

Memo

To: Members of Planning Commission, Chris Pozzuto, City Manager, Elmer Dudas, Development Director, Lois Boytim, Planning Commission Secretary, Chad Dixon, City Engineer

From: Dan Boron, Planner

Date: September 6, 2019

Re: Urban Village District

This is largely the same memo, dated August 28, 2019, that was distributed at the August 28th Planning Commission meeting. The following updates and changes are noted below:

- Included in the meeting materials is a comparison of the TCD, Town Center District, to the proposed UVD, Urban Village District, as discussed at the August 28th work session.
- One change to the memo of note is the following error: City staff is not requesting nor recommending a moratorium in support of the proposed UVD. There was a reference to that request at a future Council meeting, but that reflected an earlier version of the memo for internal staff discussion and has been deleted. Again, no moratorium is requested.
- Also changed since the August 28th meeting is the proposed zoning map change exhibit. Property near the southwest corner of SR 73/SR741 is proposed to be rezoned to CBD, Central Business District, from TRC, Town Center District, not LBD, Local Business District, as indicated in the August 28th meeting.

City staff is recommending the adoption of an amendment to the Planning & Zoning Code text and an amendment to the Official Zoning Map to incorporate the Urban Village District. The Urban Village District, or UVD, is an outgrowth of redevelopment plans for what is now called Wright Station, the 6-acre site of the former IGA shopping center purchased by the City in 2015.

The UVD includes that property as well as land encompassing most of the current TCD, Town Center District, as well as land on Edgebrook Drive currently zoned R-2, Low-Density Residential District, approximately 62 acres of land. Small portions of the TCD are proposed to be rezoned to CBD, Central Business District.

Here's a rundown of the plan for the adoption of revisions to the Planning & Zoning code:

- Proposed Map Amendments. TCD, Town Center District would be replaced in total by the new district on the zoning map with the following exceptions:
 - 35 South Main Street move to CBD, Central Business District, a contributing structure and is in the Historic District.
 - 35-55 East Central Avenue to CBD; mostly vacant lots behind First United Methodist Church.
 - Single-family residences on Parker. Offer these residences option to no-cost rezoning to R-2, Low-Density Residential District.
 - The attached color exhibit indicates the proposed map amendment areas.

- Proposed Text Amendments. The following portions of the Planning & Zoning text will need to be amended:
 - Chapter 1267, TCD, Town Center District process and standards would be replaced by the new Urban Village District. This is where the majority of the amendments would take place.
 - Chapter 1261, Zoning Districts and Uses, amend to include Urban Village District
 - Chapter 1262, Schedule of Regulations, amend to cross-reference new Urban Village District provisions.
 - Chapter 1263, Permitted Uses by District, amend to cross-reference Urban Village District.
 - Chapter 1272, Supplemental Regulations (Accessory Structures)
 - Chapter 1280, Landscaping
 - Chapter 1281, Sign Code, amend to cross-reference Urban Village District.
 - Chapter 1284, Site Plan Review, amend to incorporate Urban Village District submission requirements.
 - Chapter 1285, Variances and Appeals, amend to exempt Urban Village District from variances and appeals.
 - Chapter 1286, Nonconformities, revise to address issues Urban Village District presents as well as other portions of the Planning & Zoning Code.
 - Chapter 1290, Definition, incorporate Urban Village District definitions.

- Process Changes. The following changes to the way we do business in the Town Center District/Urban Village District would occur:
 - We would use the standard Site Plan Review process for reviewing proposals:
 - Architectural Review Board preliminary review of plans eliminated. Use standard work session/regular meeting review format with staff.
 - Exempt Urban Village District from BZA review; appeals by Planning Commission.
 - Concern is folks going directly to hardship route. Welcome discussion.

- Revision to Nonconformities. Also enclosed is a marked-up version of Chapter 1286 of the Planning & Zoning, the Nonconformities chapter. This chapter provides limited relief to grandfathered uses, structures, and lots (and combinations thereof) from the strict interpretation of the code. The following outlines proposed changes:

One of the biggest reoccurring problems with non-conforming uses is the hardship they can cause home owners in areas that are rezoned in a way to make their existing home non-conforming. This can be as simple as a setback change in a residential district or as

involved as a total rezoning of a tract of land that may include a residential home. The basic tenet of nonconforming property is to phase it out. If the property is destroyed it should not be allowed to be rebuilt. When a home owner wants to refinance or sell their home that is “non- conforming” it can be impossible because insurance companies and banks do not want to deal with an asset that if destroyed, cannot be replaced.

Thus, one of the biggest proposed changes (section 1286.10) deals with single family dwellings and provides in (a) if a nonconforming single-family dwelling is damaged or destroyed and cannot reasonably be rebuilt in conformance with the applicable zoning district it can still be rebuilt as long as it maintains the same footprint. Section (b) is designed to help the person that had a legal home, but due to a zoning change, now has a nonconforming house. It removes the somewhat “unfair” situation that arises if that person wants a deck or porch that would be permitted under the zoning and the only reason it cannot be built is because of a restriction on increasing non-conforming homes.

Other proposed changes include using a third party readily available value (auditor) to determine extent of damage rather than less clear numbers; dealing with a legal use that due to a zoning change becomes a conditional use; clarifying that once a nonconforming use is reduced, and it cannot increase in intensity; and avoiding the concept of abandonment, which requires a subjective showing of intent on behalf of the property owner.

Finally there is a proposed change to address situations where a non-conforming use will want to expand (which for the most part, courts will let them do so long as it is still on the same property) irrespective of a prohibition in the City code. As such proposed section 1286.06(c) provides that if the owner of a legal non-conforming can show the use will not adversely affect the neighbors, it can be extended. By giving criteria and an opportunity to argue the case, as opposed to just saying no, the City is in a much better position if it denies are request to increase a non- conforming use

Schedule for Adoption. Here’s a proposed schedule for adoption.

- Wednesday, August 28th, Planning Commission Meeting—Distribute draft proposal at meeting.
- Wednesday, September 11th, Planning Commission Work Session—Review and mark-up of draft at work session.
- Week of September 30th, Public meeting in Community Room for impacted properties.
- Wednesday, October 9th, Planning Commission Work Session—Review and mark-up of draft at work session.
- Thursday, October 17th, City Council sets Public Hearing for Thursday, November 21st.
- Wednesday, October 30th, Planning Commission Meeting—Formal recommendation to Council.
- Thursday, November 21st, City Council public hearing, first reading of Ordinance.
- December 5, 19, City Council second, third readings.
- January 19, 2020, effective date of Ordinance.

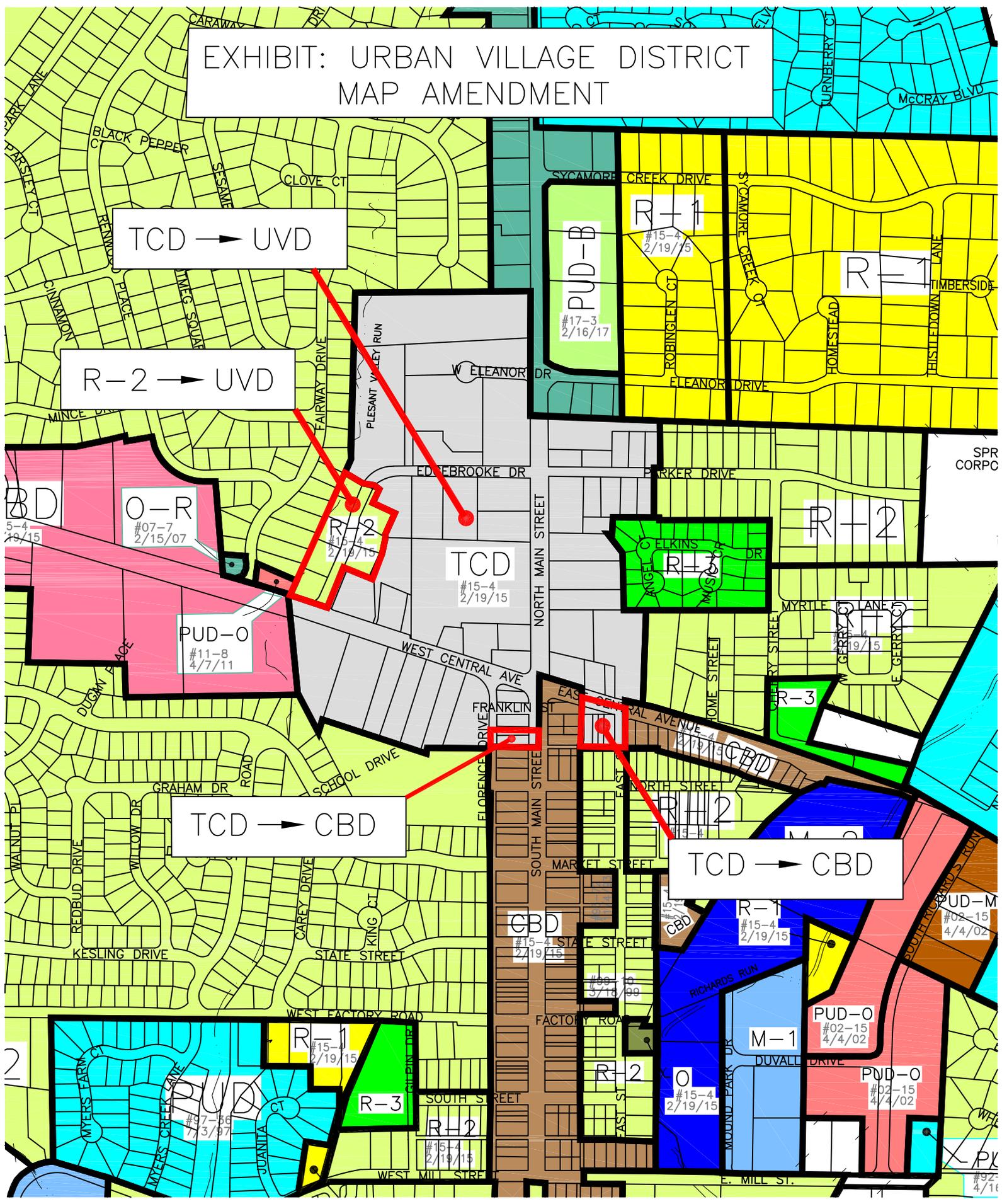
EXHIBIT: URBAN VILLAGE DISTRICT MAP AMENDMENT

TCD → UVD

R-2 → UVD

TCD → CBD

TCD → CBD



Memo

To: Members of Planning Commission, Chris Pozzuto, City Manager, Elmer Dudas, Development Director, Amy Brown, Planning Commission Secretary, Chad Dixon, City Engineer

From: Dan Boron, Planner

Date: September 6, 2019

Re: Urban Village District—Comparison to TCD, Town Center District

As requested at the August 28th Planning Commission meeting, what follows is a comparison of the proposed UVD, Urban Village District, to the existing TCD, Town Center District:

General Review Process:

- TCD includes a two-step review process. Initial review is by the Architectural Review Board in the form of a finding of substantial compliance with the design standards contained in the TCD. The Architectural Review Board then reports to the Planning Commission, through the staff liaison (the same for both boards currently) on their findings. Sometimes this review added additional time to the review process calendar because of the schedule of Architectural Review Board and Planning Commission meetings. Regardless, the Planning Commission receives one pass to review the plan at work session and another at formal approval.

Digestive Services is the most significant project that was developed under the TCD provisions. Other buildings/sites reviewed under TCD include the now-demolished IGA shopping plaza (exterior design changes), the Domino/Page Carpet building, and additions/modifications to Grismer Tire.

The Site Plan Review process contained in Chapter 1284 of the Planning & Zoning Code is the basis for the review of plans under the TCD.

- UVD review is by Planning Commission alone through the Site Plan Review process is proposed. No Architectural Review Board review and comment is proposed.

City Council review would continue to be required only in the case of record plans under the UVD proposal.

Permitted Uses:

- The TCD allows the following:
 - medical clinics
 - nursing/convalescent homes
 - churches
 - schools
 - parks
 - cultural/public uses
 - retail sales
 - vet clinics
 - banks
 - B&Bs
 - bars/taverns
 - offices
 - business services
 - car washes
 - personal services
 - garden centers
 - hotels
 - funeral homes
 - pet day cares
 - outdoor sales
 - restaurants w/o drive-throughs
 - bakeries
 - places of assembly
 - food trucks
 - farmer's markets and roadside stands
 - Other accessory and temporary uses

- UVD allows as permitted uses the following in mixed-use areas:
 - Specialty retail including apparel, fashion accessories, home goods, sporting goods, hobbies, gifts, specialty packaged/ prepared foods, large(r) format retail/anchors including general merchandise and/ or pharmacy, cart-based or pop-up temporary retail/ vendors, kiosk (RMU)-based retail/food vendors, service businesses, personal service businesses, banks, brokerage, real estate or other financial services, grocery and specialty foods, personal care services (salons and spas), professional retail services (florists/ printing/copying, dry cleaner, shoe repair, real estate/ escrow)
 - Auto or vehicle services including service centers, gas stations and/or convenience stores.
 - Offices and professional services, medical, dental, pet care, financial/ investment service offices, educational schools and specialty academies.
 - Multi-family residential, potentially above retail/ commercial, or stand alone, attached single family, or small/ tight lot, single family detached.
 - Restaurants, cafes, bistros, nightclubs and bars.

- Entertainment, performance, and recreational venues.
 - Theaters and cinemas.
 - Hospitality/ hotel(s).
 - Conference and meeting facilities.
 - Parking, including street and surface lots/garages.
 - Public and Institutional uses
 - Accessory structure uses
 - Open Spaces and event spaces.
- The UVD allows the following residential uses:
 - Single-family attached dwellings (town homes)
 - Multi-family dwellings (either stand alone, or potentially over retail and/ or commercial uses including)
 - Apartments
 - Condominiums
 - Loft-style residential
 - Assisted or independent living residences
 - Senior housing
 - Tight lot-line, single family homes with rear-garages along an internal site service way
 - Accessory structures, including separate, rear yard garages with the potential for living/ family spaces above (granny flats).

Non-conformities:

- TCD does not allow residential uses. The current nonconformity provision of the code, Chapter 1286, does not carve out and special provision to allow non-permitted or grandfathered uses to continue when a full casualty loss occurs. This provides a hardship to homebuyers who are unable to insure property that cannot be rebuilt under Chapter 1286.
- UVD proposal includes a significant revision to Chapter 1286 to allow single-family residential to continue in the event of a casualty loss. This would benefit the 10 single-family residential uses in the TCD/UVD area. The change would also benefit a number of properties outside the TCD/UVD area.
- The casualty loss provision would not apply to multi-family residential as well as other uses in the district. In those cases a loss greater than 51 percent would trigger complying with UVD provisions.
- As always, existing uses can continue to function under Chapter 1286 provisions.
- A representative from the City Attorney's office will be in attendance at the September 11th work session to address questions regarding the nonconformity provision and the UVD proposal overall.

Design standards for building and site:

- TCD was established in 1999 originally to protect the adjacent Historic District following a proposal to develop a drug store with a drive through on the southwest corner of SR 73/SR 741. At the time only moderate design standards existed outside the Historic District for non-residential development. Following a moratorium and review by Planning Commission, the Architectural Review Board, and City Council, the TCO, Town Center Overlay District, was created to establish standards for building and site design. Permitted land uses were not changed when the TCO was established but the four conventional business districts—B-1, B-2, B-3, and B-4—that all existed on the site were retained. In 2015 the TCO was replaced with the current TCD. The TCD included specific permitted uses. The design standards were modified slightly.
- The UVD will continue to serve the primary function of the TCD: protect the adjoining Historic District to the south, while also encouraging development and redevelopment of the 62-acre area focused on SR 73 and SR 741. The UVD includes elements of a form-based code that places less emphasis on land use types in the place of build-to lines, number of floors, and building site frontage. The proposed UVD is a hybrid of the form-based and conventional zoning.
- The proposed UVD includes many recommendations for architectural design, building placement and site development requirements, that is, recommendations for landscaping and screening, lighting, landscaping, storage, parking, and more. In that respect it is similar to the TCD, however the provisions are more in-depth than the TCD. They also include exceptions to specific design characteristics rather than the finding of substantial compliance that was generally applied in the TCD.
- Staff welcomes the opportunity to discuss in depth, beginning with the September 11th work session, the provisions of the proposed UVD as it pertains to the design goals for the SR 73/SR 741 area.

Definitions

The following terms shall be applicable to the UVD, Urban Village District, and shall have the following meaning:

- i) “LINER BUILDING” shall mean a retail or business structure built to camouflage an unsightly façade/use such as a substation, service bay or parking area/ garage. Liner Buildings are generally narrow in depth and placed along the street and consistent with approved uses in Mixed-Use areas.
- k) “MAXIMUM OCCUPIED HEIGHT” shall be forty-five (45) feet measured from median front exterior grade level to eight (8) feet above the highest occupied floor, for commercial or mixed-use buildings that are not residential.
- l) “MAXIMUM UNOCCUPIED HEIGHT” shall be ninety (90) feet, six (6) inches measured from front exterior grade level to the highest unoccupied enclosed structure. What is the difference between Occupied Height and Unoccupied Height? There is discussion throughout this document dealing with “height” all of which needs to be reconciled.
- m) “MIXED USE” shall mean an area or structure that contains a mixture of commercial, office and/or residential uses.
- o) “OPEN SPACE” shall mean any hardscape or landscaped grass or appropriate vegetation area but shall not include any interior landscaping or landscaped buffers or islands within parking areas.
- r) “SET BACKS” shall also be defined as “build to lines.”

UVD Restrictions

Section 2. General UVD, Urban Village District Requirements. The purpose of the UVD is to allow for flexibility in zoning that will allow for the overall development site to become a walkable, integrated urban village with the following emphases:

- a) A unified architectural character that allow for creative interpretation of traditional design vernaculars, motifs, and building materials that create a visually cohesive, integrated urban village environment;
- b) Activity areas, and open space around a well-designed transportation/ circulation network where pedestrian activity is strongly supported and integrated with vehicular streetscapes, service or parking areas;
- c) Retailing, cafes, restaurants and personal or business services that generate high pedestrian activity along ground floor locations and potential office space or residential units on upper floors of or peripheral mixed-use or residential developments;
- d) A design where commercial, office, retail, institutional and public single lot uses can be incorporated into the overall urban village fabric.
- e) Residential areas that are intermixed within close/walkable proximity of new commercial uses, places of work or dedicated public open spaces and/ or amenities;
- f) An emphasis on development where new and existing residents and visitors can live, work and play.
- g) A design where open space, streetscapes with dedicated sidewalks, pathways, public and/ or institutional uses, and recreational uses are interwoven to create an overall village context.

A. Lot Requirements. Lot requirements are defined in Table 1 below based upon the usage classification (i.e. retail, town/village center, single family residential, multi-family residential, and office). The definitions for each classification appear below the table. If there is a question as to the appropriate usage classification for a user, the Planning Commission will determine the most appropriate classification at its discretion.

Table 1, UVD Lot Requirements

Usage	Minimum Lot Width Or Area	Minimum Open Space	Front Yard Setback	Sum of Side Yard Setback⁵	Rear Yard Setback	Maximum Occupied Height⁶
MIXED USE AREAS						
Town Center¹	NONE	NONE	0'	0'	0'	3 stories/45'
Retail²	75'	5%	0'	0'	0'	3 stories/45'
Office³	75'	5%	0'	0'	0'	3 stories/45'
MULTI FAMILY RESIDENTIAL AREAS⁴	5,000 SF	15%	<20'	0'	15'	4/ loft stories/55'
Single Family Attached	8-14upa	15%	<20'	0	0	4 stories/45'

Multi-Family Attached	15-20 upa	15%	<20'	0	0	4 stories/45'
Apartments and Condominiums	20 upa	15%	<20'	0	0	4 stories/45'
Accessory structures	660 sf	-	-	-	-	2 stories

¹Town/ Village Center – Primary uses include retailing, including specialty retail, apparel and/or accessories, home goods, gifts, small or edited format general merchandise retailers, along with restaurants/ bar, specialty foods, hospitality/hotels and/or meeting facilities, entertainment facilities, public services, , retail businesses, business and personal services, personal care businesses, professional offices and financial services, educational services, hospitality/hotels and attached meeting facilities, social activities, and professional-class office space, in a village setting showcasing a streetscape atmosphere, requiring structures to be built to a close and/ or immediate proximity to encourage pedestrian flow and walkability.

²Retail/ Commercial Services- (in and along main thoroughfares within the defined Town Center/ Village neighborhood) These uses shall include; non-specialty retail, small to medium format anchors, commercial businesses, personal/ personal care services, business services, financial services, restaurants/bars, cafes or specialty foods, educational services, entertainment facilities, hospitality/ hotels potentially including attached meeting or conference facilities, automotive services, child daycare centers and other single uses usually on individual lots per functional requirements. Secondary uses may include residential, including assisted and/ or independent living per the discretion of the Planning Commission.

³Office- Primary uses include professional offices and services, medical offices and/ or laboratories, essential services including walk-in medical and/or pet care, and educational uses. Secondary uses may include residential per the discretion of the Planning Commission.

⁴Multi-Family Residential Area – Area includes single-family attached dwellings, such as town houses or duplex units, multi- family attached dwellings, apartments and condominiums, assisted and/or independent living residences, senior housing, and live/work hybrid residential units, except as regulated by the Planning & Zoning Code.

⁵ Structure Setbacks- To create a traditional-scaled, pedestrian oriented, walkable streetscape environment, and to create an integrated mixed-use, urban village, no more than 50% of any structure shall be set further back than the setback or build-to line location that fronts on a pedestrian walk area.

⁶ Structural Height- Buildings that are used for commercial/ non-residential purposes shall not exceed forty-five (45) feet, in Maximum Occupied Height measured from front exterior grade level to nine feet (9') above the highest occupied floor. Residential buildings, including all attached, multi and/ or single family units, including assisted or independent living units, shall not exceed forty-five(45) feet, in Maximum Occupied Height measured from front exterior grade level to nine feet (9') above the highest occupied floor

An exception may be granted for such uses as hospitality/ hotels only where designs may call for higher occupied floors, but shall be limited to no more than seven occupied stories, or 75' of occupied height. The height of enclosed unoccupied building elements, such as decorative roofs may exceed the Maximum Occupied Height by no more 50 percent (50%). Purely decorative unoccupied elements such as towers, flagpoles, spires and/or steeples may be located either atop enclosed, occupied space or freestanding, to a total building height of no more than ninety feet above median grade at that location (90 feet), excluding decorative metal spires or finials.

B. Site Development. In keeping with the UVD design intent to create an integrated mixed-use, urban village environment, the criteria in this section for public roads may vary from current Springboro subdivision standards and shall be submitted for review and approval to the Planning Commission.

a) Street Design and Materials. Beyond the likely predominant use of either conventional standard asphalt or concrete, the UVD guidelines strongly encourages incorporating differing specialty paving materials such as brick, cobblestone, pavers, colored or infused concrete, stamped and colored asphalt pavement and/ or other pavement products, to demarcate special pedestrian walk and/or activity zones, dual pedestrian/ vehicular crossing areas, feature street surfaces, crosswalks, pathways, unique 'arrival' zones and entries. Where viable, such areas should be made zero curb elevation zones to facilitate ease of pedestrian use, and as a visual cue for traffic calming in these specific areas. Such zones or feature streets can have vehicular and pedestrian zones segregated by use of either fixed or removable bollards that can be changed for programmed public events. For specific UVD Site Development areas with public roadways, pavement design must be based on calculations that anticipate future traffic conditions and must be submitted to and approved by the Planning Commission. Creation of roadways featuring landscaped islands, boulevards, arrival courts and roundabouts are also encouraged where feasible.

b) Street Right of Way. The standard right-of-way width for all roads within the UVD varies depending on service level for that particular street or roadway, service drive or entry. The standard maximum right-of-way width for a conventional two-lane/ two-way road shall be fifty feet (50) within the UVD district. This dimension includes a two-lane, twenty-four foot (24') roadway, one side of parallel parking; eight feet (8') wide, and a sidewalk/landscape area on each side of no less than twelve feet (12'), featuring a sidewalk of no less than six feet (6') on each side. With the remaining areas each side to be landscape buffer, up to either a building, setback line, landscape area, or adjacent building or property line. Additional dimensional width is added for the following uses;

-For an additional parallel parking lane, add eight feet (8')

-For each additional travel lane, add eleven feet (11').

-To add angled-in parking on any one, or a double side, add an additional twenty feet (20') in lieu of the parallel spaces to the right of way

-Landscaped medians in the center of two way entrances or within roadways, shall be no less than six feet (6'), or no more than twelve feet (12').

One way streets shall have travel lanes no wider than 16'.

These dimensions ensure that streets developed within the mixed-use urban village have fairly narrow drive lanes to shorten pedestrian crossings and inhibit drivers from traveling at high speeds within and through these neighborhoods.

For specific UVD Site Development enhancements that do not fall within these basic right of way guidelines, such as service roadways, boulevards, roundabouts, arrival courts, and streetscape features (such as street furniture, water features, sculpture, hardscape/landscape features) and/or in combination with on-street parking, may allow for an exception from these right of way requirements, with the approval of the Planning Commission. This will be assessed in context with a specific development's design intent, in context with any existing adjacent development. And especially if any such development dramatically adds to the pedestrian experience of the UVD district.

- c) Utility Easements along Streets. All public street utility easements shall fit within planned street rights of way or in dedicated service lanes where possible, and are to be located under pavement, landscape and sidewalk areas as necessary. Deviation from this requirement is not encouraged, and will only be considered by the Planning Commission for specific UVD Site Development areas that prove a variation is necessary.
- d) Roadway Widths. UVD roadway minimum widths shall be a minimum of 16 feet for one-way streets, and a maximum of 28 feet for two lane streets, (back to back of curbs, without cut-ins for drop-off/service zones, parallel/ angle parking, additional travel lanes, or landscape islands). Locations and dimensions are presently not fixed, but shall be designed to accommodate intended end users and to facilitate the mixed-use village streetscape pedestrian environment. Specific UVD Site Developments will allow for the addition of service lanes, landscaped islands, boulevards and/or on-street parking, and may deviate from public roadway requirements with the approval of the Planning Commission, and will be reviewed on a case-by-case basis.
- e) Street Radii Corner Radii & Clear Zones. Corner curb radii shall be between 8 feet and 25 feet as determined by the intended use (residential areas up to 15 feet, and mixed use areas up to 25 feet). These fairly tight turning radii are intended to shorten pedestrian crossings and inhibit drivers from turning corners at high speeds. To allow emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone may need to be established free of all vertical obstructions including but not limited to street lighting poles, decorative bollards, wayfinding signage, sign poles, fire hydrants, utility boxes, or dense vegetation landscaping or street trees. Curve and radius data and intersection details for public roads shall be submitted for review and approval to the Planning Commission. Where viable, the curve should also be used to create bump-out landscape and walk areas that cap rows of either parallel or angle-in parking spaces.
- f) Utility and equipment locations. All utility distribution lines shall be located underground, and all in-ground utility access boxes placed as to not interfere with pedestrian zones, parking areas and roadways. All transformers, switchgear, phone pedestals/cabinets, metering, exposed pipes and valves, generators, landscape/ hardscape amenity or irrigation control systems, and any other mechanical equipment or other above-ground utility functions, as well as dumpsters, grease traps, recycling, compactors or any other back-of-house functions shall be grouped in screened areas of all sites, as far as is practical from public view, preferably in rear, side or interior service zones, and adequately screened from public view with mounding, screen walls and/or landscaping/ landscape devices. Where such locations are exposed to public view (such as at parking areas at the rear of buildings),

screening shall be provided as far as is practical and shall also incorporate low-profile landscape planting at the base of any non-opening screen device.

- g) Utility and equipment screening. For exposed service structures requiring open-air locations, particularly rooftop utility and/or other mechanical equipment or other functional hardware such as generators whether on roof, ground or located attached or near other building wall areas that are not public functions, these shall be screened from public view with landscaping, or screen walls fabricated to match materials harmonious with the building, and/ or painted to match where applicable at the discretion of the Planning Commission. Developers will need to show sectional and plan diagrams depicting the effectiveness of any proposed screening, and it's visibility from any public right of way. Where possible and viable, setting such elements into lower grade areas is also encouraged.
- h) Loading/ Service Area screening. Recessed and/ or raised loading areas shall be screened from public right-of-ways. Recessed loading areas and loading areas with raised docks that face out to public parking lots at rear of buildings shall be screened from side view and constructed of materials and patterns to mimic primary structure, and with screen doors where viable. Exceptions are fully screened service zones that provide truck/ service access and are not directly visible to public view. Service entrances located at rear of buildings shall be screened, unless such areas are comprised only service doors, accessed by hand and trolley delivery on-street, curbside loading area. On-street, curbside loading area need not be screened from view, but should be made dual-purpose to encourage other uses after hours parking uses. Hours of loading/servicing shall be coordinated with owner/ developer's management to limit service hours to less congested, preferably early times of the day.
- i) Loading Space Requirements. In the Town/ Village Center areas, loading may be accomplished at curbside locations. Curbside loading spaces shall not be screened, but should be made dual-purpose where practical and functionally viable for daytime, public parking use.
- j) Loading in required yards. Loading spaces in other than Town Center areas, shall not occupy any part of a required yard setback, except locations at rear yards, per the discretion of the Planning Commission.
- k) Screen wall construction and materials. The building materials and colors of walls and fences, visible from any public right-of-way or parking area with more than five parking spaces shall be uniform and compatible with the base-building architectural style, color and building materials of the principal building and its surroundings.
- l) Fencing. Chain link fence is only permitted in very limited areas, when they are not visible from any public right-of-way.
- m) Open space area requirements. Open space shall be provided at ratios of 15% in Residential areas and 5% in mixed-use areas other than Town/ Village Center for individual developments, and in aggregate in a multi-building setting.

C. Building Design.

- a) Architectural Character and Four-Sided Consistency/ Achieving Value Through Design Guidelines

The following architectural guidelines are meant to achieve two goals; 1.) The establishment of a consistent higher quality design and construction that works with

the site and streetscape guidelines to establish and reinforce the mixed-use district neighborhood design goals, and 2.) To protect initial and future investments in the UVD district against future environment variables that could lead to low-grade and undesirable material choices and building site orientations, and cheap construction for the sake of development itself, that in-turn threatens the economic viability and longevity of the whole district as it grows and changes with time.

In the UVD, the exterior architectural design character for all new or renovated structures, shall take inspiration from traditional massing, material and character of the vernacular of the region in both commercial and residential applications, and to complement the historic South Main Street that is just south of the UVD.

Although today's end users, particularly larger retail and free-standing, auto-oriented pad-style structures were not around during this defined era, over the last two decades, numerous retail and mixed-use projects have successfully applied traditional design principles and motifs, clever site planning, and judicious use of materials in traditional proportions and massing to help these buildings and end users blend-into their host communities and developments. So long as these guidelines, and the resulting massing, materials and fabrication are understood and adopted early-on as part of the development process, the developer(s) can adjust and mitigate their designs to accommodate the desired look and intent. Given the nature of the development and its context within a traditional design district, all building sides shall be considered four sided architecture, except where buildings are closely adjacent, or back up to buffer zones, and need to relate to the style of the front or primary corner façade(s). Complexity and level of ornamentation may be reduced progressively on the sides and rear of buildings.

- b) Orientation to street. Buildings shall be architecturally oriented to, and the main entrance itself, shall be located on: the street, public right-of-way or courtyard, and in a few specific instances, for larger-format users over twelve thousand square feet, or for pad-style freestanding buildings, (12,000 sf), facing a relevant-sized surface parking area and yet oriented to the street or surface area it fronts upon, unless deviation is appropriate, per the discretion of the Planning Commission.
- c) Orientation of windows and doors. All windows and doors, openings or frame fenestrations located within an opening shall be vertical in orientation, meaning the primary frame character is more top to bottom, as with traditional storefronts and window design. Traditional window layouts featuring transoms, divided lights, and sidelights are encouraged, along with storefronts, doors and framing components, which follow vertical enhancing design elements. Sliding commercial-grade glass doors, folding glass windows and butt-jointed glazing may be allowed, but only if window and/ or door orientations are also vertical in nature. Retail or commercial storefront areas can have long runs of linear glazing, but must break up the glass panels with a rhythm of continual vertical supports to mimic traditional storefronts. Any sliding doors must pocket out of view, and all folding windows should not encroach into an exterior walk or public area beyond a tenant storefront closure line, unless as part of an exterior lease area. Linear strip windows, horizontally dominant window frames, and rectangular picture windows are discouraged, since they are not part of the traditional architectural vocabulary that is part of the UVD. The Planning Commission may consider specific exceptions, primarily related to

functional use, provided that the overall building design is in keeping with the goals of the mixed-use UVD District.

- d) Glass materials. Clear or colored glass, translucent, sandblasted and/or decorative pattern glass that can emit light through is encouraged. Retail, and/or commercial storefronts should be predominantly clear glass at any street level opening. Where a clear window opening is desired, but for functional reasons is not viable, an internally backlit, translucent, patterned or colored glass panel is most encouraged. Other options, including back painted, fritted, sandblasted, or non-illuminated translucent glass may be acceptable where structural elements or back-of-house functions or unoccupied space would be visible behind. Black, opaque, spandrel and reflective glass materials are discouraged.
- e) Building materials. Building materials should be commercial grade, and applied in a variety of applications across the expanse of all visible public-facing elevations. Acceptable materials include pre-cast and/ or patterned masonry, brick, decorative block, cementitious siding, wood (both new and reclaimed in specific applications), stone, exposed metal structure and/ or architectural details where viable, stucco, or materials of equal appearance consistent with the acceptable architectural character outlined in the UVD. Plywood, split-face masonry block, thin-set or plastic brick and stone, corrugated siding, vinyl siding and plastic panels are prohibited, unless in service or screened areas, not visible to the public.
- f) Rooflines. Flat rooflines are permitted, however, parapets or the underside of roof eaves should showcase cornices, masonry and/ or brick trim and/or patterning, decorative blocks/brackets, moldings or some form of architectural emphasis along the roofline. Where adjacent buildings have a similar roofline, a variation of the height of the rooflines is required.
- g) Roofing materials: Asphalt shingles, fiberglass shingles, actual or composite roof materials that mimic slate or tile, and either copper or painted/ powder coated standing seam metal are permitted materials for sloped roofs per the discretion of the Planning Commission. Where possible, patterning of asphalt shingles, colors for more vertical roof surfaces is highly encouraged.
- h) Building heights. Heights shall be consistent with those of other similar uses. For larger format users, entertainment venues or other commercial uses, where taller interior spaces is required, heights of the front facades should try to use design massing, elements and materials to blend-in with any adjacent structure(s) as to not overwhelm the overall visual appearance.

Individual structures should feature a variety of heights, using elements such as roofline variation, decorative towers or portal elements, steeples, pediments, clerestories, dormers or domes, consistent with the overall architectural character and design guidelines code. Buildings that are used for non-residential purposes shall not exceed fifty-five feet (55') in Maximum Occupied Height measured from front exterior grade level to nine (9") feet above the highest occupied floor. The height of enclosed unoccupied building elements may exceed the Maximum

Occupied Height up to 55' from mean street level grade. Purely decorative unoccupied elements such as towers, flagpoles, spires and steeples may be located on top of both occupied and unoccupied enclosed space, to a total building height of no more than ninety feet (90'), excluding decorative metal finials.

- I) Building massing. Individual buildings and any attached structures should strive for complementary building massing, reminiscent of traditional townscape/streetscape patterns. Monoplanar or monolithic appearance and surfaces, with little variation in setbacks, wall fenestration, or rooflines are highly discouraged.

Building massing should take into account adjacent buildings, property uses, sightlines, identity, and relationship to its site to accomplish building a contextual variety in its overall massing. As noted above, such elements as rooflines, massing setbacks, decorative architectural elements, visual openings and wall fenestration elements such as pop-outs, window openings, trellises, pergolas, verandas, entrances, piers, pilasters, decorative panels, or grilles, and eaves or cornice lines will break down a structure's overall massing and create a pedestrian scale to its overall context.

- j.) Building Opacity/ Blank Walls Buildings within the UVD district need to achieve 65% glass or storefront area, where open to a streetscape or public right of way. This includes upper level window and opening areas calculated as an overall aggregate, and can include inset terraces where viable. Blank wall areas must not exceed lengths of more than 75' in any one stretch before a door or opening, and facing a public street or right of way, such wall surfaces must be visually enhanced with design elements such as pilasters, frames, pattern materials, landscape and lighting. These areas are also potentials for large-format, non-commercial advertising environmental graphics where viable.

D. Colors.

- a) Color variation. The use of sharply contrasting, or clashing colors on buildings facades is discouraged for large surface areas. If used either as an accent or as some form of tenant identity, they should be limited to specific architectural elements, details or small surface areas. Their use in tenant design/ tenant identity areas however is encouraged, but subject to tenant design guidelines of their particular building or development. Color schemes should be kept simple with no more than one or two field or trim colors on any given building, unless deviation from this is appropriate. All exterior colors and finished material surface colors are subject to Planning Commission approval.
- b) Color consistency. The chosen color scheme should help tie all of the parts of the building together. Monolithic color schemes and appearances are discouraged, unless it is part of a highly articulated façade or structure. Typically, the color that is used in the storefront area may be repeated in the upper story windows or cornice area. Colors used at the front façade should be utilized on the sides and rear of buildings.

E. Landscaping. In addition to the provisions of Chapter 1280, the following provisions shall apply:

- a) Plant material selection. Plant materials shall be chosen which are indigenous, moderately fast growing and require moderate maintenance and trimming. All planted surfaces, whether in ground or in raised landscape beds shall be fully irrigated and maintained in good functioning order. The landscape design shall incorporate the total development site, and in context with adjacent users, and consist of a palette of plants with year round appeal which might include annuals, perennials, shrubs and trees.
- b) Surface Parking Area landscaping. Parking areas and driveways shall be landscaped with low-profile bushes, groundcover, shrubs, trees or tree groupings to a minimum height of eighteen inches above finished parking surface where there are no trees. Taller bushes, shrubs and low-profile decorative trees are permitted in areas where screening of outboard utility or service areas is required. No less than two, 4in caliper trees should be added to all parking islands, and 2” along any buffer zone not along a street right of way.
- c) Surface Parking Area landscape area requirements. A minimum of eight percent (8%) of any one total interior surface parking area, enclosed or up to any dividing street, landscape zone, ‘canoe’, building, setback or open space, shall be landscaped with planted islands or a landscape island beds for every linear run of no more than twelve parking spaces. Exceptions to this rule are if the entire run is no more than 14 spaces or if an irregularly shaped island creates a naturally larger landscape bed area where the edges may be more low plantings, and the interior may be more lawn in season. A minimum of two (2) 2 in. caliper trees and ten (10) low bushes or shrubs shall be planted on all interior islands within any row of surface parking area. Permeable paver blocks are also encouraged as a substitute for impervious cover, especially in areas that are likely to be lightly used for parking and/ or landscape zones where a more solid surface is occasionally required, but most of the time it will be a passive space. Similar types of creative alternatives are encouraged, and are subject to review and approval of the Planning Commission.
- d) Exemptions. Parking area landscape requirements shall be negated if the surface parking area is not, nor will ever conceivably be, visible from a public right-of-way.
- e) Planting island requirements. Planted islands shall be no less than 175 square feet in size with a pervious surface area adequate for proper root aeration and expansion.
Creative alternatives are subject to review and approval of the Planning Commission.
- f) Screening materials. Where landscaping is used as screening device it shall be of an opaque foliage year round. Landscape screening shall be of a height and density so as to provide the full desired effect within three (3) growing seasons.
- g) Street trees. All streets shall be planted with regularly spaced shade trees. Trees shall be selected in consultation with the Planning Commission.
- h) Street Furniture. Street furniture/furnishings are key features of public spaces that can greatly facilitate in creating vibrant pedestrian use of all streetscapes, open spaces and connecting outdoor areas. These features include such basic items as benches, trash receptacles, bollards, drinking fountains, wayfinding/ environmental

graphics and street signs. Other elements include, moveable tables, chairs and lounges, picnic benches, market umbrellas, outdoor fireplaces, water features, children's play areas, sculpture and other public art. Street furniture shall be chosen and placed in consultation with developer(s) and the Planning Commission, and shall be located so as to maintain a clear pedestrian path.

Street furniture shall be made of materials consistent with extended public use. These materials include painted or powder-coated metal with a matte finish, Wood; either painted with a matte color or natural finish, outdoor grade fabrics and canvas, and in certain instances; high-impact, composite or resin-based materials that mimic natural finishes that are weather resistant. All street furniture and public features shall be maintained in good working order and appearance by their respective owner(s), and replaced as necessary. Street furniture shall be consistent and/or similar in quality of fabrication, color and style along both sides of any public street or right of way. All street furniture elements, either new or replacements that vary in color, material, number, placement or size from prior an approved plan(s) are subject to Planning Commission review and approval.

- I) registered professional required. A registered landscape architect shall work with the developer and City of Springboro on all landscape design all landscape plans and/ or alterations.
- j) Maintenance. Any approved and implemented landscape plan shall include an ongoing maintenance schedule, including a beginning of growing season/ spring replacement of any and all damaged or destroyed plantings, trees, landscape surfaces, and repair of any irrigation apparatus from the prior year/ winter. Severe damage from a weather event or infestation may, at the City of Springboro's request, require the re-engaging of a registered landscape architect for proper restoration or replacement of plant materials.

F. Outdoor lighting. In addition to the provisions of Chapter 1273, the following provisions shall apply:

- a) Outdoor lighting. All outdoor illumination of building surfaces, parking areas, service zones, or any non-illuminated, surface mounted project signage or tenant identity signage, shall be directed so as not to directly shine on adjacent properties. All fixtures shall be LED, and their placement, along with all support posts/ poles and brackets, shall be consistent in fabrication quality, and selected to enhance the overall design character of the urban village.
- b) Street lighting. Consistent, and professional grade, LED fixtures for street and pedestrian lighting shall be provided on all streets, sidewalks and pedestrian pathways, including public gathering/ event spaces, both public and private within the UVD district. Street and pedestrian poles shall be located at all intersections and along sidewalks at intervals consistent with the urban village design character that promotes pedestrian activity. Street lighting shall be scaled to the pedestrian; with pedestrian street poles and lamps no less than 14' high, which shall be the recommended minimum height, including 30" minimum bases and tapered support posts of no less than 6" diameter at the base. Pedestrian poles are to be featured on all Town Center/ Village walk and community gathering space areas, and shall feature exterior outlets for

seasonal and functional needs. Street light fixtures shall be painted or powder-coated metal, with a matte finish, consistent in color and style on both sides of any street and chosen in consultation with the Planning Commission. An alternative for public spaces, gathering areas, and pedestrian pathways are low-profile LED, internally lit bollards, placed at intervals to fully illuminate all pedestrian surfaces.

- c) A street/ pedestrian lighting plan, showcasing a fixture schedule, light levels, and placement on any site within the UVD district, shall be submitted to the Planning Commission for approval.
- d.) All decorative accent/ architectural lighting, meant to illuminate a building feature, surface(s), or surface mounted, non-illuminated signage, and is a permanent feature of the overall building or site design, shall also be submitted to the Planning Commission for review and approval.

G. Outdoor Storage.

- a) Screening. Outside storage of merchandise, raw material, finished products and/or equipment must be visually screened from all sides visible from any public right-of-way. All multi-tenant service areas, including service docks, back-of-house areas, and dumpsters, compactors, recycling bins, grease traps and general service locations must be fully screened with non-lockable closure gates on one side for access and removal. Large format uses requiring major service bays shall screen all areas with walls that fully hide any required service vehicle(s) backed into a service bay, both lengthwise and in height, and are to be consistent materials/ colors that complement their base building. Exception: if the service bay is located from any public view or right of way, then these requirements may be waived. Initial site planning should work to negate or minimize views from any public areas or such large bays wherever possible. Masonry, brick, stone, decorative block, composite materials, pressure treated wood and/ or painted or powder-coated metal are all acceptable materials to screen attached or free-standing service areas and bays.
- b) Exemptions to screening. Use tall-growth landscaping, screen walls or decorative, opaque fencing to screen all storage facilities. For uses that require more than occasional access, and are outboard or freestanding from the main building area, three sides shall be screened, but screened areas must not be visible from the public right of way, and shall have unlocked, decorative and opaque doors to one side for clear access. Chain-link fencing with inserted plastic slats, or plastic-coated walls and/ or support posts are not permitted.
- c) Storage building design. Any required permanent outdoor storage building(s) or structures shall be constructed in the same style/ materials and colors as their surrounding buildings or related project character. Overall concept is that they should not look temporary.
- d) Visibility from Public Right-of-Way. Where possible, locate a n y outdoor storage s t r u c t u r e away from the public right-of-way or view, preferably behind the main building(s).

- e) Accessory structures. May contain auto and accessory vehicle parking, developer/ landlord/ tenant or resident storage, building or amenity functions/ uses, general maintenance storage, or trash/ recycling bin enclosures. Prefabricated shed structures are not permitted.

H. Vehicular and Pedestrian Circulation.

- a) Safety. The safe and functional movement of both vehicles and pedestrians, on and off-site, shall be provided as the first consideration in designing transportation networks within the UVD, and all site plans shall be crafted to minimize such conflicts wherever possible.
- b) Outdoor events. All outdoor seasonal events and displays, public space programming, sales, and conditions for holding outdoor events and/ or sales may be permitted or denied at the discretion of the City of Springboro, and the Planning Commission.
- c) Pedestrian circulation. Pedestrian circulation is highly encouraged, and can be accomplished via sidewalks, crosswalks, cross-surface lot walkways, community gathering spaces, plazas, terraces, seating and amenity zones, hard-surface paths, bike paths, and permeable pathway surfaces. These varying pathways should be crafted to connect between all buildings, and within and outboard of specific development parcels, and should be graded to accommodate ease of pedestrian travel with minimal inclines if possible. Early site planning should make this a primary consideration within and along the edges of the UVD district.
- d) Sidewalks. Where appropriate, sidewalks shall be provided on each side of every street and shall be creatively developed to interconnect different land use areas and open spaces. Sidewalks should be no less than 6' wide overall, and no less than 12' wide (optimal 14') within commercial or mixed-use developments along any commercial address.
- e) Sidewalks and buildings. Pedestrian connections, including crosswalks, sidewalks and pathways shall be provided along any surrounding streets/ driveways/drive isles, along the front, side or back of any building or group of structures, on all specified and dedicated streetscapes, both public and private.
- f) Sidewalk width. Sidewalks along the front facades of buildings in the Town/Village center shall be an average of no less than twelve feet (12') (14' optimal), incorporating a dedicated landscape/ tree well area at the curb line of no less than five ft. x five ft. (5'x5') square, and at intervals of no less than 25' ft. each. Sidewalks along sides and rear areas of buildings may be of lesser width, but in no case less than six feet (6') wide. Sidewalk and pathway widths within other non-commercial areas of the UVD areas are to be determined by Planning Commission review for each application as submitted, but in no case are to be less than five (5) feet wide, and only in special site condition situations.

I. Off-street Parking Requirements.

- a) Size of parking spaces and aisles shall be in compliance with the City of Springboro Planning and Zoning Code, Chapter 1279, unless specifically allowed otherwise by overriding standards established in this section.

b) Parking Requirements,

Any mixed-use development within the UVD, particularly buildings that contain retail, office, restaurants and civic functions, can use and benefit from a matrix calculation which reduces an overall amount of parking, by blending the traditionally required parking count for any one set of uses, to daily peak and valley metrics that helps determine a more fully concentrated use of an overall parking area. (See Shared Parking, below).

This shared analysis would not apply to residential spaces, since Springboro is still predominantly a suburban community, and it is likely that almost anyone living within the city will need the use of personal vehicle for trips beyond the immediate village area. However, rental apartments are proving to need less than the one space per bedroom requirement of recent years, with a new national normal of 1.25 spaces per dwelling covering most single and multi-car families within any one development.

In light of these recent changes in demand, the Village UVD District will require these minimum parking counts for each usage classification as follows:

Town/ Village Center, including all commercial uses allowed except freestanding restaurants/ bars - one (1) for each 275 square feet of lease able floor space, (except 1.25 spaces per dwelling unit for any residential unit built above or within such a mixed-use zone); Overall commercial ratio at 3.6 spaces per 1,000 s.f.

Freestanding Restaurants/ Bars, seven (7) spaces per each 1,000 square feet of gross leasable floor area, if stand alone, dedicated restaurant use, and not part of a shared parking analysis location.

Small and Medium Format Anchor Retail, a minimum of three (3) spaces for each 1,000 square feet of gross leasable floor area; (3/1,000) is permitted, up to a maximum of no more than four and a half (4.5) spaces per 1000 square feet of gross leasable floor area. This would largely apply to such uses as small market/grocer and/ or pharmacy. Property owners are encouraged to work with end user retail tenant(s) to facilitate the potential for cross-parking usage with other complementary services/ attractions for all larger surface parking areas. This effort should be encouraged in early site planning phases.

Office, a minimum of one (1) space for every 275 square feet of gross leasable floor space per standard lease calculations. However for medical office uses, the ratio of parking spaces shall be one (1) space for every 200 square feet of gross leasable floor area on single use lots.

Multi-family Residential, one and one-quarter (1.25) spaces per dwelling unit, except single family detached or attached dwellings: Two (2) spaces per dwelling unit if the unit is no less than two bedrooms, and/ or is a for sale product, where there would likely not be less than 2BRs per unit.

Public and institutional, use shared parking within the overall UVD area, and off-street parking shall be located in rear yard areas where viable. The parking area for Institutional Uses shall be a minimum of one (1) space for every 250 square feet of internally occupied floor space or 0.75 spaces per seat for a public performance facility. However, the ratio of parking spaces actually constructed with impermeable surface can be reduced to three (3) spaces for every 1,000 square feet of occupied floor space, provided the balance of the parking area is set aside as green space or permeable pavers (lawn or landscaping) in rear parking yards, and with designs approved by the City of Springboro and the Planning Commission.

- c) Shared Parking. Where permissible, shared parking arrangements are meant to encourage a more round the clock usage of any parking area or facility, therefore generating a lower total parking space count for most mixed-use development sites.

The City of Springboro and the Planning Commission may accept a developer(s) formula that can demonstrate certain combinations of mixed-uses and adjacent developments will yield increased overall parking area utilization, especially throughout any given twenty-four hour period. Such formulas shall be consistent with the recommendations and current standards established by the Urban Land Institute, or the Congress for New Urbanism.

- d) Off-Street Surface Parking Lot Placement. Any off-street, surface parking areas within the UVD shall be set back a minimum of ten feet (10') or a maximum of twenty-five feet (25') from any existing, major arterial, including North Main Street (S.R. 741) and West/East Central Avenue (S.R. Route 73) The Planning Commission shall have discretion to make this requirement applicable elsewhere on any subsequent prominent frontages, such as along key pedestrian connections, within significant vistas and within important public spaces. Surface parking lots may be built up to adjacent property line on all other street frontages within the UVD District and as established in subsequent approved site plan areas that anticipate connecting adjacent development at a future date. Placement of surface parking areas should be related to both the building type served and the adjacent buildings, connecting streetscapes and uses, which may require the lot to be screened by building or landscaping from surrounding streets and/ or pedestrian pathways.
- e) Structured Parking Lot Placement. Any parking structure(s) shall be set back a minimum of 40 feet from the property lines of all adjacent streets to reserve room for liner buildings between parking structures and the lot frontage, unless the site is at the edge of a dedicated open space, service road or bay. The liner building shall be no less than two stories in height. Liner buildings may be detached from or attached to parking structures and can be either commercial mixed-use or residential.

Section 3. Mixed-Use Area Standards.

A. Allowable occupancies

- a) Specialty retail including apparel, fashion accessories, home goods, sporting goods, hobbies, gifts, specialty packaged/ prepared foods, large(r) format retail/anchors

including general merchandise and/ or pharmacy, cart-based or pop-up temporary retail/ vendors, kiosk (RMU)-based retail/food vendors, service businesses, personal service businesses, banks, brokerage, real estate or other financial services, grocery and specialty foods, personal care services (salons and spas), professional retail services (florists/ printing/copying, dry cleaner, shoe repair, real estate/ escrow)

- c) Auto or vehicle services including service centers, gas stations and/or convenience stores.
- b) Offices and professional services, medical, dental, pet care, financial/ investment service offices, educational schools and specialty academies.
- c) Multi-family residential, potentially above retail/ commercial, or stand alone, attached single family, or small/ tight lot, single family detached.
- d) Restaurants, cafes, bistros, nightclubs and bars.
- e) Entertainment, performance, and recreational venues.
- f) Theaters and cinemas.
- g) Hospitality/ hotel(s).
- h) Conference and meeting facilities.
- I) parking, including street and surface lots/garages
- j) Public and Institutional uses
- k) Accessory structure uses
- l) Open Spaces and event spaces.

B. Maximum Height. Buildings that are used for commercial/non-residential purposes shall not exceed forty-five (45) feet in Maximum Occupied Height measured from front facade grade to nine (9) feet above the highest occupied floor. The height of enclosed unoccupied building elements may exceed the Maximum Occupied Height by no more than fifty percent (50%). Purely decorative unoccupied elements such as towers, flagpoles, spires and steeples may be located on top of either occupied or unoccupied enclosed space, or freestanding to a total building height of no more than ninety feet (90’).

C. Orientation. Town/ Village Center area building entrances shall be oriented toward the major or primary streets or primary public event/ open space(s), unless deviation is appropriate, per the discretion of the Planning Commission. Buildings located on an intersection shall have the main entrance oriented toward the major street and any facade facing other streets shall have facades that ‘turn the corner’ with similar/complementary architectural features and character. Retail, office, and institutional buildings and main entrances shall be oriented toward a street, right of way, drop-off area, or courtyard.

D. Build-to line requirements. A minimum of 70% of the front facade of Town Center buildings shall have zero (0) front Setback along the sidewalk. The remaining 30% of the front facade may be set back a maximum of fifteen (15) feet to create inset locations for entrances, passages, courtyards and open spaces. Other uses shall have a zero (0) front setback requirement along the sidewalk, and each individual UVD Development Site shall be evaluated by the Planning Commission, in relation to its adjacent property uses. Creative interpretation of traditional urban streetscapes, frontages, building massing, architectural elements and design features that will create an integrated pedestrian-oriented, urban village environment are encouraged.

- a) Exceptions from Build-to Lines may be granted by the Planning Commission in order to avoid existing, and recently installed utility rights of way, and on corner sites (within 50 feet of a primary arterial corner) provided the exception does not encroach upon the a required Clear Zone.
- b) Side or Rear setbacks: All side or rear setbacks are to be reviewed by the Planning Commission, and are to be minimal where possible as a default for site planning purposes.
- c) Corner Setback: Buildings in specific areas, located at an intersection that may have setback on the street designated as front facing and a minimal-to-no setback on the other, provided that the side is located along a service drive, service bay or zero lot line adjacent use/ structure, and will not be a primary public access and provide minimal visual interest.

E. Ground floor use. The ground floor of Town/ Village Center buildings shall be restricted to encourage retail business, restaurants/ bars, cafes, personal care services, professional services, and other uses that foster street level pedestrian-oriented activity. Other adjacent UVD Development Sites, whether future or existing to the Town/Village center site itself shall be evaluated by the Planning Commission in relation to its adjacency to see where complementary connectivity/ uses might facilitate better pedestrian and vehicular traffic flow. Designs that will create an integrated, pedestrian oriented, urban village environment are encouraged.

F. Upper level floor use. Offices and/or residential uses in Town/ Village Center buildings are encouraged on the upper floors of the building where and/ or if feasible. There are no upper floor level use restrictions of other commercial mixed-use areas.

G. Public and Institutional Uses may include a mix of community and city buildings, meeting halls, libraries, post offices, academic institutions including public and for-profit, public recreational facilities, museums, performing arts centers or other uses permitted by the City of Springboro; located within or adjacent to open spaces, parks. Where possible, they should be sited as visual anchors to key vistas down a street or centered on an open space or plaza. Such uses shall work within a shared parking analysis and any off street parking shall be located in rear yards.

H. Transparency. The ground floor of the building should be designed to be at least sixty-five percent (60%) transparent along any front facade, through the use of show windows, entrance doors or other glass surfaces, including sliding, folding and roll-up glass doors that open seasonally. This allows pedestrians to view the goods and services offered in ground floor business and in the case of retailers or restaurants that showcase such spaces, allow for the internal activity of that venue to spill-out into the streetscape environment. Corner tenants or spaces that are primarily retail should turn the corner with at least one bay of transparent, or translucent storefront glass area, no less than 30 back from the structural corner. In the case of professional services, offices space or non-retail commercial area, the Planning Commission will review all site and floor plans to help determine if transparency can be enhanced beyond the 30' minimum. Large format retailers should look to plan outer exposed side walls with either liner uses, or be able to turn elements, massing and details of the base building architectural character down the side for its full distance. Upper

level transparency is recommended for buildings that face parks, squares or other significant vistas, per the discretion of the Planning Commission.

H. Tenant Identity/ signage. Signage for upper level businesses shall be crafted to identify the tenant, separately or in tandem with other such businesses, but will be part of an overall tenant and building identity package, again as an addendum to a signed lease agreement. The placement of all signage and its proportion, fabrication and illumination may be reviewed on an as-needed basis for specific end users, at the discretion of the City.

I. Open Space: Usable and functional open spaces and programmable event spaces are required as part of the mixed use, Village center development on the former IGA site, and within new, adjacent neighborhoods. This definition may also include/ allow for landscaped traffic islands, pedestrian plazas, arrival courts, landscaped sidewalk/ pathway areas, game areas, public amenity features such as water features, outdoor fireplaces and seating areas, general green space, pocket parks and other recreational uses. Open spaces between buildings are highly encouraged to break-up long street walls and create landscaped courtyards for tenant or public seating zones, or walkways to connect to other uses beyond or parking, or to adjacent neighborhoods, or to other nearby anchors.

K. Pedestrian access. A network of multi-use pathways and/or sidewalks and potential bike paths shall link all open spaces, residential, mixed use and commercial areas within the UVD. All site plans developed for parcels within the UVD, or subsequent additions and alterations of existing uses, should make this a primary feature of their specific overall site development, and look to connect adjacent sites/ uses, and/ or to tie-into cross-site public pathways/ walkways/ sidewalks or bike paths, and into the adjacent historic district and other City of Springboro neighborhoods abutting the UVD.

Section 4. Residential-General Requirements. The purpose of this Section is to encourage a flexible residential typology matrix that allows for unit development that is compatible with, and in proximity, and integrated into the walkable village center, and to blend with the adjacent historic and other neighborhoods. These include the following types of units and mixes:

A. Allowable occupancies.

- a) Single-family attached dwellings (town homes),
- b) Multi-family dwellings (either stand alone, or potentially over retail and/ or commercial uses including);
- c) Apartments,
- d) Condominiums,
- e) Loft-style residential,
- f) Assisted or independent living residences,
- g) Senior housing,
- h) Tight lot-line, single family homes with rear-garages along an internal site service way

- i) Accessory structures, including separate, rear yard garages with the potential for living/ family spaces above (granny flats).

B. Maximum Height. Buildings that are used for primarily residential purposes shall not exceed forty-five (45) feet in Maximum Occupied Height measured from front facade grade to nine feet (9') above the highest occupied floor. The height of enclosed unoccupied building elements may exceed the Maximum Occupied Height by no more than fifty percent (50%). Purely decorative unoccupied elements such as towers, flagpoles, spires and steeples may be located on top of either occupied or unoccupied enclosed space, or freestanding to a total building height of no more than ninety feet (90').

C. Orientation. Residential area buildings entrances shall be oriented toward the street, primary right of way, open areas or courtyard unless deviation is both necessary and appropriate, per the discretion of the Planning Commission. Buildings located on an intersection shall have the main entrance oriented toward the primary/ desired residential address and any facade facing onto a corner shall showcase similar architectural styles on both facades.

D. Build-to Lines/ Set Backs. Set back lines at the Springboro Village UVD district are considered "build-to lines."

- d) **Minimum Set back:** A minimum of 50% of the front facade of residential buildings may have zero (0) to ten (14) foot front Setback along the sidewalk, unless they are single family lots primarily facing onto a dedicated residential neighborhood street. The Planning Commission encourages creative interpretation of traditional designs that will create an integrated, walkable urban village environment and where appropriate will consider an individual UVD Development Site in relation to its adjacent property setbacks.
- e) **Exceptions** from Build-to Lines may be granted by the Planning Commission for single family home sites within new development zones in the UVD, and in areas adjacent that feature healthy, existing old growth 8" caliper (min) trees, and on corner sites (within 50 feet of the corner) provided the exception does not encroach upon the Clear Zone.
- f) **Side or Rear setbacks:** All Residential side or rear setbacks are to be reviewed by the Planning Commission. Where applicable and viable, such setbacks will be used to establish the edge of/ buffer from existing or planned adjacent, non-residential uses. All such setbacks should be encouraged to showcase pedestrian pathways, bike lanes, play areas, and substantial tree and landscape screening that will grow dense within three (3) growing seasons. All setbacks areas are to be landscaped, maintained and irrigated per the landscape design and maintenance guidelines as set forth in the UVD district and the approved design by the Planning Commission.
Plans should be designed and submitted for approval, along with a proposed maintenance schedule by a registered landscape architect.
- g) **Corner Setback:** Dwellings located at an intersection may have setback on street designated as front facing and no or a minimal setback on the other side(s)

so long as it is fronting on a driveway or pedestrian pathway back to a service drive or rear yard area, or onto a residential street where necessary and viable.

E. Signage. All Residential project signage may be placed at the entry into any new development, but provided it's part of an overall streetscape design concept, whether public or private access, and conforms to that development's specific design criteria, as reviewed and approved by the Planning Commission. No one development can have more than one such entrance, as authorized by the Sign Code, Chapter 1281. Signs may be placed on low, landscape entry walls or piers bracketing each side of an entry, or on a sign panel or low wall within a landscaped island at the formal entry to that development.

F. Site Development.

- a) Maximum Block Size: The maximum perimeter of any block shall be no more than 500 linear feet, in keeping with the existing street grid of the historic center. Pedestrian pathways and bike paths that inter-connect and link any one development to the wider UVD shall be provided at intervals no greater than 250 feet, or between any eight attached townhomes in any one row, or at the discretion of the Planning Commission.
- b) Alleys: Where viable, rear and side alleys shall be incorporated in the Springboro Village Center UVD residential neighborhood guidelines to provide access to parking and service areas behind rows of town house-style units and to access single family-style lot developments, to lessen the number of curb cuts, and foster uninterrupted pedestrian sidewalk movement. Alley locations and dimensions are not fixed but shall be designed to accommodate the alley's purpose, preferably no less than 20' from building edge to building edge across any one alley way to facilitate proper backing out of any one garage space. Alleys may also be incorporated into parking lots as drive aisles and fire lanes.
- c) Lot Coverage: Multi-family dwellings may not cover more than eighty percent (80%) of an overall parcel area. This does not include any outboard freestanding garages or covered spaces/ areas.
- d) Building Fronts and Backs: The front or side of every building must face the street, right of way or courtyard. Rear facing buildings, overhead doors and service entries are prohibited on street facades.

G. Parking Requirements: The intent of these parking regulations are to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

- a) Minimum residential space requirements are as follows: 1.25 space per dwelling unit at multi-family residential, and 2 spaces per dwelling for single-family dwellings with 2 or more bedrooms.
- b) Minimum parking space dimensions The City of Springboro will recommend the Planning Commission utilize their present zoning standard. Optimally, to reduce the scale of asphalt areas and to maximize land utilization, we recommend head-in spaces of 9' x 18' with a minimum of 10' foot drive

lanes (20' for 2 way traffic) and parallel parking spaces of 8' x 22' minimum with 10 foot drive lanes (20' for 2 way traffic).

- C) On-Street Parking: On-street parking is permitted and encouraged in the design of all site plans for any residential neighborhood within the UVD district. Parking need not be contiguous with the building(s) or the use it serves, but close enough to be functional and convenient to the end users.
- d) Shared parking solutions in all residential applications are encouraged. Developers shall provide a parking analysis justifying any proposed shared parking solution.

H. Access to Off-Street Parking.

- a) Alleys shall be the primary source of access to off-street or individual unit garage parking. (Parking along alleys, if permissible per any site plan, may be head-in, diagonal or parallel and such parking spaces may be impervious or of a permeable surface solution if viable.)
- b) Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained by that developer and/ or property management entity. Shared access drives between parking areas serving two or more adjacent properties is also encouraged.
- c) Corner lots that have both rear and side access shall access parking through the rear.
- d) Garage door(s): Where space permits, all garage doors shall face the side or rear, not the front or along any primary street address. If positioned to streets, squares or parks, they shall be no closer than 20 feet behind the principal plane of the building frontage and shall not exceed 12 feet in width.

I. Parking Lot Landscaping Requirements.

- a) Landscape islands of at least eight (8) feet in width shall be provided at the end cap of any row of parking abutting a perpendicular drive, or between parking rows of no more than a contiguous ten spaces. A diversity of tree species throughout the Springboro Center UVD District is encouraged. Plant material and trees should be of native species that are climate tolerant.

H. General Ancillary Restrictions.

- a) The following shall be located in rear yards or side yards not facing side streets and screened from public view by walls or railings:
 - i. Window and/or Wall Air Conditioners/HVAC units;
 - ii. All Utility Metering devices
 - iii. Air Conditioning Compressors;
 - iv. Irrigation fixtures
 - v. Pool maintenance facilities and pumps.
- b) The following shall be located in the rear yards only:

- i. Antennas
 - ii. Permanent fixed barbeques
 - iii. Satellite dish antennas greater than 18" in diameter. In residential units over commercial in the Town Center portion, a satellite dish needs to be concealed either on roof surfaces or setbacks, well away from public streetscape vistas, public parking areas and/or walkways.
- c) The following materials or design elements are prohibited:
- i. Undersized decorative shutters (all shutter(s) must be sized so as to equal the width that would be required to cover the window opening.)
 - ii. Clotheslines;
 - iii. Clothes Drying Yards;
 - iv. Reflective and/or bronze-tint glass;
Plastic or PVC roof files;
 - v. Backlit awnings;
 - vi. Glossy-finish awnings; and
 - vii. Fences made of chain link, barbed wire, or plain wire mesh, or rough-textured /timber or fortress style wood fences.
 - viii. Unpainted/ untreated wood fences
 - ix. Vinyl siding on any side turning the corner from a stone or masonry front or primary façade.

Proposed Revised Nonconformities Chapter of Planning & Zoning Code

1286.01 INTENT.

Within the districts established by this Zoning Code, as amended, there exist lots, structures, uses of land and/or structures and characteristics of use which were lawful before this Zoning Code was passed or amended, but which are prohibited, regulated or restricted under the provisions of this Zoning Code, as amended. With regard to most nonconformities, it is the intent of this chapter to permit them to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that most nonconformities shall not be enlarged upon, expanded, extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district. However, it is also recognized that strict nonconformity provisions can make it difficult to obtain financing for certain residential structures, in addition certain classes of nonconformities may present less severe conflicts with permitted uses, and some relief from these restrictions can be made conditionally available to the owners of such properties on an elective basis.

1286.02 INCOMPATIBILITY OF NONCONFORMING USES; EXTENSION OR ENLARGEMENT.

Nonconforming uses are hereby declared to be incompatible with permitted uses in the district involved. Except as otherwise provided in this chapter, 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 Zoning Code (Ordinance 546B, passed February 25, 1976), nor shall other uses of a nature which would be prohibited generally in the district involved be commenced.

1286.03 BUILDINGS UNDER CONSTRUCTION.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, or construction or designated use of any building on which actual construction was lawfully begun pursuant to a properly issued building permit prior to the effective date of adoption (Ord. 546B, passed February 25, 1976) or amendment of this Zoning Code which would prohibit or limit such construction, and upon which actual building construction has been carried on diligently. As used in this section, "actual building construction" means and includes the placing of construction materials in a permanent position, fastened in a permanent manner. In the case of excavation or demolition or removal of an existing building, such excavation, demolition or removal shall be deemed to be actual construction if the work is carried on diligently.

1286.04 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and any customary accessory buildings may be erected on any single lot which is of record on the effective date of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976), notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This section shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions or requirements, other than those applying to area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

1286.05 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Zoning Code (Ordinance 546B, passed February 25, 1976), and if part or all of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code and no portion of such lot or parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

1286.06 NONCONFORMING USES OF LAND.

Where, at the time of the adoption of this Zoning Code (Ordinance 546B, passed February 25, 1976), or amended, a lawful use of land exists which is not permitted by this Zoning Code, and where such use involves no individual structure with a replacement cost exceeding \$1,000, [may want to review this \$ amount] the use may be continued so long as it remains otherwise lawful provided that:

(a) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976).

(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976).

(c) Notwithstanding section a and b above, if the owner of a legal nonconforming use can demonstrate through application to the Board of Zoning Appeals that the manner in which the useable area of the nonconforming use proposed to be increased or relocated will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions, the enlargement, increase, extension or relocation may be permitted, but shall still remain a nonconforming use. The factors that may be considered in determining an adverse impact include but are not limited to: Noise, odor, and/or vibrations; Traffic; Visual impacts; Access to light and air from adjoining properties; Existence of screening; The hours of operation; The effect on the access to the property by fire, police, or other public services; and The predominant or prevailing land use, building and structure patterns of the surrounding neighborhoods.

(de) If any such nonconforming use of land ceases for any reason for more than 6 months, [ORC provides 2 years] any subsequent use of such land shall conform to the regulations of this Zoning Code for the district in which such land is located- and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(de) No additional structure not conforming to this Zoning Code shall be erected in connection with such nonconforming use of land.

(f) In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section XXXXX. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use. [Dan, I am not sure where the code deals with conditional uses]

1286.07 NONCONFORMING STRUCTURES.

Where a lawful structure exists on the effective date of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976) that cannot be built under the provisions of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot 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 shall 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 nonconforming structure or a nonconforming portion of such structure be destroyed by any means to an extent of more than 50 percent of its market value according to the Warren or Montgomery County Auditor (as applicable) ~~replacement cost~~ at the time of destruction, it shall not be reconstructed except in conformity with this Zoning Code.

(c) Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 0-15-4. Passed 2-19-15.)

1286.08 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures with a replacement cost of \$1,000 or more, or of a structure and land in combination, exists on the effective date of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976), that is not allowed in the district under the provisions of this Zoning Code, 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 Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to change 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 part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code (Ordinance 546B, passed February 25, 1976), 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 of a structure and land in combination, may, as a special exception, *[Not sure what this is?]* be changed to another nonconforming use, provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with this Zoning Code.

(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 in which it is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or of a structure and land in combination, is discontinued ~~or abandoned~~ for 6 consecutive months or for 18 months during any 3-year period (not including any period when government action substantially impedes physical access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(f) 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. As used in this subsection, "destruction" means damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

(g) When a nonconforming structure is damaged to an extent of more than 50 percent of the replacement cost at the time of destruction, it may not be rebuilt except in conformity to the regulations of the district in which it is located.

(h) When a nonconforming use is discontinued as a result of damage to the structure in which it is located to an extent of more than 50 percent of the replacement cost at the time of destruction, it may not be restarted.

(i) Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.

(j) Any nonconforming structure, use, or structure and land in combination becomes conforming shall not be entitled to resume its nonconformity.

1286.09 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on the repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current its market value according to the Warren or Montgomery County Auditor (as applicable) ~~replacement cost~~ of the nonconforming structure ~~or nonconforming portion of the structure, as the case may be,~~ provided that the cubic content existing when it becomes nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to casualty, or lack of repairs and maintenance, and it is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Zoning Code 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.

1286.10 LIMITED RELIEF FROM RESTRICTIONS AVAILABLE TO NONCONFORMING BUSINESS OR INDUSTRIAL USES OR STRUCTURES IN BUSINESS OR INDUSTRIAL DISTRICTS.

Notwithstanding other provisions of this chapter, when a nonconforming multi-family residential, business or industrial use or structure is located in a zoning district which permits business or industrial uses (other than agriculture, horticulture or home occupations), the owner of the property may elect to exercise the following options, subject to the stated conditions:

(a) To expand the use or structure on the existing lot provided that the lot is conforming in all respects to the most restrictive dimensional requirements which would be in effect if the lot were zoned to permit the use; and further provided that all yard, area and other dimensional and functional requirements in effect for the actual district designation (e.g., lighting, parking) are satisfied.

(b) To rebuild the structure within 12 months after a casualty loss, even if the loss is as great as 100 percent.

(c) To restart the use on the existing lot, provided it has been discontinued ~~or abandoned~~ for no more than 12 consecutive months or for no more than 18 months during any 3-year period. Any period when government action substantially impedes physical access to the premises shall not be considered a discontinuance ~~or abandonment~~.

(d) To remove and rebuild the structure(s) in the same or different form or location on the existing lot provided that the lot is conforming in all respects to the most restrictive dimensional requirements

which would be in effect if the lot were zoned to permit the use; and further provided that all yard, area and other dimensional and functional requirements in effect for the actual district designation (e.g., lighting, parking) are satisfied.

If the proposed expansion or reconstruction of a nonconforming business use or structure is of such a nature that it may be permitted only by exercise of the elective rights provided by this Section 1286.10 , it shall be subject to the site plan review requirements of Chapter 1284 of the Codified Ordinances. For example, pursuant to Chapter 1284 , approval of such expansion or reconstruction may be conditioned upon the provision of new landscaping, fences, walls and other improvements or design features as may be necessary or desirable to minimize functional or aesthetic conflicts with adjacent permitted land uses and to prevent or minimize nuisance conditions.

1286.10 SPECIAL PROVISIONS FOR SINGLE FAMILY RESIDENTIAL DWELLINGS.

Notwithstanding anything else in this Chapter to the contrary:

(a) if a nonconforming single-family dwelling, in any district, is damaged or destroyed to any extent, and cannot reasonably be rebuilt in conformance with the applicable zoning district regulations, such structure may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.

(b) a nonconforming structure used as a single family residential dwelling may be increased or improved, regardless of the applicable zoning district, provided the structure continues thereafter to be used for single family residential purposes only and any such increase or improvements meets all required setbacks and other zoning provisions.