

CHAPTER 1132. USE REGULATIONS

1132.1 Use Provisions²

A. Permitted Uses. A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

B. Permitted Uses with Standards

1. A “PS” in a cell indicates that a use is allowed by-right in the respective zoning district if it meets the additional standards that are identified in the last column of [Table XXXX: Use Table](#).
2. Permitted uses with standards are subject to all other applicable regulations of the code.
3. If a proposed use cannot meet the use specific standards, a variance would be required to be approved through the Board of Zoning Appeals per Section XXXX.

C. Conditional Uses

1. A “C” in a cell indicates that a use may be permitted if approved through the conditional use process ([Section XXXX](#)).
2. Conditional uses may be subject to use-specific standards that are identified in the last column of [Table XXXX: Use Table](#).
3. Conditional uses shall be subject to all other applicable regulations of the code, including the conditional use review standards set forth in [Section XXXX](#).
4. The Planning Commission may apply additional conditions, beyond the use standards, if deemed necessary during the review and approval process.
5. The Planning Commission may waive conditional use standards if deemed appropriate through the conditional use review process.

² New

- E. Prohibited Uses.** A blank cell in [Table XXXX: Use Table](#) indicates a use is prohibited in the respective zoning district. If a use is not listed on [Table XXXX: Use Table](#), then it shall also be considered prohibited, unless approved by the Board of Zoning Appeals through the similar use determination ([Section XXXX](#)).
- F. Section Reference.** The section references contained in the “Section” column in the Table are references to additional standards and requirements that apply to the use listed in the respective row. Standards referenced in the table apply to all the zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated.

1132.2 General Use Standards

- A. General Performance Standards.** No land or structure, in any district, shall be used or occupied in any manner so as to adversely affect an adjoining premises or surrounding area as described herein; provide that any use permitted or not expressly prohibited by this code may be undertaken and maintained if it conforms to the provisions of this section limiting dangerous and objectional elements as the point of the determination of their existence.
1. Create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, including potential hazards;
 2. Produce noise or vibration; smoke dust, odor, or other form of air pollution;
 3. Generate heat, cold, dampness, electrical or other substance, condition, or element, referred to herein as dangerous or objectionable elements; or
 4. Attract the accumulation of pests, rodents, flies, or vermin.
- B. Conformance Required.** No building, structure or land shall be erected, altered, enlarged, or used which is arranged or designed for other than one of the following uses, except as provided in Chapter XXXX (nonconforming).
- C. Setback Requirements from Uses or Zoning Districts.** Certain uses have specific setbacks from other uses or zoning districts. Measuring of this setback shall be measured from the exterior boundaries of the property lines of the subject property to the exterior boundaries of the property of the closest use or zoning district as specified in the regulation. Other measuring regulations may be stipulated under certain uses, and in those cases that measuring regulation shall apply.

1132.3 Agricultural and Residential Districts Use Table and Standards

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

Table 1132.3 -1: <i>Agricultural and Residential Districts - Use Table</i>							
USE	A-1	R-0	R-1	R-2	R-3	R-4	SECTION
Agricultural/Residential							
Agriculture	P	PS	PS				XXXX
Dwelling, Single-Family Attached				PS	P	P	XXXX
Dwelling, Single-Family Detached	P	P	P	P	P	P	
Dwelling, Two-Family				P	P	P	
Dwelling, Multi-Family Small Scale				PS	PS	PS	XXXX
Dwelling, Multi-Family Large Scale					PS	PS	XXXX
Residential Facility, Small	P	P	P	P	P	P	
Residential Facility, Medium					C	C	XXXX
Residential Treatment Facility, Small	P	P	P	P	P	P	
Residential Treatment Facility, Medium					C	C	XXXX
Public/Institutional							
Cemetery	C						XXXX
Education Facility, Public or Private	C	C	C	C	C	C	
Essential Service	P	P	P	P	P	P	
Public Park and Open Space	P	P	P	P	P	P	
Public Recreation Facility, Indoor	C	C	C	C	P	P	
Public Recreation Facility, Outdoor	C	C	C	C	P	P	
Religious Facility	P	P	P	P	P	P	
Commercial							
Bed and Breakfast	C	C	C	C	C	C	
Club and Lodge	C	C	C	C	C	C	
Day Care Center		C	C	C	C	C	XXXX
Greenhouse, Wholesale	C						
Landscaping Service Facility	C						XXXX

Table 1132.3 -1: <i>Agricultural and Residential Districts - Use Table</i>							
USE	A-1	R-0	R-1	R-2	R-3	R-4	SECTION
Renewable Energy Facility	C						XXXX
Residential Accessory Structures							
Accessory Structure	PS	PS	PS	PS	PS	PS	XXXX
Charitable Drop-off Receptacle	PS	PS	PS	PS	PS	PS	XXXX
Garage, Detached Residential	PS	PS	PS	PS	PS	PS	XXXX
Greenhouse, Accessory	PS	PS	PS	PS	PS	PS	XXXX
Outdoor Recreational Structure	PS	PS	PS	PS	PS	PS	XXXX
Solar Panel	PS	PS	PS	PS	PS	PS	XXXX
Swimming Pool	PS	PS	PS	PS	PS	PS	XXXX
Wind Turbine	PS	PS	PS	PS	PS	PS	XXXX
Residential Accessory Uses							
Accessory Use	PS	PS	PS	PS	PS	PS	XXXX
Day Care, Home Type A	C	C	C	C	C	C	XXXX
Day Care, Home Type B	PS	PS	PS	PS	PS	PS	XXXX
Dumpster				PS	PS	PS	XXXX
Garden	PS	PS	PS	PS	PS	PS	XXXX
Home Occupation	PS	PS	PS	PS	PS	PS	XXXX
Motor Vehicle Charging Station	PS	PS	PS	PS	PS	PS	XXXX
Short Term Rental	PS	PS	PS	PS	PS	PS	XXXX
Sign	PS	PS	PS	PS	PS	PS	(sign section)
Residential Temporary							
Construction Dumpster	PS	PS	PS	PS	PS	PS	XXXX
Contractor’s Office/Trailer	PS	PS	PS	PS	PS	PS	XXXX
Portable Storage Unit (Residential)	PS	PS	PS	PS	PS	PS	XXXX
Produce Stand, Temporary	PS	PS	PS				XXXX
Residential Outdoor Sale	PS	PS	PS	PS	PS	PS	XXXX
Tent	PS	PS	PS	PS	PS	PS	XXXX

B. General Use Regulations

- 1. Conversion of Dwellings.** The conversion of any building into a dwelling, or the conversion of any dwelling to accommodate an increased number of dwelling units or families, shall only be permitted within a zoning district that permits multiple dwelling units. Such use shall be subject to all the applicable regulations contained within the code.
- 2. Number of Dwellings.** In the A-1, R-0, and R-1 districts, one dwelling unit is permitted per lot, unless specifically permitted herein.
- 3. Non-Residential Uses in Residential Zoning Districts.** Non-residential uses that are located in residential zoning districts shall be subject to all the applicable use standards for non-residential uses in this zoning code.

C. Agricultural and Residential Use Specific Standards

- 1. Agriculture.** Agriculture uses in the R-0 and R-1 Districts are subject to the following:
 - a.** The minimum lot size shall be two acres.
 - b.** There shall be no animal keeping, other than domesticated personal pets on lots less than three acres.
- 2. Cemetery.** Cemeteries are subject to the following:
 - a.** The minimum site area shall be 20 acres.
 - b.** Graves are to be set back a minimum of 100 feet from any property line.
- 3. Dwelling, Single Family Attached³.** A detached single family dwelling is subject to the following:
 - a.** Single family attached dwellings may be built to the side property lines when a shared wall is located on the shared property line. When a shared wall is not located on the property line, the dwelling shall meet the required side setback.
 - b.** In the R-2 District, there shall be a maximum of four single family attached dwellings in a row.

³ New standards

- c. A minimum of 10 feet shall be maintained between each separated group of dwelling units.
4. **Dwelling, Multi-Family.** Multi-family dwellings are subject to the following:
- a. **Small Scale.** Small scale multi-family dwellings are permitted with standards in the R-2, R-3, and R-4 zoning districts are subject to the following:
 - i. Each individual dwelling unit shall have its own exterior entrance to the outside.
 - ii. A private yard shall be provided for each dwelling unit that is a minimum of 350 square feet. A portion or all of the required yard may be located in a shared open space or recreation area if approved by the Planning Commission.
 - iii. Each unit shall include a minimum of one enclosed parking space that is located in an enclosed garage (either detached, attached, or underground)
 - b. **Large Scale.** Large scale multi-family dwellings are permitted with standards in the R-3 and R-4 zoning districts are subject to the following:
 - i. A minimum of 20 percent of the development shall be occupied by open or green space that may include landscaping/screening areas, drainage areas, active and passive recreation areas, and other similar uses.
 - ii. Each unit shall include a minimum of one enclosed parking space that is located in an enclosed garage (either detached, attached, or underground).
 - iii. A minimum of two amenities that are to be utilized by the residents of the development and/or the public. Such amenities may include club houses, pools, wine bars, coffee shops, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, and other similar uses.
 - iv. Such uses shall be set back a minimum of 100 feet from any single family residential zoning district or use.

5. **Residential Facility⁴, Small and Medium:** Residential facilities are permitted in the residential zoning districts as regulated by the State of Ohio and this zoning code. A residential facility, medium shall be located at least 500 feet from any other residential facility.
6. **Residential Treatment Facility, Small and Medium.** Residential treatment facilities, as defined in this zoning code, are permitted in the residential zoning districts as regulated by the State of Ohio and this zoning code. A residential treatment facility, medium shall be located at least 500 feet from any other residential treatment facility.

D. Commercial Use Specific Standards

1. **Daycare Center.** Daycare centers in A or R Districts shall comply with section XXXX (C.9 in non-residential).
2. **Greenhouse, Wholesale.** Wholesale greenhouses in the A-1 District are subject to the following:
 - a. A wholesale greenhouse shall be set back a minimum of 200 feet from any structure used for residential purposes.
 - b. All material stored outside shall comply with the outdoor storage requirements of Section XXXX.
3. **Landscape Service Facility.** Landscape service facilities in the A-1 District are subject to the following:
 - a. Landscape service facilities shall be set back a minimum of 200 feet from any structure used for residential purposes.
 - b. All material stored outside shall comply with the outdoor storage requirements of Section XXXX.
 - c. All bulk material shall be kept in bins that are enclosed by at least three sides.
 - d. All vehicles and equipment for road use, including trailers, shall be parked on paved surfaces as described in chapter (section) XXXX (parking) at all times and no inoperative equipment or inoperative or unlicensed motor vehicles are permitted on site.
4. **Renewable Energy Facility.** Renewable energy facilities in the A-1 District are subject to the following:

⁴ New setback requirement

a. Solar Farm

- i.** Solar panels shall be set back a minimum of 200 feet from any structure used for residential purposes.
- ii.** The minimum site area shall be two acres.
- iii.** Ground mounted solar panels shall not exceed 15 feet in height and shall be subject to all applicable setbacks of the A-1 District.
- iv.** Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.

b. Wind Farm

- i.** Wind turbines shall have a minimum side, rear and front yard setback that equals the height of the wind turbine plus 10 feet.
- ii.** The minimum site area shall be two acres.

E. Agricultural and Residential Accessory Structures**1. General Accessory Structure Requirements.** All accessory structures in the A and R Districts are subject to the following, unless specifically exempted or otherwise regulated:

- a.** An accessory structure shall be located on the same lot as the principal use.
- b.** An accessory structure shall be located in the rear yard, unless specifically exempted.
- c.** A maximum of two accessory structures are permitted per lot, which includes storage sheds, greenhouses, gazebos, and other similar structures (this does not include detached garages, swimming pools, fences, solar panels, wind turbines, and personal outdoor recreation equipment).
- d.** The combined square footage of all enclosed accessory structures, such as storage sheds, is 200 square feet. In the A-1 district and R district lots that are greater than two acres, the combined square footage of all enclosed accessory structures is 500 square feet.
- e.** An accessory structure shall meet the following setbacks, unless specifically exempted:
 - i.** A minimum side and rear yard setback of six feet.

- ii.* A minimum of six feet from any dwelling situated on the same lot, unless erected as an integral part thereof.
- iii.* An accessory structure located on a non-conforming lot shall be set back a minimum of three feet from both the sides and rear property lines.
- iv.* On a corner lot, accessory structures shall be located behind the rear building line parallel to the primary frontage, and behind the building line parallel to the secondary frontage, as illustrated below.

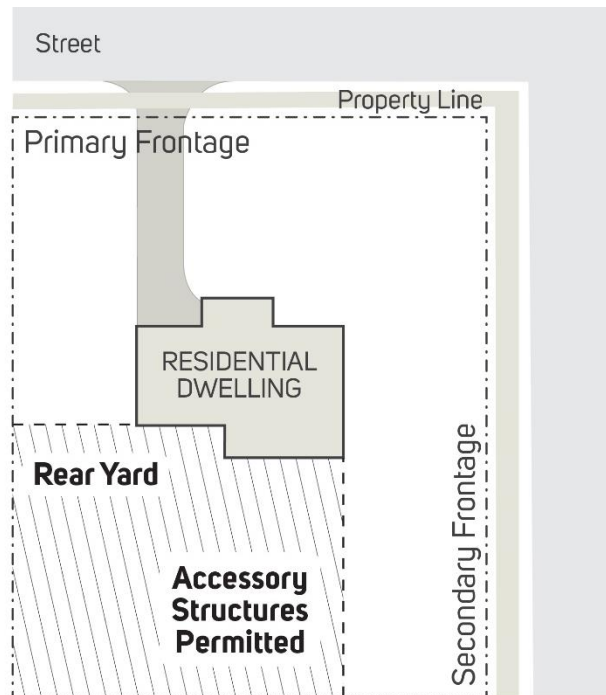


Figure XXXX: Graphic illustration of approved location for accessory structures on a corner lot.

f. Garage, Detached Residential

- i.* Residential detached garages may be located in the side or rear yard and shall have a paved access drive from the adjacent right-of-way to the structure.
- ii.* There shall be no more than one detached garage per dwelling unit.
- iii.* Detached garages shall meet the required side and rear setbacks for the principal structure and shall be at least six feet from the principal structure.

- iv.* Detached garages are limited to 600 square feet in size or 70 percent of the square footage of the footprint of the principal structure, whichever is less. Detached garages on lots greater than one acre in size may be up to 850 square feet and lots greater than two acres in size may be up to 1,000 square feet in size or equal to the footprint of the principal structure, whichever is less.
 - v.* Metal Roofs are not permitted, except they may have metal panel roofs which are factory-finished with a rib or standing seam design.
 - vi.* The exterior wall surface of the structure shall not be made of plastic, non-finished composite material, or concrete masonry units (CMU)/cinderblocks.
 - vii.* Metal carports are not permitted.
 - g.* The maximum height of an accessory structure is 15 feet or the height of the principal building, whichever is less.
 - h.* The maximum area occupied by accessory structures (inclusive of all accessory structures) in the rear yard shall be 35 percent of the rear yard.
 - i.* The exterior wall surface of the structure, if greater than 100 square-feet in area, shall not be made of metal, resin, plastic, non-finished composite material, or CMU/cinderblocks.
 - j.* Metal roofs are not permitted for accessory structures, except metal panel roof which are factory finished with a rib or standing seam design.
 - k.* No accessory structure shall be constructed prior to the construction of the principal building on the lot.
 - l.* These regulations apply to any property used for residential purposes in any zoning district.
- 2. Charitable Drop-off Receptacle.** Charitable drop-off receptacles are only permitted on non-residential uses in the agricultural and residential zoning districts and are subject to the regulations set forth in section [1132.4\(D\)\(4\)](#).

- 3. *Greenhouse, Accessory.*** Accessory greenhouses shall be regulated by the quantity, location, size, and other applicable regulations in section XXXX(general accessory structures). If an accessory greenhouse is intended to be temporary in nature, then the exterior material of the greenhouse may be plastic, polycarbonate, or glass. If an accessory greenhouse is intended to be permanent, then the exterior material of the greenhouse shall be polycarbonate or glass.
- 4. *Outdoor Recreational Structure.*** An outdoor recreational structure such as but not limited to swing sets, trampolines, and fire pits are subject to the following:

 - a.** Such uses shall be located in the rear yard.
 - b.** Such uses shall not exceed the height of the principal building or 15', whichever is less.
 - c.** Such uses shall be set back a minimum of six feet from the side and rear property lines.
 - d.** A permit is not required for such uses.
 - e.** This section does not apply to private residential swimming pools. They are regulated by Section XXXX.
- 5. *Solar Panel.*** Accessory solar panels are subject to the following:

 - a.** Solar panels or solar film are permitted on the roof of any principal permitted structure and are permitted on the roof of any accessory structure over 100 square feet.
 - b.** Rooftop solar panels shall be installed on the plane of the roof (flush mounted) and shall not extend above the ridgeline of the roof. In no case can the solar panels extend greater than 18 inches from the roof surface.
 - c.** For rooftop solar panels, all exposed conduits, plumbing lines, and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
 - d.** No ground mounted or wall mounted solar panels greater than one square foot are permitted in any residential or agricultural zoning districts.

- e. Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity. The owner and/or occupant of the property on which the solar panels are located shall be responsible for correcting any violation of this subsection.
 - f. Solar panels used exclusively for traffic control signals or devices are exempted from this section except subsection (e) above which shall apply.
- 6. *Swimming Pool.*** No such swimming pool shall be constructed or operated in any district, whether as an accessory use or as principal use, unless it complies with the following:
- a. The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building(s) of the property on which it is located and their guests, or for the enjoyment of members of a residential homeowners' association or similar organization and their guests.
 - b. Swimming pools shall be located in the rear yard of a property and shall be set back a minimum of 10 feet from any property line.
 - c. Any mechanical equipment or pumps shall be set back a minimum of 20 feet from any property line.
 - d. The swimming pool, or the entire property on which it is located, shall be so walled, or fenced at a minimum of 48 inches high, so as to prevent uncontrolled access by children from the street or from adjacent properties. For above-ground pools that are 48 inches or taller in height, no fence is required around the top of the pool as long as the ladder can be locked in an upright position⁵.
 - e. Adequate provisions for drainage shall be made subject to approval by the City Engineer.
 - f. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.
 - g. For the purposes of this section, a pond or stock tank shall not be considered to be a swimming pool. However, if such an installation is used for commercial recreational purposes, then it shall be classified as a swimming pool and the regulations contained herein shall apply.

⁵ New requirement for clarifying purposes

h. Commercial accessory swimming pools shall be regulated by the standards in Section XXXX.

7. *Wind Turbine.* Wind turbines are subject to the following:

a. Wind turbines shall be located in the rear yard.

b. Wind turbines shall not be located on any lot less than two acres in size.

c. Wind turbines shall have a minimum side and rear setback that equals the height of the wind turbine plus ten feet.

F. *Agricultural and Residential Accessory Uses*

1. *General Accessory Use Standards.* Any principally permitted use in the A and R Districts may have an accessory use that is subordinate to the principal use of the property. An accessory use shall be located on the same lot as the principal use. An accessory use may be located on a separate lot only if both properties are owned by the same person/entity and are developed as a single use with a single principal building/use. Accessory uses with specific regulations are identified in Table XXXX and described herein.

2. *Day Care, Home Type A.* Type A home day cares, as defined by this code and regulated by the Ohio Revised Code, are conditionally permitted as an accessory use to a principally permitted residential use subject to the conditional use requirements set forth in section XXXX.

3. *Day Care, Home Type B.* Type B home day cares, as defined by this code and regulated by the Ohio Revised Code, are permitted as an accessory use to a principally permitted residential use.

4. *Dumpster.* Dumpsters are permitted within multiple family residence developments for the regular collection of trash and garbage from the residents thereof, subject to all other applicable requirements for enclosures, lids, and screening per section XXXX.

5. *Garden.* Gardens are permitted for the personal use or consumption subject to the garden being located in the back yard.

6. *Home Occupation.* Home occupations are subject to the following:

a. The area of such use shall occupy a maximum of one-half the area of one floor of the dwelling.

b. The use shall be conducted entirely within an enclosed structure.

- c.** External evidence of the occupation shall not be detectable outside of the principal structure.
 - d.** The interior/exterior of the dwelling shall not be structurally altered to comply with non-residential construction codes, nor shall additional structures be built on the property to accommodate the home occupation.
 - e.** There shall be no outside storage on a temporary or overnight basis.
 - f.** It shall not employ anyone other than members of the immediate family (whether such family member is an occupant of the house or not) or occupants residing lawfully on the premises.
 - g.** No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this code.
 - h.** There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
- 7. *Motor Vehicle Charging Station.*** A Level 1 or Level 2 motor vehicle charging station may be permitted as an accessory use to any multi-family development or non-residential use in the A or R Districts subject to regulations set forth in section XXXX (non-residential motor vehicle charging station).
- 8. *Short Term Rental.*** Short term rentals shall be permitted as an accessory use to a dwelling unit, subject to the following:
- a.** For short term rentals of individual rooms, the principal dwelling shall remain occupied by the owner of the property. This does not apply to short term rentals that are for the entire structure.
 - b.** Short term rentals shall be limited to two renters per designated sleeping area, but in no case shall exceed five renters at any one time.
 - c.** No outdoor advertising signs related to the short term rental shall be allowed on site.
 - d.** Short term rentals shall provide a minimum of two paved off-street parking spaces dedicated to the short term rental.

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

G. *Agricultural and Residential Temporary Uses*

1. ***Construction Dumpster.*** Construction dumpsters are subject to the following regulations:

- a. At new building construction sites, construction dumpsters shall not be located on-site for more than nine months without specific written approval of the Superintendent of Building and Zoning, and then not to exceed a period reasonably necessary to complete the construction.
- b. For existing buildings, dumpsters may be located on-site for the duration of the remodeling, renovation, or expansion work but not to exceed a total of three months in any one year period without specific written approval of the Superintendent of Building and Zoning and then not to exceed a period reasonably necessary to complete the construction.
- c. For existing buildings, dumpsters shall be located on a paved surface out of the city right-of-way.
- d. Dumpsters shall be removed from all residential premises after construction is complete or a certificate of occupancy has been issued, whichever is earlier, except as provided in section B.4 with regard to multiple family residences.
- e. No more than one dumpster at a time is permitted on a single-family residential lot without the written approval of the Superintendent of Building and Zoning.
- f. No trash, yard waste, garbage, building or construction debris, trees or limbs may be brought from other property or premises to a dumpster located on residential premises, except to a dumpster specifically provided by the City of Fairfield on a temporary use basis for residential property

2. ***Contractor's Office/Trailer .*** A contractor's office or trailer shall only be permitted in conjunction with a demolition, construction, and/or rehabilitation project. Contractor's offices and trailers are only permitted during active construction projects and shall be removed upon completion of the project. This also applies to equipment sheds.

3. ***Portable Storage Unit (Residential).*** Residential portable storage units are subject to the following:

- a. Portable storage units are permitted as a temporary use for a period not to exceed thirty days within any one year period.
 - b. Portable storage units shall be located on a paved surface and outside the city right- of-way.
 - c. If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e., fire, flood, or other event where there is significant property damage), the Superintendent of Building and Zoning may extend the time period up to one year at their discretion.
 - d. Portable storage units may not exceed a size of 1,200 cubic feet on the interior. All portable storage units in excess of 1,200 cubic feet are prohibited in residential areas as defined in subsection (a) above.
- 4. Produce Stand, Temporary.** A temporary produce stand is subject to the following:
- a. The minimum lot size shall be two acres.
 - b. The structure can be located in the front, side, or rear yard.
 - c. The agricultural products that are for sale shall be grown on premise only.
 - d. The produce stand use shall be limited to no more than six months per calendar year.
 - e. There shall be a minimum of two paved off-street parking spaces provided on site.
 - f. The hours of operation shall be from 7:00 a.m. until 7:00 p.m.
 - g. The applicant shall provide information regarding if the structure for the stand is intended to be permanent or temporary. If the structure is to be permanent, it shall meet the applicable regulations for accessory structures per section XXXX.
- 5. Residential Outdoor Sale.** A residential outdoor sale is subject to the following:
- a. Residential outdoor sales shall be limited to a maximum of three sales per calendar year at any residential property. Each sale shall be for a maximum of three consecutive days.

- b.** Such sales shall be held only between the hours of 7:00 a.m. and 7:00 p.m. on each day of the sale.
- 6. Tent.** A temporary tent shall be subject to the following:
- a.** A tent shall be erected in the rear yard.
 - b.** The maximum height of the tent shall not exceed 15 feet.
 - c.** Shall be associated with an event or activity occurring on the subject property. Tents are limited to a maximum duration of ten consecutive days and no more than two periods in a calendar year.
 - d.** A minimum of thirty days between each ten day permit period is required.
 - e.** Tents shall not be permitted for overnight stays or sleeping purposes.

1132.4 Non-Residential Districts Use Table and Standards

- A. Non-Residential Use Table.** Table XXXX lists the uses that are permitted, permitted with standards, conditional, accessory, and temporary uses within the non-residential zoning districts.

<i>Use</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>SE</i>	<i>O-1</i>	<i>TC-1</i>	<i>M-1</i>	<i>M-2</i>	<i>SECTION</i>
<i>Agricultural/Residential Uses</i>										
Dwelling, Single-Family Detached				P						
Mobile Home Park			C							XXXX
Residential Facility, Small				P						
Residential Facility, Large			C			C				
Residential Treatment Facility, Small				P						
Residential Treatment Facility, Large			C			C				
<i>Public/Institutional Uses</i>										
Community Facility	C	P	P			P	P			
Cultural Facility	C	P	P		P	P	P			
Education Facility, Public or Private	C	P	P			P	C			
Education Facility, University/College/Trade School	C	PS	PS			PS	C			XXXX
Essential Service	P	P	P	P	P	P	P	P	P	
Governmental Facility			P			P	P	P	P	

Use	C-1	C-2	C-3	C-4	SE	O-1	TC-1	M-1	M-2	SECTION
Public Park and Open Space	P	P	P	P	P	P	P	P	P	
Public Recreation Facility, Indoor		P	P			P	P			
Public Recreation Facility, Outdoor		P	P			P	P			
Religious Facility	C	C	C	C	C	P	C	C	C	
Wireless Telecommunication Facility			C					PS	PS	XXXX
Commercial Uses										
Animal Boarding/Kennel		C	C					C	C	XXXX
Animal Day Care		C	C					C	C	XXXX
Animal Hospital, Veterinary Clinic	PS	PS	PS		PS	PS	PS			XXXX
Art Studio	P	P	P	P	P		P			
Assisted Living Facility		C	P			P	C			
Bar, Night Club		C	C		C		C			
Brewery, Distillery, Winery, Cidery (Macro)			C		C			C	C	XXXX
Brewery, Distillery, Winery, Cidery (Micro)		C	C		C		C	C	C	XXXX
Building and Related Trade Shop		C	P					P	P	XXXX
Check Cashing, Short Term Loan			PS		PS					XXXX
Club/Lodge, Private	C	C	C	C	C	C	C			
Commercial Kitchen			C					C		
Conference, Convention Center			C		P					
Day Care Center	C	C	PS	C	PS	PS	C			XXXX
Event Center			C		P					XXXX
Financial Establishment	C	PS	PS	C	PS	PS	PS	C		XXXX
Fitness/Dance Studio	P	P	P	P	P		P			
Flea Market			C							XXXX
Funeral Home		P	P				C			XXXX
Greenhouse, Wholesale								C	C	
Hospital		C	C			PS				XXXX
Hotel, Motel		C	P		P					
Landscaping Retail Facility		PS	PS		PS		PS			XXXX
Landscaping Service Facility			C					PS	PS	XXXX
Laundry, Commercial			P		P		P			XXXX
Media Studio	C	PS	PS		PS		PS			XXXX
Medical Office (High Intensity)		C	C		C	P	C	C	C	XXXX
Medical Office (Low Intensity)	C	P	P	P	P	P	P	C		XXXX

Use	C-1	C-2	C-3	C-4	SE	O-1	TC-1	M-1	M-2	SECTION
Mixed Use			C				C			XXXX
Motor Vehicle Fueling/Charging Facility	C	C	PS				C			XXXX
Motor Vehicle Repair			C					C	C	XXXX
Motor Vehicle Service		C	C		C		C	C	C	XXXX
Motor Vehicle Sale/Rental Area			C							
Motor Vehicle Washing Facility	C	C	PS		PS					XXXX
Nursing and Rehabilitation Facility		C	P			P	C			
Office, General	P	P	P	P	P	P	P	C		
Outdoor Amusement Ride and Entertainment Display					P					
Personal Service	P	P	P	P	P		P			
Recreational Facility, Indoor	C	C	P		P	C	C	C	C	
Recreational Facility, Outdoor	C	C	C		P	C	C			
Restaurant, Full Service	C	P	P		P		P	C		
Restaurant, Quick Service	C	PS	PS		PS		PS	C		XXXX
Retail	P	P	P	P	P		P	C		XXXX
Retail, Large Scale		PS	PS		PS		PS			XXXX
Self-Storage Facility			C						C	XXXX
Sexually Oriented Business			C							XXXX
Showroom	C	P	P				P			XXXX
Storage Shed or Barn, Carport or Play Structure Sales Area			C							XXXX
Teen Club		C	C	C	C		C			
Theater, Cinema		C	P		P		C			
Vape/Tobacco Store			PS		PS		PS			XXXX
Industrial Uses										
Building Material Yard								C	C	XXXX
Construction and Large Equipment Rental, Sale, and Service								C	C	XXXX
Contractor Yard									C	XXXX
Crematorium									C	
Food Processing								P	P	XXXX
Junkyard									C	XXXX
Laundry, Industrial								C	P	
Manufacturing, Artisan			C					P	P	
Manufacturing, Light								P	P	

Use	C-1	C-2	C-3	C-4	SE	O-1	TC-1	M-1	M-2	SECTION
Manufacturing, Heavy									C	XXXX
Motor Vehicle Storage									C	
Motor Vehicle Tow Yard								C	C	XXXX
Process, Industrial									C	
Renewable Energy Facility								C	C	XXXX
Research, Development, Laboratory Facility			C			C		P	P	XXXX
Stone and Monument Works			C					P	P	XXXX
Trucking or Logistics Terminal									C	XXXX
Warehouse			C					PS	PS	XXXX
Accessory Uses										
Accessory Structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Accessory Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Automated Teller Machine (ATM), Outdoor	PS	PS	PS	PS	PS	PS	PS	PS		XXXX
Charitable Drop-off Receptacle	PS	PS	PS	PS	PS	PS	PS			XXXX
Day Care, Home Type A				C						XXXX
Day Care, Home Type B				PS						XXXX
Drive-Thru Facility		C	PS	C	PS		C			
Dwelling, Accessory Commercial		C	C							XXXX
Garden				PS						
Greenhouse, Accessory				PS						XXXX
Heliport						C		C	C	
Home Occupation				PS						
Motor Vehicle Charging Station	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Outdoor Dining	C	PS	PS	PS	PS		PS			XXXX
Outdoor Display and Retail	PS	PS	PS	PS	PS		PS			
Outdoor Recreational Structure				PS						
Parking, Structure		PS	PS		PS	PS	PS			XXXX
Parking, Surface	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Retail, Accessory								PS	PS	XXXX
Short Term Rental				PS						XXXX
Showroom, Accessory								PS	PS	XXXX
Sign	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX (sign section)
Solar Panel	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Storage Outdoor, Accessory			C					PS	PS	

Use	C-1	C-2	C-3	C-4	SE	O-1	TC-1	M-1	M-2	SECTION
Warehouse, Accessory			PS		PS			PS	PS	XXXX
Wind Turbine	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Temporary Uses										
Construction Dumpster	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Contractor's Office/Trailer	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Farmers Market					PS		PS			XXXX
Food Truck/Mobile Food Unit		PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Portable Storage Unit (Residential)				PS						
Portable Storage Unit (Commercial)	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX
Residential Outdoor Sale				PS						
Seasonal Sale	PS	PS	PS	PS	PS		PS	C		XXXX
Tent	PS	PS	PS	PS	PS	PS	PS	PS	PS	XXXX

B. General Use Regulations⁶

- 1. Business in Enclosed Buildings⁷.** All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for uses that are specifically exempted and regulated herein including, but not limited to, off-street parking, outdoor display, outdoor dining, and motor vehicle sales.
- 2. Night Operations.** No building customarily used for night operations, such as a bakery or 24-hour distribution station, shall have any open areas of the building or doors, other than stationary windows or required fire exits, within 100 feet of any A or R District. Any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District.

⁶ Plan is to create dimensional setbacks for commercial and industrial uses that are not next to A and R Districts. Considering commercial conditional uses shall have a setback of 100', permitted and commercial uses have a normal setback, and industrial uses shall have a setback of 200'. Uses that have a unique setback will be called out in the use standards.

⁷ Regulation edited. Much of the existing standards in this section re-located to other use standards including outdoor display and motor vehicle sales.

3. **Grading, Filling and Excavation.** Any development that requires grading, filling, excavation, or any change in the grade of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires compliance with section XXXX (excavation and filling of land) approval of the City Engineer. No grading shall be detrimental to surrounding property in appearance or in the diversion of storm water drainage.
4. **Residential Uses in Non-Residential Zoning Districts.** Residential uses that are located in non-residential zoning districts shall be subject to all of the applicable use standards for residential uses in this zoning code. This applies to the single-family dwellings permitted in the C-4 District.

C. Non-Residential Districts Use Specific Standards

1. **Animal Boarding/Kennel.** Animal boarding and kennels are subject to the following:
 - a. Any building, run, or enclosure on premises used for such purposes, shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any C District.
 - b. Any outdoor run or enclosure shall not be used between the hours of 10:00 pm and 7:00 am.
 - c. Any outdoor run or enclosure shall not be located in the front yard, shall comply with the minimum building setback requirements of the district in which it is located, and be enclosed by an opaque fence or wall that is six feet in height.
2. **Animal Day Care.** Animal day cares are subject to the following:
 - a. Any building, run, or enclosure on premises used for such purposes, shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any C District.
 - b. Any outdoor run or enclosure shall not be used between the hours of 10:00 pm and 7:00 am.
 - c. Any outdoor run or enclosure shall not be located in the front yard, shall comply with the minimum building setback requirements of the district in which it is located, and be enclosed by an opaque fence or wall that is six feet in height.

- 3. *Animal Hospital, Veterinary Clinic.*** Animal hospitals and veterinary clinics are subject to the following:
 - a.** Any building or enclosure on premise used for such purpose, shall be set back a minimum of 100 feet from any A or R District, and a minimum of 50 feet from any C District.
 - b.** Enclosures shall not exceed XXXX square feet.
 - c.** Enclosures shall be located against the building and shall be accessed directly from the building.
 - d.** Enclosures shall only be used for patient visits and not for long term use.
 - e.** Enclosures shall be located in the rear of the building.
 - f.** There shall be no kennels or long term stays permitted on site.
- 4. *Brewery, Distillery, Winery, Cider (Macro and Micro).*** Breweries, distilleries, wineries, and cideries are subject to the following:
 - a.** Each use shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
 - b.** Outdoor storage for such use is only permitted in the M-1 and M-2 Districts and shall comply with the outdoor storage requirements of section XXXX.
 - c.** All production shall be within completely enclosed structures.
 - d.** Micro-scale uses shall be set back a minimum of 100 feet from any A or R District.
 - e.** Macro-scale uses shall be set back a minimum of 200 feet from any A or R District.
 - f.** Outdoor dining or gathering areas are subject to regulations in section XXXX (outdoor dining).
 - g.** Exterior storage tanks that hold product associated with the brewing/distilling process shall be located in the side or rear yard. Such facilities shall be subject to the maximum height restrictions of the zoning district they are located.

- 5. *Building Material Yard.*** Building material yards are subject to the following:
- a.** A principal building is required on site and shall be a minimum of 3,000 square feet.
 - b.** Materials stored outside, shall be located in the rear yard, and shall comply with the outdoor storage requirements of section XXXX.
 - c.** It shall be set back a minimum of 200 feet from any A or R District.
- 6. *Check Cashing, Short Term Loan***⁸. Check cashing and short term loan uses are subject to the following:
- a.** Such uses shall be limited to parcels that have direct access to Dixie Highway/Route 4 within the City of Fairfield.
 - b.** It shall be set back a minimum of 1,000 feet from any other check cashing or short term loan use as measured linearly along the street frontage on the same side of the road.
- 7. *Construction and Large Equipment Rental, Sale, and Service***⁹. Construction and large equipment rentals, sales, and services are subject to the following:
- a.** A principal building is required on site and shall be a minimum of 3,000 square feet.
 - b.** The site shall include sufficient ingress, egress, and internal circulation. Site distance and visibility shall not be impeded or blocked by the construction vehicles or equipment.
 - c.** Screening shall be provided as stipulated in Section XXXX.
 - d.** Inoperable vehicles or junk equipment are not permitted on site.
 - e.** All construction vehicles and equipment shall be located on a paved surface and all vehicles shall be parked in a striped space.
 - f.** There shall be a maximum of 50 construction vehicles or large equipment located on the site outside of a completely enclosed building at any one time.

⁸ New

⁹ New

- g.** All work on vehicles and equipment, including, but not limited to, cleaning, servicing, and repair shall be done inside of a fully enclosed building.
- 8. Contractor Yard.** Contractor yards are subject to the following:
- a.** A principal building is required on site and shall be a minimum of 3,000 square feet.
 - b.** All materials stored outside, shall be located in the rear yard, and shall comply with the outdoor storage requirements of section XXXX.
 - c.** There shall be a minimum setback of 200 feet from any A or R District.
 - d.** All motor vehicles manufactured for road use, including trailers, shall be parked on paved surfaces as described in chapter (section) XXXX (<-Parking) at all times and no inoperative equipment or inoperative or unlicensed motor vehicles are permitted on the premises.
- 9. Day Care Center.** Day care centers shall provide an outdoor recreation area for children that is directly accessed from the building, located in the side or rear yard, and is enclosed with a fence that meets the regulations of section XXXX(fencing).
- 10. Education Facility, University/College/Trade School.** Universities, colleges, and trade schools are subject to the following:
- a.** A campus plan is required if there is more than one building being proposed.
 - b.** If the proposed use includes a residential component, those uses shall meet the applicable regulations for the type or residential use that is proposed (i.e., if multi-family is proposed then such use shall meet the use-specific standards for large scale multi-family and the dimensional standards for the R-4 District), unless specifically approved otherwise by the Planning Commission.

11. Event Center¹⁰. Event centers are subject to the following:

- a.** Shall be set back a minimum of 100 feet away from any A or R District.
- b.** The event center shall provide kitchen facilities for the preparation of or warming of foods that are to be served during the events.

12. Financial Establishment. Financial establishments that include drive-through facilities are not subject to the drive-through requirements in section XXXX. Any outdoor ATM facilities are subject to the requirements in section XXXX.

13. Flea Market. Flea markets are subject to the following:

- a.** There shall be no outdoor sales, display, or storage.
- b.** It shall be in compliance with all building code requirements and include enough room for aisles and emergency ingress and egress.
- c.** Only one special event sign as defined and regulated in section XXXX.

14. Hospital¹¹. Hospitals are subject to the following:

- a.** Hospitals shall be set back a minimum of 100 feet from any A or R District.
- b.** If a heliport is proposed, it shall be subject to the heliport regulations in Section XXXX.

15. Junkyard. Junkyards are subject to the following:

- a.** All junkyards shall be enclosed by an opaque privacy fence or wall not less than eight feet high. The fence or wall are not subject to the height requirement for fences in section XXXX.
- b.** Stacking of materials is not permitted to exceed the height of the provided wall/fence.

16. Landscape Retail Facility. Landscape retail facilities may have multiple structures on the property including a retail center and greenhouses for the growing of landscape materials.

¹⁰ New

¹¹ New standards

- 17. Landscaping Service Facility.** Landscaping service facilities are subject to the following:
- a.** A principal building required on site and shall be a minimum of 3,000 square feet.
 - b.** Such uses shall be set back a minimum of 100 feet from any A or R District.
 - c.** All materials stored outside shall comply with the outdoor storage requirements of section XXXX.
 - d.** All bulk material shall be kept in bins that are enclosed by at least three sides.
 - e.** All vehicles and equipment for road use, including trailers, shall be parked on paved surfaces as described in chapter (section) XXXX (<-Parking) at all times and no inoperative equipment or inoperative or unlicensed motor vehicles are permitted on the premises.
- 18. Manufacturing, Heavy.** Heavy manufacturing uses shall be set back a minimum of 500 feet from any A or R District. Heavy manufacturing uses that include outdoor storage, shall comply with section XXXX.
- 19. Manufacturing, Light.** Light manufacturing uses shall be set back a minimum of XXXX feet from any A or R District. Light manufacturing uses that include outdoor storage, shall comply with section XXXX.
- 20. Media Studio.** Media studios shall not be permitted to have towers located on site.
- 21. Medical Office (High Intensity)¹².** High intensity medical offices are subject to the following:
- a.** Shall provide adequate waiting room space to accommodate demand in order to avoid people from waiting in line outside.
 - b.** High intensity medical offices shall be set back a minimum of 100 feet from any A or R District.
 - c.** High intensity medical offices that include opioid treatment programs shall comply with the applicable regulations in the Ohio Revised Code for such uses.

¹² New

22. Mobile Home Park. A mobile home park is subject to the following:

- a.** The minimum area for a mobile home park is 15 acres.
- b.** The minimum area of a mobile home unit space within the park shall be 7,500 square feet.
- c.** The minimum width of a mobile home unit space within the park shall be 75 feet.
- d.** Each mobile home shall abut upon a private street and each unit space shall have direct access to a private, hard surface drive.
- e.** Each mobile home park shall abut a public street.
- f.** Each mobile home shall be set back a minimum of 100 feet from exterior property line.
- g.** Each mobile home shall be set back a minimum of 20 feet from a neighboring mobile home.
- h.** Each mobile home unit shall contain a concrete slab of sufficient size to support the wheels and front parking jack, which shall be a minimum of four inches thick.
- i.** Each mobile home unit shall contain at minimum of:
 - i.** One electric outlet.
 - ii.** A central sanitary sewer and central water system installed in accordance with the city's specifications.
- j.** The minimum roadway width of interior streets are as follows:
 - i.** One-way streets with parking permitted on one side: 20 feet.
 - ii.** Two-way streets without parking permitted: 20 feet.
 - iii.** Two-way streets with parking permitted on one side: 26 feet.
 - iv.** All streets shall be paved according to the city's specifications for residential streets, maintained in good condition and lighted at night.
- k.** No mobile home shall remain in the park for a period exceeding one day without connection to the central sanitary sewer system and central water system of the park.

- l.* The location of the access drive for a mobile home park shall be located a minimum of 200 feet, as measured along the street, from any public or private educational facility, public parks or open space, religious facility, hospital, library or institution for dependents or children, except where such property is in another block or another street which the premises in question do not abut.
- m.* Mobile home parks shall provide public water and sewer utilities.
- n.* All areas, not including access, parking, circulation, buildings, and service buildings, shall be completely landscaped, and maintained in good condition permanently.
- o.* A landscape buffer of minimum of 50 feet in width shall be established and maintained within the mobile home park along its exterior boundaries¹³.
- p.* Within the mobile home park, an adequate site or sites for recreation shall be provided for the use of the park occupants. Such recreation site or sites shall have a minimum in the aggregate of 400 square feet for each mobile home space.
- q.* No enlargements or extensions shall be permitted unless the existing park is made to conform substantially with all the requirements for new construction for such an establishment.
- r.* In addition to the requirements within this section, the Planning Commission may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such mobile home park as it may deem necessary for the protection of adjacent properties and the public interest.

23. Motor Vehicle Fueling/Charging Facility¹⁴. A motor vehicle fueling facility is subject to the following:

- a.* Fuel canopies, gas pumps, air compressors, electric vehicle charging stations, and similar equipment may be located in the front yard.
- b.* The only services permitted to be performed on a vehicle on site shall be the dispensing of fuel, electricity, oil, air, windshield wiper fluid, and other similar activities customarily incidental to a motor vehicle fueling or charging facility.

¹³ From existing regulations, but modified

¹⁴ New standards

- c. Fuel price displays shall be subject to the standards in section XXXX (signs)
- d. The fuel canopy shall be constructed of the same materials used on the principal building.
- e. All structures on the property shall be set back a minimum of 100 feet from any A or R District.

24. Motor Vehicle Repair Facility¹⁵. Motor vehicle repair facilities are subject to the following:

- a. All repair work shall be conducted within an enclosed building.
- b. All structures on the property shall be set back a minimum of 100 feet from any A or R District.
- c. Any wrecked or damaged vehicle waiting for repair shall be stored in the rear yard and shall be completely screened from all property lines and rights-of-ways with an opaque wall or fence that is six feet in height.
- d. The parking lot shall be striped and all vehicles on site shall be parked in those spaces.
- e. No outdoor storage of any items, including vehicle parts.
- f. No painting of any sort may be done in the building unless a paint spray booth is installed. A paint spray booth shall require a building permit.
- g. No more than nine unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.

25. Motor Vehicle Sales Area: Motor vehicle sales areas may locate only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road, and subject to additional conditions as determined by the Planning Commission including, but not limited to:

- a. A principal structure is required on site and shall be a minimum of 3,000 square feet.
- b. There shall be sufficient ingress, egress, and internal circulation.

¹⁵ New standards

- c. The display of motor vehicles shall not impede or block the sight distance triangle and visibility.
- d. The setback of displays from right-of-way, sidewalk or edge of payment shall be a minimum of 5 feet.
- e. The site shall provide perimeter curbing and landscaping in accordance with section XXXX, and other similar aesthetic and/or safety requirements.
- f. All vehicles shall be located on a paved surface and the parking lot shall be striped in accordance with section XXXX.
- g. The minimum size of the parcel shall be one acre.
- h. The minimum principal street frontage on Route 4 shall be 100 feet in length.
- i. Inoperable or junk motor vehicles, boats, recreational vehicles, and trailers are not permitted on site.
- j. All repair and detailing beyond washing shall be completed in an enclosed building.

26. Motor Vehicle Service Facility¹⁶. Motor vehicle service facilities are subject to the following:

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

27. Motor Vehicle Storage. Motor vehicle storage is subject to the following:

- a. A principal building is required to be on site and shall be a minimum of 3,000 square feet.

¹⁶ New standards

- b.** All buildings and car storage areas shall be located a minimum of 200 feet from any A or R District.
- c.** All vehicles shall be completely screened from all property lines and right-of-way with an opaque fence or wall that is six feet in height.
- d.** No damaged, unlicensed, partially disassembled, wrecked, or inoperable vehicles are permitted on site.
- e.** The storage of semi-trailers or delivery vans/trucks is not permitted on site.
- f.** The maximum lot size for the outdoor storage of vehicles is two acres.

28. Motor Vehicle Tow Yard¹⁷. Motor vehicle tow yards are subject to the following:

- a.** A principal building is required to be on site and shall be a minimum of 3,000 square feet.
- b.** All buildings and car storage areas shall be located a minimum of 200 feet from any A or R District.
- c.** All vehicles shall be completely screened from all property lines and right-of-way with an opaque fence or wall that is six feet in height.
- d.** No more than nine unlicensed, partially disassembled, wrecked, or inoperable motor vehicles are permitted on site.

29. Motor Vehicle Washing Facility¹⁸. Motor vehicle washing facilities are subject to the following:

- a.** All structures on the property shall be set back a minimum of 100 feet from any A or R District.
- b.** Motor vehicle washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation. Vacuuming and/or steam cleaning equipment may be located outside a building, in the front, side, or rear yard, but shall not be placed in any yard adjoining an A or R District.

¹⁷ New standards

¹⁸ New standards

- c. Stacking spaces shall be provided per section XXXX (parking and loading).
- d. A paved exit drive, that is a minimum of 40 feet in length, is required between the exit door of the washing facility and the street.

30. Renewable Energy Facility. Renewable energy facilities shall have a minimum lot size of two acres, shall not create an excessive amount of sound, and are subject to the following:

a. Solar Farm

- i. Solar panels shall be set back a minimum of 200 feet from any A or R District.
- ii. Ground mounted solar panels shall not exceed 15 feet in height and shall be subject to all applicable setbacks of the district that it is located.
- iii. Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.

b. Wind Farms. Wind turbines shall have a minimum side, rear, and front yard setback that equals the height of the wind turbine plus 10 feet.

31. Research, Development, Laboratory Facility¹⁹. No operation shall be conducted, or equipment used, which would create hazards, noxious, or offensive conditions.

a. Such uses in the O-1 zoning district shall be associated with a hospital or be medically related facilities.

32. Restaurant, Quick Service. Quick service restaurants are subject to the following:

- a.** Any drive-thru facilities being proposed are subject to the drive-thru facility regulations in Section XXXX.
- b.** No restaurant shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.

¹⁹ New standards

33. Retail, Large. Large retail uses shall conform with the associated design standards located in Section XXXX.

34. Self-Storage Facility. Self-storage facilities are subject to the following:

- a.** All storage units within the facility shall gain access from the interior of the building or site. No unit doors shall face an exterior property line.
- b.** All storage shall take place within a structure. No outside storage is permitted.
- c.** All buildings on the site shall be set back a minimum of 200 feet from any A or R District and XXXX feet from any other self-storage facility.
- d.** No activities other than rental of storage units and pick-up and deposit of long term storage shall be permitted on the premises. Examples of activities that are not permitted include commercial or wholesale sales, repair services, manufacturing, and recreational uses.

35. Sexually Oriented Business. Sexually oriented businesses are subject to the following:

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

36. Stone and Monument Works. Stone and monument work uses that are located in the C-3 District shall be subject to the following:

- a.** All cutting and other similar operations shall be conducted within an enclosed structure.
- b.** No operation shall be constructed, or equipment used which would create excessive noise or dust.
- c.** The outdoor display of products shall comply with section XXXX.
- d.** Such uses shall be set back a minimum of 100 feet from any A or R District.

37. Storage Shed or Barn, Carport or Play Structure Sales Area.

Storage sheds or barn, carport or play structure sales areas are subject to the following:

- a.** There shall be sufficient ingress, egress, and internal circulation.
- b.** The display shall not impede or block the sight distance triangle and visibility.
- c.** The display shall be set back a minimum of five feet from the right-of-way, sidewalk, or edge of pavement.
- d.** All products for display or sale shall be placed on a paved surface.
- e.** The site shall provide perimeter curbing, landscaping in accordance with section XXXX, and other similar aesthetic or safety requirements.

38. Trucking or Logistics Terminal. Trucking or logistics terminals are subject to the following:

- a.** That accessory off-street parking facilities as required under section XXXX shall be a maximum of 150 percent of the enclosed area of the structure or structures.
- b.** All work on vehicles, including but not limited to, cleaning, servicing, and repair shall be done only inside a suitable service building.
- c.** Vehicles shall not be located in any of the required setbacks for the principal structure.
- d.** All vehicles shall be parked on a paved surface within striped spaces.
- e.** No outdoor storage is permitted.

- f.* Shipping or cargo containers shall not be stored on site.
- g.* Landscaping in accordance with section XXXX shall be used to screen the site from the roadway.

39. Vape/Tobacco Store²⁰. Vape and/or tobacco stores shall be set back a minimum of:

- a.* 100 feet from any A or R District;
- b.* 1,000 feet from another vape and or tobacco store as measured linearly along the street frontage on the same side of the road; and
- c.* 1,000 feet from any educational facility or library.

40. Warehouse. Warehouses are subject to the following:

- a.* Warehouses shall be set back a minimum of 200 feet from any A or R District.
- b.* Accessory off-street parking facilities as required under section XXXX shall be a maximum of 100 percent of the enclosed area of the structure or structures.
- c.* Any outdoor storage shall comply with the outdoor storage requirements of section xxx, except there shall be no outdoor storage of any materials in the C-3 District.

D. Non-Residential Accessory Uses and Structures

1. Accessory Structure. All accessory structures in the non-residential zoning districts are subject to the following, unless specifically exempted or otherwise regulated:

- a.* An accessory structure shall be located on the same lot as the principal use.

²⁰ New standards

- b.** Lots containing a principal structure and accessory structure may not be subdivided in order to create separate lots for the principal structure and accessory structure, unless the accessory structure is improved to be considered a principal structure. To be considered a principal structure, the proposed use, structure, and lot would need to be in conformance with the applicable provisions of this code and the building code, including providing adequate access, parking, landscaping, buffering, restroom facilities, accessibility features, and other applicable regulations for the use which is proposed.
- c.** On a lot that contains a principal structure and accessory structure, if the principal structure is demolished the accessory structure shall not be deemed a principal structure, unless the accessory structure is improved to be considered a principal structure per (b) above.
- d.** An accessory structure shall be located in the rear yard, unless specifically exempted.
- e.** A maximum of two accessory structures are permitted per lot, which includes storage sheds and other similar structures (this does not include fences, solar panels, and wind turbines).
- f.** The combined square footage of all accessory structures on a property shall not exceed 35 percent of the square footage of the footprint of the principal building.
- g.** An accessory structure shall meet the following setbacks, unless specifically exempted:
 - i.** A minimum side and rear yard setback of six feet.
 - ii.** An accessory structure shall be a minimum of six feet from any building situated on the same lot, unless erected as an integral part thereof.
 - iii.** On a corner lot, accessory structures shall be located behind the rear building line parallel to the primary frontage, and behind the building line parallel to the secondary frontage (see figure XXXX).
- h.** The maximum height of an accessory structure is 20 feet or the height of the principal building, whichever is less.
- i.** The exterior wall surface of the structure shall not be made of CMU/cinder blocks, resin, plastic, or non-finished composite material.

- j.* No accessory structure shall be constructed prior to the construction of the principal building on the lot.
- 2. Accessory Use.** Accessory uses are subject to the following:
- a.* The use shall be customarily accessory and incidental to any principal permitted or conditional use.
 - b.* The accessory use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of section XXXX (parking).
- 3. Automated Teller Machine (ATM), Outdoor²¹.** Outdoor ATMs are subject to the following:
- a.* The ATM shall be located on the same lot as the principal use.
 - b.* An ATM may be located in the front, side, or rear yard.
- 4. Charitable Drop-Off Receptacles²².** Charitable drop-off receptacles are subject to the following:
- a.* A maximum of one charitable drop-off receptacle is permitted per lot.
 - b.* No articles shall be permitted to accumulate outside of the receptacle.
 - c.* The receptacle and the immediate surrounding area shall be kept clean and free from trash and debris and shall be emptied on a regular schedule to prevent overflow.
 - d.* The owner of the receptacle shall be clearly identified on the receptacle along with applicable contact information, a pick-up schedule, and a list of items that may be collected.
 - e.* The receptacle shall not impede motorists' drive aisles or lines-of-site, or pedestrian walkways.
 - f.* The receptacle shall be placed on a paved surface.
 - g.* The receptacle shall be no larger than 5 feet wide, 5 feet deep, and 6 feet tall (150 cubic feet).

²¹ New standards

²² New standards

- 5. *Drive-Thru Facility*²³.** A use that proposes to utilize a drive-through or pick-up window shall be subject to the following:
- a.** All drive-through areas, including, but not limited to, stacking lanes, trash receptacles, outdoor speakers, drive-up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property, and shall not cross, interfere with, or impede any public right-of-way.
 - b.** Drive-thru structures shall be subject to the vehicle stacking requirements of section XXXX(parking).
 - c.** The canopy and structure shall be constructed of the same or complimentary materials used on the principal building.
 - d.** Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 100 feet from any A or R District and shall not be audible beyond the property line.
 - e.** Menu board signage shall comply with section XXXX.
- 6. *Dwelling, Accessory Commercial*²⁴.** Commercial accessory dwellings are subject to the following:
- a.** The dwelling shall be located within the principal structure.
 - b.** The dwelling shall be occupied by the owner or operator of the use or have direct involvement with the use.
 - c.** The dwelling shall not be rented as a short term rental
- 7. *Motor Vehicle Charging Station*²⁵.** Motor vehicle charging stations are subject to the following:
- a.** Level 1 and Level 2 motor vehicle charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.

²³ New standards

²⁴ New standards

²⁵ New

- b.** Charging stations shall be reserved and designated for the charging of electric motor vehicles only. Information regarding amperage and voltage levels, time limits, cost, tow-away provisions, and contact information shall be posted at the spaces.
- c.** Charging stations may be located in any yard.
- d.** Charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
- 8. Outdoor Dining²⁶.** Outdoor dining is subject to the following:

 - a.** Such uses shall require conditional use approval if:

 - i.** They are adjacent to an A or R District.
 - ii.** They are a bar or nightclub as defined in section XXXX.
 - iii.** They include outdoor entertainment including but not limited to a band area or amplified music.
 - b.** An outdoor dining area, including the fences that surrounds such area, is permitted in any yard, but cannot encroach in required setback.
 - c.** An outdoor dining area shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the food service area and the principal building.
 - d.** A permanently enclosed outdoor dining area, either by permanent roof or to expand the existing structure, shall meet all the requirements of the principal building.
 - e.** If an outdoor dining area is used year-round, the area shall be included when determining parking requirements.
 - f.** Outdoor dining shall not be located in any required parking spot or parking area.
 - g.** An outdoor dining area that utilizes speakers for music, live music, televisions, projecting screens, or other similar noise-producing element shall be located a minimum of 500 feet from any residential zoning district or use

²⁶ New standards

- 9. *Outdoor Display and Retail Area.*** Outdoor displays and retail areas are subject to the following:
- a.** The area of such display and retail does not exceed five percent of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less.
 - b.** The maximum height permitted is four feet measured from grade to top of display.
 - c.** The display shall not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare.
- 10. *Parking, Structure.*** A parking structure is subject to the provisions of Chapter XXXX (parking section).
- 11. *Parking, Surface.*** A surface parking lot is subject to the provisions of Chapter XXXX (parking section).
- 12. *Retail, Accessory.*** A retail sales component may be included as long as it is an accessory use that does not occupy more than 10 percent of the total floor area of the principal building.
- 13. *Showroom, Accessory.*** A showroom may be included as long as it is an accessory use that does not occupy more than 20 percent of the total floor area of the principal building.
- 14. *Solar Panel.*** Accessory solar panels are subject to the following:
- a.** Solar panels or solar film are permitted on the roof of any principal permitted structure.
 - b.** Rooftop solar panels shall not extend above the ridgeline of the roof and shall not extend greater than 18 inches from the roof surface.
 - c.** For rooftop solar panels all exposed conduits, plumbing lines and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
 - d.** Ground mounted solar panels are permitted in the C-2, C-3, ST, SE, O-1, M-1, and M-2 Districts. They shall be located no closer than 200 feet from any A or R District.
 - e.** Ground mounted solar panels shall be subordinate in size to the principal structure it serves, shall not exceed 15 feet in height, and is subject to all applicable setbacks of the district that it is located.
 - f.** Ground mounted solar panels shall not be located in the front yard.

E. Non-Residential Temporary Uses

- 1. Construction Dumpster.** Construction dumpsters shall be subject to the following:
 - a.** Dumpsters at a new structure construction site shall:
 - i.** Not exceed nine months without specific written approval of the Superintendent of Building and Zoning not to exceed a period reasonably necessary to complete the construction
 - b.** Dumpsters at an existing structure construction site shall:
 - i.** Not exceed a total of three months in any one year period without specific written approval of the Superintendent of Building and Zoning not to exceed a period reasonably necessary to complete the construction.
 - ii.** Be located on a paved surface out of the right-of-way and site distance triangle.
- 2. Contractor's Office/Trailer.** Contractor's offices and trailers shall only be permitted in conjunction with a demolition, construction, and/or rehabilitation project. Contractor's offices and trailers are only permitted during active construction projects and shall be removed upon completion of the project. This also applies to equipment sheds.
- 3. Food Truck, Mobile Food Unit.** Food trucks and mobile food units are subject to the following:
 - a.** Food truck uses shall be located on private property, and with the permission of the property owner. The operator shall have written permission from the property owner to operate on their property. The written permission shall be kept with the vehicle and made immediately available to the city upon request.
 - b.** Food truck uses shall be allowed at public and non-profit events with the approval of the city.
 - c.** Signage shall be attached to the vehicle and may not extend above the roof or beyond the sides of the vehicle.
 - d.** The vehicle shall have all permits and licenses required by the State and Butler County Health Department to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state, city, and county law.

- e.** The vehicle operator shall comply with the following site standards:
 - i.** The vehicle shall be parked on a paved surface.
 - ii.** The vehicle shall be located at least 30 feet away from an entrance to a public road.
 - iii.** The vehicle shall not disrupt parking and traffic.
 - iv.** The vehicle shall be located a minimum of 100 feet from the property line of a restaurant located within a building.
 - f.** Hours of operation shall be limited between 7:00 am and 10:00 pm.
 - g.** Noise generated by the vehicle and the use shall not become a nuisance. No vehicle shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
 - h.** Overnight parking is not permitted except in the case where the vehicle is associated with the principal use on the property and the vehicle is kept within 10 feet of the principal building wall.
- 4. Portable Storage Unit (Commercial).** Commercial portable storage units are subject to the following:
- a.** Portable storage containers shall not exceed 40 feet in length, 10 feet in width or 10 feet in height.
 - b.** Vertical stacking of portable storage containers or stacking of other materials or merchandise on top of any portable storage container is prohibited.
 - c.** Portable storage containers shall not be placed on a public street, road, alley or right of way or in a way that interferes with the property ingress or egress or creates a traffic hazard for neighboring property owners.
 - d.** Portable storage containers shall be placed on a hard-durable surface such as asphalt or cement.

- e. Portable storage containers shall be placed at the rear of the property in such a manner as to minimize/screen their visibility from any public street and adhere to side and rear yard setback requirements, except that a temporary portable storage container for construction or remodeling may be located in another reasonable location not otherwise prohibited herein for a period not to exceed 180 days.
 - f. Portable storage containers shall be kept in good condition, free from evidence of deterioration, weathering, discoloration, rust, damage, graffiti, and shall be properly maintained at all times.
 - g. Portable storage containers shall not be used for retail sales, office space or business operations or to store waste and shall comply with the requirements of Chapter 1511 of the Codified Ordinances, including, but not limited to, Section 1511.01(10) Identification of Hazardous Substances.
5. **Seasonal Sale.** Seasonal sales, such as for Christmas trees, pumpkins, and similar items, are subject to the following.
- a. A seasonal sale activity that is sponsored by a governmental entity is exempt from the requirements of this section
 - b. A seasonal sale activity is required to submit a site plan to the Superintendent of Building and Zoning for approval that illustrates the location of the sales area, parking, circulation, pedestrian and vehicle ingress/egress, surface material, and sanitary facilities, as applicable.
 - c. The applicant for the activity shall provide written agreement from the property owner granting permission for the proposed use.
 - d. No activities shall take place in the public right-of-way.
 - e. Signage for seasonal sales shall be limited to the size requirements of the zoning district in which they are located and shall be attached to and flush-mounted to the temporary sales structures, tent, trailer, or similar use.
 - f. A seasonal sale shall be a maximum of 60 days per calendar year.
6. **Tent.** Tents are subject to the following:
- a. Tents shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

- b.** Shall be associated with an event or activity occurring on the subject property. Tents are limited to a maximum duration of 30 consecutive days and no more than a total of two periods per calendar year with a 30 day gap in between periods.
- c.** The maximum height of the tent shall be 20 feet.
- d.** Tents shall be set up only after a permit has been secured from the building superintendent or their designee.
- e.** The tent material shall present a certificate that the tent meets the applicable requirements in the Fire Code.
- f.** An application for a tent permit shall be granted by lot or parcel under this section, not by individual business, except that if a business occupies contiguous lots or parcels, those lots or parcels shall be considered as one lot or parcel for purposes of this section.

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