to a maximum height of fifty (50) feet.
2. *Structures* - height regulations of buildings shall not apply to telecommunication towers, monuments, church spires/bell towers, water, or fire towers, chimneys or cooling towers, silos, flagpoles except where the height of such structure will present a hazard to the safe landing and takeoff of aircraft at an established airport.

D. Architectural Projections

1. Open covered structures such as porches, canopies, balconies, platforms, and carports; structures such as patios, balconies, platform or decks that are covered and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum front, side, or rear yard.
2. Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear yard and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not more than eighteen (18) inches and eaves projecting not more than two (2) feet.
3. Open or lattice enclosed fire escapes, fire proof outside stairways, balconies opening upon fire towers and ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
4. Wood decks and tree houses are considered accessory buildings and structures. As such a permit is required prior to the construction or erection of the same and should be in accordance with [Chapter 1257](#) (Supplemental District Uses and Structures).

⁵⁰ Amended Ord. 27-2006; Effective August 1, 2006

⁵¹ Amended Ord. 27-2006; Effective August 1, 2006

1256.02 **Development Standards Matrix**

The development and execution of this Chapter is based upon the division of the municipality into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. The following provisions shall apply in the respective zoning districts. Development standards for the TND, Corridor Overlay District, and PUD are contained in [Chapters 1251 to 1253](#).

A. Development Requirements for “A,” “S,” and “R” Districts								
<u>District</u>	Minimum Lot Area (#1)		Minimum Yard (#2)			Maximum Height (#3)		Minimum Living Area (s.f. per dwelling unit by number of bedrooms)
	<u>Net Acreage (or s.f.) per dwelling unit</u>	<u>Width (ft.)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Stories</u>	<u>Feet</u>	
“A” Agricultural District	5 acres	150	50	20	35	2-1/2	35	SF/One BR: 1,000 SF/Two BR: 1,200 SF/Three BR: 1,350
“S-1” Suburban Residential	1 acre	150	50	20	35	2-1/2	35	
“R-1” Single Family Residential	20,000 s.f.	100	35	15	35	2-1/2	35	
“R-2” Single Family Residential	15,000 s.f.	90	35	10	35	2-1/2	35	
“R-3” Single Family Residential	10,800 s.f.	80	35	10	35	2-1/2	35	
“R-4” Two-Family Residential	SF: 10,800 s.f. 2F: 15,000 s.f.	SF: 80 2F: 100	35	SF: 10 2F: 15	35	2-1/2	35	SF/One BR: 1,000 SF/Two BR: 1,200 SF/Three BR: 1,350 2F/One BR: 650 2F & MF/Two BR: 850
“R-5” Multi-Family Residential (#4)	SF: 10,800 s.f.; 2F: 15,000 s.f.; MF: 18,000 s.f. or 3,500 s.f. per dwelling unit, whichever is greater	SF: 80 2F: 100 MF: 100	SF: 30 2F: 35 MF: 35	SF: 10 2F: 15 MF: 15	25	2-1/2	35	

Footnotes to Table: (“ft.” = feet; “s.f.” = square feet; “BR” = Bedroom; “SF” = Single Family; “2F” = Two Family; “MF” = Multi-Family)

#1 The minimum lot area standard indicated in the table shall not include public rights-of-way or easements. Measurement of the lot area shall be made to the street right-of-way. A lot of less area or width, which was so recorded at the time of the adoption of this Ordinance, and the owner thereof owns no adjoining land, may be occupied by a single family dwelling and shall meet the requirements of [Chapter 1260](#) (Nonconforming Lots, Structures, and Uses).

#2 When the boundary line of two (2) zoning districts divide a lot held in single ownership, the minimum yard requirements shall apply and extend from the zoning district line.

#3 No building, except those for agricultural purposes where permitted, shall be erected or enlarged to exceed the standards indicated for each district except as provided for in [Section 1256.01.D](#). (Architectural Projections).

#4 Site design and development shall be required in accordance with provisions of [Section 1241.06](#) (Site Plan Requirements).

B. <u>Development Requirements for “C,” “B,” and “M” Districts</u>							
District (#1)	Minimum Lot Area (#2)		Minimum Yard (#3)			Maximum Height (#4)	
	<u>Net Acres</u> (or s.f.)	<u>Width</u> (ft.)	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Stories</u>	<u>Feet</u>
“C-1” Neighborhood Commercial	25,000 s.f.	90	50	20; 30 if abutting an “A”, “S-1” or “R” District	30	2-1/2	35
“C-2” Village Center Commercial	10,800 s.f.	90	0	0	10	2-1/2	35
“C-3” General Commercial	25,000 s.f.	100	50	20; 30 if abutting an “A”, “S-1” or “R” District	20; 30 if abutting an “A”, “S-1” or “R” District	2-1/2	35
“C-4” Highway Shopping Center Business District	120,000 s.f. (600 feet depth)	200	100	20; 100 if abutting an “A”, “S-1” or “R” District	25; 100 if abutting an “A”, “S-1” or “R” District	2-1/2	35; 15 for accessory bldg.
“B-P” Business Park District	2 acres	150	50; 100 if abutting an “A”, “S-1” or “R” District	50 (driveway side) 25 (other side); 100 if abutting an “A”, “S-1” or “R” District; 30 (accessory bldg)	50; 100 if abutting an “A”, “S-1” or “R” District; 30 (accessory bldg)	3-1/2	40; 15 (accessory bldg)
“M-1” Light Industrial / Office Research District	1 acre	150	50	30; 50 if abutting an “A”, “S-1” or “R” District	40; 45 if abutting an “A”, “S-1” or “R” District	3-1/2	40
“M-2” General Industrial	5 acres	250	50; 100 if abutting an “A”, “S-1” or “R” District	40; 100 if abutting an “A”, “S-1” or “R” District	40; 100 if abutting an “A”, “S-1” or “R” District	3-1/2	40

Footnotes to Table:

#1 Site design and development shall be required in accordance with provisions of [Section 1241.06](#) (Site Plan Requirements).

#2 The minimum lot area standard indicated in the table shall not include public rights-of-way or easements. Measurement of the lot area shall be made to the street right-of-way. A lot of less area or width, which was so recorded at the time of the adoption of this Ordinance, and the owner thereof owns no adjoining land, may be occupied and shall meet the requirements of [Chapter 1260](#) (Nonconforming Lots, Structures, and Uses).⁵²

#3 When the boundary line of two (2) zoning districts divide a lot held in single ownership, the minimum yard requirements shall apply and extend from the zoning district line.

#4 No building shall be erected or enlarged to exceed the height standards indicated except as provided for in [Section 1256.01.C](#). (Height).

⁵² Amended Ord. 12-98; Passed 4-7-98

CHAPTER 1257 SUPPLEMENTAL DISTRICT USES AND STRUCTURES

- 1257.01 Accessory Uses
- 1257.02 Agriculture
- 1257.03 Big Box Retail and Service Development
- 1257.04 B-P District Design Standards
- 1257.05 Dish Antennas
- 1257.06 Extraction Industries
- 1257.07 Fencing
- 1257.08 Home Occupations
- 1257.09 Landscaping and Screening Regulations
- 1257.10 Manufactured and Modular Homes
- 1257.11 Open Storage and Display of Material and Equipment
- 1257.12 Performance Standards
- 1257.13 Ponds
- 1257.14 Private Tennis Courts
- 1257.15 Residential Dwellings
- 1257.16 Sexually-Oriented Businesses
- 1257.17 Self-Service Storage Facilities
- 1257.18 Shopping Centers
- 1257.19 Swimming Pools
- 1257.20 Temporary Buildings and Uses
- 1257.21 Trash Receptacle Areas
- 1257.22 Portable Storage Units
- 1257.23 Solar Collectors
- 1257.24 Wind Energy Systems
- 1257.25 Internet Sweepstake Terminal Cafés
- 1257.26 Charitable Donation Collection Bins *

The following supplementary district uses and structures are allowed in various zoning districts as specified in each subsection. To assure compliance with the conditions and regulations of this chapter, each use shall require a zoning permit.

1257.01 **Accessory Uses**⁵³

A. General

1. No accessory use, building, structure or pond shall be permitted on any lot which does not contain a dwelling or a main building.
2. Accessory buildings / structures shall be constructed in accordance with Whitehouse building codes.

⁵³ Amended Ord. 27-2006; Effective August 1, 2006

* Amended Ord. 7-2013; Effective July 2, 2013

3. Wood decks and tree houses are considered accessory buildings and structures and shall require a permit prior to their construction or erection of the same except as provided herein. No permit shall be required for a tree house except when constructed upon a post or posts in or upon the ground. A permit will be issued only upon approval of Site Plans, drawings and diagrams for the construction of wood decks and tree houses by the Zoning Inspector. Tree houses may not be used for storage purposes.

B. Setback

1. If smaller than twelve (12) feet by twelve (12) feet, accessory buildings and structures shall have a minimum setback of five (5) feet from each lot line.
2. If twelve (12) feet by twelve (12) feet or larger, such buildings and structures shall have a minimum setback of ten (10) feet from each lot line.
3. Agricultural buildings shall have a minimum setback of twenty (20) feet from each lot line.

C. Yard Requirement

1. Accessory buildings shall not be located in any front yard nor in the side yard of a corner lot when that yard faces a street or road.
2. An accessory building not exceeding twenty (20) feet in height may occupy not more than thirty (30) percent of a required rear yard.

1257.02 **Agriculture**⁵⁴

- A. Animal Husbandry. Livestock used in agriculture or raised for agricultural purposes shall not be maintained within one hundred fifty (150) feet of a non-farm building.

B. Farm Markets

1. General. Farm markets shall be permitted only where all of the gross income from the market is derived from the sale of plant produce raised on the premises.
2. Setback. To allow for safe ingress and egress of vehicles and temporary parking, no building, structure, produce stand, or vehicle used for produce sale or storage shall be closer than fifty (50) feet of any road right-of-way.
3. Area and Design Requirements. Farm markets shall be temporary structures only; shall be a maximum of one (1) story high; and shall not contain greater than two hundred (200) square feet in floor area.

⁵⁴ Amended Ord. 27-2006; Effective August 1, 2006

C. Pole Barn Construction

1. The construction and/or erection of pole-type buildings and barns shall be permitted only within the specific areas, as are now or shall be henceforth zoned "Agricultural". "Agricultural" zoned areas in Whitehouse are those areas so designated in [Chapter 1250](#) (Establishment of Districts).
2. Any and all pole-type construction and/or erection of such buildings shall be subject to all other codes and regulations of Whitehouse as may be designated in applicable building or zoning codes and regulations for the municipality.⁵⁵

1257.03 **Big Box Retail and Service Development**⁵⁶

Big box retail and service structures greater than fifty thousand (50,000) square feet in gross floor area can have a detrimental impact on the Municipality without an effort to account for unplanned impacts to the community. When the provisions of this Section conflict with other standards of this Zoning Ordinance, the provisions of this Section shall control.

A. Prohibited On-site Accessory Uses

1. Gas pumps;
2. Automotive sales, new or used;
3. Beverage vending machines outside the store;
4. Kiddie rides outside the store.

B. Site Plan Review Required. All proposed construction, reconstruction, additions, changes, or conversions, wholly or partly, to big box retail structures shall be subject to Site Plan review by the Planning Commission pursuant to [Section 1241.06](#) (Site Plan Requirements).

C. Traffic Impact Study Required. A traffic impact study prepared by a professional engineer registered in the State of Ohio and reviewed and approved by the Lucas County Engineer (and the Ohio Department of Transportation if along a state highway) shall be required to determine necessary road improvements to adjacent roads impacted by the proposed development. The Study shall be in accordance with the requirements of [Section 1251.09\(I\)](#) (Traffic Impact Study).

D. Design Standards. Architectural features, including landscaping, materials, texture, and colors, are to be integrated in the design of big box retail buildings. The Planning Commission shall review architectural and landscaping plans for big box structures

⁵⁵ Amended Ord. 4-86; Passed 2-18-86

⁵⁶ Amended Ord. 27-2006; Effective August 1, 2006

with developers prior to approval of zoning or building permits. The Planning Commission is charged to approve proposed plans or make recommendations for inclusion of design features which meet the following design standards for big box structures:

1. *Facade Design*. The following standards shall apply to the exterior of buildings, except that this requirement shall not apply to the rear wall of the building when that wall is used only for loading and service doors and service areas, and when that wall is effectively screened from public view by fencing, mounding, and/or landscaping in accordance with a plan approved by the Planning Commission.
 - a) All facades of a building that are visible from adjoining properties and/or public streets shall contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to a front facade.
 - b) Facades greater than one hundred (100) feet in length shall incorporate recesses and projections a minimum of three feet in depth and a minimum of twenty (20) contiguous feet within each one hundred (100) feet of facade length. Windows, awnings, entry areas, and arcades shall total at least sixty (60) percent of the facade length facing a public street.
 - c) Building facades shall include a repeating pattern that shall include no less than three of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 - d) Predominate exterior building materials should be of high-quality brick, wood, stone (sandstone, cut-stone, field stone, cast stone, or other native stone material), glass, or exterior insulation and finish systems (EOFS) or equivalent product when thirty-six (36) inches above grade and not within an entryway. Materials such as smooth-faced concrete block, smooth-faced tilt-up concrete panels, wood sheet goods, or metal sheet goods (such as pre-fabricated steel panels) are prohibited. The use of multiple materials should be encouraged to provide visual interest.
 - e) Facade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may feature brighter colors than facade colors, subject to the approval of the Planning Commission, but neon tubing and fluorescent colors are prohibited.
 - f) Each principal building or tenant space shall have a clearly defined, highly visible customer entrance with a minimum of three of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios,

display windows, and architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- 1) Each side of a principal building that directly faces an abutting public street shall feature at least one customer entrance.
- 2) Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.
- g) Smaller retail stores that are part of a larger principal building shall have recessed display windows and should include visually prominent sills, shutters, or other such forms of framing. Where windows are visible from a residential district or residential use, shades, window tinting, or awnings shall be used to prevent lights shining through at night. Smaller retail spaces shall have separate outside entrances.

2. *Roof Design*

- a) Roof lines shall provide variations to reduce the massive scale of big box retail structures and to add visual interest.
- b) Standing seam metal roofs are strongly preferred.
- c) Roof lines shall have a change in height every one hundred (100) linear feet in the building length.
- d) Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- e) Alternating lengths, overhanging eaves, multiple roof slope planes, and other designs may be acceptable and can be addressed with the Planning Commission.

3. *Grading and Stormwater Detention*

- a) Retaining walls are to be constructed of stone veneer or concrete with an architectural profile approved by the Planning Commission.
- b) Storm water detention or retention may be achieved by the means of subterranean structures, ponds, or rain gardens which shall be used to catch storm water before it is released into public storm sewers, ditches, creeks or lakes.

- E. Outside Storage. In addition to the requirements contained in [Section 1257.11](#) (Open Storage and Display of Material and Equipment), the following supplemental regulations shall apply:
1. Outside storage shall be strictly limited so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - a) No areas for outdoor storage, trash collection or compaction, or other such uses shall be located within twenty (20) feet of any public or private street, public sidewalk or access easement, or internal pedestrian way.
 - b) Outdoor storage areas shall be in screened enclosures at the rear of the building. Such screening materials shall reflect the principal materials of the building. At least three (3) sides of an enclosed storage area shall be landscaped to provide fifty (50) percent opacity at all times of the year.
 2. Trash collection, outdoor storage, and similar facilities and functions, as provided for by code, shall be incorporated into the overall site plan and the landscaping plan.
 3. No trash removal or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except in special circumstances and where steps are taken to reduce noise impacts.
- F. Landscaping, Buffering and Screening. In addition to the requirements of [Section 1257.09](#) (Landscaping and Screening Regulations) and the Whitehouse Street Tree Ordinance, the following supplemental regulations shall apply:
1. Dense landscaping shall be installed around the perimeter of the building.
 2. Where building facades face adjacent residential uses, an earthen berm shall be installed, no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of fifteen (15) feet on center.
 3. Additional landscaping may be required by the Planning Commission, Tree Commission, and/or Council to effectively buffer adjacent land use as deemed appropriate.
 4. The Planning Commission shall have the authority to vary any requirements of this Chapter for Big Box Retail and Service Development in furtherance of creativity and excellence in design quality of the landscaped, mounding, and screening areas of future development.
- G. Lighting Standards. All lighting on the exterior of the building(s) shall be subject to the requirements of [Section 1257.12.D](#). (Lighting Performance Standards).

- H. Sign Standards. In addition to the requirements of [Chapter 1259](#) (Signs), no pole signs shall be allowed on the property.
- I. Pedestrian Walkways and Amenities
1. At least one continuous internal pedestrian connecting walkway for each primary street frontage, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way linking the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature items such as adjoining landscaped areas that includes trees, shrubs, benches, flower beds, planters, groundcover, or other such materials for no less than thirty (30) percent of its length.
 2. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas.
 3. Safe and clearly defined pedestrian walkways, leading to store entrances, must be provided within large parking lots.
 4. Customer entrances shall have weather protection features such as awnings, or arcades, or vestibules.
 5. Where internal pedestrian walkways cross parking aisles or driveways, they shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as special pavers, bricks, scored concrete, or scored and painted asphalt to enhance pedestrian safety and the attractiveness of the walkways.
 6. Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) community amenities such as a patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- J. Parking Standards. In addition to the requirements of [Chapter 1258](#) (Off-street Parking and Loading), the following supplemental parking regulations shall apply:
1. The design of parking facilities shall define spaces for safe pedestrian movement and spaces where people change modes of travel. Defining such spaces includes the use of brick pavers, scored or painted concrete or asphalt or comparable techniques.

2. No more than sixty (60) percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings and/or earth berms.
 3. In order to reduce the scale of parking areas, each aisle of parking area shall be divided into two or more sub-areas separated from each other by a buffer strip consisting of lush landscaping, access drives or public streets, pedestrian walkways, or buildings. Such buffer strip shall be designed to detain/filter stormwater collected from the pavement area.
 4. At the parking lot edge, guardrails shall be screened from view with brick pillars and ornamental iron railing.
- K. Loading and Delivery Standards. In addition to the requirements of [Chapter 1258](#) (Off-street Parking and Loading), the following supplemental regulations shall apply:
- L. Loading docks and mechanical fixtures, as provided for by code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - M. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.
 - N. No areas for delivery or loading shall be located within twenty (20) feet of any public or private street, public sidewalk or access easement, or internal pedestrian way.
 - O. Where a residential unit is located within five hundred (500) feet of the establishment, no delivery or loading operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except in special circumstances and where steps are taken to reduce noise impacts.

1257.04 "B-P" Business Park District Design Standards

- A. Buildings within this district shall not be approved which do not treat all exterior walls of all structures permitted herein with acceptable materials that present an equally finished facade to all street frontage and twenty (20) feet on sides and these shall consist of brick, decorative masonry, or cedar.
- B. That necessary loading docks and enclosed waste storage awaiting pickup be especially well treated in terms of site placement and landscape and other suitable screening.

1257.05 Dish Antennas

- A. Exempt Dish Antennas. In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of one (1) meter (39.97 inches) or less when located in an "A" or "R" District are exempt from the provisions of this Ordinance.
- B. Permitted Antennas. Satellite dish antennas with a diameter in excess of one (1) meter (39.97 inches) are permitted in all Districts.
- C. Location of Ground-Mounted Earth Stations:
1. Due to the desire of Whitehouse to maintain a high degree of neighborhood aesthetic conformity and to promote the utmost safety of installation and operation, no earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
 2. No earth station, including its concrete base slab or other substructure, shall be constructed less than 10 feet from any property line or easement.
 3. No earth station shall be constructed without appropriate landscaping to reasonably conceal said earth station from view, and the planting shall be completed before final approval by the Zoning Inspector.
 4. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
 5. An earth station shall not exceed a grade height of 12 feet.
 6. An earth station must not exceed ten (10) feet in diameter.
- D. Location of Roof-Mounted Earth Stations:
1. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Building Code and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires.
 2. An earth station shall not exceed a high of more than three (3) feet above the roof upon which it is mounted.
 3. An earth station "dish" shall not exceed three (3) feet in diameter.
 4. No earth station shall have written upon it any advertising whatsoever or any written lettering larger than one (1) inch in height.

1257.06 Extraction Industries

- A. Removal. The removal of soil, sand and gravel, and or minerals shall not exceed twenty-five (25) percent of the total surface area of a parcel. All extraction industries in the removal of products shall meet the requirements of Surface Mining and Reclamation under ORC 1514.10.
- B. Refilling. The refilling of an area which has been excavated for the extraction of soil, sand and gravel shall be considered waste disposal and shall meet the requirements set forth by the Board of Health for solid waste disposal under ORC 3734.05.

1257.07 Fencing⁵⁷**A. General**

1. No fence shall be allowed within the public right-of-way.
2. Chain link fences shall not be permitted in any front yard.
3. A fence must be located inside the property line, unless written permission is granted by the neighboring property owner and presented to the Zoning Inspector prior to the issuance of a permit allowing the fence to be erected on the property line.
4. Fences that are painted shall be one color per side. The finished side of the fence shall face outward from the lot being fenced.

B. Residential Districts

1. No fences may be built in any required front yard as established by the zoning code for the specific district the property is in.
2. Side and Rear Yards: Fences and walls in these required yards shall not exceed six (6) feet in height above the natural grade.
3. Corner Lots: For this Chapter only, the address of a property on a corner lot will determine the front yard. The other yard abutting a public roadway will be considered a side yard.
4. All fences must be kept 30' from any roadway intersection. This 30' will be measured from the point where right-of-way lines intersect.
5. Subdivision Common Fences and Walls: Special consideration can be given for fences and walls along collector streets that extend into the front yard of corner lots.

⁵⁷ Amended Ord. 27-2006; Effective August 1, 2006

These fences and walls must be part of the subdivision master plan and an integral part of the entry landscaping design.

6. No fence or wall having wire or metal prongs, or spikes, or cutting points, such as barbed wire, shall be erected, constructed or replaced in any residential district.
7. Fence permits requested from residents living in older existing neighborhoods will be decided on a case-by-case basis which takes into consideration existing fencing on adjacent and abutting properties in the same manner as building lines are established.

C. Commercial Districts

1. Front and Corner Side Yards: A fence or wall in these required yards shall not exceed a height of forty-eight (48) inches and shall only be used for decorative purposes. Front yard or side yard borders that abut a conflicting use which requires screening shall be allowed a fence or wall not to exceed seventy-two (72) inches in height and must be incorporated into the landscape plan.
2. Side and Rear Yards: A fence or wall in these required yards shall not exceed a height of ninety-six (96) inches unless otherwise required.

1257.08 **Home Occupations**⁵⁸

A. For Residential Districts:

1. A home occupation may include the use of one (1) accessory building as a place for operation of the home occupation or for purposes of storage of equipment. The accessory building shall not exceed ten (10) percent of the lot area or five-hundred (500) square feet in area maximum, and shall be the only accessory building on the lot.
2. Only members of the family residing on the premises shall be engaged in such occupation;
3. 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 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, outside storage of materials incidental to the home occupation, nor other visible evidence of the conduct of such home occupation.
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

⁵⁸ Amended Ord. 27-2006; Effective August 1, 2006

6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.
- B. For Commercial Districts where a residential dwelling is the principal use of a parcel, any accessory business or service must comply with the following:
1. All vehicles, trailers, specialized equipment trailers/tractors and towed equipment will be stored in a building. Such equipment will not be stored or parked on or in any front, rear, or side yard.
 2. Yards will not be used for storage of supplies or by-product materials associated with the accessory use of the property or for parking and storing of vehicles unless they are on an approved asphalt or concrete parking lot or driveway (which requires Site Plan approval). All yards, courts, porches, patios, and driveways will be kept free of debris, appliances, or other materials which may cause a health and safety hazard or general unsightliness.

1257.09 **Landscaping and Screening Regulations**⁵⁹

- A. Purpose. The intent of this section is to establish minimum standards for the preservation of existing natural amenities, the design and installation of landscape improvements, and to contribute to development quality and compatibility between land uses by reducing negative physical, visual, noise, and lighting impacts. The regulations address materials, placement, layout, and timing of installation.
- B. Applicability. This section shall apply to the construction or improvement of any subdivision, development site, building, structure, or vehicular use, or any collective substantial improvements to existing structures.
- C. Buffering Between Incompatible Land Uses. Every proposed development which adjoins or faces incompatible zoning districts, land uses, or premises, including across streets and alleys, shall provide sufficient buffering and screening so that neighboring properties are buffered from, or any residential development is buffered from, any adverse economic or environmental external effects of that development. The characteristics of incompatible uses or activities are that they cannot typically be located near each other in harmony and without conflict. For instance, an agricultural use proposed next to a residential use or district, a multi-family use proposed next to a single-family residential use or district, or a commercial or industrial use proposed next to an agricultural or residential use will be deemed an incompatible use. Likewise, a residential use or development proposed adjacent to an agricultural, commercial, business park, or industrial use or district will be deemed an incompatible use. Some elements affecting compatibility include, but are not limited

⁵⁹ Amended Ord. 27-2006; Effective August 1, 2006

to intensity of occupancy, dwelling units per acre, floor area ratio, pedestrian or vehicular traffic generated, volume of goods handled, loss of privacy, unsightly views, and such environmental effects such as traffic, noise, vibration, odor, dust, light spill-over and glare, smoke, pollution, water vapor.

1. A buffer area shall consist of an area not less than twenty (20) feet in width and running the length of the side and/or rear yards within a required front, rear, and side yard setback adjacent to the incompatible abutting use or uses.
 2. The required twenty (20) foot buffer area shall consist of maintained living vegetative material such as trees, shrubs, and ornamental plants that present one hundred (100) percent year-round opacity to a height of six (6) feet or more within one (1) year of planting; or earth mounding, decorative stone or masonry walls, or wood fencing not exceeding a maximum height of six (6) feet in combination with living vegetative material.
 3. In addition to the required twenty (20) foot landscaped buffer area outlined above, an additional buffer area may be occupied by utilities, sidewalks and bikeways, screening, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an access way design is approved by variance.
 4. Where vegetative and/or topographic conditions that provide a natural buffer exist prior to development of a subject property, every effort shall be made to retain such conditions. In such cases, additional buffering may not be required, provided that provision is made for maintenance of such areas.
 5. The requirement for the installation of buffers may be waived if equivalent buffering is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.
- D. Screening Strips Along Road Frontage. Screening strips shall be required along all commercial and industrial road frontages to a minimum depth of fifteen (15) feet or fifty (50) percent of the required minimum yard depth, whichever is greater.
1. Screening strips shall consist of maintained living vegetative material such as trees, shrubs, and ornamental plants.
 2. A screening strip may only be occupied by utilities, sidewalks and bikeways, screening, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an access way design is approved by variance.
 3. Where vegetative and/or topographic conditions that provide a natural screening strip exist prior to development of a subject property, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

- E. Off-Street Parking Lot Landscaping and Screening. The purpose of requiring parking lot landscaping is to help reduce glare and heat build up, to promote interior islands and walkways for pedestrian safety and traffic separation, to visually break up large expanses of pavement, and to buffer adjacent uses from parking lots.
1. All off-street parking and loading facilities shall be accompanied by a detailed landscaping plan to be reviewed and approved by the Whitehouse Tree Commission.
 2. For all uses other than single and two family residence drives, there shall be provided continuous screening to a height of no less than three (3) feet, which screening shall consist primarily of landscaping such as hedges, shrubs, mounded flower beds, and trees, but may also include fences in combination with landscaping.
 3. Landscaped areas around parking lots and along multifamily and nonresidential drives measured to the property line shall be no less in width than the smallest side or rear yard space required by the zoning district for accessory structures, but in no case less than five (5) feet.
 4. Where parking lots are within, abut or opposite an "S" or "R" District, landscaping shall be required for those yards which are adjacent to the "S" or "R" District. Landscaping shall effectively shield the view from these respective adjacent parcels.
 5. Landscaping shall consist of natural materials such as plantings, mounding, stone, walls or fences of wood, decorative stone or masonry.
- F. Screening of Outdoor Storage and Product Display. Screening of outdoor storage and/or product displays shall consist primarily of landscaping such as hedges, shrubs, mounded flower beds, and trees, but may also include fences in combination with landscaping.
1. *Outdoor Product Display.* Uses which utilize outdoor display of products sold on the premises shall not be exempt from this requirement, but the Planning Commission may permit grouping of the screening, along the street property line, to allow for corridors of less obstructed view of the product.
- G. Vision Clearance. Landscaping shall not obstruct visibility within ten (10) feet of any access apron to a street or road right-of-way and within this area, landscaping shall be maintained at a height not to exceed forty-two (42) inches. Low-opacity screening and short ground cover shall be substituted for required tall and high-opacity screening plant materials within vision clearance areas.
- H. Existing Plant Material Preservation Requirements. Existing landscaping or natural vegetation on a site that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part and shall be protected and maintained during the construction phase of the development.

1. Every development shall retain all existing trees eighteen (18) inches in diameter or more unless it is determined that the retention of such trees would unreasonably burden the development.
 2. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12.5) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably limit reasonable use of the site.
- I. New Plant Material and Installation Specifications. All plant material shall be nursery grown and installed in accordance with accepted, good construction and horticultural practices. Plant material shall meet current standards set by the Whitehouse Tree Commission and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage.
1. Species selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Alternatives to specified materials that can be shown to meet both the intent and requirements of this Zoning Ordinance may be approved as part of a Landscaping Plan, after review by the Whitehouse Tree Commission.
 2. *Grass and Ground Cover.* Grass or ground cover shall be planted on all portions of the property not occupied by structures, vehicular use areas or other plant material. If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material. Any form of mulch shall only define a landscaped area and shall not be permitted to be installed in lieu of grass or ground cover.
 - a) Grass shall be planted in species normally grown as permanent lawns selected to assure slow growth and low water consumption whenever possible. Recommended grass seeding is the "urban mix" as set forth in the most recent edition of the ODOT *Construction Materials Specifications* (consisting of 35% Kentucky Bluegrass; 35% Creeping Red Fescue; 10% Annual Rye Grass; and 20% Perennial Ryegrass) or an equivalent seed mix applied at the rate of six (6) pounds per one thousand (1,000) square feet;. Recommended commercial fertilizer is rated 12-12-12 and applied at the rate of twenty (20) pounds per one thousand (1,000) square feet.
 - b) Ground cover is to be planted a minimum of eight (8) inches on center in such a manner to present a finished appearance and seventy-five (75) percent coverage after one (1) complete growing season.
 3. *Vines.* Vines shall generally be used only in conjunction with mounds, walls, fences, or other similar screening materials and shall be at least twelve (12) to fifteen (15) inches long at planting.

4. *Shrubs*. Shrubs shall be at least twenty-four (24) inches in average height and spread at the time of planting. Where used for buffering, shrubs shall be spaced to form a continuous, year-round, solid visual screen within five (5) years after planting.
 5. *Trees*. Trees shall represent the best possible combinations as recommended by the Whitehouse Tree Commission.
 6. *Tree Planting Specifications*. Whenever possible, planting should be done during the months of April, May, October or November. Size, balling, branching and quality of tree shall be according to U.S.A. standards for Nursery Stock Trees and as recommended by the Whitehouse Tree Commission.
- J. Maintenance Standards. The owner/lessee or responsible party of the property shall be responsible for continued maintenance of all landscaping materials and areas. Proper maintenance shall be accomplished by the following standards:
1. All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.
 2. All planted areas shall be maintained with a proper, neat, and orderly appearance, clear of undesirable undergrowth, and free from refuse and debris.
 3. All landscaped areas must be irrigated to provide an adequate water source, or must otherwise be designed to ensure the long-term survival of landscaping materials.
 4. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Replacement plants shall conform to the standards that govern the original installation.

1257.10 **Manufactured and Modular Homes**

- A. Manufactured Home as defined under [Chapter 1270.02.125](#) (Definitions) of this Zoning Code shall not be permitted as a residence in Whitehouse, except as specified in [Section 1257.20](#) (Temporary Buildings and Uses).⁶⁰
- B. Modular Homes as defined under [Chapter 1270.02](#) (Definitions) of this Zoning Code shall be permitted in all districts where single-family residences are permitted and shall be treated the same as conventional site-built residences with respect to minimum building size, lot area, yard setbacks and other restrictions applicable to single-family residences in the same district.

⁶⁰ Amended Ord. 27-2006; Effective August 1, 2006

1257.11 Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incident to permitted or conditional non-residential uses shall be confined to the rear yard and shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties by means of walls, fences or plantings.

- A. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon.
- B. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width shall be landscaped with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. All plantings shall be maintained at this height and in a suitable living condition to maintain the effect of shielding such storage from external view of the parcel.

1257.12 Performance Standards

Commercial, manufacturing, processing, cleaning, servicing, testing or repair activities, and any other operation that is materially injurious, jeopardizes health, degrades the quality of life, reduces the value of property, or results in an unreasonable interference with the use and enjoyment of an adjacent premises or the community at large by reason of: emission of smoke, dust, particular matter, or toxic or noxious materials; generation of noise, vibration, odors, glare, heat, or electromagnetic disturbances; fire or explosive hazards; or creation of any other nuisance; shall be held to the following supplementary requirements and performance standards. The violation of the restrictions contained in this Section is hereby declared to be a public nuisance.⁶¹

- A. Exceptions.⁶² The provisions of this Section shall not apply to the emission of a nuisance for the following purposes:
 - 1. Alerting persons to the existence of an emergency;
 - 2. In the performance of emergency work;
 - 3. Events officially sponsored and/or approved by government officials or educational institutions, such as festivals, fireworks, parades, sporting events, marching bands, etc.;
 - 4. Transportation noises emitted during transit by devices that are licensed and subject to noise operating standards regulated by the State of Ohio or the Federal Government, including railway locomotives and railcars;

⁶¹ Amended Ord. 27-2006; Effective August 1, 2006

⁶² Amended Ord. 27-2006; Effective August 1, 2006

5. The sounding of any horn or signal device on any automobile, motorcycle, bus or train, or any other vehicle as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun;
 6. The blowing of any whistles or sirens or use of lights to give notice of the time to begin or stop work;
 7. Noise resulting from temporary construction activity that occurs between 7 a.m. and 10 p.m.; and
 8. Agricultural activities when the activities are not in conflict with federal, state or local laws or are conducted in accordance with generally accepted agricultural practices.
- B. **Fire Hazards and Explosives.** There shall be no storage, utilization, or manufacture of detonable materials or intense burning materials unless the express written approval of the Whitehouse Fire Chief is obtained. The Fire Chief shall have the authority to specify the location, quantity, methods of storage and methods of utilization, and otherwise exert other controls which are necessary to protect the health and safety of the residents of Whitehouse.⁶³
- C. **Heat.** No use shall produce heat detectable without the aid of instruments beyond its lot lines.⁶⁴
- D. **Lighting.**⁶⁵ No lighting shall produce a strong, dazzling light or a reflection thereof that shall: shine directly on adjacent properties; unnecessarily illuminate any other lot and substantially interfere with the use or enjoyment of such other lot; in any way impair safe movement of traffic on any street or highway, or otherwise constitute a light nuisance.
1. *Minimum Site Lighting Requirement.* All exterior lighting shall enhance the safety of persons and the security of the buildings:
 - a) All developments with less than ten (10) parking spaces shall only be required to provide exterior lighting at all exterior doorways.
 - b) All developments with ten (10) or more parking spaces shall provide exterior lighting for all exterior doorways, pedestrian pathways and vehicular use areas.

⁶³ Amended Ord. 27-2006; Effective August 1, 2006

⁶⁴ Amended Ord. 27-2006; Effective August 1, 2006

⁶⁵ Amended Ord. 27-2006; Effective August 1, 2006

2. *Plans Required.* Prior to approval of zoning or building permits for commercial and industrial developments, a photometric computer printout of the lighting model approved by a professional engineer registered in the State of Ohio shall be submitted for review and approval to assure that lighting restrictions are followed and light trespass is minimized. The plan shall show the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each luminaire proposed.
3. *Height of Lighting Fixtures.* The maximum height of any luminaire shall not exceed the maximum building height permitted in the Zoning District. Outdoor sport facility lighting fixtures may not exceed a maximum height of up to eighty (80) feet.
4. *Spacing of Lighting Fixtures.* Lighting poles shall be spaced apart a minimum distance of approximately four (4) times the mounting height.
5. *Full Cut-Off Fixtures.* All exterior lighting used to light vehicular use areas, off-street parking areas, and pedestrian pathways shall utilize "full-cutoff" type lighting fixtures. Any lighting used to illuminate any off-street parking areas shall reflect light away from an adjoining residential property or the public right-of-way. Direct light from a bulb or a refractor used to illuminate a structure, vehicular use area, or pedestrian pathway shall not be permitted beyond the site.
6. *Appearance of Light.* Exterior lighting shall be maintained stationary and constant in intensity and color at all times when in use. Mercury-vapor and quartz lighting shall be prohibited. Illumination of outdoor features shall not be of a flashing, moving or intermittent type.
7. *Uplighting.* Uplighting shall only be used to light buildings, trees, shrubs, or the U.S. flag where the light is directed in such a way to prevent glare or light trespass.

E. **Noise**⁶⁶

1. *General Requirements.* Noise shall be so controlled that at the property line on which such noise is produced it will not be a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line of the lot, except normal construction activity or an occasional blast required in normal operation and produced in such a manner as not to create a hazard. All noise generated from a lot shall be in compliance with applicable State and Federal environmental protection regulations.
2. *Maximum Sound Levels by Receiving Land Use Category.* It shall be unlawful for any person to cause a sound from a stationary source located on any private

⁶⁶ Amended Ord. 27-2006; Effective August 1, 2006

or public property which exceeds the sound level limits set forth in the following table for the receiving land use category. As indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the sound emitting use is located.

MAXIMUM SOUND LEVELS BY RECEIVING LAND CATEGORY (All values are L_{eq} (1 hour))				
<u>SOUND SOURCE</u>		<u>RECEIVING LAND USE CATEGORY</u>		
<u>Zoning District</u>	<u>Applicable Hours</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Residential	7 a.m. - 10 p.m.	55	60	65
	10 p.m. - 7 a.m.	45	50	65
Commercial	7 a.m. - 10 p.m.	60	65	65
	10 p.m. - 7 a.m.	50	55	65
Industrial	7 a.m. - 10 p.m.	65	70	75
	10 p.m. - 7 a.m.	55	60	75

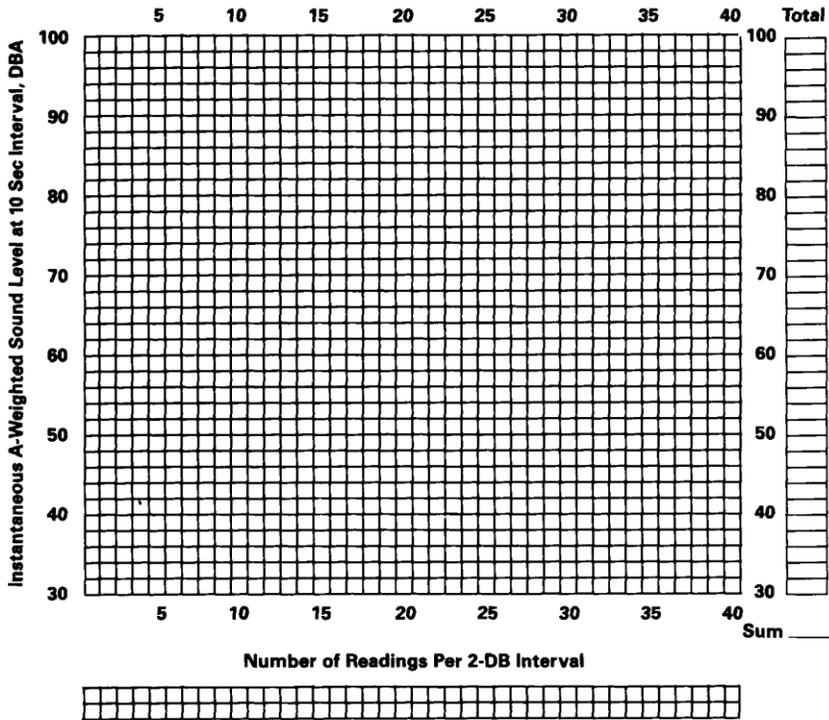
- a) The standards established in the table set forth above are expressed in terms of the Equivalent Sound Level (L_{eq}), which must be calculated by taking 100 instantaneous A-weighted sound levels at 10-second intervals and computing the L_{eq} in accordance with the tables set forth in [Paragraph 5](#) (Guide for Compilation of Data on Noise Levels) below.
 - b) An A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. All decibel (dB) measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter. Measurements shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment.
 - c) Measurements shall be taken at the closest boundary line of the receiving lot to where the sound emitter is located in the slow response, A-weighting mode of the sound level meter.
3. *Impact Noises.* Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in [Paragraph 2](#) (Maximum Sound Levels by Receiving Land Use Category) above, except that this higher level of permissible noise shall not apply from 10 p.m. to 9 a.m. when the adjacent lot is zoned residential. Impact noise shall be measured using the fast response, A-weighting mode of the sound level meter.

4. *Peak Level Sound Limit.* A peak level sound limit, for any duration of time, is hereby established at 120 dB(A). Measurement shall be made in the slow response, A-weighting mode of the meter.

5. *Guide for Compilation of Data on Noise Levels*

Community Noise Measurement Data Sheet

Site No. _____ Packet No. _____ Cluster _____ Area _____



Location _____
 Operators _____
 Date _____ Day M Tu W Th F Sat Sun
 Time _____ am/pm to _____ am/pm
 Wind Speed _____ km/h (_____ mph)
 Air Temperature _____ °C (_____ °F)

Master Check ()
 Battery OK _____ Replaced _____
 Settings A _____ Slow _____
 Calibrations Set to _____ DB End _____ DB

Miscellaneous (after data coll.)
 Background Noise Sources _____
 Unusual Situations or Interferences _____
 Comments _____

Description	Evaluation
_____ V Quiet	_____ V Accept
_____ Quiet	_____ Acceptable
_____ M Quiet	_____ M Acceptable
_____ Noisy	_____ Unacceptable
_____ V Noisy	_____ V Unaccept

Code for identifiable simple noise sources

Transportation	Machinery
E—Emer Veh	C—Construction
G—Gen. Avia	Y—Yard Maint
J—Jet	F—Factory
H—Helicopter	Q—Household
R—Railroad	Other
T—Truck	D—Door
A—Auto	P—People Noise
B—Bus	X—Unidenti-
M—Motorcycle	fiable
S—Service Veh	
V—Off-Rd Veh	

Further Comments _____

**Computational Work Sheet
to Hand-Calculate L_{eq}
from Sound Level Meter
Measurements Recorded
on Data Log**

A	B	C	D
Noise Level Band, dB	Count	Relative Noise Energy	Relative Total Noise Energy
100	x	=	
98	x	79,400	=
96	x	50,100	=
94	x	31,600	=
92	x	20,000	=
90	x	12,600	=
88	x	7,910	=
86	x	5,010	=
84	x	3,160	=
82	x	2,000	=
80	x	1,260	=
78	x	794	=
76	x	501	=
74	x	316	=
72	x	200	=
70	x	126	=
68	x	79.4	=
66	x	50.1	=
64	x	31.6	=
62	x	20.0	=
60	x	12.6	=
58	x	7.94	=
56	x	5.01	=
54	x	3.16	=
52	x	2.00	=
50	x	1.26	=
48	x	.79	=
46	x	.501	=
44	x	.316	=
42	x	.200	=
40	x	.26	=
38	x	.0294	=
36	x	.0501	=
34	x	.0316	=
32	x	.0200	=
30	x	.0126	=
SUM B = _____		SUM D = _____	
SUM D/SUM B = _____		L_{eq} = _____	

Data Requirements:

- Each noise reading must be taken at a standard time interval between measurements.
- Each noise level recorded is the instantaneous level

Step Procedure

- Enter number of counts per noise level in Column B.
- Multiply the counts in Column B by the number in Column C and enter the result in Column D
- Add all values in Column B to determine Sum B, add all values in Column D to determine Sum D, and divide Sum D by Sum B.
- Locate the value in Column C that is approximately equal Sum D/Sum B. The corresponding value in Column A is equal to L_{eq} . Interpolate to the nearest 0.5 dB

Example

Given the following count data, find L_{eq}

Noise Level	Number of Occurrences
81	—
82	2
80	—
78	5
76	—
74	11
72	—
74	4
72	—

Using Steps 1—4 gives

A	B	C	D
81			
82	2 x	2,000	= 4,000
80	0 x	1,260	= 0
78	5 x	794	= 3,970
76	11 x	501	= 5,511
74	4 x	316	= 1,264
72	0 x	200	= 0
Sum B = 22, Sum D = 14,745			
Sum D/Sum B = 670			
$L_{eq} = 70$ dB			

- by linear interpolation in Column C and Column A

6. Any sound that exceeds the stated limits, above, shall constitute a nuisance.
- a) The Zoning Inspector shall order an immediate halt to any sound which exposes any person to sound that exceeds the peak level sound limit, except those excluded pursuant to subparagraph (b). Within two (2) days following issuance of such an order, the Zoning Inspector shall apply to the appropriate court for an injunction to replace the order.
 - b) No order pursuant to subparagraph (a) shall be issued if the only persons exposed to sound that exceeds the peak level sound limit are exposed as a result of (a) trespass; (b) invitation upon private property by the person causing or permitting the sound; (c) employment by the person or a contractor of the person causing or permitting the sound.
- F. **Odor.** No land use shall emit odorous gases or other odorous matter in such quantities as to be offensive or hazardous at any point on or beyond its lot lines. Any manufacturing process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. Any odors generated from a lot shall be in compliance with applicable State and Federal environmental protection regulations.⁶⁷
- G. **Particular Emissions.** The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited. Any particular emissions generated from a lot shall be in compliance with applicable State and Federal environmental protection regulations.⁶⁸
- H. **Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment any point other than that located at the source of such activity.⁶⁹
- I. **Toxic and Hazardous Substances.** No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground water. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable State and Federal environmental protection regulations and the express prior written approval of the Whitehouse Fire Chief.⁷⁰

⁶⁷ Amended Ord. 27-2006; Effective August 1, 2006

⁶⁸ Amended Ord. 27-2006; Effective August 1, 2006

⁶⁹ Amended Ord. 27-2006; Effective August 1, 2006

⁷⁰ Amended Ord. 27-2006; Effective August 1, 2006

- J. **Trash.** The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial byproducts, and other similar materials shall not be visible from the property line on which such materials are being stored or otherwise placed. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards.⁷¹
- K. **Vibrations.** No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibration produced as a result of construction or demolition operations.⁷²
- L. **Enforcement of Performance Standards**⁷³. For the general purpose of nuisance abatement and control, the Zoning Inspector shall have, in addition to any other authority currently conferred, the power to: conduct, or cause to be conducted, research, monitoring, and other studies related to the determination of compliance with the performance standard.
- a) Upon presentation of proper credentials, the authorized personnel may enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner.
 - b) When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this ordinance may exist.
 - c) Such inspection may include administration of any necessary tests.
2. Any person who exceeds the allowable performance standards of this ordinance shall receive either a written order to cease or abate the violation immediately. If the violation is generated in the course of normal business operations and its immediate abatement would negatively impinge upon the business operation, the written order shall provide a maximum of thirty (30) days to abate the violation. It is incumbent upon the person charged with exceeding the allowable performance standards to show that immediate cessation is either not technologically feasible or would create a financial hardship.
3. Any person subject to an order issued by the Zoning Inspector shall comply with such order until (a) the violation is brought into compliance with the performance standard cited in the order as determined by the Zoning Inspector; or (b) a judicial order has superseded the order.

⁷¹ Amended Ord. 27-2006; Effective August 1, 2006

⁷² Amended Ord. 27-2006; Effective August 1, 2006

⁷³ Amended Ord. 27-2006; Effective August 1, 2006

4. If the order to cease or abate the violation is not complied with, or is complied with and then violated again within sixty (60) days, the person responsible shall be charged with a violation of this Ordinance and be subject to a fine of up to the maximum imposed in [Chapter 1241](#) (Enforcement) for each violation.
- M. Variances for Performance Standards. In carrying into effect its powers to grant variances from this Section, the Board of Zoning Appeals shall be guided by the criteria as provided in [Chapter 1242.03\(b\)](#) (Powers and Jurisdiction). In all cases, the burden of proof shall be on the emitter to demonstrate the technological infeasibility of controls and/or the hardship that would be imposed if controls were installed.

1257.13 Ponds

A. General Requirements

1. All ponds shall require a minimum parcel area of five (5) acres.
2. All ponds shall require a permit and meet requirements of [Chapter 1241.04](#) (Application and Issuance of Zoning Permits), which includes written application for a zoning permit accompanied with a Site Plan, including an elevation view of the pond.
3. Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.
4. Ponds which abut more than one (1) lot and or serves as an accessory use for more than one (1) lot, and all of the respective lots associated with the pond shall be platted in accordance with applicable subdivision regulations.
5. Lots containing ponds used for drainage retention shall be platted in accordance with applicable subdivision regulations.

B. Area and Design Requirements

1. Minimum pond surface area shall be one half ($\frac{1}{2}$) acre. Maximum surface area shall not exceed twenty-five (25) percent of the net acreage of the parcel.
2. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of nine (9) feet.
3. Beach areas may be sloped no less than at a horizontal to vertical ration of 10:1 and shall not exceed twenty-five (25) percent of the pond surface area.
4. Ponds shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site unless determined in the Site Plan

approval that it is deemed necessary for landscaping or to provide adequate drainage of the site.

5. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, and then diverted to a suitable outlet or drainage ditch.

C. Setback

1. A pond shall have a one hundred (100) foot minimum setback from any roadway right-of-way centerline.
2. Ponds shall have a side and rear yard setback of not less than ten (10) percent of the width of the parcel, with a minimum setback of fifty (50) feet.
3. A pond shall be located no closer than one hundred (100) feet to any sanitary or storm water facility.

- D. Refilling. The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Board of Health for solid waste disposal under ORC 3734.05.

- E. Requirement for Issuance of Permit. Provide a written description of location and sketch showing location on site (plan view and elevation view).

1257.14 **Private Tennis Courts**

Private tennis courts shall be permitted in any "S" or "R" District with the following requirements:

- A. A Site Plan shall be submitted showing dimensions, and location of the court in relation to property lines, utility easements, sanitary facilities where applicable, and setbacks from property lines. The Site Plan shall be subject to review and approval by the Planning Commission.
- B. Courts shall not be placed over any sanitary or storm water facility or within any public right -of-way.
- C. Maximum court dimensions shall be 120 x 60 feet (or 7,200 square feet) in area.
- D. The Site Plan shall indicate drainage flow and where appropriate, a drainage system shall be installed with suitable outlet, to prevent adverse effects of drainage onto adjoining properties.
- E. Courts shall be fenced when court surface is within twenty (20) feet of a property line. The fence shall not exceed ten (10) feet in height and be separated from the property line with landscaping and/or plant screening.

- F. Lighting where provided shall be so arranged as to reflect away from adjoining residential properties or public way.
- G. A written description and a sketch showing location on the site (plan view and elevation view) shall accompany the permit application.

1257.15 Residential Dwellings⁷⁴

- A. Recreational Vehicles, Mobile Homes, and Manufactured Homes. Recreational vehicles, mobile homes, and manufactured homes that do not qualify as “permanently sited manufactured homes,” as defined under [Section 1270.02.126](#) (Definitions) of this Zoning Code, shall not be permitted as a residence in Whitehouse.
- B. Mixed Residential and Commercial Uses. Where a residential unit(s) is contained within the same building as a Commercial Use, residential buildings shall have a separate entrance passageway for the residential use, and parking spaces shall be provided for each dwelling unit.

1257.16 Sexually-Oriented Businesses⁷⁵

- A. Purpose for Regulation of Sexually-Oriented Business. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually-oriented business land uses. The Whitehouse Planning Commission and Council have reviewed secondary effect studies of sexually-oriented businesses undertaken by various cities and are aware the U.S. Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually-oriented businesses, including: decline of character and property values of a community's commercial and residential neighborhoods and quality of life; diminished use of public facilities, particularly facilities expected to be used by children or used for religious or charitable purposes; increase of crime (e.g., prostitution, drug sales); spread of disease, particularly communicable and sexually transmitted diseases; degeneration of the social and moral order; and harm to children. The following reasonable, specific, and uniform regulations are imposed upon sexually-oriented businesses to preserve and protect the public health, safety, convenience, comfort, prosperity, and general welfare given these documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses.
- B. Permitted Uses. Permitted sexually-oriented businesses are limited to the following uses, more specifically defined herein:
 - 1. sexually-oriented cabarets/movie houses;
 - 2. sexually-oriented media stores;
 - 3. sexually-oriented motels; and
 - 4. sexually-oriented shops.

⁷⁴ Amended Ord. 27-2006; Effective August 1, 2006

⁷⁵ Amended Ord. 27-2006; Effective August 1, 2006

C. Prohibited Uses and Activities

1. Specifically prohibited sexually-oriented businesses, more specifically defined herein, include:
 - a) sexually-oriented encounter centers;
 - b) sexually-oriented escort agencies;
 - c) sexually-oriented nude modeling studios;
 - d) sexually-oriented spas; and
 - e) sexually-oriented viewing booths.
2. Other prohibited uses and activities include:
 - a) Accessory or Second Principal Uses. A sexually-oriented business use may not be an accessory use. No two sexually-oriented business uses may be located on the same premises or on the same lot.
 - b) Obscenity. It shall be prohibited for a person to knowingly or intentionally display or depict obscene material, as defined herein, in any establishment or land use.
 - c) Sexual Touching and Encounter Activities. It shall be prohibited for an employee, patron, or any other person at a commercial establishment to intentionally touch an employee, patron or other person or the clothing of a employee, patron, or other person while displaying specified anatomical areas or performing specified sexual activities.
 - d) Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.

D. Required Separation of Uses

1. Sexually-oriented uses shall not be located within five hundred (500) feet of any residentially or agriculturally zoned districts, schools, training facilities for persons with mental or physical disabilities, child day care facilities or centers, libraries, museums, churches, parks, playgrounds, swimming pools, pool and billiard halls, video arcades, pinball arcades, social service facilities or neighborhood centers, or other public gathering places, family-oriented uses, or recreational facilities established primarily for the activities of minors.
2. No sexually-oriented business shall be permitted within a one thousand (1,000) foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.
3. No sexually-oriented business shall be permitted in a location which is within one thousand (1,000) feet of another sexually-oriented business.

4. *Measurement.* Measurement for the required separation of uses shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of a property line where a sexually-oriented business is conducted, to the nearest property line of the separated district or land use listed above. The presence of any other political boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.
5. Regulations pertaining to the required separation of uses may be waived or modified by the Planning Commission, duly advised by the Solicitor, provided that the applicant provides affidavits of one hundred (100) percent of the property owners and resident freeholders within a one thousand, five hundred (1,500) foot radii of the proposed sexually-oriented business, giving their consent to the establishment of a sexually-oriented business, and if the Planning Commission determines:
 - a) That the proposed use will not be contrary to the public interest or injurious to nearby properties or children and that the spirit and intent of this Section will be observed.
 - b) That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
 - c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area.
 - d) That all applicable regulations of this Section will be observed.

E. External Visual Impact

1. All building openings, entries, windows, etc. of sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from or audio impact on any adjacent public or privately-owned areas, sidewalk or street.
2. *Landscaping Requirements.* All sexually-oriented businesses shall provide a landscaped buffer for the rear and side yards behind the front setback line. Such buffer shall include a six (6) foot solid masonry wall or fence on the interior of vegetative plantings which effectively shield visibility of fifty (50) percent of the wall or fence.

F. Separation Requirement for Live Performers. No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least eighteen (18) inches above floor level.

1. All parts of such stage, or a clearly designated area thereof within which a person engages in a live performance of sexually-oriented material, shall be a

distance of at least six (6) feet from all parts of a clearly designated area in which patrons may be present.

2. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three feet above floor level.
3. No person engaging in such live performances or patron may extend any body part over or beyond the barrier or railing. This requirement shall be noted in a sign affixed to the stage, barrier, or railing in such a manner to be easily visible and legible to patrons.
4. Tips or other gratuities shall not be given to performers or employees of a sexually-oriented business establishment by placing such tips or gratuities directly on the performer or employee or in or on the performer's or employee's costume or clothing. Any such tips or gratuities shall be placed by patrons into a receptacle provided by management for receipt of such tips or gratuities.

G. Other Regulations

1. *Animals.* No animals, except assistance dogs required to assist the visually impaired, shall be permitted at any time at or in any sexually-oriented business establishment.
2. *Restrooms.* All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.
3. *Age Restriction.* No minor shall be admitted to, or employed by, a sexually-oriented business establishment. No minor shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.
4. *Signage.* Exterior identification signage is permitted in accordance with [Chapter 1259](#) (Sign Regulations). However, to limit exposure of sexual images to minors, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations which publicly display specified sexual anatomical areas or specified sexual activities.
5. *Parking.* Off-street parking shall be provided in accordance with [Chapter 1258](#).

1257.17 Self Service Storage Facilities**A. General Requirements**

1. Self storage facilities shall be limited to rental of storage units, pickup and deposit of stored items.
2. Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with zoning administrator as a condition of the permit.

B. Specific Requirements

1. *Lot area:* Minimum lot area shall be two (2) acres.
2. *Lot coverage:* Maximum lot coverage of units and storage areas shall be 50% of gross lot area.
3. *Setbacks:* The following minimum setbacks shall apply except as required under [Section 1251.07](#) (Development Standards).

<u>Yard</u>	<u>Setback</u>	<u>When Abutting or Opposite</u>
a) Front yard:	50 feet	All Districts
b) Side or rear yard:	25 feet	"S" Yard or "R" District
	15 feet	"C" or "M" District

4. *Height:* Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self storage facilities where no adjacent structures exist, the maximum height shall be fifteen (15) feet at the highest point of the building (see [figure 1270.02-2](#)).
5. *Lighting:* Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arrange to reflect light away from adjoining residential property or any public way.
6. *Site Plan:* A Site Plan shall be required and subject to provisions under [Section 1241.06](#) (Site Plan Requirements).
7. *Signs:* Shall conform to requirements under [Chapter 1259](#) (Signs).
8. *Pavement:* All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.

9. No door openings for any storage unit shall be constructed facing any residentially zoned property.
10. Fencing, walls, or landscaping/plant screening shall be required around the perimeter of the facility.
11. *Special Requirements:* Where abutting or opposite an "S" or "R" District:
 - a) Fencing or walls shall consist of decorative wood or stone, decorative concrete block or similar materials compatible with surrounding residential dwellings.
 - b) Hours of operation shall be no earlier than 7:00 A.M. or later than 8:00 P.M. daily.
12. *Parking and external storage of vehicles:* A minimum of one (1) parking or external storage space shall be provided for each one thousand (1,000) square feet of enclosed storage space. Storage or parking spaces for vehicles shall not extend forward of the rear building setback line nor be within any required yard.

1257.18 **Shopping Centers**

Shopping Centers shall meet the following requirements:

- A. Contain a minimum lot area of five (5) acres.
- B. Be platted in accordance with applicable subdivision rules and regulations.
- C. Subject to a traffic survey prepared by qualified experts indicating the effect of the proposed shopping on adjacent streets and roadways, also indicating the anticipated points of origin and direction and the amount of traffic flow to and from the shopping center.

1257.19 **Swimming Pools**

- A. Swimming pools shall not be permitted in a side or front yard in an "S", "R", or residence located within a "C" District.
- B. Swimming pools exceeding twelve (12) feet in diameter or length as applicable to the shape of the pool and has greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate fence at least forty-eight (48) inches high with all access gates provided with adequate key-type locks. Above ground or portable pools forty-eight (48) inches or higher, require no fence if the pools are free of any cross bars and the ladder is withdrawn when the pool is not in use and placed where small children cannot reach it.
- C. Pools shall be a minimum of ten (10) feet from any property line.

- D. A written description of the location and a sketch showing location on the site (plan view and elevation view) shall accompany the permit application.

1257.20 Temporary Buildings and Uses

Temporary buildings, structures or uses and/or temporary open storage of equipment shall be permitted subject to approval and conditions by the Board of Zoning Appeals under [Chapter 1242](#) (Board of Zoning Appeals).

1257.21 Trash Receptacle Area

- A. A trash receptacle area, when provided, shall be in a designated location that does not interfere with any aisle, driveway, parking space, loading space, or other circulation area.
- B. The location of this area, if provided, shall be shown on the Site Plan with proper loading and maneuvering space and for the purpose of location, shall be treated as an accessory structure.
- C. A trash receptacle area shall be screened from view on three (3) sides in accordance with [Section 1257.09.F](#) (Screening of Outdoor Storage and Product Display). Except in the "C-2" Village Commercial District, such areas shall not be located in any required yard or set back.
- D. All trash receptacles shall be maintained according to requirements of the Board of Health.

1257.22 Regulation and Registration of Portable/Temporary Storage Units (PSU) *

- A. Registration and Permits.
 - 1. No person shall have a PSU delivered to their home or business without first registering with the Zoning Department and receiving a permit for such unit.
 - 1. The registration required by subsection (a) hereof shall be made by filing with the Zoning Inspector on forms furnished for such purpose the following information:
 - a. Name and home address of the applicant;
 - b. Detailed site diagram showing the location where the PSU will be located on the premises;
 - c. Dates on which the PSU is to be used and located on the premises;

- d. Number of previous permits issued to the applicant for the same premises on which the PSU is to be located during the calendar year.
 - e. Such other information as may be required to facilitate regulation of the PSU as determined by the Zoning Official or their designee.
2. Permits shall be valid for thirty (30) calendar days. Commencement date shall be the date of placement of the PSU upon the subject premises. No more than (3) three permits may be issued to the same applicant for the same premises in any calendar year. Placement of the PSU shall not exceed a combined total of ninety (90) consecutive days upon the same premises.
 3. There shall be no fee for such permit.
- B. Responsibilities of Permit Holder.
1. No permit holder shall continue to allow the PSU to remain upon the designated premises after the expiration of the permit date or in violation of the terms specified in the permit.
- C. Penalty.
1. Whoever shall fail to obtain a permit or shall violate any provision of this section shall be guilty of a minor misdemeanor.
 2. Each calendar day of any violation herein shall be a separate violation of this section.

1257.23 Solar Collectors

- A. Applicability. The standards of this Section apply to all solar collector energy conversion systems that are accessory to a principal structure.
- B. Location without a Special Use Permit. Solar collectors are permitted when:
1. Collectors are attached to a building and are not visible from a street.
 2. Collectors are visible from a street as long as the collectors are installed parallel to the roof slope and project no more than 12 inches from the roof surface.
- C. Location with a Special Use Permit. Special Use Permit approval is required in accordance with Section 1246 (Special Uses) when the solar collector energy conversion system is a stand-alone facility or cannot meet the standards of Section 1257.23(B) above.

1257.24 Wind Energy Systems

The purpose and intent of this chapter is to provide a uniform set of standards, conditions, and procedures for the placement of Micro Wind Systems, Small Wind Energy Systems, and Meteorological towers on property located within Whitehouse.

Further, the intended purpose is to

1. Allow the use of wind energy system towers and anemometers of limited height.
2. Protect residential areas from any potentially adverse visual or noise impacts of wind energy systems or related devices and structures.
3. Provide for a land use that will provide an energy source with low associated environmental impacts.
4. Provide for the removal of abandoned or noncompliant wind energy turbine generator towers, anemometer towers, and/or related devices or structures.

A. General Requirements.

1. Meteorological Towers shall not be allowed for time periods in excess of twelve (12) months and shall be removed prior to the installation of the wind energy system for which they are measuring. When required, a request to install a meteorological tower shall be included in the application to install either a Micro Wind System or a Small Wind Energy System.
2. Building-mounted micro wind systems shall be regulated by applicable building and electrical codes, and the building and wind system height cannot exceed the maximum permitted building height for that district by more than thirty (30%) percent. Any building mounted micro wind system that exceeds the maximum permitted building height by more than thirty (30%) percent shall be subject to review by the Whitehouse Planning Commission as a major site plan review unless a Special Use Permit (SUP) is required.
3. Maximum System Height – Freestanding Small Wind Energy Systems shall not exceed one hundred (100') feet in a residential or commercial zoned district and one hundred twenty (120') feet in an industrial or agricultural zoned district. Small wind energy systems must be on a freestanding tower, constructed without guy wires.
4. Setbacks. Small wind Energy systems shall be set back from all property lines a distance equal to 120 percent of the height of the structure including the blades to maintain an adequate fall zone. Micro Wind Energy Systems shall be set back from all property lines a distance equal to fifty (50%) of height of the structure including the blades to maintain an adequate fall zone. No part of the Small Wind Energy System or Micro Wind System structure may extend closer than ten feet (10') to the property line.
5. Sound. Micro Wind Systems and Small Wind Energy Systems shall not exceed 60 dbA, measured from the closest property line. The facility owner and operator shall make reasonable efforts to minimize shadow flicker of any proposed wind energy system.
6. Turbine Clearance. No portion of any turbine shall extend within fifteen (15') feet of the ground, overhead utility lines, parking areas, driveways and sidewalks.
7. Automatic Over-Speed Controls. All Micro Wind Systems and Small Wind Energy Systems shall be equipped with manual (electronic or mechanical) and automatic over-

speed controls to limit the blade rotation speed to within the design limits of the Micro Wind Systems or Small Wind Energy System.

8. Tower color. Tower colors shall be off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
9. Lighting. Micro Wind Systems and Small Wind Energy Systems shall not be artificially lighted, except as required by the FAA.
10. Climb prevention. Small Wind Energy Systems shall not be climbable up to fifteen (15') feet above the ground surface.
11. In "C", "M" or "A" zoning districts, a wind energy system with more than ten (10) kilowatts shall be allowed with a SUP.
12. Wind Energy Systems shall not be permitted in any front yard.
13. No more than one (1) Wind Energy System shall be permitted in a residential district per dwelling and accessory building. More than one (1) wind energy system may be allowed in a "C", "M" or "A" district with a special use permit.

B. Permit Application Requirements

Before installation of any Wind Energy System or other wind-powered generator, a zoning and building permit must be obtained. A detailed site plan shall be required in accordance with the requirements of 1257.24 (A) above.

1257.25 Internet Sweepstakes Terminal Cafés

The purpose and intent of this Chapter is to provide for the inclusion of certain business premises commonly known as "internet cafés" or computerized sweepstakes terminal cafés and/or similar operations and premises upon which computerized sweepstakes devices and similar operations are operated as a business enterprise for the entertainment of the public. The objectives of this Chapter are to be in accord with state laws as same apply to the operation of said businesses and/or gaming, designs of chance, gambling or similar activities through the use of these computerized terminal devices upon said business premises.

This Chapter shall be liberally construed and applied to promote the benefit, purposes and objectives of the overall Whitehouse Zoning Code, Lucas County, Ohio. If any provision of this Chapter or application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and neither the remainder of this Chapter nor the application of any such provision to other persons or circumstances shall be thereby affected.

- A. Whitehouse may exercise all lawful powers of local self government regarding the operation of INTERNET SWEEPSTAKES TERMINAL CAFÉS and employees thereof,

within the corporate limits and may adopt and enforce within the corporate limits any local police, sanitary and similar regulations regarding the operation of same. The regulations may include but are not limited to regulations as to the hours of operation, interior confinement and requirements, and requirements that internet sweepstakes terminal cafés and employees thereof may be required to obtain licenses or permits to operate and/or to be employed by an internet sweepstakes terminal café. The authority granted under this section may provide for civil sanctions and fines for violations of regulations established under Whitehouse zoning resolutions and regulations.

- B. Internet sweepstakes terminal cafés shall be allowed only in C-3 and/or M-1 designated areas as shall appear in the zoning operational matrix Chapter 1255 of the Whitehouse Zoning Code, Lucas County, Ohio, and upon issuance of a special use permit in accord with Chapter 1246 of the Whitehouse Codified Ordinances.
- C. The internet sweepstakes terminal cafés shall not be located within a one thousand foot (1,000') radius of any point on the perimeter of any other operating internet sweepstakes terminal café. The distance shall be measured by radius extending from the closest property line of the proposed internet gaming café to the closest property line of any existing internet gaming café based on the exterior property line or line of demarcation of the leasehold interest of the existing gaming café.
- D. Internet sweepstakes terminal cafés shall not be located within a five hundred foot (500') radius of any public park, public playground, private or public school, church, or other designated area as defined for the activities of minors within the corporate limits. The distance shall be measured by the radius from the closest property line or line of demarcation of the leasehold interest of the proposed internet sweepstakes terminal café to the closest property line of the prohibited use class.
- E. Whitehouse shall reserve the right to review facilities established under this section after they have been in operation for a period of one (1) year upon the recommendation of the Zoning Administrator and/or initiation by the Council. Any failure to conduct an annual review does not rescind the right of future annual review.
- F. Whitehouse shall reserve the right to revoke a special use permit for any and all internet sweepstakes terminal cafés for any of the following reasons:
 - (a) An applicant for said special use permit gave false or misleading information in the application of any document or diagram related to the operation of the internet gaming café;
 - (b) An applicant or employee is knowingly allowed possession, use or sale of controlled substances upon the premises;
 - (c) An applicant or employee of the applicant has knowingly allowed prohibited or unlawful acts, including gambling, prostitution, availability of public internet sexually oriented business or activity upon the premises;
 - (d) An applicant or employee knowingly operated the business premises during a time when the applicant's special use permit was suspended;

- (e) An applicant has been convicted, pleaded guilty or nolo contendere to any offense or violation of Chapter 2915 (Gambling) of the Ohio Revised Code or any violation of any resolution, or other ordinance or state law equivalent to any offenses contained in Chapter 2915 (Gambling) of the Ohio Revised Code;
 - (f) An applicant or agent or employee of the applicant has knowingly allowed gambling activities prohibited by Chapter 2915 (Gambling) of the Ohio Revised Code to occur in or on the special use permit premises. The term “gambling” shall have the same meaning as it is defined in the Ohio Revised Code Section 2907.02;
 - (g) An applicant is delinquent in the payment to Lucas County or the State of Ohio as and for taxes or fees related to the internet gambling cafés;
 - (h) The Liquor Control Commission has revoked under Section ORC 4301.25 a permit held by any one of the persons named in the application;
 - (i) Allowing any individual, including but not limited to a patron, customer, or employee who is under eighteen (18) years of age on the premises of an Internet Sweepstakes Terminal Café;
- G. Penalty. Whoever violates any of the provisions of this Chapter is guilty of a misdemeanor of the fourth degree for the first offense, and for each offense thereafter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

1257.26 Charitable Donation Collection Bins *

- A. Charitable donation collection bins are prohibited in any district, except at the designated Recycling Center located at 11295 Waterville Street in conjunction with the Department of Public Service Maintenance Yard.
- B. Annual permits must be obtained before placement of a charitable donation collection bin at the Recycling Center. Permit forms are available at the Whitehouse municipal offices and www.whitehouseoh.gov and should be submitted annually and approved by the Zoning Enforcement Officer before placement.
- C. Only charitable organizations in good standing will be allowed to place a donation collection bin in Whitehouse. Prior to placement, proof of such charitable organization status, i.e. 501 (C)(3) documentation and other appropriate local state and federal certificates as required by the Zoning Officer, must be furnished.
- D. The charitable organization shall be responsible for maintenance, upkeep, and servicing of the donation bin. Bins shall be emptied of donated goods by the charitable organization at least once a week or sooner to prevent overflow of the goods from the bin. In the event the charitable organization fails to adequately maintain and service the bin, the Zoning Enforcement Officer will issue a written notice of violation. If the violation

is not corrected within five days, the organization will be required to immediately remove the bin for the remainder of the calendar year.

- E. The Zoning Enforcement Officer and/or Public Service Director shall keep a list of qualified charitable organizations who wish to place a bin at the Whitehouse Recycling Center. Only four (4) bins are permitted at any time. If violations occur with any particular bin owned by a charitable organization, that permit will be revoked and the next organization on the list will be given the opportunity to place a bin for the remainder of the calendar year.

CHAPTER 1258 OFF-STREET PARKING AND LOADING

- 1258.01 Purpose
 - 1258.02 General Parking and Loading Requirements
 - 1258.03 Access Drives
 - 1258.04 Drive-up Stacking Area
 - 1258.05 Off-street Parking Lot Requirements
 - 1258.06 Number of Required Parking Spaces
 - 1258.07 Loading Spaces
-

1258.01 Purpose

It is the purpose of this section to regulate land use by providing adequate space for off-street parking, loading and maneuvering for all principal and accessory uses. The following provisions are intended to provide safe ingress and egress to all lots, minimize traffic congestion, limit on street parking and reduce noise and visual impact of vehicular movement and loading activities.

1258.02 General Parking and Loading Requirements

- A. When there is a new use of an existing building or structure, which does not require enlargements or additions, it shall comply with the requirements of this section.
- B. Any person who initiates substantial modifications, rebuilds, or structurally alters to the extent of more than fifty (50) percent in the floor area, dwelling units or seating capacity on any lot, shall provide off-street parking, loading and maneuvering spaces in compliance with this Chapter.
- C. All off-street parking and loading spaces, as required by this section, shall be located on the same parcel as the building or use requiring the spaces, except as otherwise provided for in this chapter.
- D. Off-street parking and loading spaces required for any use not specifically listed herein shall be the same as that required for a similar use.
- E. Surfacing and Drainage. All off-street parking and loading areas and driveways for multi-family and non-residential uses shall be surfaced with concrete, bituminous asphalt, permeable pavement / pavers, or other dust free material other than gravel or loose fill. Such areas shall be graded to drain all surface water, where applicable, towards the interior of the parking lot. An internal storm drainage system shall be provided and connected to the nearest outlet subject to regulations and approval of the Whitehouse Engineer. Concrete curbs may also be required as part of the overall drainage design for all or part of the parking lot, loading area, or driveway perimeter.

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⁷⁶ Amended Ord. 27-2006; Effective August 1, 2006

- F. Maintenance. The owner or operator of property used for parking and loading shall maintain such area in good condition so that it is safe, clean, dust-free, attractive and free of any hazard, nuisance or other unsafe condition. Striping for parking spaces shall be maintained in good condition.
- G. Maneuvering. Every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a parcel except within the required minimum front, side and rear setback area. It may include an aisle or circulation area. For single and two-family residences it may include a driveway, street or parking space.
- H. Wheel Stop Device. Whenever a parking lot or loading area extends to a property line, sidewalk, planting strip or building, a wheel stop device consisting of concrete stops, a permanent concrete curb, an expanded sidewalk or other suitable restraint shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping. Minimum height shall be five (5) inches and the minimum length six (6) feet. A wheel stop device shall not be required where a guardrail or other suitable barrier is provided to prevent intrusion into a protected area.

1258.03 Access Drives

- A. Access drives shall be designed to provide no more than general egress and ingress to the parking lot. The number and location of access drive shall be subject to review and approval by the Planning Commission for the purpose of eliminating traffic congestion on the public streets and for the purpose of promoting proper internal circulation within the off-street parking area.
- B. Size. Driveways shall be at least eight (8) feet wide and at least 18 feet in length. An access drive leading to parking, loading, or storage spaces herein required for multiple dwellings and nonresidential uses shall not be more than twenty-four (24) feet in width. Driveway widths may be extended to a maximum of 35 feet with approval by the Plan Commission.⁷⁷
- C. Setbacks
 - 1. *Side Setbacks*. Driveways shall have at least a three (3) foot maintenance setback from all side property lines, except where driveways are shared between two or more property owners.
 - 2. *Public Street Intersection Setbacks*. Driveway curb cuts shall be setback at least thirty (30) feet from the nearest intersection of a public street or alley.
- D. Construction. All new driveway aprons and driveways shall be paved with a durable, hard surface such as: concrete, asphalt, or comparable material. Any and all

⁷⁷ Amended Ord. 27-2006; Effective August 1, 2006

existing driveways constructed of stone, gravel or similar material, as of the date of this Ordinance, may hereafter be replenished or repaired with similar materials as originally constructed. 77(a)

- E. Time of Construction. Driveways shall be constructed prior to occupancy.
- F. Circular Driveway. A minimum lot width of one hundred fifty (150) feet shall be required for lots which contain circular or U-shaped (horse-shoe) driveways.

1258.04 **Drive-up Stacking Area**

Any use having a drive-up window shall provide an on-site stacking area to minimize off-site traffic congestion while waiting for service. A detailed Site Plan shall be supplied to the Planning Commission for its review and approval.

1258.05 **Off-Street Parking Lot Requirements**

All off-street parking facilities and landscaping plans shall be submitted to the Zoning Inspector for review and approval. The Zoning Inspector may seek review and recommendation from the Planning Commission.

A. Parking and Storage of Vehicles and Trailers

1. *Private Residential Parking*

- a) No motor vehicle shall be parked or stored in any "A", "S" or "R" district or a residence located within a "C" district, except in a driveway or an approved parking lot. Working agricultural farms are excluded from this requirement as long as the vehicle is used actively and exclusively in the agriculture operations and not parked permanently or stored on the property.
- b) For single-family and two family dwellings, one required parking space may be positioned behind another.
- c) No more than one private detached garage structure accessory to a residence in a non-agricultural district shall be permitted on a lot in addition to one attached garage.
- d) **Occupant Guest Parking**. Open parking of cars accessory to a residence use shall be limited to those actually used by the residents, or for temporary parking of guests.
- e) **Recreational Vehicles**. The parking of vehicles utilized for recreational purposes, including all-terrain vehicles, racing vehicles, campers, boats, boat trailers, and utility trailers in any "A", "S" or "R" district or a residence located within a "C" district shall be subject to the following. Working agricultural farms are excluded from this requirement as long as the vehicle is used actively and exclusively in the agriculture operations and not parked permanently on the property.

- (1) Parking or storage of recreational vehicles is permitted between April 1st and October 31st of each calendar year provided it is parked behind the front line of the main residential structure and includes the entire connected building, regardless of use and provided that it is not closer than five (5) feet to any lot line. Said recreational vehicle shall not be parked on grass, but must be parked on a continuous full, hard surface pad such as concrete, asphalt, gravel or stone. Such full, hard surface pad shall extend a minimum of one foot (1') beyond the perimeter of all recreational vehicles.
 - (2) Parking or storage of recreational vehicles is not permitted between November 1st and March 31st of each calendar year, except in a rear yard and then only if the vehicle is not closer than five (5) feet to any lot line. Said recreational vehicle shall not be parked on grass, but must be parked on a continuous full, hard surface pad such as concrete, asphalt, gravel or stone. Such full, hard surface pad shall extend a minimum of one foot (1') beyond the perimeter of all recreational vehicles.
 - (3) Only two (2) vehicles utilized for recreational purposes, including all-terrain vehicles, racing vehicles, campers, boats, boat trailers, and utility trailers may be parked or stored as outlined above.
 - (4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities; and shall not be used for living or housekeeping purposes.
 - (5) Recreational equipment which is so parked shall be kept in good repair and shall have affixed thereto a current registration license plate. Such recreational vehicle must be titled to, leased, or used exclusively by one of the permanent occupants of the residence where the vehicle is located.
 - (6) Corner lots. Any recreational vehicle parked on a corner lot must be located far enough back from the intersection so as not to obstruct the view of oncoming traffic while crossing the intersection.
- f) No inoperable or unregistered vehicle shall be parked within any district, but may be stored in an enclosed building.
 - g) No commercial vehicles as herein defined shall be stored or parked overnight in an "A", "S" or "R" district or a residence located within a "C" district, excluding vehicles which are stored in an enclosed building. Short term parking, during the day, of a commercial vehicle for conveying tools and materials to the premises, for use on the premises, or the delivery for moving of goods to or from the dwelling unit is exempt from this section.

2. *Multifamily and Nonresidential Land Use Parking*

- a) All multifamily and nonresidential use parking shall be in parking lots on the same lot as the principal use.⁷⁸
 - 1) Exception: Upon appeal to and approval by the Board of Zoning Appeals, off-street parking may be permitted in an "S" or "R" district to service an industrial or commercial use. Such request shall be filed as an Exception in accordance with the provisions under [Chapter 1242](#) (Board of Zoning Appeals).
 - 2) Off-street parking areas for multi-family and nonresidential uses shall conform to all yard requirements of the Districts in which they are located, except where they are interconnected across property lines.
- b) No motor vehicle shall be parked or stored in any district, except in a driveway or an approved parking lot. Working agricultural farms are excluded from this requirement as long as the vehicle is used actively and exclusively in the agriculture operations and not parked permanently or stored on the property.
- c) No inoperable or unregistered vehicle shall be parked within any district, but may be stored in an enclosed building. Motor vehicle repair shops are excluded from this requirement as long as the vehicle is parked awaiting repairs and is not parked for longer than 60 days.
- d) Recreational Vehicles. The parking of vehicles utilized for recreational purposes, including all-terrain vehicles, racing vehicles, campers, boats, boat trailers, and utility trailers in any "A", "S" or "R" district or a residence located within a "C" district shall be subject to the following. Working agricultural farms are excluded from this requirement as long as the vehicle is used actively and exclusively in the agriculture operations and not parked permanently or stored on the property.
 - 1) Parking or storage of recreational vehicles is permitted between April 1st and October 31st of each calendar year provided it is parked behind the front line of the main structure and includes the entire connected building, regardless of use and provided that it is not closer than five (5) feet to any lot line. Said recreational vehicle shall not be parked on grass, but must be parked on a continuous full, hard surface pad such as concrete, asphalt, gravel or stone. Such full, hard surface pad shall extend a minimum of one foot (1') beyond the perimeter of all recreational vehicles.
 - 2) Parking or storage of recreational vehicles is not permitted between November 1st and March 31st of each calendar year, except in a rear yard and then only if the vehicle is not closer than five (5) feet to any lot line. Said recreational vehicle shall not be parked on grass, but must be

⁷⁸ Amended Ord. 27-2006; Effective August 1, 2006

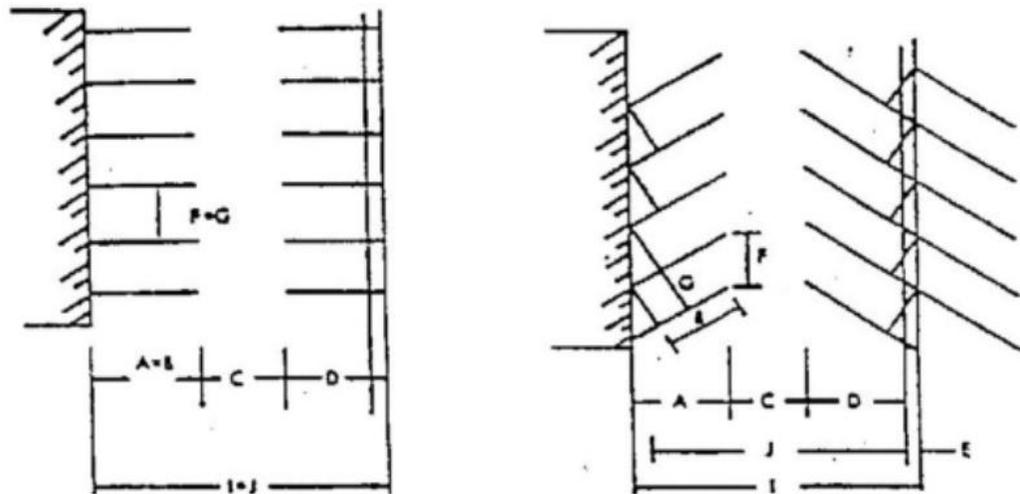
parked on a continuous full, hard surface pad such as concrete, asphalt, gravel or stone. Such full, hard surface pad shall extend a minimum of one foot (1') beyond the perimeter of all recreational vehicles.

- 3) Only two (2) vehicles utilized for recreational purposes, including all-terrain vehicles, racing vehicles, campers, boats, boat trailers, and utility trailers may be parked or stored as outlined above.
- 4) Recreational equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities; and shall not be used for living or housekeeping purposes.
- 5) Recreational equipment which is so parked shall be kept in good repair and shall have affixed thereto a current registration license plate. Such recreational vehicle must be titled to, leased, or used exclusively by one of the property owners where the vehicle is located.
- 6) Corner lots. Any recreational vehicle parked on a corner lot must be located far enough back from the intersection so as not to obstruct the view of oncoming traffic while crossing the intersection.

B. Design and Dimensions.

1. *Modification of Parking Space:* Modification of dimensions or design is subject to review by the Fire Chief and Planning Commission.
2. *Surface Construction.* All parking surfaces shall be constructed of an all-weather, paved surface. Paving shall normally consist of concrete, asphalt, or paver brick. Parking area surfaces shall be maintained to keep them from deterioration which affects drainage flow or generates dust.⁷⁹
3. *Striping and Marking.* Parking lot spaces and aisles shall be clearly designated and marked in paint to assure approved utilization of space, direction of traffic flow and general safety. Attention to emergency vehicle access shall be considered and incorporated into the design.
4. *Dimensions.* Parking spaces shall meet the following dimensional requirements and design as listed and illustrated in the following figures and table.

⁷⁹ Amended Ord. 27-2006; Effective August 1, 2006



DIMENSION (In Feet)	ANGLE (Degrees)			
	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>
A. Stall Depth to Wall	17	18.5	19	18
B. Stall Depth Parallel to Vehicle	18	18	18	18
C. Aisle Width	12	16	22	25
D. Stall Depth to Interlock	15	17	18	18
E. Stall Depth Reduction Due to Interlock	2	1.5	1	0
F. Stall Width (Parallel, to Aisle)	12.7	10.4	9.3	9
G. Stall Width Perpendicular to Vehicle	9	9	9	9
I. Module Width, Wall to Wall	46	54	60	61
J. Module Width Interlock to Interlock	42	51	58	61

5. *Bumper Overhang.* For bumper overhang, deduct one-half (0.5) foot from stall depth to wall or three (3) feet from wall to wall for 45 degree and 60 degree parking. The equivalent dimensions for 75 degree and 90 degree parking are two (2) feet and four (4) feet respectively.
6. *Landscaping and Screening.* Landscaping and screening of multi-family and nonresidential off-street parking lots shall be required pursuant to [Section 1257.09.E](#). (Off-Street Parking Lot Landscaping and Screening) made up of fences, landscaping, or combinations thereof. For the purposes of this regulation, perimeter driveways and queuing or service lanes shall be considered parking lots and subject to landscape area and screening requirements.⁸⁰

⁸⁰ Amended Ord. 27-2006; Effective August 1, 2006

7. *Lighting.* Lighting established for the purpose of illuminating off-street parking and loading lots and areas shall utilize lighting fixtures whose hood, lens or combination thereof, allows no direct beams of light from the fixture to be seen from off the property and shall reflect light away from adjoining residential properties or public way.
8. *Handicapped Parking.* Parking spaces shall be provided for the disabled and handicapped for all public, semi-public, commercial and industrial buildings.
 - a) The number of spaces which shall be reserved are one (1) accessible space for each twenty-five (25) total parking lot spaces for the first one hundred (100) spaces and one (1) additional space for each fifty (50) spaces thereafter.
 - b) Parking spaces for the handicapped shall be reserved and designated with a standing sign (not painted on the pavement), displaying the symbol of accessibility.
 - c) Parking spaces and loading zones shall be located on the shortest possible circulation route to an accessible entrance. In separate parking structures, or lots that do not serve a particular building, parking spaces shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. Parked vehicle overhangs shall not reduce the clearance of an accessible circulation route.
 - d) Parking spaces shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle forty-eight (48) inches wide minimum. Two (2) accessible parking spaces may share a common access aisle. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with applicable sections of the Ohio Basic Building Code.
 - e) Curb ramps shall be required for handicapped access. Minimum width shall be thirty-six (36) inches with a maximum ramp slope of 1:10.

1258.06 **Number of Required Parking Spaces**

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
1. Residential Dwellings	
Boarding House, Tourist Home, Dormitory	One (1) for each sleeping room or tenant, whichever is greater
Single, Two Family	Two (2) for each unit
Multi-family	Two (2) for each unit
2. Semi-Public/Institutional	
Adult Day Care, Community Centers, Church Social Centers	One (1) for every 300 square feet of gross floor area
Child Day Care or Nursery School	Six (6) or two for each classroom whichever is greater
Church or Temple	One (1) for every four (4) seats in main assembly area/auditorium
Elementary School	Two (2) for each office and classroom and two (2) for every ten (10) seats in the main auditorium or similar place of public assembly
High School, College or Technical School	Two (2) for each office and classroom and two (2) for every ten (10) seats in the main auditorium or similar place of public assembly
Hospital	One (1) for every bed
Institutional Health Care Facility	One (1) for every bed
Libraries, Museums, Art Galleries, or Community Centers	10 or one (1) for every 300 square feet of gross floor area whichever is greater

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
3. Recreational	
Bowling Alley	Four (4) for each alley
Campground	1.5 spaces for each site
Golf Course	Four (4) for each hole
Health Spa	One (1) for every 300 square feet of floor area
Lodge or Club	One (1) for every five (5) members
Skating Rinks	One (1) for every 100 square feet of gross floor area.
Swimming Pools	One (1) for every 50 square feet of water surface area and one (1) for every 30 square feet of gross floor area for spectator seating
Tennis Courts/Racquet Clubs	Two (2) for each court
4. Commercial	
Animal Care Facilities/Kennels	One (1) for every 200 square feet of gross floor area
Auction/Market, Flea Market	One (1) for every 200 square feet of gross floor area or outdoor sales area
Auditorium, Theaters, Arenas or Conference Centers	One (1) for every ten (10) seats or one (1) for every 30 square feet of gross floor area, whichever is greater
Banks or Financial Institutions	Four (4) parking spaces, plus one (1) additional space for each 400 square feet of floor area over 1,000
Banquet / Recreational Hall	One (1) for every 200 square feet of gross floor area
Bar, Restaurant or Tavern	One (1) for every 100 square feet of gross floor area
Boarding of Livestock and domesticated pets	One (1) for every 200 square feet of gross floor area
Funeral Home / Mortuary	One (1) for every 200 square feet of gross floor area
Hotel / Motel	One (1) for every room

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Motor Vehicle, Agricultural Implement, Recreational Vehicle, or Manufactured Home Sales	One (1) for every 5,000 square feet of lot area and one (1) for every 300 feet of gross floor area
Motor Vehicle Service /Repair	Two (2) for each service bay or one (1) for every 2 (two) pumps, whichever is greater
Offices	Four (4) parking spaces, plus one (1) additional space for each 400 square feet of floor area over 1,000
Retail Store (appliance, printing, salon, hardware, carry-out, furniture, etc.)	One (1) for every 200 square feet of floor area
Self Service Storage Facility	Two (2) for on site manager or office
Shopping Center	One (1) for every 200 square feet of leasable area
5. <i>Manufacturing/Industrial</i>	
Warehousing	One (1) per motor vehicle used in the business and based, for operational purposes, upon the premises;
	PLUS
	For the first 20,000 square feet of gross floor area, one for each 1,000 square feet of gross floor area;
	PLUS
	For any amount over 20,000 square feet of gross floor area, but less than 120,000 square feet, one for each additional 5,000 square feet of gross floor area;
	PLUS
	For any amount over 120,000 square feet of gross floor area, one for each additional 10,000 square feet of gross floor area.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
<p>Manufacturing or Other Industrial Use</p>	<p>One (1) per motor vehicle used in the business and based, for operational purposes, upon the premises; PLUS For the first 20,000 square feet of gross floor area, one for each 750 square feet of gross floor area; PLUS For any amount over 20,000 square feet of gross floor area, but less than 120,000 square feet, one for each additional 1,500 square feet of gross floor area; PLUS For any amount over 120,000 square feet of gross floor area, one for each additional 3,000 square feet of gross floor area.</p>

1258.07 Loading Spaces

- A. No loading spaces shall be located in a front yard.
- B. No loading spaces shall be located closer than fifty (50) feet to any other lot in a "A", "S" or "R" District.
- C. All loading spaces shall have minimum dimensions of twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation docking area, and have a clearance height of not less than fifteen (15) feet.
- D. Loading spaces shall be required for each building use or occupancy as follows:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
<p>Commercial or institutional use:</p>	1) Less than 10,000 square feet -none required
	2) 10,000 to 100,000 square feet -one (1) space
	3) Plus one (1) for each additional 100,000 s.f.
<p>Each manufacturing or industrial use:</p>	1) Under 5,000 square feet -none required
	2) 5,000 to 10,000 square feet – one (1) space
	3) 10,000 to 30,000 square feet -two (2) spaces
	4) Plus one (1) for each additional 50,000 s.f.

CHAPTER 1259 SIGNS

- 1259.01 Purpose
 - 1259.02 Applicability - Effect
 - 1259.03 Sign Area Calculation
 - 1259.04 Sign Location
 - 1259.05 Agricultural and Residential Districts
 - 1259.06 Commercial Districts
 - 1259.07 Industrial Districts
 - 1259.08 Temporary Signs
 - 1259.09 Exceptions
 - 1259.10 Prohibited Signs
 - 1259.11 Illumination
 - 1259.12 Inspection, Removal, Safety
 - 1259.13 Permits and Fees
 - 1259.14 Permit Not Required
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1259.01 **Purpose**

The purpose of these sign regulations is to provide standards for the placement, display and use of signs. These standards are designed to enhance the aesthetic environment of Whitehouse; promoting business development through flexible regulation while encouraging innovation and creativity in sign design and usage; improve pedestrian and traffic safety; and minimize possible adverse effects of signs on nearby public and private property. It is the intent of the municipality to encourage low profile signs.

1259.02 **Applicability - Effect**

A sign may be erected, placed, established, painted, created, or maintained within the Whitehouse corporate limits only in conformance with the standards, procedures, exemptions, and other requirements of this resolution. The effect of these regulations as more specifically set forth herein, is:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Section;
- B. To prohibit all signs not expressly permitted under this Section;
- C. To provide for the enforcement of the provisions of these regulations;
- D. To regulate the use of signs according to zone (A, R1-5, C1-4, M1-2) and the placement and scale of signs primarily by type, length of street frontage, and lot size.

- E. All nonconforming permanent signs existing at the time this regulation is adopted shall be permitted until such time as the business entity which created or commissioned the sign ceases to operate, transfers ownership, or substantially changes the primary use of the business, building, or property on which the sign is located.
- F. Variances requested for sign requirements shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1242.

1259.03 **Sign Area Calculation**

Any business may utilize any combination of signs described, provided that all individual guidelines are met and ninety-six (96) square feet total is not exceeded. Signs may be of any geometrical shape. The area of a sign shall be measured as follows:

A. **Projecting, Freestanding, and Wall/Roof Mounted Signs**

1. In calculating the area of any double or multiple-faced sign, only the area of one (1) side shall count.
2. **Projecting signs** shall not exceed twenty (20) square feet of area.
3. **Awning signs** shall have a total area not to exceed one-half (.5) square foot for each lineal foot of the awning on which the sign will be displayed. The length of any awning sign shall not exceed two-thirds (2/3) of the length of the awning.
4. **Ground and freestanding signs** shall not exceed a total sign area of fifteen (15) square feet when the sign is located fifteen (15) feet from the curb or edge of street pavement. For each additional foot of set back from the curb or edge of street pavement, an additional three (3) square feet of sign area will be permitted up to a maximum of forty-five (45) square feet. The maximum height of any ground or freestanding sign shall not exceed eight (8) feet above ground level.
5. If the sign is composed of one (1) or more individual business signs in one structure, the area shall then be summed and totaled to determine total area. The measurable area shall include embellishments such as pole covers, framing, decorative roofing, and support structures. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in such building.
6. **Wall or roof mounted signs.**
 - a. The total signage area on an external wall or roof abutting a street shall not exceed two (2) square feet of signage area per lineal foot of such wall/roof.
 - b. The length of any wall/roof sign, or combination of signs, shall not exceed two-thirds of the length of the wall/roof upon which the sign or signs are placed.

- c. Where frontage is located on one (1) or more streets or alleys, only the sign computed with frontage on an abutting street or alley shall face that street or alley.
7. Menu Boards for restaurants with a drive through window may display one (1) menu board. A menu board shall meet the following requirements:
 - a) A menu board shall not be readable by traffic on adjacent streets.
 - b) A menu board shall be sufficiently screened for sight and sound from adjacent residential districts.
 - c) A menu board shall be single-faced only.
 - d) The maximum size for a menu sign shall be as outlined above for ground or wall mounted signs.
 - e) A menu board shall not be placed in front of the building setback line.
 - f) A menu board shall be located at least ten (10) feet from the nearest property line.
8. Window signs permanently located on the window of any business or office, provided that the aggregate area of all such permanent signs shall not exceed more than 50% of the area of the window.

1259.04 Sign Location

- A. Location. No part of any sign shall be located in the public right-of-way or erected where it will be confused with traffic control devices or interfere with the field of vision of motorists using streets, alleys or driveways.
 1. Flat wall signs can be located anywhere on the surface of the building, but shall not extend above the top of the exterior walls.
 2. Roof signs can be located anywhere on the surface of the roof, but shall not extend above the roof line.
 3. Projecting and marquee signs.
 - a) Must have a minimum clearance of eight (8) feet above a sidewalk and fifteen (15) feet above driveways or alleys.
 - b) Projecting signs shall be located on the vertical surface of a building wall and shall not project more than five (5) feet from the building wall.
 - c) Marquee signs may be located on the face of the marquee and cannot project above the face.

- d) No projecting or marquee sign shall project above the top of the building wall.
 - e) Objects that demonstrate the type of business conducted in a particular building can be hung from the face of the building, provided that a licensed sign contractor has obtained the necessary building permit to demonstrate how the object will be attached to the building. Such object will be included in the total square footage for signage allowed per building / business. See 1259.03.
4. Ground and freestanding signs. There shall not be more than one (1) ground mounted or freestanding signs for each principal building. Such signs shall not block the view of oncoming traffic at any intersection. Such signs shall maintain a minimum set back from all lot lines for all parts of the sign, a distance equal to the height of the sign.
5. Awning Signs may be installed on an attached awning which projects beyond a building over a window, walkway or yard. Such sign will be a permanent part of the awning. An awning sign will not extend vertically or horizontally beyond the limits of the awning. The bottom of the awning sign shall be at least eight (8) feet above the sidewalk or grade at any point.
6. Window signs may be permanently located on the window of any business or office.
7. Pole banners may be professionally installed on light poles located in parking lots on privately owned property, without obtaining a sign permit, provided the following conditions are met:
- a) Poles must be located on private property and cannot be located within the public right of way.
 - b) No more than two banners per pole. The bottom of the banners must be located at least fifteen (15) feet above the driveway or parking lot.
 - c) Banners must be installed using arms/brackets designed for this purpose. Arms/bracket will be located on both the top and bottom of the banner to keep it in place.
 - d) Banners must be kept in good condition without rips, tears and shredding of fabric, so as to maintain a pleasing appearance.

1259.05 **Agricultural (A) and Residential Districts (S-1, R-1 through R-5)**

- A. No signs which contain a commercial message shall be permitted in an "A ", "S", "R" or residence located in a "C" district, except for multiple family/apartment dwellings, approved special use facilities, and subdivision entrance signs.

- B. The rules concerning area and location as stated above shall be applied for signage permits requested for multiple family/apartment dwellings, special use facilities, and subdivision entrance signs in any "A", "S" or "R" district. Signs permitted for multiple dwellings/apartments shall be an identification sign, indicating the name, contact information, and address of the multiple family development.

1259.06 **Commercial Districts (C-1 through C-4)**

- A. These regulations apply to all signs whether advertising an activity kind of business, product, or service conducted on or off the premises on which the sign is located. No freestanding signs are allowed in the public right of way.
- B. Signs shall be identity signs which carry the name and/or logo of the firm, the major enterprise or the principal product or service offered for sale on the premises, or a combination of both. Signs permitted for multiple dwellings/apartments shall be an identification sign, indicating the name, contact information, and address of the multiple family development.

1250.07 **Industrial Districts (M 1-2)**

- A. Signs in Industrial Districts shall be in accordance with requirements cited for "C" Commercial Districts.

1259.08 **Temporary Signs**

The following signs shall be permitted anywhere within Whitehouse and shall conform with all yard requirements therein, and all signs, ground mounted or freestanding, shall not exceed a height of eight (8) feet above ground level, and permitted signs shall conform to the following cited requirements:

- A. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed upon final occupancy. During construction, the sign may include advertisement of the building enterprise or the purpose for which the building is intended. Construction signs are not allowed in the right-of-way.
- B. Real estate signs advertising the sale, rental, or lease of the premises on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease. Real estate signs are not allowed in the right-of-way.
- C. Political campaign signs announcing the candidates seeking public political office and/or issues on the ballot, up to an area of thirty-two (32) square feet for each premise. These signs shall be confined within private property and removed within two (2) days after the election for which they were made. Political campaign signs are not allowed in the right-of-way.

- D. Window signs located inside the window of any business or office, provided that the aggregate area of all such temporary signs shall not exceed more than 15% of the area of the window.
- E. Temporary portable advertising signs and banners are allowed, provided:
1. A temporary sign permit has been obtained prior to construction, erection, or use of such sign. The permit application must be accompanied by a drawing showing the overall dimensions of the proposed design; size, character and color of letters and symbols; and the exact location of the sign in relation to the building and property.
 2. A temporary sign permit will be issued for a term not to exceed thirty (30) days. Temporary sign and banner permits are renewable and will be issued for any business premises or location for a maximum total of four (4) individual permits in any calendar year.
- F. No sign shall be placed on any traffic signal or other traffic control signs or in the public right-of-way.
- G. A-frames are only allowed after obtaining a permit from the Zoning Inspector and under the following conditions:
1. Maximum size is six (6) square feet per side with a maximum of two sides limited to one (1) sign per business.
 2. Must be collapsible and removed after business hours. Placement must be in front of the building in which the advertising business resides.
 3. Liability lies on the particular business the sign is advertising.
 4. May be placed in the public right-of-way, but must be placed in such a fashion as to not interfere with pedestrian traffic on sidewalks or traffic on streets.
- H. A-frame permits must be renewed annually on January 1.
- G. The Zoning Inspector may remove or order the removal of any sign erected or maintained in violation of Chapter 1259.08 of this code.

1259.09 **Exceptions**

The following types of signs are exempted from all the provisions of this chapter, except for the following requirements:

- A. Public signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.

- B. Institutional signs setting forth any single announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of 24 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than four (4') feet above ground level.
- C. Places of worship or school directional signs. Any bona fide church, religious sect, congregation, or school may erect up to three directional signs within the municipality subject to property owner approval. The location and size of the signs shall be approved by the Zoning Inspector.
- D. Integral signs. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- E. Private traffic direction signs directing traffic movement onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- F. Small signs (commercial and industrial areas) not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.
- G. Vehicle signs. If a vehicle is parked at such location in such a manner and for such a purpose as to constitute a use primarily intended for sign advertising purposes, then the regulations as to signs in the zoning district in which it is located shall be applied to include the sign on the vehicle.
- H. Farms. Names of occupants and other identification painted or otherwise made a part of the surface or roof of a barn or other accessory building pertaining to and identifying the owner and/or activity of the farm unit provided said identification is not for advertising purposes.
- I. Any traditional display in connection with the celebration of a national holiday, a religious holiday, or a community celebration, and the display of the American flag, or flag of other government entity respectfully displayed are hereby permitted.
- J. Garage sale, yard sale, and other similar signs may be erected during the days that such garage or yard sale is being conducted, provided that no such sign may be displayed for longer than 72 consecutive hours. Not more than three off-premises signs and one on-premises sign may be displayed for any garage or yard sale. No such sign shall be attached in any way to any utility pole, traffic or street sign post, or tree in or along any street right-of-way within the municipality.

- K. Street banners advertising a public entertainment or event are allowed over any municipal street or roadway provided:
1. A permit has been applied for and issued by the Zoning Official prior to construction. The permit fee, as set forth in the Schedule of Rates and Fees, shall be waived for any nonprofit organizations.
 2. Such banners are allowed thirty (30) days before and seven (7) days after the event.
 3. The placement of the sign must be in compliance with ODOT rules and regulations concerning height regulations over a public roadway or street.
 4. Proof of liability insurance must be presented to the Zoning Inspector with the permit application.

1259.10 **Prohibited Signs**

Prohibited are signs which:

- A. Contain statements, words or pictures of an obscene indecent or immoral character, such as will offend public morals or decency.
- B. Contain or are an imitation of an official traffic sign or signal or contain the words: "stop," "go slow," "caution," "danger," "warning," or similar words.
- C. Are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- D. Advertise an activity, business, product, or service not conducted on the premises upon which the sign is located.

1259.11 **Illumination**

- A. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not adversely affect surrounding areas. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.
- B. No sign shall have blinding, flashing or fluttering lights or other illuminating devices such as a changing light intensity, brightness or color.
- C. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation.
- D. Electronic message boards, being changeable copy signs in which the copy consists of an array of lights, are permitted, provided the frequency of message change is not less than 20 seconds, that is all lights in a display shall activate simultaneously,

remain activated for not less than 20 seconds and deactivate simultaneously, no moving patterns of light are displayed and such sign complies with all other provisions of this chapter. No electronic message board shall be located on a parcel on which there exists a nonconforming, currently existing sign.

- E. Signs which electronically display only the time and temperature are exempt from the above, provided the frequency of message change is not less than five (5) seconds.
- F. Beacon lights and search lights are not permitted.
- G. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- H. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- I. Illumination shall be so arranged as to reflect light away from residential premises and in such a manner so as not to cast glare.
- J. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- K. The provisions of this section shall apply not only to exterior signs, but also the interior signs which are designed or placed to show through windows or doors of buildings.

1259.12 **Inspection, Removal, Safety**

- A. **Inspection.** Signs for which a permit is required may be inspected periodically by the Zoning Inspector for compliance with this and other codes of the municipality.
- B. **Maintenance.** All signs, components, and grass and landscaping thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- C. **Removal of Sign.** The Zoning Inspector may order the removal of any sign erected or maintained in violation of this code. He shall give fifteen (15) days notice in writing to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance. The Zoning Inspector may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Costs incurred for removal shall be assessed to the property owner.
- D. **Abandoned Exterior Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Inspector shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Inspector or his duly authorized representative may remove the sign at cost to the owner.

- E. Installation. No sign shall be installed in any manner which may endanger the safety of any pedestrian or motor vehicle.

1259.13 **Permits and Fees**

- A. Prior to construction or establishment of any sign which requires a permit, a permit shall be obtained from the Zoning Inspector. Each permit application shall be accompanied by a drawing showing the design proposed; the size, character and color of letters, lines and symbols; method of illumination; the exact location of the sign in relation to the building and property; and the details and specifications for construction.
- B. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit.
- C. Permit fees shall be paid to Whitehouse in accordance with the current Rate & Fee Schedule.

1259.14 **Permit Not Required**

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

- A. Replacing Copy. The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- B. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

CHAPTER 1260 NONCONFORMING LOTS, STRUCTURES AND USES

- 1260.01 Intent of Ordinance Concerning Nonconformities
 - 1260.02 Avoidance of Undue Hardship
 - 1260.03 Single Nonconforming Lots of Record
 - 1260.04 Nonconforming Lots of Record in Combination
 - 1260.05 Nonconforming Uses of Land
 - 1260.06 Nonconforming Structures
 - 1260.07 Nonconforming Uses of Structures or of Structures and Land in Combination
 - 1260.08 Discontinuance; Reestablishment of Use or Structure
 - 1260.09 Repair of Damaged Structures or Uses
 - 1260.10 Expansion, Repair, and Maintenance
-

1260.01 Intent of Ordinance Concerning Nonconformities

- A. Within the districts established by this Ordinance or amendments that may later be adopted there exists lots, uses of land, structures, 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. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities 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.
- B. Nothing in this Zoning Code shall require any change in the plans, construction, size or designated use of a building or structure or part thereof for which a building permit has been granted or for which a complete application with necessary plans and specifications has been filed with the Zoning Inspector before the enactment or amendment of this Zoning Code and the construction of which building or structure, according to such permit or plans and specifications, has been started within ninety (90) days of the enactment of this Zoning Code or amendment. If any of the requirements set forth in this subsection has not been fulfilled within the time stated, or if any building operations are discontinued for ninety (90) days, any further construction shall be in conformity with the Zoning Code.

1260.02 Avoidance of Undue Hardship

- A. Permits Issued and or Construction in Progress.
 - 1. 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 a valid building permit was issued, or 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 an 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.

2. Any nonconforming structure that is ready for or under construction at the time of adoption or amendment of this Ordinance may be completed and occupied in accordance with the requirements of a valid building permit and zoning permit issued prior to such adoption or amendment data.
- B. Continuation of Existing Nonconformities. The lawful use of a building or land existing at the time of adoption of this Ordinance may be continued, even though such use does not conform to the regulations established by this Zoning Code for the use district in which it is maintained. An existing nonconforming use of a building may be continued so long as no structural alterations, except such as may be required by law or ordinance, are made therein. An existing nonconforming use of a building or premises may, by special permit, be changed to another nonconforming use of a higher classification, but no building or premises in which a nonconforming use has been so changed shall again be devoted to a less restricted use.

1260.03 **Single Nonconforming Lots of Record**

- A. 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 existing at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot 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 and/or width that are generally applicable in the district. Yard dimensions and requirements other than those applying to area and/or width shall conform to the regulations for the district in which such lot is located. Measurement of the lot area shall be made to the street right-of-way.
- B. Variances for district requirements, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in [Chapter 1242.03.B](#). (Powers and Jurisdiction).

1260.04 **Nonconforming Lots of Record in Combination**

- A. If two or more nonconforming lots, or portions thereof, with continuous frontage are in single ownership, the Board of Zoning Appeals may, upon appeal of the Zoning Inspector's decision to deny a zoning permit for failure to meet the requirements of this Ordinance, determine that these lots are or are not to be an undivided parcel for the purpose of this Ordinance. If considered an undivided parcel, no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of said parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

- B. If each said parcel is developed separately, a finding shall be made by the Board of Zoning Appeals that such development and density will not be a detriment to the surrounding area.

1260.05 **Nonconforming 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 nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;
- C. Additional structures which do not conform to the requirements of this Ordinance shall not be erected in connection with such nonconforming use of land.

1260.06 **Nonconforming 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 restrictions 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 nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. 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 move.

1260.07 **Nonconforming Uses Of Structures Or of Structures And Land In Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms 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 nonconforming 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 nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The appeal procedure (See [Chapter 1241.08](#)) requires that the request for substitution be made first to the Zoning Inspector, who must deny the zoning permit. The appeal is then taken to the Board for the final determination. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Ordinance;
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1260.08 **Discontinuance Reestablishment of Use or Structure**

When a nonconforming use of a structure, and/or structure and land in combination is discontinued or abandoned for more than one (1) year (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. A nonconforming use shall be considered voluntarily discontinued or abandoned:

- A. When the intent of the owner to discontinue the use is apparent, or,
- B. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the one (1) year period, or,
- C. When it has been replaced by a conforming use, or,
- D. When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

1260.09 **Repair Of Damaged Structures Or Uses**

Any nonconforming building or structure damaged by fire, explosion, flood or act of God may be reconstructed and used as before such calamity.

1260.10 Expansion, Repair, And Maintenance

- A. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

- B. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content (floor area) existing when it became nonconforming 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.

TITLE FIVE DEFINITIONS

- 1270.01 Interpretation of Terms or Words
 - 1270.02 Definitions
-

1270.01 Interpretation of Terms or Words

For the purpose of this Ordinance certain terms and words are herein defined as follows:

- A. The words "used for" include "designed for" and "attended for" vice versa; words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot", and "parcel"; the word "shall" is mandatory and not directory.
- B. Where terms are not defined in this section, they shall have their ordinarily accepted meanings or such meanings as the text may imply.

1270.02 Definitions

Definitions used in this Zoning Code are as follows:

A

1. Accessory Use or Building: "Accessory use or building" means a subordinate use or building customarily incident to and located upon the same lot as the main use or building, including home occupations where permitted.
2. Acre. "Acre" means a land area of 43,560 square feet.⁸¹
3. Acre, Gross. "Gross Acre" means the total acreage of a parcel including public rights-of-way and easements.
4. Acre, Net. "Net Acre" means the total acreage of a parcel excluding public rights-of-way and easements.
5. Administrator. "Administrator" means the Zoning Inspector or his designated representative.
6. Advertising Message. "Advertising message" means that copy on a sign describing products or services being offered to the public.

⁸¹ Amended Ord. 27-2006; Effective August 1, 2006

7. Agriculture: "Agriculture" means farming, dairying, pasturage, aquaculture, horticulture, tree farming, viticulture, animal and poultry husbandry. Agriculture shall not include kennels.
8. Agricultural Products: "Agricultural Products" means goods produced or services provided by person(s) engaged in agriculture.
9. Aisle: "Aisle" means that portion of the circulation area within a parking lot that provides access to parking spaces or a delivery zone. The minimum width permissible for an aisle to serve adjacent parking spaces shall depend on the angle of parking as illustrated in [Section 1258.05.B.\(4\)](#) (Parking Space Dimensions).
10. Alley: "Alley" means a dedicated thoroughfare not more than ten feet wide where required for pedestrian use exclusively and not less than twenty feet wide where required for vehicular use.
11. Anemometer: "Anemometer" means a device for measuring the speed of wind.
12. Animal Care Facilities: "Animal Care Facilities" means structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment, with temporary housing being limited to 48 hours. Uses include but not limited to veterinary clinics and animal hospitals.
13. Animal Hospital: "Animal Hospital" means structures, buildings, or enclosures used for medical treatment and care of animals, but shall not include housing nor kennels for animals.
14. Animal Husbandry: "Animal Husbandry" means a branch of agriculture concerned with the production and care of domestic animals. Controlled cultivation, management, and production of domestic animals, including improvement of the qualities considered desirable by humans by means of breeding. Animals are bred and raised for utility (e.g. food, fur), sport, pleasure and research.
15. Apartment House: "Apartment house" means a building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.
16. Applicant: "Applicant" means an owner of real property in Whitehouse or his/her agent.
17. Architectural Projection: "Architectural projection" means any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.
18. Auction Market: "Auction Market" means a building, structure, or site which primary use is for selling of goods, merchandise, land etc. by a bidding process.
19. Automotive Service Station: See Motor Vehicle Service Station.

20. Awning. "Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or non rigid materials on a supporting framework.

B

21. Banner. "Banner" means a temporary sign displayed on a flag, or a strip of lightweight material made of paper, cloth, or fabric attached to a frame at one or more of its edges.
22. Basement: "Basement" means a story partly or wholly below grade. If a basement is not occupied as living quarters, it shall not be included as a story for the purpose of height measurement. See [Figure 1270.02 -1](#) (Basement and Story).⁸²
23. Bed and Breakfast: "Bed and Breakfast" means any place of lodging that provides eight (8) or fewer rooms for rent, for more than ten (10) nights in a twelve (12) month period, is the owners personal residence, is occupied by the owner at the time of rental and which the only meal served to guest is breakfast.
24. Big Box Retail Development: One or more retail/wholesale sales or service establishments which occupy no less than fifty thousand (50,000) square feet of gross floor area in a single building, typically requires high parking to building area ratios, and typically has a regional sales market. Such buildings can include, but are not limited to, shopping centers, malls, warehouse clubs that emphasize bulk sales, discount stores, department stores.⁸³
25. Billboard or Poster Panels: "Billboard or Poster Panels" means any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.
26. Board: "Board" means The Board of Zoning Appeals.
27. Boarding House: "Boarding House" means a building, other than a Tourist Home, Bed and Breakfast, a motel or hotel, and used as a permanent dwelling for (3) three or more persons, where meals and lodging are provided for compensation.
28. Boarding of Animals and Livestock: "Boarding of Animals and Livestock" means stabling, housing and feeding of animals or livestock for compensation or for use in a commercial activity, exhibit or for other commercial/recreational purposes.
29. Boat Storage: "Boat Storage" means the storage of boats, similar watercraft and marine equipment.
30. Building: "Building" means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, property, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

⁸² Amended Ord. 27-2006; Effective August 1, 2006

⁸³ Amended Ord. 27-2006; Effective August 1, 2006

31. Building Area: "Building Area" means the space remaining on a lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.
32. Building, Community: "Building, Community" means a building used for public or private nonprofit agencies or organizations which provide social, educational and recreational activities and services to a neighborhood or community.
33. Building Coverage: "Building Coverage" means the amount of land covered or permitted to be covered by a building measured on a horizontal plane at mean grade level and excluding uncovered porches, terraces and steps.
34. Building Face. "Building face or wall" means all window and wall area of a building in one plane or elevation.
35. Building Frontage. "Building frontage" means the linear width of a building facing the right of way or the linear length of the right of way facing the building, whichever is smaller.
36. Building Height: "Building Height" means the vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof, provided that where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. See [Figure 1270.02-2](#) (Roof Types and Building Height).⁸⁴
37. Building Setback Line: "Building Setback Line" means a setback line for a main building on a platted lot. See [Figure 1270.02-4](#) (Lot Terms).⁸⁵
38. Building, Main: "Building, Main" means a building which contains the principal use of the lot. See [Figure 1270.02-4](#) (Lot Terms).⁸⁶
39. Building Unit Group: "Building Unit Group" means two (2) or more buildings (other than dwellings) grouped upon a lot and held under one (1) ownership, such as universities, hospitals and institutions.
40. Building Wall. See "Building Face."
41. Bus Shelter: "Bus Shelter" means an open structure with a roof used as a protection or shield from wind, rain, snow etc. Usually a place for persons to stay awaiting a bus or passenger vehicle.
42. Business: "Business" means the sale, purchase, or exchange of goods or services.
43. Business, General: "Business, General" means retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping

⁸⁴ Amended Ord. 27-2006; Effective August 1, 2006

⁸⁵ Amended Ord. 27-2006; Effective August 1, 2006

⁸⁶ Amended Ord. 27-2006; Effective August 1, 2006

facilities. General business includes, but is not limited to, supermarkets and stores and for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which can be grouped by design into a unified shopping center.

44. Business, Highway: "Business, Highway" means commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, motor vehicle service stations, motor vehicle repair, restaurants, drive-in establishments, building trades and services, commercial recreation and similar commercial activities, when maintained inside an enclosed building.
45. Business, Neighborhood: "Business, Neighborhood: means retail and service establishments which primarily serve local market areas and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than 10 persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores if less than 10,000 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted, based upon such interpretation of the Zoning Code by the Board of Zoning Appeals.

C

46. Campground: "Campground" means land used or intended to accommodate two (2) or more recreational vehicles, tents, or other individual camping units to be used as temporary housing for recreational purposes.
47. Cemetery/Memorial Gardens: "Cemetery/Memorial Gardens" means land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.
48. Charitable Donation Collection Bin. "Charitable Donation Collection Bin" means an outdoor receptacle made of metal, steel or a similar product, designed with a door, slot or other opening that is intended to accept and store donated items such as books, clothing or other non-perishable goods and materials. Charitable donation collection bins shall not exceed twenty (20) square feet and seven (7) feet in height. . The definition of charitable donation collection bins shall not include trailers with or without personnel to accept donations.
49. Child Day-Care Center: Any place that provides day care or publicly funded day care to thirteen (13) or more children at one time or any place that is not the residence of the licensee or administrator where child day care is provided to seven (7) to twelve (12) children at one time.⁸⁷

50. Child Day-Care Home, Type A: A permanent residence of the provider in which child day care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age.⁸⁸
51. Child Day-Care Home, Type-B: A permanent residence of the provider in which child day-care is provided for one (1) to six(6) children at one time and in which no more than three (3) children are under two (2) years of age at one time⁸⁹
52. Club: "Club" means 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.
53. Commercial: "Commercial" means a use or activity which includes the purchase, sale, or exchange of goods or services including the display and transportation of commodities.
54. Commercial Message. "Commercial Message" means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
55. Commercial Vehicle: "Commercial Vehicle" means any vehicle that requires a commercial drivers license to drive. This definition includes school buses, semi-tractors, dump trucks and hazardous material hauling. All commercial vehicles are prohibited in residential areas unless they are parked in an enclosed building.
56. Commission: "Commission" means the Whitehouse Planning Commission.
57. Computerized Sweepstakes Device: "Computerized sweepstakes device" means any computer, machine, game or apparatus of similar technical nature which, upon the insertion of a card, coin, token, or similar object, or upon payment of anything of value or consideration wherein a product or service is provided, may be operated by the public generally for use as a contest of skill, chance, entertainment, or amusement, whether or not registering a score and in which no way intends to encourage gambling.
58. Conditional Use (Special Exception): "Conditional Use (Special Exception)" means a use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such special exception made in this resolution. A conditional use is not considered to be a nonconforming use.
59. Covenant: "Covenant" means a private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.
60. Cul-de-sac: "Cul-de-sac" means a short street having one (1) end open to traffic and being terminated by a vehicle turn-around.

⁸⁸ Amended Ord. 27-2006; Effective August 1, 2006

⁸⁹ Amended Ord. 27-2006; Effective August 1, 2006

61. Curb Grade: "Curb Grade" means the elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the municipal Engineer shall establish such curb grade or its equivalent for the purpose of this Ordinance.

D

62. Day Care Facilities: "Day Care Facilities" means a place other than the permanent residence, which administers to the needs of children or adults providing social, rehabilitation recreational or educational activities on a daily basis with no provisions for residential care. Uses include, but are not limited to, adult day care, child day care, rehabilitative care and nursery schools.
63. Decibel (db): "Decibel (DB)" means the measurement of sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted).
64. Density: "Density" means a unit of measurement representing the number of dwelling units per acre of land.
65. Density Classification. Density is classified as low, medium, or high as follows:
- a) Low: no greater than 1.5 units per net acre
 - b) Low - Medium: 1.5 to 2.2 units per net acre
 - c) Medium: 2.2 to 3.9 units per net acre
 - d) Medium - High: 3.9 to 5.0 units per net acre
 - e) High: greater than 5 units per net acre
66. Density, Gross. "Gross Density" means the number of dwelling units per acre of total land to be developed including right-of-ways.
67. Density, Net. "Net Density" means the number of dwelling units per acre excluding right-of-ways.
68. Disabled Vehicle: See Inoperable Vehicle
69. Dish Antenna (Earth Station):⁹⁰ "Dish-Type Satellite Signal-Receiving Antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following accessory structures:
- a) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

⁹⁰ Amended Ord. 27-2006; Effective August 1, 2006

- b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
 - c) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
 - d) "Receiver" shall mean a television set or radio receiver.
 - e) "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
 - f) "Grounding Rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
70. District: "District" means an area or section of Whitehouse within which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking and the intensity of use are uniform.
71. Drive-Up: "Drive-Up" means an establishment or facilities where goods or services are provided from windows or in drive through areas to customers in cars or to the cars, and where the cars are temporarily stopped or standing and which commonly does, or could involve a lineup of cars waiting in line for such goods or services. Current examples of drive-up developments include but are not limited to car washes, drive-up windows at banks and at fast food restaurants.
72. Driveway: "Driveway" means a permanent hard-surfaced way that provides access to a garage, carport or unsheltered parking space from a street or place.
73. Dwelling: "Dwelling" means any house or building or portion thereof occupied or to be occupied in whole or in part as the home, residence or sleeping place of one or more persons.
74. Dwelling, multiple: "Multiple dwelling" means a building or portion thereof having three or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.
75. Dwelling, single-family: "Single-family dwelling" means a building designed for or occupied by one family.
76. Dwelling, two-family: "Two-family dwelling" means a building designed for or occupied by two (2) families.
77. Dwelling Unit: "Dwelling Unit" means a group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, and eating purposes.

E

78. Easement: "Easement" means a grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.
79. Erected. "Erected" means attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign.
80. Exception: See Conditional Use (Special Exceptions)
81. Extraction Industry: "Extraction Industry" means the removal of soil, sand, gravel or minerals from land or water for purposes of resale or use in the commercial operation of a business or the production of a good or service.

E

82. Facade. "Facade" means the entire building front including the parapet.
83. Family: "Family" means one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel herein defined.
84. Farm Market: "Farm Market" means a building, structure or site which primary purpose is for the sale of agricultural commodities or products, derived from the premises upon which the market is located or on land owned or leased by the operator of the market.
85. Flag. "Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
86. Flea Market: "Flea Market" means a building, structure or site which primary purpose is for the leasing/renting of space, stalls or areas which are used for selling goods or merchandise.
87. Floor Area: "Floor area" means the sum total of the square footage of all of the floors of a structure or building.⁹¹
88. Floor Area, Gross: "Gross Floor Area" means all of the area on each floor of a building, whether or not such area is enclosed by walls, exclusive of interior areas used for off-street parking or loading facilities.
89. Floor Area, Residential: "Residential Floor Area" means the interior floor area of a dwelling used for basic living purposes including stairways, halls, closets, and storage rooms, but

⁹¹ Amended Ord. 27-2006; Effective August 1, 2006

not including basement, garages, or enclosed or unenclosed porches, breezeways or carports.⁹²

90. Frontage: "Frontage" means all of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured at the building setback line, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street. See [Figure 1270.02-4](#) (Lot Terms).⁹³
91. Frontage, Lot. "Lot frontage" means the length of the property line of any one premise along a public right-of-way on which it borders.
92. Frontage, Building. "Building frontage means the length of an outside building wall on a public right-of-way.

G

93. Garage: "Garage" means a structure or portion thereof which is used for the storage of motor vehicles.
94. Garage, Private. A "Private Garage means a detached accessory building or portion of a main building used for the storage of and used by the occupants of the building to which it is accessory.
95. Garage, Public. A "Public Garage" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.
96. Garage, Storage. A "Storage Garage" means a building or portion thereof designed or used exclusively for storage of motor driven vehicles, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.
97. Grade: "Grade" means the curb line grade at the front lot line as established by Council.
98. Greenhouse: "Greenhouse" means a building or structure enclosed with glass or other glazing used for the cultivation and production of plants.
99. Gross Acre: See "[Density](#)," as defined herein.⁹⁴
100. Gross Floor Area: See "Floor Area, Gross."

H

⁹² Amended Ord. 27-2006; Effective August 1, 2006

⁹³ Amended Ord. 27-2006; Effective August 1, 2006

⁹⁴ Amended Ord. 27-2006; Effective August 1, 2006

101. Half Story: see "Story"
102. Hard Surface: "Hard Surfaced" means a layer of bituminous, concrete, brick or other dust material forming a rigid, solid surface.
103. Hazardous Waste: "Hazardous Waste" means any waste or combination of waste in solid liquid, semi-solid or contained gaseous form which falls within the definition of Hazardous Waste under ORC 3734.01(j).
104. Health Care Clinics: "Health Care Clinics" means a health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.
105. Height of Building: "Height of building" means the vertical distance at the building's principal front, measured from the established grade to the highest point of the roof. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade along the front of the building. See [Figure 1270.02-2](#) (Roof Types and Height of Building)
106. Home Occupation: "Home Occupation" means an occupation carried on exclusively by the occupant(s) of a dwelling as a secondary use.
107. Homeowners Association: "Homeowners Association" (HOA) means a group of home owners, unincorporated association, or corporation formed to manage a residential subdivision.
108. Hospital: "Hospital" means a health care facility which provides for diagnostic, medical, surgical or psychiatric treatment and care. It may include but not limited to related facilities for educational and training facilities for health professionals.
109. Hotel: "Hotel" means a building occupied as the more or less temporary abiding place of individuals who pay the owner or manager for lodging, with or without meals, and in which building there are more than five guest rooms, with no provision for cooking in any individual apartment.
110. House Trailer: See Manufactured Home.
- !
111. Industrialized Unit: "Industrialized Unit" means 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 the structure or part of a structure, except for preparations for its placement. For the purposes of this resolution, an industrialized unit is a dwelling, bearing certification of compliance with the Ohio Basic Building Code as defined under ORC 3781.10(j).

112. Inoperable or Junk Vehicle: "Inoperable/Junk Vehicle" means a vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:
- a) It does not display a valid license plate, or
 - b) It is wrecked, partially wrecked, dismantled, partially dismantled, discarded or is incapable of being driven and has remained so for a continuous period of thirty (30) days; or
 - c) The vehicle is without fully inflated tires and/or has any type of support under it; or
 - d) The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.
113. Institution: "Institution" means a building occupied by a nonprofit organization wholly for the public use.
114. Institutional Health Care Facilities: "Institutional Health Care Facilities" means a public or nonprofit institution which provides for residential health care and maintenance for mental health or developmentally disabled persons.
115. Internet Sweepstakes Terminal Café: "Internet sweepstakes terminal café" means any individual premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.
116. Internet Sweepstakes Terminal Café Owner: "Internet Sweepstakes Terminal Café Owner" means any person who possesses a pecuniary interest, either directly or indirectly, in an internet sweepstakes terminal café as set forth herein.



117. Junk Yard: "Junk Yard" means an open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, packed, or handled, including building wrecking yards, but excluding uses taking place entirely within an enclosed building.
118. Juveniles, Harmful to:⁹⁵ Any sexually oriented material or performance is harmful to juveniles, if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
- a) It tends to appeal to the prurient interest of juveniles;
 - b) It contains a display, description, or representation of specified sexual anatomical areas or specified sexual activities;

⁹⁵ Amended Ord. 27-2006; Effective August 1, 2006

- c) It makes repeated use of foul language; and
- d) It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being.

K

119. Kennel: "Kennel" means any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding purposes, medical care, or for other commercial purposes excluding animal husbandry.

L

120. Livestock: "Livestock" means any animal that is domesticated for use, pleasure, or profit.
121. Living Spaces or Area: "Living Spaces or Area" means that area in a residence which does not include a garage, breezeway, basement, attic or crawl space.
122. Loading Berth or Space: "Loading Berth or Space" means a space within the main building or on the same lot, exclusive of off-street parking space and which provides for the standing, delivery/pickup, loading or unloading of packages or materials.
123. Lot: "Lot" means 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 required. Such lots shall have frontage on an improved public street or on an approved private street and may consist of: a single lot of record; a portion of a lot of record; or a combination of single lots and/or portions of lots of record. See [Figure 1270.02-3](#) (Type of Lots).⁹⁶
124. Lot Area: The total horizontal area within the boundaries of a lot exclusive of all rights-of-way of any access easement, alley, public or private street. See [Figure 1270.02-4](#) (Lot Terms).
125. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. See [Figure 1270.02-3](#) (Type of Lots).
126. Lot Coverage: the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage. See [Figure 1270.02-4](#) (Lot Terms).
127. Lot Depth: the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines. See [Figure 1270.02-4](#) (Lot Terms).

⁹⁶ Amended Ord. 27-2006; Effective August 1, 2006

128. Lot Frontage: the horizontal distance of the boundary line of a lot abutting a street or road right-of-way. On corner or through lots, the street or building address shall be considered frontage. See [Figure 1270.02-4](#) (Lot Terms).
129. Lot, Interior: a lot other than a corner lot. See [Figure 1270.02-3](#) (Type of Lots).
130. Lot of Record: a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Lucas County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder.
131. Lot Width: "Lot Width" means width of a lot measured at right angles to its depth at a line coinciding with the required depth of the front yard. The width of lot frontage on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard. See [Figure 1270.02-4](#) (Lot Terms).

M

132. Major Street: "Major Street" means a dedicated street within Whitehouse which has been classified as a dual highway, dominant major street, a major street, a secondary major street, or a main street on the Official Whitehouse Major Street Plan.
133. Major Street Plan: "Major Street Plan" means the Whitehouse Major Street Plan which designates roadways as expressways, principal arterial, minor streets, major collectors or local collectors.
134. Mansard Roof. "Mansard Roof" means a sloping roof where the angle of the roof is no more than thirty degrees from perpendicular. Signs on these roofs shall be considered fascia signs.
135. Manufactured Home: "Manufactured Home" means a single family living unit designed and maintained in condition for transportation, after fabrication, on the site at which it is to be occupied as a living unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations; location on jacks or other foundations, and connection to essential public utilities; and falling within the definition of a "Manufactured Home" in Section 4501.01 of the Ohio Revised Code (ORC).
136. Manufactured Home, Permanently-Sited:⁹⁷ "Permanently-Sited Manufactured Home" means a manufactured home that meets all of the following criteria:
- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 - b) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area,

⁹⁷ Amended Ord. 27-2006; Effective August 1, 2006

excluding garages, porches, or attachments, of at least nine hundred (900) square feet;

- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
- d) The structure was manufactured after January 1, 1995;
- e) The structure is not located in a “Manufactured Home Park” as defined by ORC 3733.01.

137. Manufacturing: "Manufacturing" means a process which combines raw materials or components into a product or which changes their physical or chemical characteristics.

138. Manufacturing, General. “General Manufacturing” means manufacturing, which by its nature and function may require large parcels, effective separation from residential and most commercial areas, confinement within enclosed buildings and screened enclosures having an opaqueness of seventy-five (75) percent or greater, where outside storage of materials are necessary. General Manufacturing shall include but not be limited to processing of vegetables and fruit, dairy and bakery products, soft drinks and confections, textiles, glass, wood and plastic production, and fabrication, pharmaceuticals, metal fabrication, machining, tool and die, hardware and appliance production.

139. Manufacturing, Heavy. “Heavy Manufacturing” means manufacturing which requires large acreage parcels for isolation and separation from residential and commercial development, special consideration because of the potential spill over effect on surrounding areas and the use of buildings and open areas of the parcel for processing production and storage of materials. Heavy manufacturing shall include, but not be limited to, smelting and primary metal processing, mineral extraction, metal salvage and fabrication, motor vehicles and related products, manufactured housing, household appliances manufacturing, chemical and gas manufacture, refining, manufacturing and/or processing of animals, or animal parts for food, fertilizer or other purposes including the tanning and production of leather goods and furs.

140. Manufacturing, Restricted. “Restricted Manufacturing” means any industrial use which is conducted entirely within enclosed substantially constructed buildings; involving the use of only light machinery and equipment; does not use the open area about the buildings for the storage of materials or equipment other than for the unloading or loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of drugs, jewelry, musical instruments, sporting goods; the processing and assembly of small glass products; small household appliances; small electronic products, scientific instruments, and parts for the production of finished equipment; office, computing and accounting machines; research and laboratory testing; printing, publishing and engraving plants; and other similar products and operations.

141. Marine Sales and Service. "Marine Sales and Service" means the sale and service of watercraft and marine equipment.

142. Marquee. "Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (compare "Awning")
143. Message. "Message" means the wording or copy on a sign.
144. Meteorological Tower: "Meteorological Tower" means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure wind speed and directions preliminary to construction of a Small Wind Energy System.
145. Micro Wind System: "Micro Wind System" means a building-mounted wind system (either a Vertical or Horizontal Axis Turbine" that has a Rated Capacity of 10kW or less, (3kW or less for residential properties). The building and the wind system cannot exceed the maximum permitted building height for that district by more than thirty (30%) percent. Micro wind systems shall also include similar systems such as wind spiral and all other building-mounted wind energy systems except for wind cubes.
146. Mobile Home. "Mobile Home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit.⁹⁸
147. Modular Home: "Modular Home" means a factory built dwelling unit designed for assembly at the building site, bearing certification of compliance with the Ohio Basic Building Code and meets the definition of Industrialized Unit as defined under ORC 3781.10(j).
148. Motel: "Motel" means a building or group of buildings which provide rental or temporary sleeping accommodations.
149. Motor Vehicle Service Station: "Motor Vehicle Service Station" means any premises used for supplying gasoline and oil, at retail direct to the customer, including accessories, parts and minor services or repair for motor vehicles, but not including body or fender work, painting or major motor repairs. When the aforementioned service is incidental to the conduct of a public garage, the use shall be classified as a public garage.
150. Motor Vehicle Sales and Rental: "Motor Vehicle Sales and Rental" means the sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, to be displayed and sold on the premises and accessory services.
151. Motor Vehicle Salvage: "Motor Vehicle Salvage" means the dismantling, wrecking and/or salvage of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
152. Motor Vehicle Salvage Yard: "Motor Vehicle Salvage Yard" means any place where two (2) or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking, storing and/or salvage of such motor vehicles or farm

⁹⁸ Amended Ord. 27-2006; Effective August 1, 2006

machinery, or parts thereof, stored in the open and not being restored to operating conditions.

N

153. Net Acre: See “Density,” as defined herein.⁹⁹
154. Nonconforming Use: "Nonconforming Use" means any building or land lawfully occupied by a use at the effective date of this Ordinance, or amendment thereof, which does not conform after the passage of this Ordinance, or amendment thereof, with the use requirements of the district in which is situated.
155. Nursery School: "Nursery School" means a school designed to provide daytime care for instruction for two (2) or more children, and operated on a regular basis.
156. Nursing Home: "Nursing Home" means a residential care facility in which persons reside and as its primary function provides nursing care on a 24-hour basis, physical and/or social rehabilitation services and room and board.

O

157. Obscene Material / Obscenity.¹⁰⁰ Any sexually oriented material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series of patently offensive displays or descriptions of specified sexual anatomical areas or specified sexual activities, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
- a) Human male genitals or the female breast areola in a discernibly turgid state of sexual stimulation or arousal;
 - b) Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, female breasts, or open female labia;
 - c) Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sexually-oriented toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;

⁹⁹ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁰ Amended Ord. 27-2006; Effective August 1, 2006

- d) Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.
158. Occupancy. "Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.
159. Overlay District: "Overlay District" means an additional secondary zoning classification which establishes additional regulations on the use of land, buildings or structures (example, the Flood Plain District).
160. Owner: "Owner" means a person recorded as such on official records. For the purpose of [Chapter 1259](#) (Signs), the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

P

161. Parking Lot: "Parking Lot" means any off-street area or structure which meets one (1) of the following conditions:
- a) Contains one (1) or more parking, vehicular storage, loading or stacking spaces for commercial, institutional, recreational or industrial use, whether free or for compensation; or
 - b) Contains five (5) or more parking spaces for any residential use.
162. Parking Space: "Parking Space" means a rectangular or other angular area exclusive of any driveway or other circulation area, accessible from a street, alley or maneuvering area and designed for temporary parking of a motor vehicle. For single-family and two-family dwellings, one required parking space may be positioned behind another.
163. Performance Bond: "Performance Bond or Surety Bond" means an agreement by a subdivider or developer with Whitehouse 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.
164. Person. "Person" means any natural person, individual, corporation, association, firm, partnership, any other form of business organization, or similarly defined interest.
165. Personal Services: "Personal Services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.
166. Place: "Place" means a private thoroughfare other than a street or alley permanently reserved as a lot on a recorded plat as the principal means of access to abutting property approved under applicable Whitehouse Subdivision Regulations in accordance with ORC Chapter 711 and 713.

167. Planned Unit Development: "Planned Unit Development" means 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.
168. Plat: "Plat" means a map or drawing of a tract or parcel of land.
169. Plot Plan: "Plot plan" means a drawing showing an accurate legal description of the subject property with section lines or major roadways shown.
170. Pond: "Pond" means a body of water of which none of the excavated material has been removed from the site for commercial purposes and is used for the following purposes: to provide water for livestock, fish and wildlife, recreation, fire control or crop and orchard spraying.
171. Portable / Temporary Storage Unit: "Portable / temporary storage unit" (PSU) means any self-contained box type unit delivered by truck to your home or business, placed outside, and used for temporary storage.
172. Premises. "Premises" means a building or portion thereof, or a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.
173. Private Garage: See Garage
174. Professional Services: "Professional Services" means the use of offices and related spaces for such services which are provided by doctors, dentists, lawyers, architects and engineers.
175. Property Lines, Interior. "Interior Property Lines" means property lines other than those fronting on a street, road or highway.
176. Public Display. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than sexually oriented materials are on display to the public.¹⁰¹
177. Public Garage: See "Garage."
178. Public Service Facilities: "Public Service Facilities" means structures, buildings, and/or transmission, distribution, or collection systems, which are used to provide and maintain public utilities. Uses include, but not limited to, railroad, electric, gas, water and sewer, and telephone systems and other uses which meet the definition of public utility under ORC 4905.03.

¹⁰¹ Amended Ord. 27-2006; Effective August 1, 2006

179. Public Uses: "Public Uses" means uses which provide or maintain public services. These include, but not limited to, government buildings, schools, public parks, highway maintenance, and storage facilities.

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180. Rated Capacity: "Rated capacity" means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
181. Recreational Facilities: "Recreation Facilities" means buildings, structures, lands or water areas used for social, leisure and recreational activities. These include, but not limited to, golf courses, clubs, sports field, indoor/outdoor courts, community/public -swimming pools, amusement centers, banquet halls, carnivals or parks.
182. Recreational Vehicle: "Recreational Vehicle" means a vehicular portable structure, such as a travel trailer, motor home, truck camper, fifth wheel trailer, or park trailer, that is designed for the sole purpose of recreational travel, is not used for the purpose of engaging in business for profit, commerce, or intrastate commerce, and is not regulated by the Public Utilities Commission.¹⁰²
183. Residential Floor Area: See "Floor Area, Residential."
184. Right-of-Way. "Right-of-Way" means a legal right of passage over another person's ground which may include both private and public property.
185. Right-of-Way Width. "Right-of-way Width" means the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the Engineer.
186. Road Side Stands or Structures: "Road Side Stands or Structures" means a building or structure used for the sale of agricultural produce that is grown on the property.
187. Roofline. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.
188. Rooming House: See Boarding House.

¹⁰² Amended Ord. 27-2006; Effective August 1, 2006

S

189. Salvage Yard: See Motor Vehicle Salvage Yard.
190. Self Service Storage Facility: "Self Service Storage Facility" means any real property designed and used for the purpose of renting or leasing individual storage spaces for the storage of personal property.
191. Semi-Public Uses: "Semi-Public Uses" means services and facilities which are provided to the public that are privately owned and controlled. These include, but are not limited to, churches, parochial schools, hospitals, and other educational, religious or philanthropic organizations and telecommunication facilities.
192. Setback Line: "Setback Line" means a line established by zoning, platting, or other legal means on a lot, that is a specified distance from and parallel to the lot line, to restrict the encroachment of buildings on the lot line. See [Figure 1270.02-4 \(Lot Terms\)](#).¹⁰³
193. Sexually Oriented Business. An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Sexually oriented businesses include, but are not limited to the following uses: sexually oriented cabaret/movie houses, sexually oriented media stores, sexually oriented shops, and sexually oriented motels, more specifically defined hereunder by this regulation. Businesses which feature sexually oriented materials which are prohibited include: sexually oriented encounter centers; sexually oriented escort agencies; sexually oriented nude modeling studios, sexually oriented spas; and sexually oriented viewing booths, more specifically defined hereunder by this ordinance.¹⁰⁴
194. Sexually Oriented Cabaret/Movie House. An auditorium, bar, concert hall, movie house, nightclub, restaurant, indoor or outdoor theater, or similar business establishment which, for any form of consideration, features sexually oriented materials to patrons in a seating area exceeding 150 square feet as a substantial portion of its entertainment or presentation time. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.¹⁰⁵
195. Sexually Oriented Encounter Center. An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or persons of the same sex in a private or semi-private area when one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities, including wrestling or tumbling, lap dancing, or body painting.¹⁰⁶

¹⁰³ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁴ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁵ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁶ Amended Ord. 27-2006; Effective August 1, 2006

196. Sexually Oriented Escort Agency. An establishment which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a companion, guide, or date for a service which includes specified sexual activities or the exposure of specified sexual anatomical areas. This service also includes the private modeling of lingerie or private striptease performances.¹⁰⁷
197. Sexually Oriented Materials. Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities or which are otherwise harmful to juveniles or obscene. Such materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonograph records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.¹⁰⁸
198. Sexually Oriented Media Store. A business establishment which offers sexually oriented media materials for sale, rental, or distribution for consumption off the premises for any form of consideration as a substantial portion of its stock in trade. Media includes but shall not necessarily be limited to printed matter, pictorial representations, or any electronic or laser reproduction of anything that is or may be used as a means of communication.¹⁰⁹
199. Sexually Oriented Motel.¹¹⁰ A hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration which provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually oriented materials; and which:
- a) Has a sign visible from the public right-of-way that advertises the availability of sexually oriented materials along with room rentals; or
 - b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
200. Sexually Oriented Nude Model Studio.¹¹¹ An establishment where a person who exhibits specified sexual anatomical areas is to be observed sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Community College, or University supported entirely or in part

¹⁰⁷ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁸ Amended Ord. 27-2006; Effective August 1, 2006

¹⁰⁹ Amended Ord. 27-2006; Effective August 1, 2006

¹¹⁰ Amended Ord. 27-2006; Effective August 1, 2006

¹¹¹ Amended Ord. 27-2006; Effective August 1, 2006

by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Community College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria:

- a) There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
- b) In order to participate in a class a student must enroll at least three days in advance of the class; and
- c) No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.

201. Sexually Oriented Shop. An establishment offering as a substantial portion of its trade any of the following goods for sale or rent: 1) Sexually oriented toys or novelties designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs; 2) Lingerie marketed or presented in a context to suggest their use to expose specified sexual anatomical areas to view; or 3) Leather goods marketed or presented in a context to suggest their use for flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.¹¹²

202. Sexually Oriented Spa. An establishment not operated by medical professionals or certified massage therapists which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a massage, bath, sauna, exercise equipment, shower, or hot tub service, and which includes sexually oriented material or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexually oriented encounter center.¹¹³

203. Sexually Oriented Viewing Booth. Any booth, cubicle, stall, or compartment less than or equal to one hundred fifty (150) square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually oriented materials, such as live entertainment, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals).¹¹⁴

204. Shopping Center: "Shopping Center" means a group of retail businesses and services on a single site with common parking facilities and containing building(s) floor area of twenty thousand (20,000) square feet or greater.

205. Sign: "Sign" means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify

¹¹² Amended Ord. 27-2006; Effective August 1, 2006

¹¹³ Amended Ord. 27-2006; Effective August 1, 2006

¹¹⁴ Amended Ord. 27-2006; Effective August 1, 2006

the purpose of a person or entity, or to communicate information of any kind to the public.
115

206. Sign, Abandoned. "Abandoned Sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
207. Sign, Animated. "Animated Sign" means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. (See also and note difference from "changeable sign.") Animated signs include the following types:
- a) "Naturally Energized" means signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
 - b) "Mechanically Energized" means signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
 - c) "Electrically Energized" means illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are either "Flashing Signs" or "Illusionary Movement Signs."
208. Sign Area. "Area of sign" means the area of the largest single face of the sign within a rectangle which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, the rectangle shall include the entire area encompassing all the sections or modules.
209. Sign, Area Identification. "Area Identification Sign" means a sign free standing or affixed to a wall or fence which identifies a neighborhood, a residential subdivision, a multiple residential complex or a commercial or industrial complex.
210. Sign, Awning. "Awning Sign" means a sign painted on, printed on, or attached flat against the surface of an awning.
211. Sign Background Area. "Background area" means the entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with fascia or painted wall signs.
212. Sign, Banner. "Banner sign" means a ~~temporary~~ sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
213. Sign, Billboard. "Billboard" (see "Off-Premise Sign")

¹¹⁵ Amended Ord. 27-2006; Effective August 1, 2006

214. Sign, Building. "Building sign" means a sign lettered to give the name of a building itself, as opposed to the name of occupants or services.
215. Sign, Changeable. "Changeable Sign" means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:
- a) "Manually Activated" means signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - b) "Electrically Activated" means signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. "Electrically activated signs include "Fixed Message Electronic Signs" and "Computer Controlled Variable Message Electronic Signs."
216. Sign, Changeable Copy Sign. "Changeable Copy Sign" means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this code. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purpose of the resolution.
217. Sign, Clearance. "Clearance (of a Sign)" means the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
218. Sign, Computer Controlled Variable Message Electronic. "Computer Controlled Variable Message Electronic Signs" means signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
219. Sign Copy. "Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
220. Sign Copy Area. "Copy area" means the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.
221. Sign, Construction. "Construction Sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
222. Sign, Detached. "Detached sign" means any sign which serves solely to designate the location or direction of any place or area.
223. Sign, Directional. "Directional sign" means any sign which serves solely to designate the location or direction of any place or area.

224. Sign, Directional/Information. "Directional/Information Sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.
225. Sign, Double-Faced. "Double-Faced Sign" means a sign with two faces, essentially back-to-back.
226. Sign, Electrical. "Electrical Sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.
227. Sign, Exempt. "Exempt signs" means exempted from normal permit requirements.
228. Sign, Face. "Face of Sign" means the area of a sign on which the copy is placed.¹¹⁶
229. Sign, Fixed Message Electronic. "Fixed Message Electronic Signs" means signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
230. Sign, Flashing. "Flashing Signs" means illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to one hundred (100) percent (on) during the programmed cycle.
231. Sign, Freestanding. "Freestanding Sign" means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
232. Sign, Future Development. "Future Development Sign" means a temporary sign indicating the future construction or development of a building or area but not fitting under the definition of "construction sign".
233. Sign, Government. "Government Sign" means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
234. Sign, Ground. "Ground Sign" means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

¹¹⁶ Amended Ord. 27-2006; Effective August 1, 2006

235. Sign, Height. "Height" (of a Sign) means the vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (Compare "Clearance").
236. Sign, Holiday. See "Seasonal Sign."
237. Sign, Identification. "Identification Sign" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
238. Sign, Illegal. "Illegal Sign" means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.
239. Sign, Illuminated. "Illuminated Sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
240. Sign, Illusionary Movement. "Illusionary Movement Signs" means illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.
241. Sign, Incidental. "Incidental Sign" means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
242. Sign, Institutional Bulletin Board. "Institutional Bulletin Board" means a sign which primarily displays the name of the organization and/or upcoming events of that organization.
243. Sign, Low Profile. "Low Profile Sign" means a sign mounted directly to the ground with maximum height not to exceed eight (8) feet.
244. Sign Maintenance. "Maintenance" means for the purpose of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
245. Sign, Marquee. "Marquee Sign" means any sign attached to or supported by a marquee structure.
246. Sign, Menu Board. "Menu Board Sign" is a sign listing the services or goods sold by the business, the price thereof, and may include incidental advertising or the business logo. A "menu board" shall be counted in the ninety-six (96) square feet total per Chapter 1259.03)
247. Sign, Multiple-Faced. "Multiple-Faced Sign" means a sign containing three (3) or more faces, not necessarily in back-to-back configuration.

248. Sign, Nonconforming. "Nonconforming Sign" means:
- a) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
 - b) A sign which does not conform to the sign code requirements, but for which a special permit has been issued.
249. Sign, Off-Premise. "Off-Premise Sign" (also "Billboard") means a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".
250. Sign, Off-Site Directional. "Off-Site Directional Sign" means a sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Administrator in size, height, and placement as justified.
251. Sign, On-Premise. "On-Premise Sign" means a sign which pertains to the use of the premises and/or property on which it is located.
252. Sign, Painted Wall. "Painted Wall Sign" means any sign which is applied with paint or similar substance on the surface of a wall.
253. Sign, Point of Purchase Display. "Point of Purchase Display" means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.
254. Sign, Pole. "Pole Sign" See ("Free Standing Sign")
255. Sign, Political Sign. "Political Sign" means a temporary sign used in connection with a local, state, or national election or referendum.
256. Sign, Portable. "Portable Sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
257. Sign, Projecting. "Projecting Sign" means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
258. Sign, Public Service Information. "Public Service Information Sign" means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

259. Sign, Reader Board. "Reader board sign" means an exterior sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign.
260. Sign, Real Estate. "Real Estate Sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
261. Sign, Residential. "Residential Sign" means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning code.
262. Sign, Roof. "Roof Sign" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
263. Sign, Integral Roof. An "Integral Roof Sign" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
264. Sign, Seasonal. "Seasonal Sign" or "Holiday Sign" means signs such as Christmas decorations or those used for an historic holiday, and installed for a limited period of time.
265. Sign, Temporary. "Temporary Sign" means a sign which is not permanently affixed and includes all devices such as banners, pennants, flag (not intended to include flags of any nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas-filled figures.
266. Sign, Wall. "Wall Sign" means any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.
267. Sign, Window. "Window Sign" means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
268. Site Plan: "Site Plan" means a scaled drawing of a proposed project showing, among others, the location of property lines, building locations, drives, walkways, parking areas, fencing and screening, setbacks, and signs as required by this Ordinance.
269. Sludge: "Sludge" means a solid or near solid by-product of sewage treatment or industrial waste treatment.
270. Small Wind Energy Systems: "Small Wind Energy Systems" mean a free-standing wind energy electric generation system consisting of a tower, a turbine, and associate control or

conversion electronics, with a rated capacity of 10kW or less per tower. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers.

271. Solar Collector: “Solar collector” means any of several devices that absorb and accumulate solar radiation for use as a source of energy.
272. Special Use (Exception): “Special Use (Exception)” means a use other than a use by (or as of) right.
273. Specified Sexual Activities.¹¹⁷ The non-obscene display or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
- a) Casual touching of human genitals, pubic region, buttocks, or female breasts; and
 - b) Simulated human masturbation, cunnilingus, fellatio, sexual intercourse, or sodomy where the genitals cannot be seen.
274. Specified Sexual Anatomical Areas. The non-obscene showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, or the lower portion of the female breast below the highest point of the areola, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.¹¹⁸
275. Storage Garage: See “Garage.”
276. Story: “Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it. See [Figure 1270.02-1](#) (Basement and Story).¹¹⁹
- a) Half-Story - A basement, the floor of which is more than three (3) feet six (6) inches, but not more than four (4) feet, below grade and the ceiling of which is more than four (4) feet, but not more than four and one-half (4.5) feet above grade, or, a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite walls are not more than three (3) feet above the floor of such story, except that any such partial story under a gable, hip or gambrel roof used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story. See [Figure 1270.02-1](#) (Basement and Story). See also [Figure 1270.02-2](#) (Roof Types and Building Height).¹²⁰
277. Street: “Street” means a public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.¹²¹

¹¹⁷ Amended Ord. 27-2006; Effective August 1, 2006

¹¹⁸ Amended Ord. 27-2006; Effective August 1, 2006

¹¹⁹ Amended Ord. 27-2006; Effective August 1, 2006

¹²⁰ Amended Ord. 27-2006; Effective August 1, 2006

¹²¹ Amended Ord. 27-2006; Effective August 1, 2006

278. Strip Development: A form of development characterized by substantial commercial or retail development frontage with direct or numerous access points from an arterial or collector road where the site contains parking located above ground level and lying between the accessed roadway and the primary buildings.¹²²

279. Structure: "Structure" means anything constructed, erected or placed on the land, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land. This includes and not limited to buildings, walls, fences, flag poles, advertising signs and billboards.

Enclosures constructed upon or placed upon a premises occupying less than thirty-six (36) square feet of surface area upon the premises and less than five (5) feet tall, shall not be considered structures and shall not require any permit or administrative approval from Whitehouse.

Structures constructed or placed upon a premises occupying more than thirty-six (36) square feet of surface area up to and including one hundred (100) square feet of surface area shall be placed or constructed upon a hard surface, e.g., concrete, gravel or upon skids with proper anchoring. Said structure shall not require any additional below ground foundation. Said structure shall require a permit from Whitehouse.

280. Structural Alterations: "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

281. Substantial Portion.¹²³ A measurement, count, or ratio used in the determination whether an establishment is a sexually-oriented business, and is computed as follows:

- a) When sexually-oriented materials are located in displays visible or self-accessible to the public: more than five (5) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment, or occupies more than ten (10) percent of its floor area;
- b) When sexually-oriented materials are located in separate rooms or areas with access controls which isolate the room or area from other parts of the store and which prevent patrons from viewing sexually-oriented material from the rest of the establishment: more than twenty-five (25) percent of the gross floor area of the establishment;
- c) For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions: more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of presentations emphasizing specified sexual activities, specified sexual anatomical areas, or sexually-oriented material that is harmful to juveniles or obscene; or the showing of movies where the Motion Picture Association of America Movie Rating System or a

¹²² Amended Ord. 27-2006; Effective August 1, 2006

¹²³ Amended Ord. 27-2006; Effective August 1, 2006

rating system using similar constitutionally acceptable standards would apply an “adults only” rating, including, but not limited to; “NC-17,” “X,” “XX,” or “XXX,” or unrated films with comparable content.

282. Swimming Pool: "Swimming Pool" means an enclosure, temporary or permanent, above or below ground, containing water to be used for bathing, wading or swimming, which shall be able to contain twenty-four (24) inches minimum depth of water and exceeds twelve (12) feet in diameter or length whichever applies to the appropriate shape.
283. System Height: "System height" means the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

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284. Tourist Home: "Tourist Home" means a building other than a hotel or motel where temporary lodging is provided and offered to the public for compensation for not more than ten (10) individuals and open to transient guests.
285. Tower Height: "Tower height" means the height above grade of the fixed portion of the tower.
286. Trailer Park: "Trailer Park" means a facility offering grounds or accommodations or both for house trailers or house cars, whether occupied as dwellings or stored temporarily or permanently.
287. Truck Transport Terminal: "Truck Transport Terminal" means a facility where freight is unloaded from interstate trucks and/or intermodal trailers and containers and loaded onto local delivery trucks. Common carriers often use such facilities to segregate cargo coming from a terminal in a distant location onto various trucks for local delivery.
288. Turbine: "Turbine" means the parts of a wind system including the blades generator and tail. The definition of a turbine includes both Horizontal Axis Wind Turbines (HAWT) and Vertical Axis Wind Turbines (VAWT).

U

289. Use: "Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.¹²⁴

V

290. Variance: "Variance" means 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

¹²⁴ Amended Ord. 27-2006; Effective August 1, 2006

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.

W

291. Warehouse: "Warehouse" means a building or structure used for the storage of goods, materials or equipment.
292. Waste: See Hazardous Waste, Sludge, Solid Waste.
293. Wind Cubes: "Wind cubes" means a special type of horizontal axis wind turbine with a cubical shroud around the blade assembly that is used to increase the velocity of the wind for a given blade capture area.

X

Y

294. Yard: "Yard" means an open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. See [Figure 1270.02-4](#) (Lot Terms).¹²⁵
295. Yard, Front - "Front Yard" means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections or permitted uncovered steps, uncovered balconies, platforms or decks, which are open to the sky. See [Figure 1270.02-4](#) (Lot Terms).¹²⁶
296. Yard, Rear. "Rear Yard" means a yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, balconies, platforms or decks which are open to the sky. On all lots the rear yard shall be at the opposite end of the lot from the front yard. See [Figure 1270.02-4](#) (Lot Terms).¹²⁷
297. Yard, Side. "Side Yard" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof. See [Figure 1270.02-4](#) (Lot Terms).¹²⁸

¹²⁵ Amended Ord. 27-2006; Effective August 1, 2006

¹²⁶ Amended Ord. 27-2006; Effective August 1, 2006

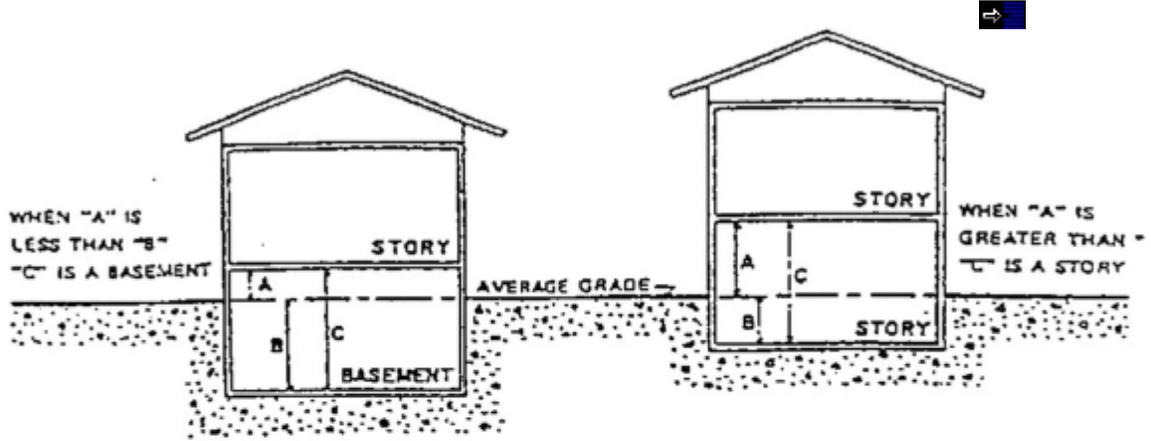
¹²⁷ Amended Ord. 27-2006; Effective August 1, 2006

¹²⁸ Amended Ord. 27-2006; Effective August 1, 2006

Z

298. Zero Lot Line Development: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. See [Figure 1270.02-5](#) (Examples of Zero Lot Line Development).
299. Zoning Inspector: "Zoning Inspector" means the agent, appointed by the Whitehouse Council, who is responsible for the administration and enforcement of the Zoning Regulations and required inspections for zoning compliance.
300. Zoning Permit: "Zoning Permit" means the document issued by the Zoning Inspector authorizing the use of land or buildings.
301. Zoning Code: "Zoning Code" means the Ordinance, codified herein as Titles One and Three of Part Twelve -the Planning and Zoning Code, and includes, where the text permits, any amendment thereto.
302. Zoning District Map: "Zoning District Map" means a Map or maps delineating zoning districts in Whitehouse, Lucas County, Ohio.

FIGURE 1270.02-1



BASEMENT AND STORY

FIGURE 1270.02-2

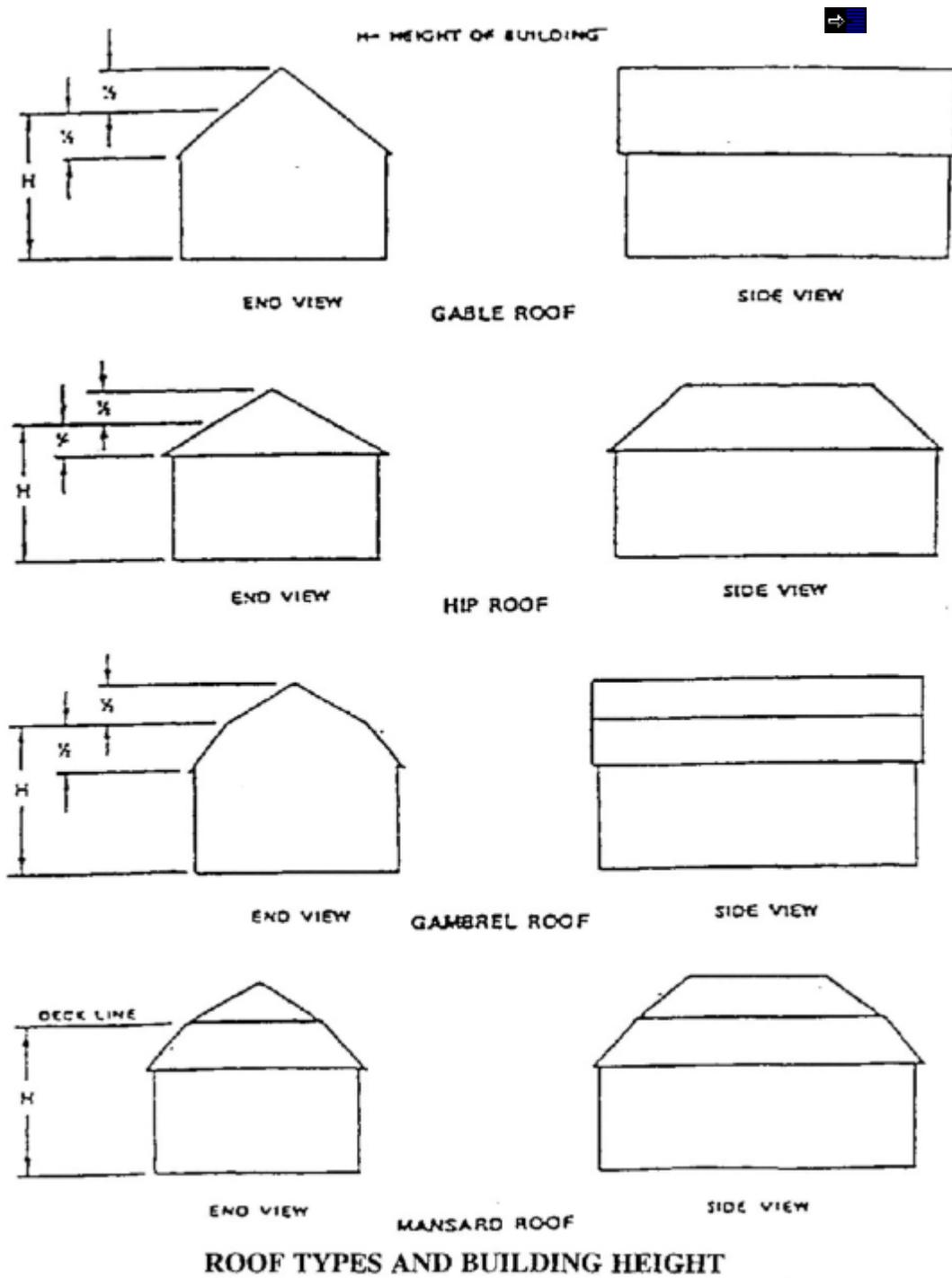
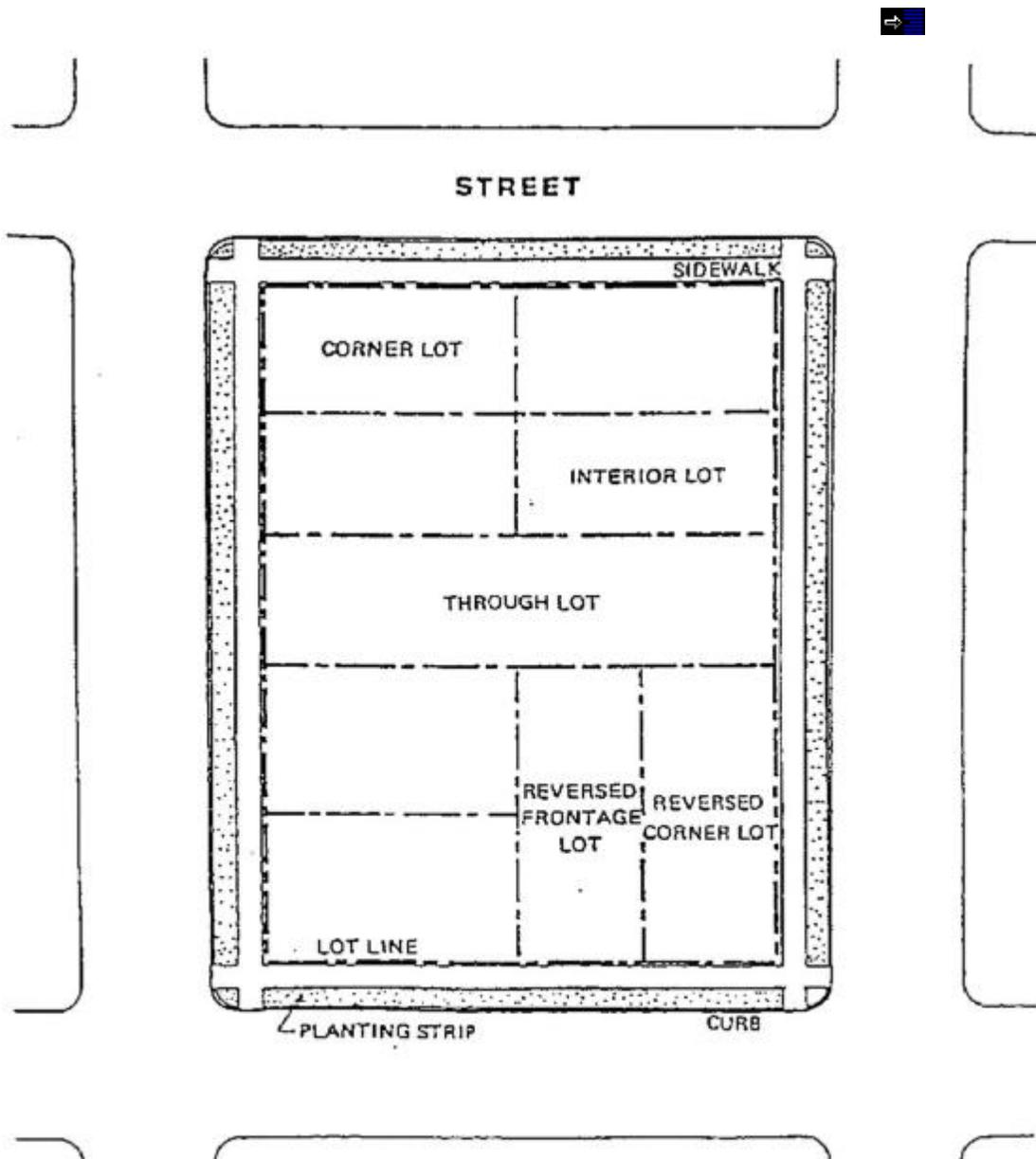
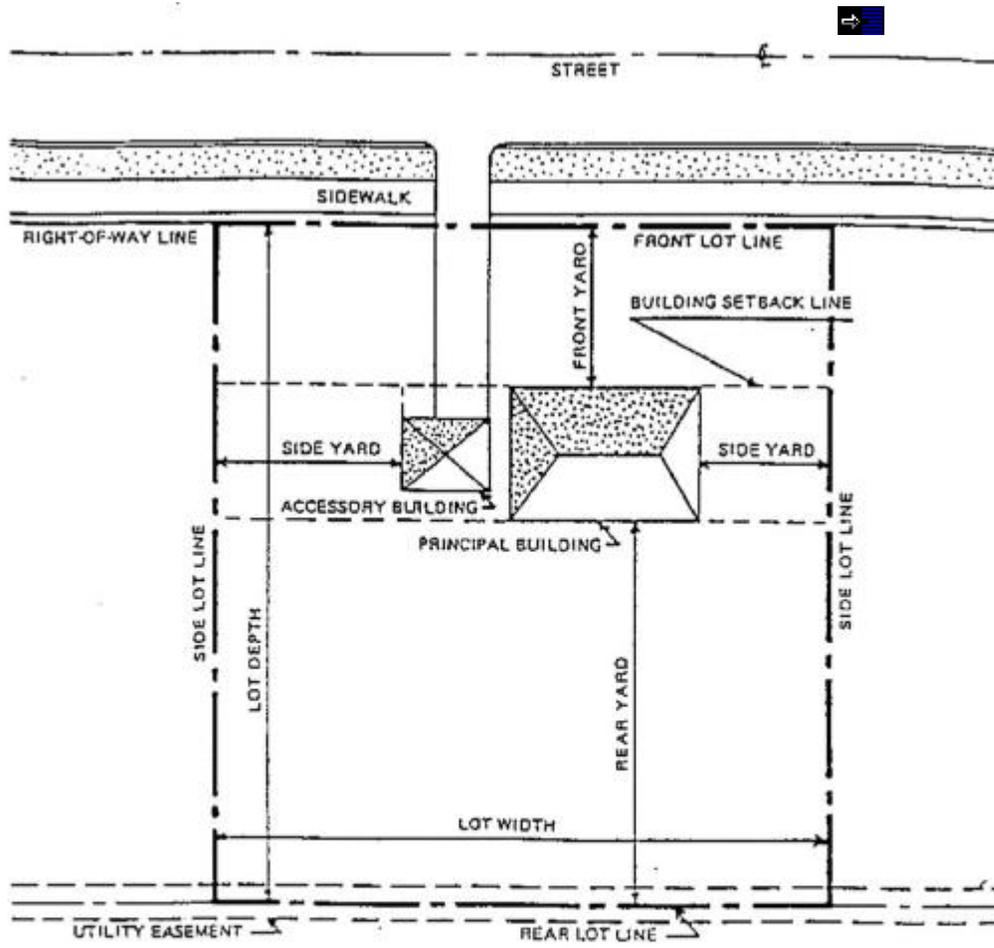


FIGURE 1270.02-3



TYPE OF LOTS

FIGURE 1270.02-4



LOT AREA= TOTAL HORIZONTAL AREA

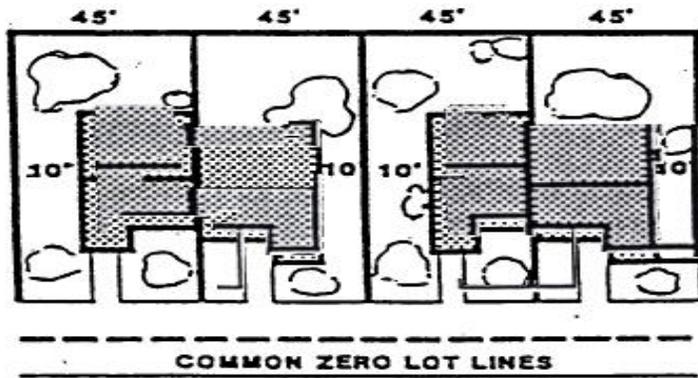
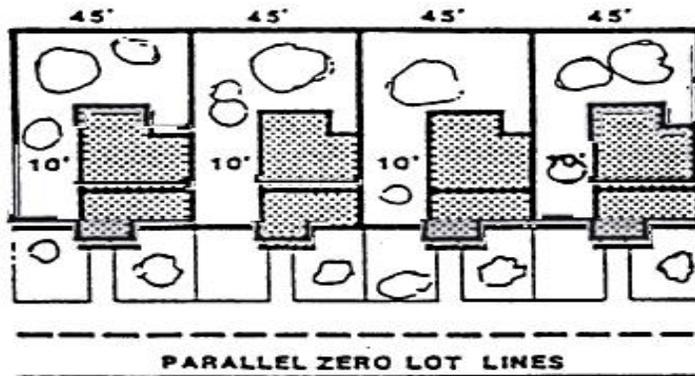
LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS

FIGURE 1270.02-5

EXAMPLES OF ZERO LOT LINE DEVELOPMENT

Single or Two Family Units



Multi Family Units

