

Exhibit A

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TITLE ONE - Zoning Administration

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**CHAPTER 1105
Scope and Application**

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1105.01 TITLE.

These rules, regulations, procedures and Map shall be known, cited and referred to as the Chagrin Falls Planning and Zoning Code. Being Titles One to Five of Part Eleven - The Planning and Zoning Code of the Codified Ordinances of Chagrin Falls, Ohio, the digit 11 standing for Part Eleven - The Planning and Zoning Code of the Codified Ordinances of Chagrin Falls shall be understood to precede all section numbers of this Code.
(Ord. 1963-586. Passed 12-9-63.)

1105.02 FINDINGS OF FACT.

- (a) This Planning and Zoning Code is adopted to promote and protect the public health, safety, convenience, comfort, prosperity and/or general welfare by Regulating the use of buildings, other structures and land for institutional, residential, business, industrial or other uses;
 - (b) Regulating the area and dimensions of lots, yards and other open spaces;
 - (c) Regulating and restricting the location, bulk, height, design and land coverage of buildings and structures; by regulating and limiting the density of population;
 - (d) Establishing districts of such classification, number and dimensions as may be considered best to implement comprehensive planning; and
 - (e) Providing regulations and procedures for the administration, interpretation, amendment and enforcement thereof.
- (Ord. 1963-586. Passed 12-9-63.)

1105.03 OBJECTIVES.

It is intended that the provisions of this Planning and Zoning Code shall be applied to achieve the following objectives:

- (a) To protect the character and values of the parks, institutional, residential, business, industrial and public uses and to assure their orderly and beneficial development;
- (b) To provide adequate open spaces for light and air; to prevent overcrowding of the land; to

prevent excessive concentration of population, and conversely to prevent sparse and uncoordinated development;

- (c) To improve the public safety and to lessen congestion by locating buildings and uses in relation to streets so as to cause the least interference with, and be damaged least by traffic movements;
- (d) To minimize conflicts between different land uses by requiring adequate landscaping, yards, and buffers in appropriate locations;
- (e) To provide for public facilities and utilities such as a water supply, a sewer system and transportation systems as well as land for recreation, schools and other public facilities; and
- (f) To encourage the most appropriate uses of the land and guide the future development of the Municipality in accordance with a comprehensive plan;
(Ord. 1963-586 Passed 12-9-63)
- (g) To preserve historic character and encourage historic preservation of historically significant buildings and structures.

1105.04 APPLICATION; JURISDICTION.

- (a) Buildings and land shall be used; and the use of buildings and land shall be changed or extended; and buildings shall be designed and erected; and existing buildings or uses shall be altered, converted, enlarged, reconstructed or moved only in conformance with this Planning and Zoning Code.
- (b) The provisions of this Planning and Zoning Code shall be considered as minimum requirements and shall be literally construed to further its underlying purposes and objectives. They shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Planning and Zoning Code impose greater restrictions upon buildings, structures, uses or land than imposed or required by other codes, laws, ordinances, rules, regulations or restrictive covenants running with the land, this Planning and Zoning Code shall govern; and conversely, other regulations shall govern where they are more restrictive than this Planning and Zoning Code.
- (c) The classification of districts set forth in Chapter [1119](#) shall not be construed as an enumeration of most restrictive to least restrictive districts. Neither shall it be construed that a use permitted in a certain district shall be permitted in a district which is enumerated subsequently, unless such use is specifically listed as permitted in such subsequent district.
- (d) This Planning and Zoning Code shall not be construed as removing or rendering inoperative any deed or land restriction established by restrictive covenants running with the land, easements or other agreements between parties.
- (e) The regulations set forth herein shall be applicable to all buildings, structures, uses and land of any political subdivision, district, taxing unit or bond issuing authority of the State, including the State, located within the corporate limits of the Municipality.
(Ord. 1963-586. Passed 12-9-63.)

1105.05 COMPLIANCE WITH THIS PLANNING AND ZONING CODE.

No public officials of the Municipality shall issue permits or certificates for any structure or use that would result in conflict with provisions of this Planning and Zoning Code. (Ord. 1963-586. Passed 12-9-63.)

1105.06 RELATION TO OTHER REGULATIONS.

In interpreting and applying the provisions of this Planning and Zoning Code, they shall be held to

be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

- (a) Except as specifically herein provided, the provisions of this Planning and Zoning Code shall not annul existing deed or plat restrictions, codes, laws, rules, regulations or permits previously adopted or issued.
- (b) Where this Planning and Zoning Code is more restrictive as to the use of structures, buildings or land, and/or limits the height or bulk of buildings, or requires larger areas and yards than are required by other deed or plat restrictions, codes, laws, ordinances, rules or regulations, this Planning and Zoning Code shall govern; and conversely, other regulations shall govern where they are more restrictive in nature than this Planning and Zoning Code.
- (c) This Planning and Zoning Code shall not be construed as removing or rendering inoperative any deed or land restriction formerly established by restrictive covenants running with the land, easements or other agreements between parties.
(Ord. 1963-586. Passed 12-9-63.)
- (d) Unless specifically provided otherwise in this Planning and Zoning Code, if the requirements of an Overlay District conflict with the requirements of the underlying district or any other provision of Municipality regulations, the requirements of the Overlay District shall govern.
(Ord. 1999-23. Passed 4-26-99.)
- (e) Sale of Firearms.
 - (1) As used in this section “firearm” shall have the same meaning as in section 2923.11 of the Ohio Revised Code.
 - (2) The commercial storage, sale or manufacture of firearms, firearm components, or ammunition for firearms is permitted by an owner or authorized tenant in any nonresidential zoning district in accordance with Section 9.68 of the Ohio Revised Code while such Ohio Revised Code Section remains in effect.

1105.07 SEPARABILITY.

If any provision, or the application of any provision, of this Planning and Zoning Code or amendments thereto is declared to be invalid by a judicial decision of a court of competent jurisdiction, the effect of such determination shall be limited to that provision or provisions expressly stated to be invalid, and such determination shall not affect, impair or nullify this Planning and Zoning Code as amended as a whole or any other part thereof.

(Ord. 1963-586. Passed 12-9-63.)

CHAPTER 1107
Definitions

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CROSS REFERENCES

General Codified Ordinance definitions - see ADM. [101.02](#)

Off-street parking facilities defined - see P. & Z. [1141.04](#)

1107.01 INTENT.

The following terms shall have, throughout this Planning and Zoning Code, the meaning given herein:

- (a) The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive; the word "should" indicates that a certain standard is recommended and may be required if deemed appropriate and feasible by the responsible Commission, Board, etc.;
- (b) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for";
- (c) All words used in the singular include the plural, and words used in the present tense include the future tense, unless the context clearly indicates the contrary;
- (d) The term "such as" shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative;

- (e) "Municipality" means the Municipality of Chagrin Falls; "Commission" means the Planning and Zoning Commission of Chagrin Falls; "Board of Zoning Appeals" means the Board of Zoning Appeals of Chagrin Falls; Architectural Board of Review means the Architectural Board of Review of Chagrin Falls; and
- (f) "Legislative body" means the Council of Chagrin Falls.
(Ord. 1984-20. Passed 11-6-84.)

1107.02 ADMINISTRATOR.

"Administrator" means the Building Inspector of the Municipality.
(Ord. 1963-586. Passed 12-9-63.)

1107.03 AREAS.

- (a) "Area of buildings" means the area at the ground level of the main building and all accessory buildings, measured from the outside surface of the exterior walls.
(Ord. 1992-62. Passed 7-13-92.)
- (a) "Area of lot" means the total horizontal area within the boundary lines of a zoning lot, however, wetlands, flood hazard areas and easements for drainage ways shall not be counted in the determination of the total area of a lot.
- (b) "Coverage" means the area of a lot covered by the area of a building or buildings. (See subsection (a) hereof.) (Ord. 1984-20. Passed 11-6-84.)
- (c) " Dwelling unit area" means the sum of the gross floor areas above the basement level, including those rooms and closets having a minimum ceiling height of seven feet and having the natural light and ventilation as required by the Building Code. Rooms above the first floor may be included which are directly connected by permanent stairs and hall, and spaces under pitched roofs having a minimum knee wall height of four feet if two thirds of the room area has a minimum ceiling height of seven feet. The area shall be measured from the interior face of the exterior walls at the first floor line and the interior face of the walls of those rooms which may be included under a roof for a one-family dwelling, and measured from the interior face of exterior walls and centerline of party walls, where applicable, for two-family or multi-family dwellings. The following areas shall be excluded: garages and unenclosed porches for all dwellings; utility and general storage rooms in basementless dwellings; and public halls, utility and storage rooms in dwellings other than one family and two family dwellings. (Ord. 2014-69. Passed 11-10-14.)
- (d) "Development area" means a tract of land that may consist of a single parcel of land or a combination of contiguous parcels of land under one common ownership.
(Ord. 2005-19. Passed 5-9-05.)

1107.04 AUTOMOTIVE: GARAGES, SERVICE STATIONS.

- (a) "Automotive service station" means a building and land, including pumps, tanks and equipment, for retail sale of gasoline, lubricants, batteries, tires and other automobile accessories, and limited to performing minor services, installations and repairs.
- (b) "Garage" means:
 - (1) A completely enclosed structure accessory to a dwelling(s) that may be either attached or detached, with a permanent roof, continuous foundation, concrete floor, and exterior walls pierced only by windows and doors, and used for parking of the occupants' personal vehicles; or
 - (2) A structure used for parking of passenger vehicles as well as trucks used by the

- business or institution served by the garage, or
- (3) A building used for the repair of motor vehicles.
(Ord. 2014-69. Passed 11-10-14.)

1107.05 BANK; CREDIT UNION; SAVINGS ASSOCIATION.

- (a) "Bank" means a retail service establishment, that is a corporation or similar entities and is operated under authority granted by the regulating authority of a state or federal government, whose principal business is to provide for the everyday financial transactions of businesses and individuals which includes most or all of the following: receives demand deposits and timed deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; certifies depositor's checks; and issues drafts and cashier's checks.
- (b) "Credit union" means a retail service establishment that is a nonprofit cooperative financial institution with the general powers conferred upon such corporations or similar entities by the laws of the State of Ohio or of another state and whose principal business is to provide for the everyday financial transactions of its members.
- (c) "Savings association" means a retail service establishment that is a savings and loan association doing business under authority granted by the superintendent of financial institutions in accordance with the Ohio Revised Code, or, under the authority granted by the regulatory authority of another state or a federal savings association.
(Ord. 1998-62. Passed 9-14-98.)

1107.06 BUILDINGS AND STRUCTURES.

- (a) "Structure" means that which is constructed, and by its design or use is intended to be located permanently on the ground or permanently attached to something located on the ground:
- (1) Including, but not limited to buildings, barriers, bridges, bulkheads, chimneys, crane runways, coal bunkers, driveways, fences, outdoor seating facilities, patios, pipe racks, platforms, pools, , poles, tanks, tents, towers, transformer substation, sheds, signs, stacks and walls, decks or any other manmade products set on or under the ground;
- (2) Excluding trailers and other vehicles, whether on wheels or other supports if intended and capable of movement on a dedicated road.
- (b) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines and used as a shelter or enclosure for persons, animals and/or property.
- (c) "Main building" means the building occupied by the principal use or activity on, or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.
- (d) "Accessory building or structure" means a subordinate building or structure detached from, but located on the same zoning lot or development area as the main building, the use of which is customarily incidental to that of the main building or use.
- (e) "Building line" means a line generally parallel to a front lot line, defining the limits of a front yard. (See "yard".)
- (f) "Required building line" means a line generally parallel to a front lot line, defining the limits of a required front yard. (See "setback".)
- (g) "Completely enclosed building" means a building separated on all sides from the contiguous open space or from other buildings enclosed by a permanent roof and by exterior walls or party walls, pierced only by windows and doors.

- (h) "Basement" means a story or space with a floor level more than two feet below the adjoining finished grade but having less than half its clear height below adjoining ground.
- (i) "Porch, enclosed" means a roofed structure projecting from a building and separated from the building by the walls thereof, in which more than fifty percent of the horizontal section of the exterior walls is enclosed with materials other than screen material that allows air to flow through.
- (j) "Porch, unenclosed" means a roofed structure projecting from a building and separated from the building by the walls thereof, in which not more than fifty percent of the horizontal section of the exterior walls is enclosed with materials other than screen material that allows air to flow through.
(Ord. 2014-69. Passed 11-10-14.)

1107.061 CULTURAL AND SOCIAL INSTITUTIONS.

- (a) "Club, Lodge or Fraternal and Service Organization" means an establishment owned or operated by a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, and formal written membership requirements but not for (i) retail sale of beverages, food or goods or services, (ii) profit, or (iii) rendering a sale or service which is customarily carried on as a business.
- (b) "Community Center" means an establishment used for recreational, social, educational and cultural activities open to the public, or a designated part of the public, owned and operated by a public or nonprofit group or agency.
- (c) "Fitness Center" means an establishment in which facilities are provided for recreational athletic activities including but not limited to body building and exercise classes, racquet sports, swimming pools, and related office space, food and beverage service and retail sales. However, the service of food and beverages, and retail sales on such premises, shall be customary and incidental to the principal objective of the facility.
- (d) "Funeral Home" means an establishment used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for the ceremonies or services related thereto, excluding cremation, and for the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
- (e) "Museum" means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, and exhibiting to the public for its instruction and enjoyment a collection of artifacts of historical interest. "Museum" also includes any libraries, reading rooms, and other offices and premises in connection therewith. However, the service of food and beverages, and retail sales on such premises, shall be customary and incidental to the principal use of the facility.
- (f) "Event Center" means a service commercial establishment used for the gathering together of groups of persons for specific functions including social, recreation, amusement or dining activities and where food and beverages may be served on the premises.
- (g) "Theater, indoor" means an establishment devoted to providing entertainment inside a building including movie theaters and theatrical space for dramatic, musical or live performances.
(Ord. 2001-75. Passed 11-12-01.)

1107.07 DWELLINGS AND OTHER LIVING ACCOMMODATIONS.

- (a) "Dwelling unit" means a space within a dwelling, comprising living, dining, cooking,

sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities, all used by only one family.

- (b) " Dwelling " means a building designed or occupied exclusively for nontransient residential use, including one-family, two-family or multi-family buildings.
- (c) " One-family dwelling " means a building consisting of one dwelling unit only, detached or separated from other dwelling units by open spaces.
- (d) " Two-family dwelling " means a building consisting of two dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances, including duplexes and flats.
- (e) " Attached single-family dwelling " means a building comprised of two or more dwelling units attached by side party walls, each unit having at least one separate outside entrance.
- (f) " Multi-family dwelling " means a building comprised of three or more dwelling units arranged side by side and/or one above the other, and each having a separate entrance or an entrance connected to a common outside entrance.
- (g) " Hotel " means a building containing living and sleeping accommodations, excluding cooking facilities within an individual rental unit, for transient occupancy or compensation.
- (a) (Ord. 1963-586. Passed 12-9-63.)
- (h) " Efficiency dwelling " means a space within a building containing no less than a main area for both living and sleeping accommodations with cooking, bathing and toilet facilities for the exclusive use of one family.
(Ord. 1995-38. Passed 6-12-95; Ord. 1998-62. Passed 9-14-98.)

1107.08 FAMILY.

" Family " means either an individual, two or more persons who live together in one dwelling unit and maintain a common household, related by blood, marriage or adoption; or not more than three persons not related by blood, marriage or adoption.
(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.09 GRADES.

- (a) " Established street grade " means the elevation established by the Municipality, at the roadway centerline or curb in front of the lot.
- (b) " Natural grade " means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (c) " Finished grade " means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.
(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.10 HEIGHT.

- (a) " Height of building " means the vertical distance measured from the average finished grade across the front of the building to the highest point of the coping of a flat roof or the roof ridge line of a pitched roof.
- (b) " Roof ridge line " means the line formed by the intersection of the two sloping sides of a pitched roof, representing generally the highest point of such roof.
(Ord. 1984-20. Passed 11-6-84; Ord. 1998-62. Passed 9-14-98.)

1107.11 HOME OCCUPATION.

" Home occupation " means an occupation or profession conducted as an accessory use in a dwelling

unit and as limited by the regulations of Section [1125.05](#).
(Ord. 1984-20. Passed 11-6-84; Ord. 1998-62. Passed 9-14-98.)

1107.12 LOADING SPACE.

"Loading space" means an open or enclosed space other than a street, used for the temporary parking of a commercial vehicle while being loaded or unloaded.
(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.13 LOT.

- (a) "Lot of record" means land designated as a separate parcel on a plat, map or deed in the records of Cuyahoga County, Ohio.
- (b) "Zoning lot" means a tract of land abutting a street, occupied or intended to be occupied by a use, building or, where permitted, a group of buildings and their accessory uses and buildings as a unit, together with such open spaces as are required by this Planning and Zoning Code. A zoning lot may or may not coincide with a lot of record and may comprise more than one contiguous parcel. Unless the context clearly indicates the contrary, the term "lot" is used synonymously with "zoning lot" throughout this Code.
- (c) "Corner lot" means a lot abutting on two streets at their intersections, where the interior angle of intersection is not more than 135 degrees.
- (d) "Interior lot" means a lot other than a corner lot or through lot.
- (e) "Through lot" means a lot which has two street lines opposite each other, and which are parallel, or within forty-five degrees of being parallel to each other.
- (f) "Lot line" means the boundary of a lot separating it from a public street or adjoining public or private land.
- (g) "Front lot line" means the lot line separating an interior lot from the street upon which it abuts irrespective of building orientation. On corner lots or through lots, the front lot line shall be the shortest dimension on a street. If the dimensions of such lot are equal, the property owner may designate one of the lot lines as the front, subject to approval by the Planning and Zoning Commission. Such designation shall be made at the time of application for a building permit for the initial construction of the main building. Unless the context clearly indicates the contrary, the term "front lot line" is synonymous with "street line".
- (h) "Rear lot line" means a lot line parallel or within forty-five degrees of being parallel to the front lot line.
- (i) "Side lot line" means a lot line which is neither a front nor rear lot line.
- (j) "Lot depth" means the mean horizontal distance of a lot measured between the front and rear lot lines.
- (k) "Lot width" means the horizontal distance of a lot measured along the required building line at a right angle to the mean lot depth line.
- (l) "Street frontage" means the horizontal distance of a lot measured along a street right-of-way line or street line.

(Ord. 1984-20. Passed 11-4-84; Ord. 1998-62. Passed 9-14-98; Ord. 2001-50. Passed 8-13-01.)

1107.14 OFFICE.

- (a) "Office, general or professional" means an establishment providing executive, management,

administrative or professional services, but not including medical offices, investment offices or retail services.

- (b) "Office, investment" means an establishment that is licensed to act as an intermediary between buyers and sellers in executing transactions of securities or commodities and may also provide research and advice to clients, but not including a bank, credit union, or savings association.
- (c) "Office, medical" means an establishment providing consultation, examination and treatment to human patients on an outpatient basis by one or more physicians, dentists, psychologists, optometrists, therapists, chiropractors or other medical personnel and where patients are not lodged overnight.
(Ord. 1998-62. Passed 9-14-98.)

1107.15 OCCUPANCY PERMIT.

"Occupancy permit" means an official statement asserting that a given building, other structure or parcel of land, and its use is in compliance with the provisions of all existing Codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.

(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.16 PERFORMANCE STANDARD.

"Performance standard" means a criterion established to control enclosure, dust, smoke, fire and explosive hazards, glare and heat, noise, odor, toxic and noxious matter, vibrations, drainage, erosion and other conditions created by or inherent in uses of land or buildings.

(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.160 PLANNING AND ZONING CODE.

"Planning and Zoning Code", or "this Code" means Ordinance 1963-586, passed December 9, 1963, as amended, which is codified as Titles One to Five of this Part Eleven - Planning and Zoning Code. (Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.161 RECREATIONAL VEHICLES AND TRAILERS.

- (a) "Recreational vehicle" means a vehicle or portable structure designed and constructed to be used for travel, recreational or vacation uses, including but not limited to the following:
 - (1) Travel trailers, motor homes, truck campers, fifth-wheel trailers, buses or fold out camping trailers that may be self-propelled or nonself-propelled with facilities enabling them to be used as a temporary dwelling; or
 - (2) Watercraft, including boats, floats, rafts, wet bikes, jet skis or other vehicles designed or used for transporting persons or property on the water and the normal equipment to transport same; or
 - (3) Off-road vehicles, including all-terrain vehicles, snowmobiles, trail bikes or other vehicles designed or used for transporting persons or property on nonimproved surfaces and the normal equipment to transport same.
- (b) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and

the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.

(Ord. 2007-06. Passed 2-12-07.)

1107.17 RETAIL SALES.

“Retail sales” means an establishment where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such store.

(Ord. 1998-62. Passed 9-14-98.)

1107.18 RETAIL SERVICE.

“Retail service” means an establishment primarily engaged in providing direct consumer services at the site of the business, but not including offices.

(Ord. 1998-62. Passed 9-14-98.)

1107.19 SIGN.

A “Sign” shall have the meaning provided in Chapter 1143 of this Planning and Zoning Code.

(Ord. 2014-39. Passed 10-13-14.)

1107.191 SITE PLAN.

“Site Plan” means a plan, to scale, showing uses and structures existing and proposed for a parcel of land and containing those elements as required by Section 1109.04 of this Planning and Zoning Code.

1107.20 STREET; ALLEY; DRIVEWAY.

- (a) "Street" or "road" means an existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.
- (b) "Private street" means an improved right of way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas and driveways.
- (c) "Alley" means a street providing service to the rear or side of a lot also abutting on other streets.
- (d) "Driveway" means a private path providing access for vehicles between a building or structure and a public or private street. Except for one-family and two-family dwellings, vehicle access provided between a street or land and a parking space, parking area, loading areas, or between two parking areas shall also be considered to be a driveway.

(Ord. 1993-38. Passed 7-12-93; Ord. 1998-62. Passed 9-14-98; Ord. 2001-50. Passed 8-13-01.)

1107.21 USE.

- (a) "Use" means any purpose for which buildings, structures or land may be arranged, designed, intended, maintained or occupied; or any occupation, business, activity or operation carried on in a building or other structure or on land.

- (b) "Main use" means the principal purpose of, or activity in a building, other structure or land.
- (c) "Accessory use" means a use located on the same zoning lot or development area with the main use of building or land, but incidental to the main use of the main building or land.
(Ord. 1963-586. Passed 12-9-63.)

1107.22 VARIANCE.

"Variance" means an adjustment of this Planning and Zoning Code, allowing either area or use variances, when the applicable factors set forth in Section 1111.07 of this Planning and Zoning Code weigh in favor of the granting of the variance.
(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.23 YARDS AND SETBACKS.

- (a) "Yard" means that portion of the open area on a zoning lot extending between a main building and the nearest lot line, open and unobstructed from the ground upwards except for accessory uses and projections as permitted in this Planning and Zoning Code.
- (b) "Front yard" means the yard extending from the front wall of the building to the front lot line across the full width of the lot.
- (c) "Rear yard" means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
- (d) "Side yard" means the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
- (e) "Setback" means the minimum distance required between any building or structure and a lot line or right of way in order to comply with the regulations of the district in which the lot is located. Use of the word "yard" without the adjectives "required" or "minimum" connotes the term "yard" in its general sense as defined in subsection (a) hereof.
(Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.24 PLANNING AND ZONING CODE.

"Zoning Code", "Planning and Zoning Code", or "this Code" means Ordinance 1963-586, passed December 9, 1963, as amended, which is codified as Titles One to Five of this Part Eleven - Planning and Zoning Code. (Ord. 1963-586. Passed 12-9-63; Ord. 1998-62. Passed 9-14-98.)

1107.25 ZONING DISTRICT, OVERLAY.

"Overlay District" means a zoning district that encompasses one or more underlying zones and imposes additional or alternative requirements to those required by the underlying zone. Overlay Districts are designated on the official Zoning Map.
(Ord. 1999-23. Passed 4-26-99.)

CHAPTER 1109
Administration and Enforcement

- [1109.01](#) **Intent.**
 - [1109.02](#) **Applicability.**
 - [1109.03](#) **Conditions for issuance of certificates and permits.**
 - [1109.04](#) **Application requirements.**
 - [1109.05](#) **Review and approval procedures.**
 - [1109.06](#) **Expiration and renewal of certificates and permits.**
 - [1109.07](#) **Enforcement and penalty.**
 - [1109.08](#) **Fees and deposits.**
 - [1109.09](#) **Public notifications and hearings.**
- [Table A](#)

CROSS REFERENCES

- Rezoning and variance fees - see ADM. [125.06](#)
- Building permits and fees - see BLDG. Ch. [1307,1309](#)
- Occupancy permit defined - see P. & Z. [1107.15](#)

1109.01 INTENT.

It is the intent of these regulations to establish procedures which require compliance with this Planning and Zoning Code and which also ensure equitable and expeditious handling of applications for subdivision approvals, zoning certificates, building permits and occupancy permits, as further regulated in the Building Code. Specifically, the purposes and relationships of these Municipal authorizations are as set forth below:

- (a) Subdivision Approvals. Subdivision approvals are required in order to certify that proposed lots comply with the Planning and Zoning Code and other applicable Municipal ordinances and requirements prior to consideration of an application for a Zoning Certificate.
- (b) Zoning Certificates. Zoning Certificates are established to certify compliance with this Planning and Zoning Code prior to issuance of a building permit or occupancy permit.
- (c) Building Permit. Building permits are established to authorize proposed construction or similar activity in compliance with the Building Code and other applicable municipal ordinances and requirements.
- (d) Occupancy Permits. Occupancy permits are established to authorize initial or replacement occupancy of a building, or part thereof, or land subsequent to completion of activity in compliance with the Planning and Zoning Code, Building Code and other applicable municipal ordinances and requirements.
(Ord. 1984-20. Passed 11-6-84.)

1109.02 APPLICABILITY.

Subdivision approvals, zoning certificates, building permits and occupancy permits shall be required for activities listed below. No such activity nor grading and excavation in preparation for such activity shall be commenced prior to the granting of the required authorization. Questions regarding applicability should be directed to the Administrator prior to commencement of activity.

- (a) Subdivision Approval Required. Subdivision of land to create one or more additional recorded lots or to alter lot lines.
- (b) Zoning Certificate Required. Erection, enlargement or moving of a building or other structure; also, a change in the use of a building, structure or land.

- (c) **Building Permit.**
 - (1) **Required:** Erection, enlargement, alteration, repair, demolition or moving of a building, retaining wall or other structure, and the excavation or grading of land, except as noted in subsection (c)(2) hereof.
 - (2) **Not required:** Unless otherwise specified in the Planning and Zoning Code to be reviewed by a Board or Commission, alterations and repairs which do not affect basic structural elements and do not materially alter exterior appearance.
(Ord. 1984-20. Passed 11-6-84.)
- (d) **Occupancy Permit Required.** Initial occupancy of a building or land, completion of an activity requiring a building permit, and for nonresidential uses, occupancy which commences with a change in use, tenancy, business ownership or termination of a vacancy of six months or more.
(Ord. 2014-70. Passed 11-10-14.)

1109.03 CONDITIONS FOR ISSUANCE OF CERTIFICATES AND PERMITS.

Certificates and permits shall be issued only for applications, work and uses in full compliance with the Planning and Zoning Code, Building Code and other applicable municipal ordinances and requirements. Furthermore, permits and certificates shall be issued in accordance with the following conditions:

- (a) **Actions by Municipality.** No zoning certificate, building permit or occupancy permit shall be issued prior to granting of required variances by the Board of Zoning Appeals (see Chapter [1111](#)), determinations of similar use, as applicable, by the Planning and Zoning Commission (see Chapter [1147](#)), and approvals by the Planning and Zoning Commission, Architectural Board of Review and other municipal officers as required below and by other provisions of the Codified Ordinances. (Ord. 1984-20. Passed 11-6-84.)
- (b) **Actions by Applicant.** No zoning certificate, building permit or occupancy permit shall be issued for a building on a lot which is not located in a duly recorded subdivision, is not located on a public or private street, or for which improvements required by the Municipality have not been installed or acceptably guaranteed.
(Ord. 2014-58. Passed 10-13-14.)

1109.04 APPLICATION REQUIREMENTS.

Applications for subdivision approvals, Zoning Certificates or Occupancy Permits shall be submitted to the Administrator in accordance with the following regulations. Each application shall be signed by the applicant and submitted along with two paper copies and an electronic copy, unless otherwise required by the Administrator. Each application for a Zoning Certificate shall contain the elements listed below.

- (a) **Narrative Information.**
 - (1) Name, mailing address electronic mail address and telephone number of applicant and property owner.
 - (2) Address and parcel number(s) of subject property.
 - (3) Legal description of property.
 - (4) Zoning district, existing and proposed use(s).
 - (5) For all uses proposed or to be retained: building and structure heights, number of parking spaces, number of dwelling units, total building coverage, and floor area by type of use.
 - (6) Certification of compliance with environmental performance regulations as required in

Section [1144.03](#).

- (b) Site Plans. Plans drawn at a scale of one-inch equals forty feet, or as otherwise required by the Administrator, indicating the following information in a clear and legible manner. (Ord. 1984-20. Passed 11-6-84.)
- (1) Existing and proposed property lines of the subject parcel(s), documented by a professional survey, with all dimensions indicated. (Ord. 2006-17. Passed 6-26-06.)
 - (2) Locations, heights, finished grades, and first floor elevations of existing main buildings on contiguous parcels.
 - (3) Contiguous streets, with the distance to the nearest intersecting street indicated if not shown. Existing topography showing contours at intervals of not less than two feet.
 - (4) Proposed topography, showing contours at intervals of not less than two feet. (Ord. 1984-20. Passed 11-6-84.)
 - (5) Existing buildings by type of use, parking spaces, loading spaces, roads, drives and walkways, showing representative dimensions and locations based on a professional survey. (Ord. 2006-17. Passed 6-26-06.)
 - (6) Buildings and uses to be demolished or eliminated.
 - (7) Proposed buildings and additions by location, type of use, parking spaces, loading spaces, roads, drives and walkways, showing representative dimensions including heights, finished grades, and first floor elevations.
 - (8) Location, type and height of proposed outdoor lighting.
 - (9) Common open space and landscaping to be provided in accordance with the requirements of Chapter [1142](#), including the location of trees or tree clusters to be retained and those to be removed.
 - (10) Proposed and existing signs, shown in accordance with the application requirements of Section [1143.05](#) (b).
- (c) Exceptions. The Administrator may waive any of the above requirements which he determines to be inapplicable in specific instances.
- (d) Building Permit Applications. Applications which incorporate building permit applications shall also contain all information required for building permits in Part Thirteen - Building Code. (Ord. 1984-20. Passed 11-6-84.)

1109.05 REVIEW AND APPROVAL PROCEDURES.

The following procedures are established to govern the review and approval process regarding applications for subdivision approvals, zoning certificates, building permits and occupancy permits.

- (a) Acceptance by Administrator. The Administrator shall promptly review each application submitted to determine whether all required information has been provided. If the application is deemed insufficient, the Administrator shall promptly notify the applicant and reject acceptance of the application for processing. If the application is deemed sufficient in terms of required information and the applicable fee has been paid, the Administrator shall officially accept the application on that date for consideration of the action(s) requested.
- (b) Transmittal for Review. Upon official acceptance of an application, the Administrator shall transmit copies to the Municipal bodies and officers responsible for review or approval, as stated below. The Administrator shall issue no permits or certificates prior to required approvals.

- (1) Architectural Board of Review. The Architectural Board of Review shall approve or disapprove all building permit applications.
 - A. Compliance. The Architectural Board of Review shall review such applications for compliance with the Building Code, general design standards, and design standards established in this Planning and Zoning Code for buildings, signs and other uses and grade changes of three inches or more as required by Chapter 1146. The Architectural Board of Review shall conduct its review in accordance with Chapters 1115 and 1146 as applicable.
 - B. Meeting Notice. Ten days prior to the initial review of an application that allows for the exercise of discretion, the Architectural Board of Review shall notify by first class mail owners of property abutting, and directly across the street from, the location of the property involved in the application request. The notification shall set forth the time and place of the meeting and a summary of the proposed application request. Meeting Notice shall be given for applications that include the erection of a main building. Other applicable sections of the code where discretion is given to the Architectural Board of Review and meeting notice is required are:
 1. Section 1125.04(a)(6) Garage height.
 2. Section 1131.07(a) Building length.
 3. Section 1146.06 Demolition and moving.
 - C. Meetings. All meetings of the Architectural Board of Review shall be open to the public unless otherwise allowed by law. The Architectural Board of Review shall receive and consider public comment and information relevant to an application during the review process. The Architectural Board of Review may establish such rules as may be necessary for the effective proceeding of any meeting.
 - D. Review Process. Except for those applications subject to Concurrent Review as set forth herein, the review process for an application shall be in two phases: the preliminary plat review and the final plat review. However, the applicant is also encouraged to meet with the Administrator or Architectural Board of Review prior to submitting an application for preliminary plat review. The purpose of this meeting would be to discuss early and informally with the applicant the requirements of the Planning and Zoning Code and the Design Guidelines.
 1. Preliminary plat. The application shall submit a preliminary plat of the proposed design that shall conform with the requirements set forth in Section 1109.04.
 - (a) The preliminary plat allows the applicant to present all information needed to determine that the proposed design satisfies the requirements of Chapters 1115 and 1146 as applicable. In its review of an application, the Architectural Board of Review may request that the applicant supply additional information the Architectural Board of Review deems necessary to adequately review and evaluate the proposed design.
 - (b) The Architectural Board of Review shall approve, approve with modification or disapprove the preliminary plat. If the Architectural Board of Review does not grant preliminary approval, it shall verbally advise the applicant of the reasons preliminary approval was not

granted or it may specify modification which would make the preliminary plat acceptable. Approval of the preliminary plat shall be conditioned upon compliance with all other applicable statutes and ordinances of the Municipality. Preliminary plat approval shall be obtained, which may be conditioned upon obtaining any needed variances, or modifications prior to the applicant seeking a variance from the Board of Zoning Appeals.

- (c) Preliminary approval shall be evidence that the concepts presented are acceptable to the Architectural Board of Review, and the project should proceed to final drawings, or for consideration for any variances or modifications if applicable in order for the applicant to obtain a building permit.
 - 2. Final plat. The applicant, having received approval of the preliminary plat of the proposed design, and any necessary variances from the Board of Zoning Appeals or modifications from the Planning and Zoning Commission in order to obtain a building permit for the proposed plans of the applicant, shall submit a final plat of the design. The Architectural Board of Review shall approve the final plat if it determines that the design is in accordance with the approved preliminary plat, and any variances granted by the Board.
 - 3. Concurrent review. The Architectural Board of Review may accept a concurrent submission of a Preliminary plat and a Final plat, provided that such submission satisfies the submittal requirements of this chapter, and no variances from the Board of Zoning Appeals or modifications from the Planning and Zoning Commission will be requested for the project.
 - E. Approval/Disapproval. The Architectural Board of Review shall either approve, approve with modification or disapprove the final plat in accordance with the review and approval procedures set forth in Section 1109.05 and the standards of Chapters 1115 and 1146, as applicable. In conjunction with a motion on the final plat, the Architectural Board of Review shall state the reasons that support the decision.
- (2) Planning and Zoning Commission.
- A. Subdivisions. The Planning and Zoning Commission shall approve or disapprove all subdivision applications based on the Subdivision Regulations and Improvement Standards in Chapter 1161 of the Codified Ordinances.
 - B. Zoning Certificates. The Planning and Zoning Commission shall also approve or disapprove Zoning Certificate applications which propose an action as follows:
 - 1. A change of use or enlargement of a use which affects the number of parking spaces; and any change in the number or arrangement of off-street parking or loading spaces.
 - 2. Erection or moving of any main building in all zoning districts except R1 and R2F Districts.
 - C. Meeting Notice. The Planning and Zoning Commission shall review such applications for compliance with the Planning and Zoning Code. Ten days prior to the initial review of an application that allows for the exercise of discretion, the Planning and Zoning Commission shall notify by first class mail owners of property abutting, and directly across the street from, the location of the property

involved in the application request. The notification shall set forth the time and place of the meeting and a summary of the proposed application request. Applicable sections of the code where discretion is given to the Planning and Zoning Commission and meeting notice is required are:

1. Section 1125.03(l) Modifications to front yard setback.
 2. Section 1125.04(b)(5) Driveways on adjoining lots.
 3. Section 1127.07(c) Area, yard and setback requirements.
 4. Section 1129.07(c) Area, yard and setback requirements.
 5. Chapter 1130, Residential Mixed Use Development plans.
 6. Section 1131.07(e) Area, yard and setback requirements.
 7. Chapter 1149, Wireless telecommunications facilities.
 8. Chapter 1126, Cluster Development plans.
- (3) Municipal Engineer. The Municipal Engineer shall approve or disapprove all subdivision approval applications and any building permit applications which propose construction requiring a grade change of three inches or more, and may require grading plans to be submitted, in addition to any plan required by the Planning and Zoning Code or Subdivision Regulations if necessary to determine the impact on the drainage shed.
- (4) Bureau of Fire Prevention. Approval by the Bureau of Fire Prevention shall be required for all building permits authorizing erection, enlargement or repair of structures and for the installation of Solar Energy Systems in accordance with Chapter 1153. (See Section [1501.13](#) of the Fire Prevention Code.)
- (5) Council. Council approval shall be required for all subdivision approval applications proposing the creation of five or more additional lots and for any application which proposes the widening, extension or opening of public or private roads (with the exception of a single access driveway serving a one or two-family dwelling). Council shall not consider any application that has been disapproved by the Architectural Board of Review, Planning and Zoning Commission or Municipal Engineer, where such approval is required, except as referred to in Chapter [1111](#).
- (6) Other Municipal officers. The Administrator shall also submit applications for review and recommendation to the Police Chief and other municipal officers, as applicable.
- (7) Board of Zoning Appeals. The Board of Zoning Appeals shall hear any questions or disputes involving interpretation of this Planning and Zoning Code and shall determine whether or not to grant variances or render decisions on administrative appeals in accordance with Chapter 1111 of this Planning and Zoning Code.
- (c) Time Limitations for Review. In order to ensure expeditious handling of applications, the following time limitations for review are established for applications which require approval of the Architectural Board of Review, Planning and Zoning Commission, Municipal Engineer or Council. Where various plans required as components of a building permit application are submitted separately, the time limitations shall apply to each separate submission from the date of its acceptance.
- (1) Architectural Board of Review. Applications submitted to the Architectural Board of Review shall be considered at the next regularly scheduled meeting which occurs twenty or more days after official acceptance of the application by the Administrator. Applications for the review of signs requiring permits shall be considered at the next regularly scheduled meeting which occurs ten days or more after official acceptance.

The Architectural Board of Review shall make its final determination no later than forty-five days after the date of its required consideration.

- (2) Planning and Zoning Commission. Applications submitted to the Planning and Zoning Commission shall be considered at the next regularly scheduled meeting which occurs ten or more days after official acceptance of the application by the Administrator and after the satisfaction of the notification period required in Sections [1161.04](#) or [1109.05](#)(b)(2). The Planning and Zoning Commission shall make its final determination no later than forty-five days after the date of its required consideration.
 - (3) Board of Zoning Appeals. Applications submitted to the Board of Zoning Appeals shall be considered in accordance with the provisions of Section [1111.04](#). The Board of Zoning Appeals shall make its final determination no later than forty-five days after the date of closure of the public hearing(s) on an application.
 - (4) Bureau of Fire Prevention. Applications submitted for review and recommendation to the Bureau of Fire Prevention shall be reviewed within thirty days after official acceptance by the Administrator.
 - (5) Municipal Engineer. Applications submitted to the Municipal Engineer for review and consideration shall be reviewed within thirty days after official acceptance by the Administrator.
 - (6) Council. Applications submitted to Council shall be approved or disapproved within forty-five days after all other required approvals have been granted and closure of any required public hearing(s).
 - (7) Extensions. The applicant may agree to extensions of any of the above time limitations in order to permit plan revisions or the continuation of the review process.
- (d) Effective Approval. Except for administrative appeals or variances granted by the Board of Zoning Appeals, approvals granted under this section shall expire within twelve months if the work authorized by the approval has not materially commenced. The permit expiration may be extended by the Administrator in the event of a change of circumstances, and for good cause shown, provided that there has been substantial progress on the work authorized.
- (e) Final Action by Administrator. Subsequent to all required approvals, the Administrator shall promptly issue the appropriate permit or certificate. If an application has been disapproved by the Municipal bodies or officers responsible for that determination, the Administrator shall so notify the applicant in writing, providing copies of all written action taken by the Council or any board or commission of the Municipality.
- (Ord. 2010-09. Passed 4-12-10.)

1109.06 EXPIRATION AND RENEWAL OF CERTIFICATES AND PERMITS.

In order to ensure that the intent of Municipal authorizations is not altered by changing circumstances, the following regulations are established governing the expiration of certificates and permits.

- (a) Zoning Certificates. Zoning Certificates are issued as a prerequisite to issuance of a building permit or occupancy permit, as required. If neither the building permit nor occupancy permit, as required, has been issued within six months after the issuance of zoning certificate, such zoning certificate shall become null and void.
- (b) Building Permits. Building permits shall be issued for a period of one year and may be renewed while construction is diligently pursued.
- (c) Occupancy Permits. Occupancy permits shall be issued for a period of one year for nonresidential uses and for an indefinite period of time for residential uses.

Each nonresidential occupancy permit shall be renewed by the occupant to become effective July 1, of each year. A renewal fee may be charged to cover filing and inspection costs.
(Ord. 1984-20. Passed 11-6-84.)

1109.07 ENFORCEMENT AND PENALTY.

The following regulations are established to ensure adequate and equitable enforcement of the provisions of this Planning and Zoning Code.

(a) Inspections.

- (1) Subsequent to the issuance of a building permit, the Administrator shall make periodic inspections as required in the Building Code to ensure that work is proceeding as authorized.
- (2) The Administrator shall inspect all buildings and land periodically to certify the conforming or nonconforming status of all uses and structures.

(b) Order for Elimination of Violations.

- (1) The Administrator shall record and investigate any report of an alleged violation of this Planning and Zoning Code or the Subdivision Regulations which is submitted to him in writing, signed by the complainant.
- (2) If the Administrator finds that any provisions of this Code or the Subdivision Regulations or related ordinances are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and actions necessary to correct it. Such notice shall be served on the responsible person personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified and regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address, or the building affected.
- (3) The Administrator shall order the cessation, removal or other correction of the violation, as appropriate.
- (4) After issuance of such order, no construction or other work requiring a building permit shall be conducted at the subject property until the violation has been corrected.
- (5) If any person receiving a notice of violation under this section responds to such notice with a written statement of intent or desire to resolve the violation, the Administrator shall respond to such statement and shall, in writing, give such person a reasonable time to resolve the violation if no immediate danger to the public is present. The time to resolve shall be at least 10 days and no more than 60 days as determined by the Administrator who shall consider:
 - A. The extent to which the person has benefited by the violation;
 - B. The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation;
 - C. The recidivism of the person, including previous notices and orders to comply and previous enforcement action;
 - D. Good faith efforts of the person to remedy the violation; and
 - E. The duration of the violation before a notice and order to comply was served pursuant to this section

(Ord. 1984-20. Passed 11-6-84.)

F. Penalty.

1. Any person who is responsible for a violation of this Planning and Zoning Code, or any person who fails to comply with an order made by the

Administrator in enforcing this Code, is guilty of a misdemeanor of the third degree.

2. Each day such violation is committed or continued shall constitute a separate offense, commencing one day after the Administrator's order is served on the owner, his employee, tenant or other agent or any other person who is responsible for the violation.
3. Fines shall not be levied while work in correcting such violation is pursued diligently.
4. If the Administrator determines that correction of a violation is not feasible, the Administrator shall issue a citation for each offense and require any remedies necessary to mitigate adverse impacts of the violation, or complete elimination of the use.
 (Ord. 2006-27. Passed 6-26-06.)

G. Records.

1. The Administrator shall maintain records of all subdivision approval, zoning certificate, building permit and occupancy permit applications considered and of all authorizations subsequently issued.
2. Similarly, the Administrator shall maintain records of all written and signed violation reports received.
3. Such records shall be available to the public upon request.
 (Ord. 1984-20. Passed 11-6-84.)

1109.08 FEES AND DEPOSITS.

Fees, as set by Council, shall be imposed to cover administrative costs incurred by the Municipality in processing various applications. Monetary deposits shall be required to cover variable costs incurred by the Municipality for consultant services and the advertising, court reporting and transcribing costs and conducting of hearings. No application shall be officially accepted and dated until all required fees and deposits have been paid.

- (a) Fees. Council may establish fees for applications for subdivisions, zoning certificates, building permits, occupancy permits, variances, interpretations of the Code, and requests for rezoning.
- (b) Deposits. For applications requiring approval by the Planning and Zoning Commission or the Board of Zoning Appeals, the applicant shall be required to deposit a sum as specified by ordinance sufficient to cover expenses incurred by the Municipality for public hearing advertisements, for services performed by the Municipal Engineer, Planning Consultant, Municipal Architect and Law Director, and for other expenses related to review of an application. Such expenses shall be approved for payment by the Administrator. Upon final disposition of the application, any monetary balance remaining shall be returned to the applicant.

(Ord. 1984-20. Passed 11-6-84.)

TABLE A
 Actions Requiring Various Types of Municipal Authorizations

Proposed Action Regarding A <u>Structure or Land</u>	<u>Zoning Certificate</u>	<u>Building Permit</u>	<u>Planning & Zoning Commission Approval</u>	<u>ABR Approval</u>	<u>Municipal Engineer Approval</u>
Land subdivision			X		X

Change in use	X		X1		
Erection	X	X	X2	X	X
Enlargement	X	X	X1	X	
Moving	X	X	X2	X	
Demolition		X		X	
Alteration	X	X		X	
Repair		X		X	
Outdoor Lighting			X	X3	X3

1. Planning and Zoning Commission approval required only if a change in the number of required parking spaces is involved.
2. For main buildings; except in R1 and R2F Districts.
3. Except in R1 and R2F Districts

1109.09 PUBLIC HEARING NOTIFICATIONS AND HEARINGS.

- (a) Notifications. Where required by the Ohio Revised Code or the Planning and Zoning Code, public hearings shall be scheduled, and notice provided of such public hearing in accordance with the following:
 - (1) Written notice, whether by publication or mail shall:
 - A. Indicate the date, time and place of the hearing.
 - B. Specify the address or location of the subject property.
 - C. Describe the scope and purpose of the application.
 - D. Identify the Municipal department where the public may view the application and related documents.
 - E. Include a statement that the public may appear, speak, and present written comments regarding the application, so long as the comments are made available to the proponent of the matter that is the subject of the public hearing and remain available to be examined on the comments made by such proponent, other interested parties and the Board, Commission, Council or other agency considering the matter.
 - (2) Notice of the public hearing shall be posted to the official web site of the Municipality at least fifteen (15) days before the date of the hearing.
 - (3) If such application concerns any request other than an interpretation of the text of such zoning ordinance, notice of the hearing shall also be mailed by the Clerk of Council, by first class mail, at least fifteen (15) days before the hearing date, to owners of property within and contiguous to, and directly across the street from, the location of the property involved in the application request, as well as to all owners of property within three hundred (300) feet of the location of the property involved in the application request. The addresses of such owners shall be obtained from the addresses appearing on the County Auditor’s tax list or the County Treasurer’s mailing list. The failure to mail notices to owners whose names do not appear on such lists, as well as the failure of delivery of such notice, shall not invalidate any such action by the Board.
 - (4) During the fifteen (15) days preceding the hearing, a copy of the application submitted by the applicant shall be on file for public inspection in the office of the Clerk of Council.
- (b) Minor defects in any published or mailed notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with

applicable notice requirements. Minor defects shall be considered those which do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a finding as to whether there was substantial compliance with the notice requirements of this Planning and Zoning Code prior to final action on the request. When the records of the Municipality document the publication or mailing of required notices, it shall be presumed that notice of a public hearing was given as required by this section.

- (c) Hearings. Hearings shall be conducted in the following manner. Hearings shall be public. Upon the day of a hearing the reviewing body may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing unless the reviewing body so decides.

CHAPTER 1111 Appeals and Variances

- [1111.01](#) **Intent.**
- [1111.02](#) **Jurisdiction.**
- [1111.03](#) **Application for appeals or variances.**
- [1111.04](#) **Notices.**
- [1111.05](#) **Meetings, quorum and vote.**
- [1111.06](#) **Record of recommendations.**
- [1111.07](#) **Reasons for granting variances.**
- [1111.08](#) **Variances for yards; supplemental standards.**
- [1111.09](#) **Landscape and protective features.**
- [1111.10](#) **Action by Council.**

CROSS REFERENCES

- Board of Zoning Appeals - see CHTR. [Art. VII, Sec. 5](#); ADM. Ch. [136](#)
- Appeals from administrative agencies - see Ohio R. C. Ch. 2506
- Fees for variances - see ADM. [125.06](#)
- Variance defined - see P. & Z. [1107.22](#)

1111.01 INTENT.

The Board of Zoning Appeals shall hear any questions or disputes involving the interpretation of provisions of this Planning and Zoning Code, which shall be final, unless the matter is referred to the Council as set forth in this Chapter [1111](#). The Board of Zoning Appeals shall determine whether or not a variance from the strict letter of the Planning and Zoning Code should be granted. The Board of Zoning Appeals shall determine whether decisions of administrative officers, boards or commissions should be affirmed, reversed or modified on appeal.
(Ord. 2016-69. Passed 12-12-16.)

1111.02 JURISDICTION.

The Board of Zoning Appeals shall adopt such rules and regulations, provided they are not in conflict with this Planning and Zoning Code or other ordinances of the Municipality, as may be necessary to carry into effect the powers and jurisdiction conferred upon it as follows:

- (a) To hear appeals of final decisions made by the Administrator, or by any administrative officer, board or commission of the Municipality, on matters relating to the Planning and Zoning Code, or when directed by other provisions contained in the Codified Ordinances of the Municipality, for relief from any order, requirement, decision or determination, including the grant or refusal to grant a permit, or the revocation of a permit contemplated by this Planning and Zoning Code; which decision shall be final unless the matter is referred to the Council pursuant to this Chapter [1111](#) of the Planning and Zoning Code;
- (b) To hear and determine applications for variances from the terms provided in the Planning and Zoning Code subject to the standards provided in the Planning and Zoning Code;
- (c) To hear and determine all matters specifically referred to the Board of Zoning Appeals for determination, such as a determination of district boundary lines or the interpretation of the Planning and Zoning Code, when the matter is referred to the

Board of Zoning Appeals in the Planning and Zoning Code or other provisions of the Codified Ordinances.

(Ord. 2016-71. Passed 12-12-16.)

1111.03 APPLICATION FOR APPEALS OR VARIANCES.

An appeal shall be considered by the Board of Zoning Appeals only after formal action has been taken by the Administrator or other officers, boards or commissions with regard to an application for a building permit, zoning certificate, issuance of a stop order, specific referral or some similar action; provided that:

- (a) Within ten (10) days of such action, application for appeal from a decision shall be filed with the Administrator; and when applicable, an application for a variance shall be filed with the Administrator; and
- (b) Application for appeal or variance shall include reference to the decision or section of this Planning and Zoning Code from which the appeal or variance is sought and all necessary data in accordance with the form provided.
- (c) An application for an appeal may be filed only by the person who has been denied a building permit, zoning certificate or any other authorization, or a person who has received a stop work order under any provision of the Codified Ordinances, or any property owner who should have received a notice of a request for approval of a project pursuant to Section [1109.05](#) of the Codified Ordinances and who has an interest, established by law, in the disposition of such matter.(Ord. 2008-03. Passed 3-24-08.)
- (d) Prior to filing an application for a variance from the Board of Zoning Appeals, for the erection, enlargement and/or alteration of a building in the Municipality, the applicant shall be required to first obtain preliminary plan approval from the Architectural Board of Review for such building.

(Ord. 2016-71. Passed 12-12-16.)

In the event an appeal is filed pursuant to this section, the Building Inspector shall issue an order to the permit recipient to discontinue all work authorized under such permit, in accordance with Section [1307.10](#), during the pendency of the appeal. Further work performed under such permit, during the pendency of the appeal, shall be deemed to be in violation of this provision.

(Ord. 2008-03. Passed 3-24-08.)

1111.04 NOTICES.

The Board of Zoning Appeals, upon receiving an application for a variance, or an appeal from the decision of the Administrator, Architectural Board of Review or other administrative entity, shall hold a public hearing. Notice of a public hearing shall be in accordance with Section 1109.09 of the Planning and Zoning Code.

1111.05 MEETINGS, QUORUM AND VOTE.

- (a) Hearing of Appeals and Variances. The Board shall allow any interested party to submit admissible evidence or testimony to the Board, provided that all testimony shall be submitted under oath, and all interested parties shall be permitted to cross-examine witnesses and present their positions, arguments and contentions. In the event the Board determines that evidence or testimony is not admissible, the Board shall permit the proffer of such evidence in a manner which allows for the creation of a complete record.
- (b) Quorum and Vote. A majority of the members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business. In each case a motion or motions shall

be made to grant the relief requested. Such motions may be made and seconded by members who are opposed to the motion. The affirmative vote of three members of the Board shall be necessary for any official decision. Failure to receive three (3) affirmative votes will constitute a denial of the motion pending before the Board and will result in an affirmance of the prior administrative action being reviewed, or the requested variance(s) will be considered denied. Prior to voting on a motion, Board members shall state facts which support their decision. Such facts shall become the basis for Conclusions of Fact by the Board. Members may state their agreement with a prior articulation of facts and need not restate all facts supporting their decision prior to voting on the motion.

- (c) Decisions and Conclusions of Fact. After the public hearing, the Board shall make its determination which shall include a decision and conclusions of fact. The Board shall also prepare its record in accordance with Section 1111.06 of this Chapter, when the matter will be referred to Council for review of the decision of the Board of Zoning Appeals. (Ord.2008-03. Passed 3-24-08; Ord. 2016-69. Passed 12-12-16.)

1111.06 RECORD OF DECISION

- (a) The Board of Zoning Appeals, upon making any decision contemplated by this Chapter [1111](#), shall have its secretary immediately notify, in writing, the Clerk of Council of such action and notify each member of Council, using the electronic mail address they have provided to the Clerk of Council for receiving notices of Council business, or if none, by personal delivery, of the action taken by the Board of Zoning Appeals.
- (b) Within fifteen (15) days after receipt of the written notification by the Clerk of Council from the Board of Zoning Appeals, of each decision made by such Board, any three (3) or more members of Council may, in writing, with copies provided to each member of Council at their electronic mail address, or if none by personal delivery, in any form or manner such Council members deem appropriate, request that the Clerk of Council set a public hearing to review the decision of the Board of Zoning Appeals, in which case the Council shall receive testimony, and consider the evidence presented to Council, which shall also include the record to be prepared and provided by the Board of Zoning Appeals to Council, including its ~~their~~ decision and conclusions of fact, and the decision of Council shall be final in regard to any exception, variance, interpretation or review of orders of administrative officials, boards or agencies of the Municipality, and a majority of Council shall be required to either affirm or reverse the decision of the Board of Zoning Appeals.
- (c) Notice of the hearing by Council shall be given as provided in Section 1109.09 of the Planning and Zoning Code, including to the applicant before the Board of Zoning Appeals that is the subject of the review by Council.
- (d) If three (3) or more members of Council failed to request a hearing within fifteen (15) days after receipt of notification of the decision of the Board of Zoning Appeals by the Clerk of Council, the decision of the Board of Zoning Appeals shall be final.
- (e) The notice to be provided by at least three (3) members of Council to have such Board of Zoning Appeals' decision reviewed by Council shall provide the name of the applicant, the address of the property that is the subject of the exception or variance, and which action(s) of the Board of Zoning Appeals will be reviewed by Council.
- (f) Clerk of Council shall give notice of the hearing of the request for review by the three (3) or more Council members to the applicant, the law director and the secretary of the Board of Zoning Appeals. (Ord. 2016-69. Passed 12-12-16.)

1111.07 REASONS FOR GRANTING VARIANCES.

- (a) The Board of Zoning Appeals, and in the case of a review of the Board of Zoning Appeals' decision by Council, may, in specific cases, vary, modify or waive the application of certain provisions of this Planning and Zoning Code, after making findings of fact setting forth the reasons therefor, in order that the public health, safety, convenience, comfort and general welfare may be safeguarded and substantial justice done.
- (b) Variances shall not be granted for uses not permitted in the zoning district applicable to the property, unless a literal application of this Planning and Zoning Code would result in an unnecessary hardship that:
 - (1) Was not self-created;
 - (2) Is due to unique conditions existing on the property;
 - (3) The property cannot be used for the purposes for which it is zoned;
 - (4) Will not violate the spirit of the Planning and Zoning Code;
 - (5) Is the minimum necessary to avoid the unnecessary hardship; and,
 - (6) Results from special conditions unique to the property being reviewed.
- (c) Area variances may be granted on the basis of a finding of a practical difficulty. While no single factor controls in the determination of a practical difficulty, the factors to be considered and weighed include, but are not limited to:
 - (1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services;
 - (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
 - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and,
 - (8) Whether the variance is based on circumstances that are self-created or exist as a result of actions of the property owner.

(Ord. 2008-03. Passed 3-24-08.)

1111.08 VARIANCES FOR YARDS; SUPPLEMENTAL STANDARDS.

The Board of Zoning Appeals, or in the case of a review of its decision by Council, the Council, may permit variations of yard regulations in a residential district for a lot of record, provided the Board of Zoning Appeals, or Council, as the case may be, finds that privacy will not be impaired, and that light and ventilation will be adequate on such lot and not unduly diminished on adjoining lots.
(Ord. 2016-69. Passed 12-12-16.)

1111.09 LANDSCAPE AND PROTECTIVE FEATURES.

The Board of Zoning Appeals, or in the case of a review of its decision by Council, the Council, upon making various determinations, shall endeavor to protect adjoining property, to assure safety of pedestrians and convenience of traffic movements within the area in question, and may require the

provision of curbs, guard rails, walls, fences or other landscape or protective features, to further the purposes of this Planning and Zoning Code.
(Ord. 2016-69. Passed 12-12-16.)

1111.10 ACTION BY COUNCIL.

- (a) When required to review a decision of the Board of Zoning Appeals, pursuant to Section [1111.06](#) of the Zoning Code, each case shall be considered by Council upon the record created by the Board of Zoning Appeals, and as supplemented by the evidence presented by the applicant, the Municipality or anyone else interested in the proceeding.
- (b) Council shall apply the laws of the Municipality to the facts of the case as those facts are contained in the record which was created by the Board of Zoning Appeals or supplemented in the proceedings before Council, where testimony shall be taken under oath and subject to issuance of subpoenas upon request, and such testimony shall be subject to cross examination whether it be presented at the Board of Zoning Appeals or Council.
- (c) In the event the Council does not follow the decision of the Board of Zoning Appeals, Council shall make its own decision and shall adopt Conclusions of Fact which support its decision, and which are found in the record.
- (d) At any time prior to a final decision of the Board of Zoning Appeals, or Council, the applicant may withdraw the application. Receipt of notice of the withdrawal of an appeal or an application for a variance or exception, at any time prior to final action by the Board of Zoning Appeals, or Council, as the case may be, shall reinstate the prior decision of any administrative officer or body and the appeal or application for a variance or exception shall be treated as though it had not been submitted, except that the applicant will not be entitled to the return of any fees, deposits or costs required in this Planning and Zoning Code.
- (e) After reviewing the Board of Zoning Appeals' decision, Council may affirm, affirm and modify or reverse the decision of the Board of Zoning Appeals by a majority vote of all of its members.
- (f) Immediately following Council's decision, notice of such decision shall be mailed to the applicant and all interested parties who personally appeared before Council to support affirmance or reversal of the decision of the Board of Zoning Appeals.
- (g) The applicant or any such interested party who was harmed by action of Council may appeal Council's decision pursuant to Ohio R.C. Chapter 2506.
(Ord. 2016-69. Passed 12-12-16.)

CHAPTER 1113
Amendments and Similar Uses

- 1113.01** Intent.
- 1113.02** Initiation of amendment.
- 1113.03** Action by Commission.
- 1113.04** Action by Council.
- 1113.05** Current record of text and Map.
- 1113.06** Determination of Similar Uses

CROSS REFERENCES

Mandatory referral for rezoning - see CHTR. Art. X, Sec. 4
Fees for rezoning - see ADM. 125.06

1113.01 INTENT.

This Planning and Zoning Code may be amended periodically in order to keep pace with new zoning techniques and changes in enabling legislation governing municipal planning and zoning. The Code may also be amended when a general hardship prevails in a given area, when new extensive developments affecting the use of land are being planned.
(Ord. 1963-586. Passed 12-9-63.)

1113.02 INITIATION OF AMENDMENT.

A proposed amendment to the zoning text or Map may be initiated either by a property owner, the Mayor, Planning and Zoning Commission or a member of Council. If initiated by a property owner, the Mayor or Council, the ordinance to amend the Planning and Zoning Code shall be referred to the Commission before action is taken by Council.
(Ord. 1963-586. Passed 12-9-63.)

1113.03 ACTION BY COMMISSION.

The Planning and Zoning Commission may approve or disapprove a proposed amendment, either in whole or in part, and submit its recommendation to Council.
(Ord. 1963-586. Passed 12-9-63.)

1113.04 ACTION BY COUNCIL

- (a) Upon receiving the recommendation of the Planning and Zoning Commission on a proposed amendment, or in the event no action is taken by the Commission on the proposed amendment within 45 days after (i) the referral by Council, or (ii) 60 days after a complete rezoning application is received from a property owner, Council shall hold a public hearing. For all proposed text or Map amendments, notice shall conform to the requirements of Section 1109.09 of the Planning and Zoning Code.
- (b) If a Map amendment proposes to rezone or redistrict ten contiguous parcels or less, notice of the hearing shall be made in accordance with Section 1109.09 of this Planning and Zoning Code.
- (c) After the public hearing, Council may adopt the proposal whether it is recommended or not recommended by the Commission by majority vote of those elected to Council. If Council modifies the proposal, it may resubmit the proposed modification to the Commission for further consideration. The Clerk of Council shall submit to the Commission a copy of any action taken by Council in regard to the Planning and Zoning Code. (Ord. 2014-37. Passed

8-25-14.)

1113.05 CURRENT RECORD OF TEXT AND MAP.

The Administrator shall maintain a permanent and current record of the Planning and Zoning Code showing all amendments to the text and Map.

(Ord. 1963-586. Passed 12-8-63.)

1113.06 DETERMINATION OF SIMILAR USES.

- (a) Upon application for a permit for a building or use not specifically listed in any of the permitted building or use classifications in any of the districts, or on its own initiative, additions or clarifications thereto may be made by the Planning and Zoning Commission, in compliance with the following standards:
 - (1) Such use is not listed in any other classification of permitted buildings or uses and is not specifically prohibited in this Planning and Zoning Code;
 - (2) Such use is more appropriate to, and conforms more closely to the basic characteristics of the classification to which it is to be added than to any other classification;
 - (3) Such use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than the other uses listed in the classification to which it is to be added; and
 - (4) Such use does not generate traffic to a greater extent than the other uses listed in the classification to which it is to be added.

(Ord. 1963-586. Passed 12-9-63.)
- (b) The Planning and Zoning Commission may recommend such additions or clarifications to Council. If Council, by a majority vote of its members, concurs with the recommendation of the Commission, such use shall be deemed to be similar and permitted in the requested use district. No public hearing shall be required to include the similar use in a use district.
(Ord. 1963-586. Passed 12-9-63.)

CHAPTER 1115
Design Review

- [1115.01](#) **Intent.**
- [1115.02](#) **Applicability and limitations.**
- [1115.03](#) **Administrative procedures.**
- [1115.04](#) **Standards of review.**
- [1115.05](#) **Demolition and moving.**
- [1115.06](#) **Maintenance requirements.**
- [1115.07](#) **Supplemental regulations.**

CROSS REFERENCES

Review and approval procedures - see P. & Z. [1109.05](#)

1115.01 INTENT.

In order to maintain and enhance the distinctive character of the Municipality these regulations are established to achieve, among others, the following objectives:

- (a) To preserve and protect the public health, safety and welfare by maintaining the high character of community development;
- (b) To protect the real estate within the Municipality from impairment or destruction of value by regulating, according to proper architectural principles, the design, use of materials, finished grade lines and orientation of all new buildings, signs and structures, hereafter erected and the moving, alteration, improvement, repair, addition, or demolition of the exterior of all existing buildings; and
- (c) To consider the historical and architectural nature of existing buildings, signs and structures within the Municipality and the compatibility of proposed changes or proposed new buildings, signs and structures with such existing buildings, signs and structures.
(Ord. 2010-10. Passed 4-12-10.)

1115.02 APPLICABILITY AND LIMITATIONS.

- (a) **Applicability.** No building or other structure in the Municipality shall be erected, altered in exterior construction or appearance, enlarged, moved or demolished unless such action complies with the provisions of this chapter. The painting of buildings and structures shall not be governed by these regulations nor buildings considered Historic that are regulated under Chapter [1146](#).
- (b) **Limitation.** In administering these provisions, it is not intended to insist that new construction or alterations copy either existing architectural styles or existing decorative detail. Further, the Architectural Board of Review shall not be overly restrictive in its judgment of structures not highly visible from a public street or public property, except where such construction or alteration would materially and adversely affect another property.
(Ord. 2010-10. Passed 4-12-10.)

1115.03 ADMINISTRATIVE PROCEDURES.

The following procedures are established to govern the processing of applications for building permits and other municipal authorizations in accordance with the regulations of this chapter.

- (a) **Mandatory Referral.** As directed by Section [1109.05](#)(b)(1), all requests for building permits shall first be referred to the Architectural Board of Review for a determination of compliance with the provisions of the Planning and Zoning Code.

- (b) Grade. Where an applicant for a building permit proposes to change the existing grade of a lot by more than three (3) inches, the Architectural Board of Review shall review such change to ensure that the proposed building elevations and site grading are compatible with contiguous property and that the proposed building or structure meets the standards set forth in Section 1115.04.
- (c) Conformance. Construction shall be in conformance with an approved Final Plan. No material changes shall be made to an approved Final Plan prior to or during construction. If the Administrator determines that any action has caused a material change to an approved Final Plan, the applicant ~~plan~~ shall be referred back to the Architectural Board of Review for consideration of such change, All work related to the Final Plan shall cease and the Administrator shall suspend any permit issued in reliance upon such approval until the change in the Final Plan is finally resolved.
- (d) Appeal. An appeal to the Board of Zoning Appeals shall be made in accordance with Chapter 1111 of the Planning and Zoning Code.
(Ord. 2010-10. Passed 4-12-10.)

1115.04 STANDARDS OF REVIEW.

The Architectural Board of Review has the authority to regulate, according to proper architectural principles, the design, use of materials, finished grade lines and orientation of new construction, and to make recommendations to the applicant regarding the proposed design. In conducting its review, the Architectural Board of Review shall:

- (a) Consider and take cognizance of the development of adjacent, contiguous, and neighboring properties for the purpose of achieving safe, harmonious, and integrated development of related properties;
- (b) Consider the Village of Chagrin Falls Design Guidelines adopted by the Council on October 10, 2005, and as may thereafter be amended, as well as design standards of Section 1115.07;
- (c) Consider the relationship of each design element to the building or structure as a whole;
- (d) Consider the potential for the design, by virtue of its location, to materially and adversely impact another building or property; and
(Ord. 2010-10. Passed 4-12-10.)
- (e) State reasons to support its decision as required by Section 1109.05((b)(1)(E) of the Planning and Zoning Code.
(Ord. 2016-72. Passed 12-12-16.)

1115.05 DEMOLITION AND MOVING.

The demolition or moving of a building or structure shall be permitted only after the applicant has obtained all permits required to be issued by the Planning and Zoning Code and other applicable ordinances of the Municipality. The applicant shall obtain preliminary and final approval from the Architectural Board of Review for the building or structure that is to replace it.
(Ord. 2010-10. Passed 4-12-10.)

1115.06 MAINTENANCE REQUIREMENTS.

- (a) Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the Administrator upon certification of an unsafe condition constituting an emergency.
- (b) Similarly, nothing in this chapter shall be construed to govern or restrict routine maintenance activities, which do not represent alterations in exterior appearance.

(Ord. 2010-10. Passed 4-12-10.)

1115.07 SUPPLEMENTAL REGULATIONS.

Design Guidelines relating to responsibilities and duties of the Architectural Board of Review based on the foundation of the Charter and Codified Ordinances of the Municipality were adopted by Council on October 10, 2005. For additional design regulations for specific uses or zoning districts, refer to the following among others:

- (a) Building and site design regulations for attached single family development in the ASF District as set forth in Sections 1127.07.
- (b) Regulations for garages in the ASF District as set forth in Section 1127.08.
- (c) Building and site design regulations for multifamily development as set forth in Section 1129.07.
- (d) Building and site design regulations for attached single family development and multifamily development in the RMU District as set forth in Sections 1130.09.
- (e) Regulations for garages in the RMU District as set forth in Section 1130.10.
- (f) Building and site design regulations for the RL district as set forth in Sections 1131.07.
- (g) Regulations for garages in the RL District as set forth in Section 1131.08.
- (h) Modification of side yard setback requirements in the Office District as set forth in Section 1135.04.
- (i) Modification of side yard setback requirements in the Retail Business District as set forth in Section 1137.04.
- (j) Modification of side yard setback requirements in the Central Shopping District as set forth in Section 1138.04.
- (k) Fencing for utility uses as set forth in Section 1142.07.
- (l) Design standards for signs as set forth in Section [1143.08](#).
- (m) Design standards for cluster development as set forth in Section 1126.05(d) and 1126.05(h).
(Ord. 2010-10. Passed 4-12-10.)
- (n) Retaining Walls as set forth in Section 1148.07.
- (o) Outdoor Lighting as set forth in Chapter 1150 of this Planning and Zoning Code.

TITLE THREE - Zoning Districts and Regulations

- Chap. [1119.](#) Districts Established; Zoning Map.
- Chap. [1121.](#) Conservation District.
- Chap. [1123.](#) Park District.
- Chap. [1124.](#) Institutional District.
- Chap. [1125.](#) Residential Districts: Detached One- and Two-Family.
- Chap. [1126.](#) Residential Districts: Detached One-Family Cluster
- Chap. [1127.](#) Residential Districts: Attached Single-Family.
- Chap. [1129.](#) Residential Districts: Multi-Family.
- Chap. [1130.](#) Residential Districts: Mixed Use.
- Chap. [1131.](#) Residential Districts: Retirement Living.
- Chap. [1135.](#) Office District.
- Chap. [1137.](#) Retail Business District.
- Chap. [1138.](#) Central Shopping District.
- Chap. [1139.](#) Limited Industrial District.

**CHAPTER 1119
 Districts Established; Zoning Map**

- [1119.01](#) **Districts.**
- [1119.02](#) **Regulations.**
- [1119.03](#) **Zoning Map.**
- [1119.04](#) **District boundary lines.**
- [1119.05](#) **Annexed territory.**

CROSS REFERENCES

- Record of Map - see P. & Z. [1113.05](#)
- Zoning Map changes - see P. & Z. [App. B](#)

1119.01 DISTRICTS.

For the purpose of this Planning and Zoning Code, and to carry out its objectives, the following classification of districts is hereby established in the Municipality:

<u>Title</u>	<u>Abbreviation</u>
Conservation District	C
Park District	P
Institutional District	I
Residential Districts	
One-Family 100	R1-100
One-Family 60	R1-60
One-Family 50	R1-50
One-Family Cluster	R1-C
Two-Family	R2F
Attached Single Family	ASF
Multi-Family 10	RMF-10
Multi-Family 15	RMF-15
Retirement Living	RL
Business Districts	

Office Building	O
Retail Business	R
Central Shopping	CS
Limited Industrial	LI
Overlay Districts	
Residential Mixed Use	RMU

(Ord. 1999-23. Passed 4-26-99.)
(Ord. 1963-586. Passed 12-9-63.)

1119.02 ZONING MAP.

The aforesaid districts are designated by symbols and the locations and boundaries of such districts are established on the Map entitled "Zoning Map of the Municipality of Chagrin Falls, or the Village of Chagrin Falls Zoning Map ", or similar title and referred to in the Planning and Zoning Code as the Map or Zoning Map. The notations, schedules and other information shown thereon and all amendments thereto are hereby made a part of this Planning and Zoning Code. The Map shall indicate the approval of the Planning and Zoning Commission and adoption by Council. The Map, or a print thereof, shall be on file with the Clerk of Council and the Administrator and shall be the final authority as to the status of current zoning map districts.

(Ord. 1963-586. Passed 12-9-63.)

1119.03 DISTRICT BOUNDARY LINES.

The district boundary lines of the Map enclose an area of a designated district, and generally follow the center lines of streets, alleys, and lot lines or their extensions, provided, however:

- (a) Where a district boundary line is shown by dimension or relationship as being located a specific distance from and parallel to a street or property line, such distance shall control;
- (b) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right of way;
- (c) Where a district boundary line divides a parcel of land, the location of such boundary, unless related to fixed points on the property boundary, shall be determined by scale, and the parts of the lot shall comply with the regulations of the district in which each part is located;
- (d) Where a district boundary line does not coincide with any of the aforesaid lines, and where it is not located by dimensions or fixed points shown on the Map, it shall be determined by the scale appearing thereon.
- (e) In locations where the Administrator cannot determine the district line in accordance with the above rules, the Board of Zoning Appeals shall determine the exact location.
(Ord. 1963-586. Passed 12-9-63.)
- (f) Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then be subject to all appropriate regulations of the extended district.

1119.04 ANNEXED TERRITORY.

All territory which may hereafter be annexed to the Municipality if already zoned shall be continued in its existing zone classification until amended in conformance with the procedure outlined in this Planning and Zoning Code.

(Ord. 1963-586. Passed 12-9-63.)

**CHAPTER 1121
Conservation District**

- 1121.01** Intent.
- 1121.02** Permitted uses.
- 1121.03** Area, yard and height regulations.
- 1121.04** Development standards.
- 1121.05** Sign regulations.
- 1121.06** Access and parking.

1121.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, the Conservation District shall be applied only to publicly owned land and is established for the following objectives:

- (a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic areas;
- (b) To preserve and protect wildlife habitats;
- (c) To conserve natural resources and protect the ecological balance of an area; and
- (d) To provide opportunities for environmental education and outdoor recreation that are compatible with the other objectives of the District.

(Ord. 1996-33. Passed 6-10-96.)

1121.02 PERMITTED USES.

In a Conservation District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Forestry.
 - (2) Hiking trails, boardwalks, and footpaths.
 - (3) Forest preserves, wildlife habitats, fishing, and fish breeding habitats.
 - (4) Observation stations and interpretive displays.
 - (5) Shelters or storage areas.
- (b) Accessory Uses.
 - (1) Off-street parking areas, driveways and walkways.
(Ord. 1996-33. Passed 6-10-96.)
 - (2) Sanitation facilities completely enclosed within a permitted main building or structure, or suitably and attractively screened from view where such screening is in conformance with Section 1142.07 of the Planning and Zoning Code
(Ord. 2014-69. Passed 11-10-14.)
 - (3) Lighting structures as regulated in Chapter 1150 of this Planning and Zoning Code and flagpoles.
 - (4) Fences, walls and hedges as regulated in Chapter 1148.
(Ord. 1996-33. Passed 6-10-96.)

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

In the Conservation District, land and structures shall be developed and maintained in accordance with area, yard and height regulations authorized by the Planning and Zoning Commission. Such authorization shall be based on a site plan as required in Section 1109.04 and the following:

- (a) The objectives of Section 1121.01;
- (b) The Development Standards set forth in Section 1121.04; and

- (c) Recommendations from the Administrator, Municipal Engineer and other Municipal officers as applicable.
(Ord. 1996-33. Passed 6-10-96.)

1121.04 DEVELOPMENT STANDARDS.

In the Conservation District, land and structures shall be developed and maintained in accordance with the following standards:

- (a) The preservation and appropriate management of all timber shall be encouraged.
- (b) The preservation and appropriate management of wildlife and wildlife habitats shall be encouraged.
- (c) The planting of trees, shrubs and aids for the protection of wildlife and for erosion control shall be encouraged, and when undertaken, shall be in accordance with an approved development plan.
- (d) Buildings or structures shall be situated as to:
 - (1) Leave scenic views or vistas into and out from the development area unblocked or uninterrupted, where, in the opinion of the Planning and Zoning Commission those views or vistas are prominent or locally significant.
 - (2) Prevent the threat of pollution of waterways with sewage, trash, soil or other pollutants.
 - (3) Complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading, and maximize the conservation of trees, watercourses, and other natural features.
- (e) When necessary, public access will be restricted.
- (f) Any utility lines serving the district shall be located underground.
(Ord. 1996-33. Passed 6-10-96.)
- (g) Driveways, parking areas, illumination of parking areas and pedestrian circulation systems shall be constructed in accordance with the objectives of this chapter and the plans for such construction shall be reviewed and subject to approval by the Municipal Engineer.
- (h) More than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District.

1121.05 SIGN REGULATIONS.

Incidental signs shall be permitted. The number, size and placement of such signs shall be the minimum necessary as approved by the Administrator.
(Ord. 1996-33. Passed 6-10-96.)

CHAPTER 1123 Park District

- [1123.01](#) Intent
- [1123.02](#) Permitted uses.
- [1123.03](#) Area, yard and height regulations.
- [1123.04](#) Screening.

1123.01 INTENT.

In addition to the applicable provisions of the objectives stated in Section 1105.03 of this Planning and Zoning Code, it is the intent of these district regulations to provide recreational land and facilities appropriately located and designed to serve primarily the local population in a safe and convenient manner while minimizing adverse impacts to adjoining residential areas

1123.02 PERMITTED USES.

In a Park District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses. Public parks, playgrounds and athletic fields; and swimming pools
- (b) Accessory Uses.
 - (1) Off-street parking and loading areas, driveways and walkways.
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters [1142](#) and [1148](#) of the Planning and Zoning Code.
 - (3) Lighting structures as regulated in Chapter 1150 of this Planning and Zoning Code, and flag poles.
 - (4) Utility, maintenance, sanitation and storage facilities completely enclosed within permitted main buildings or suitably and attractively screened from view where such screening is in conformance with Section 1142.07 of the Planning and Zoning Code

1123.03 AREA YARD AND HEIGHT REGULATIONS.

In a Park District, land and structures shall be developed and maintained in accordance with the area, yard and height regulations as determined by the Planning and Zoning Commission in accordance with the stated intent of Section 1123.01 of this Planning and Zoning Code.

1123.04 SCREENING.

The Planning and Zoning Commission may require screening on the lot of a proposed use or development in a Park District wherever that lot adjoins a residential district. Such screening shall be required if deemed necessary by the Planning and Zoning Commission to protect the privacy, welfare, value and character of the adjoining residential area. The Planning and Zoning Commission shall determine if the standards for screening contained in Chapter 1142 of the Zoning Code shall apply.

**CHAPTER 1124
Institutional District**

- [1124.01](#) **Intent.**
- [1124.02](#) **Permitted uses.**
- [1124.03](#) **Area and height regulations.**
- [1124.04](#) **Yard and Setback regulations.**
- [1124.05](#) **Grouping of main buildings.**
- [1124.06](#) **Lighting.**
- [1124.07](#) **Signs.**
- [1124.08](#) **Screening.**
- [1124.09](#) **Supplemental regulations.**

CROSS REFERENCES

- Parks - see S.& P.S. Ch. [951](#)
- District established - see P. & Z. Ch. [1119](#)

1124.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to provide governmental, civic, educational, and religious facilities appropriately located and designed to serve primarily the local population in safety and convenience while minimizing adverse impacts to adjoining residential areas.

(Ord. 2014-71. Passed 11-10-14.)

1124.02 PERMITTED USES.

In an Institutional District, buildings and land shall be used by right for only the main and accessory uses set forth below.

(a) Main Uses.

- (1) Educational. Primary and secondary schools, public or private, and preschool day care centers, but not including private trade or business schools, dance studios or similar uses permitted in a Retail Business District.
- (2) Recreational. Public parks, playgrounds and athletic fields; and swimming pools.
- (3) Religious. Places of worship; and cemeteries.
- (4) Governmental. Village hall, library, police station, fire station or ambulance service, sewer and water treatment service garages and yards and similar governmental services, provided that all such facilities are operated by or under contract to the Municipality.
(Ord. 1984-20. Passed 11-6-84.)

(b) Accessory Uses.

- (1) Off-street parking and loading areas, driveways and walkways.
(Ord. 1984-20. Passed 11-6-84.)
- (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
(Ord. 1995-18. Passed 4-10-95.)
- (3) Utility, maintenance, sanitation and storage facilities completely enclosed within permitted main buildings or suitably and attractively screened from view. where such screening is in conformance with Section 1142.07 of the Planning and Zoning Code
(Ord. 2014-71. Passed 11-10-14.)
- (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
- (5) Signs, as regulated in Chapter 1143 .
- (6) Lighting structures as regulated in Chapter 1150 of this Planning and Zoning Code, and

- flag poles. (Ord. 1984-20. Passed 11-6-84.)
- (7) Limited sales incidental to the main use and completely enclosed within an otherwise permitted main building and further provided that such use has no outside identification or direct customer entrance.
 (Ord. 2014-71. Passed 11-10-14.)

1124.03 AREA AND HEIGHT REGULATIONS.

In an Institutional District, land and structures shall be developed and maintained in accordance with the following area and height regulations.

- (a) Lot Size and Width. As determined by the Planning and Zoning Commission in accordance with the stated intent of Section 1124.01 of this Planning and Zoning Code
- (b) Building Coverage. Twenty-five percent (25%) of lot area, maximum for all main and accessory buildings. (Ord. 1987-19. Passed 9-28-87.)
- (c) Height.
 - (1) Main buildings. Three stories maximum and not exceeding forty feet.
 - (2) Accessory structures. Eight feet maximum for fences and walls, except fifteen feet maximum for fences necessary to enclose tennis courts; fifteen feet maximum for other accessory structures.
 - (3) Exceptions to height limitations. Rooftop mechanical equipment, steeples, spires, cupolas, domes and similar features that do not add additional floor area to the main building may extend a maximum of ten feet above the highest point of the building on which they are located.
 - (4) Rooftop mechanical equipment shall be set back from any building face a distance at least equal to the height by which it exceeds the building height.
 (Ord. 1984-20. Passed 11-6-84.)

1124.04 YARD AND SETBACK REGULATIONS.

In an Institutional District, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of subsection (b) hereof.

- (a) Main Buildings. The minimum setback from a lot line to a main building shall be as set forth below.
- (b)

<u>Yard</u>	<u>Minimum Setback (feet)</u>		
	<u>To street R.O.W. line</u>	<u>To Residential District line</u>	<u>To other lot line</u>
Front	35	-	-
Side (each)	20	40*	20
Rear	20	40**	20

* but no less than 20% of lot width at the actual building line.
 ** but no less than 20% of lot depth.

(c) Accessory Structures or Use. The minimum setback from a lot line to an accessory structure or use shall be as set forth below.

<u>Accessory Use</u>	<u>Minimum Setback (feet)</u>		
	<u>To street R.O.W. line</u>	<u>To Residential District line</u>	<u>To other lot line</u>
Buildings	*	20	10
Surface parking area	*	15	5
Driveway	*	15	5
Flag poles	5	20	5
Walkways	0	5	5

* Not permitted in front yards except that drives are permitted only as necessary in providing access to a public right of way
 (Ord. 1984-20. Passed 11-6-84.)

1124.05 GROUPING OF MAIN BUILDINGS.

More than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District.

1124.06 LIGHTING.

Outdoor lighting shall be governed by Chapter 1150, except that all lighting shall be extinguished between the hours of 11:00 p.m. and 7: 00 a.m.

1124.07 SCREENING.

The Planning and Zoning Commission may require screening on the lot of a proposed use or development in an Institutional District wherever that lot adjoins a residential district. Such screening shall be required if deemed necessary by the Planning and Zoning Commission to protect the privacy, welfare, value and character of the adjoining residential area. The standards for screening contained in Sections [1142.06](#)(b) and (c) of the Planning and Zoning Code shall apply.
 (Ord. 1984-20. Passed 11-6-84.)

1124.08 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.
 (Ord. 1984-20. Passed 11-6-84.)

CHAPTER 1125
Residential Districts: Detached One and Two-Family

- 1125.01** Intent.
- 1125.02** Permitted uses.
- 1125.03** Area, yard and height regulations: main buildings.
- 1125.04** Area, yard and height regulations; accessory structures.
- 1125.05** Home occupations; renting of rooms.
- 1125.06** Landscaping requirements.
- 1125.07** Visibility at intersections.
- 1125.08** Supplemental parking regulations.
- 1125.09** Keeping chickens.

CROSS REFERENCES

- Night parking of commercial vehicles - see TRAF. [351.15](#)
- Home occupation defined - see P. & Z. [1107.11](#)
- Signs permitted - see P. & Z. [1143.04](#)(h)

1125.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote development of low-to-medium density housing under conditions which maximize safety and minimize environmental disturbances to residents.
(Ord. 1984-20. Passed 11-6-84.)

1125.02 PERMITTED USES.

In Detached One and Two-Family Residential Districts, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) In R1-100, R1-60 and R1-50 Districts: one-family detached dwellings.
 - (2) In an R2F District: one and two-family detached dwellings
(Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory Uses.
 - (1) Garages, driveways and walkways as regulated in Section 1125.04(a) and (b) of this Planning and Zoning Code.
 - (2) Private swimming pools and other private recreational uses as regulated in Section 1125.04(d) of this Planning and Zoning Code.
 - (3) Landscape features as regulated in Section 1125.06 of this Planning and Zoning Code.
 - (4) Fences, walls and hedges as regulated in Chapter [1148](#) of this Planning and Zoning Code.
 - (5) Central air-conditioner units, generators, heat pumps, as regulated in Section 1125.04 (e) and (f) of this Planning and Zoning Code.
 - (6) Signs, as regulated in Chapter [1143](#) of this Planning and Zoning Code.
 - (7) Home occupations, renting of rooms as regulated in Section 1125.05 of this Planning and Zoning Code.
(Ord. 2014-57. Passed 10-13-14.)

1125.03 AREA, YARD AND HEIGHT REGULATIONS: MAIN BUILDINGS.

Lots in R1 and R2F Districts shall be occupied by no more than one (1) main building per lot, and further, shall be developed and maintained in accordance with the following regulations.

	<u>R1-100</u>	<u>R1-60</u>	<u>R1-50</u>	<u>R2F</u> <u>1F/2F</u>
(a) Lot size, minimum (sq. ft.)	20,000	9,000	6,000	6,000/ 8,000
(b) Lot width at building line, minimum (ft)	100	60	50	50/60
(c) Street frontage: minimum (ft.)*	100	60	50	50/60
(d) Lot depth: minimum (ft.)	160	120	100	100/120
(e) Coverage by main building, maximum	18%	20%	24%	24%/27%
(f) Front yard setback, minimum (ft.)	50	35	30	30/30
(g) Side yard setback, minimum (ft.)				
w/attached garage: each side	10	5	3	3/5
total	24	12	8	8/12
w/detached garage: each side	14	5	3	3/5
total	28	15	12	13/15
corner lots, from side street **	10	10	10	10/10
(h) Rear yard setback, minimum (ft.)	50	40	30	30/30
				(or 30% of depth, whichever is less)
(i) Dwelling unit area, minimum (sq. ft.)				
1 - story building	1,200	950	800	750/950
2 - 2 1/2 story building	1,500	1,250	1,100	800/1,100

*except as permitted in subsection (m) hereof
 ** except as regulated in subsection (n) hereof
 (Ord. 1998-41. Passed 6-8-98.)

- (j) Height. The height of a dwelling shall not exceed thirty- five feet above finished grade. The Architectural Board of Review shall determine finished grade. Chimneys and antennae located on the dwelling may exceed this limitation but are limited to a maximum height of fifteen feet above the roof line. (Ord. 1984-20. Passed 11-6-84.)
- (k) Projection of Building Features into Setbacks.
 - (1) Certain architectural features may project from a dwelling into any setback a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a setback any distance greater than a setback line that has been established by a variance. For purposes of this subsection, architectural features shall

include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.

- (2) Entrance features not exceeding forty-eight (48) square feet may project into a setback a maximum distance of six feet provided that no projection shall extend into a setback any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty-eight (48) square feet shall meet the setback requirements of the main building.
(Ord. 2014-57. Passed 10-13-14.)
- (l) Modifications to Required Front Yard Setback. For a lot located on a block which is occupied along at least fifty percent (50%) of its frontage by one or two-family detached dwellings, the Planning and Zoning Commission may establish a front yard setback equal to the average existing setback of dwellings located within 100 feet on either side of the lot proposed for development. However, the front yard setback shall not be less than two-thirds of that established in subsection (f) hereof.
- (m) Street Frontage on Curved Streets. For lots which front on a curved street segment, the minimum street frontage required in subsection (c) hereof shall be reduced in proportion to the degree of curvature. The minimum permitted street frontage for such lots shall be that distance which results from side lot lines drawn as radials of the circle(s) formed from the front lot line.
(Ord. 1984-20. Passed 11-6-84.)
- (n) Garages. Each dwelling unit shall be served by a garage located on the same lot. An attached garage is part of the main building when a wall or roof between the dwelling and attached garage has a minimum of forty percent (40%) of the length of the garage wall or roof in common with the dwelling wall or roof. For dwelling units located on a corner lot and having an attached garage with garage doors facing the side street, the minimum distance from the side street line to the garage portion of the main building shall be twenty feet.
(Ord. 2014-57. Passed 10-13-14.)

1125.04 AREA, YARD AND HEIGHT REGULATION; ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings and structures shall not be located in setbacks except as permitted herein. However, landscape features and private gardens in conformance with applicable height and visibility regulations may be located in any setback. Accessory structures shall comply with the yard regulations of this Section.

- (a) Accessory Buildings Including Detached Garages. Accessory buildings, including detached garages, shall be in accordance with the following standards:
 - (1) The minimum interior dimensions of a detached garage shall be twenty feet in length and nineteen feet in width.
 - (2) All accessory buildings and structures, including detached garages, and detached Outdoor Fireplaces for each lot shall not exceed 700 square feet in total area and shall not occupy more than thirty percent (30%) of the rear yard.
 - (3) Such buildings shall be located only in rear yards, a minimum distance of three feet from each lot line. If the side or rear yard requirement is greater than three feet, architectural and entrance features may project into any setback a maximum distance of three feet, but in no event shall such feature extend to less than three feet from any

lot line. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs. Entrance features shall include steps, landings, platforms and unenclosed porches.

- (4) For corner lots, the minimum distance from the side street line shall be five feet plus the setback for the main building.
 - (5) For through lots not abutting alleys, the minimum distance from the rear lot line shall be twenty feet plus the average front yard setback of the adjoining lots having street frontage on the street opposite the front line of the through lot. Where there are no adjoining lots, the minimum distance from the rear lot line shall be the required side yard setback plus five feet. (Ord. 2014-01. Passed 2-23-04.)
 - (6) The maximum height of an accessory building shall not exceed eighteen feet. The Architectural Board of Review may approve a height of no more than twenty-two feet for an accessory building to permit a roof pitch that is architecturally compatible with the main building on the lot and on property in proximity to the lot when required by Chapter 1146. Such approval shall be in accordance with the following compatibility requirements:
 - A. The maximum height shall not exceed twenty-two feet;
 - B. The maximum height shall not exceed that of the main building;
 - C. Regardless of the height of the building, the maximum height of the sidewalls of a garage shall not exceed ten feet from the floor of the garage to the top of the sidewall; and
 - D. The distance of an accessory building from the side and rear lot lines shall increase by one foot for each foot over eighteen feet in building height. Where the computation results in a fractional unit, the requirement shall be rounded up to the closest foot.
 - (7) No portion of an accessory building may be occupied for residential use. (Ord. 2014-57. Passed 10-13-14.)
- (b) Driveways. Driveways shall be permitted in accordance with the following standards:
- (1) Each dwelling unit shall be served by a driveway located on the same lot.
 - (2) Such driveway shall have a minimum width of eight feet and a maximum width of twenty feet at the intersection with the public right of way.
 - (3) The amount of improved area designed for parking and driveways in each setback shall not exceed twenty-five percent (25%) of the front yard and thirty percent (30%) of the rear yard.
 - (4) Driveways may be located in any setback with the exception of side yards less than ten feet in width. Additionally, each driveway shall be set back a minimum distance of two feet from any dwelling unit, except at the point of access to an attached garage. A driveway on one lot shall maintain a minimum distance of six feet from a driveway on an adjoining lot and two feet from any other adjoining lot line.
 - (5) Driveways on adjoining lots shall not be located in proximity to a common side lot line unless approved by the Planning and Zoning Commission for considerations of safety.
 - (6) The centerline of each driveway shall be at least twenty feet from the right- of-way line of the nearest intersecting street. (Ord. 2001-50. Passed 8-13-01.)
 - (7) Driveways that do not connect to a garage are prohibited.

(Ord. 2006-03. Passed 2-13-06.)

(c) Fences, Walls and Hedges. Fences, walls and hedges are permitted as regulated in Chapter 1148.

(d) Recreational Uses.

- (1) Swimming pools. Swimming pools shall be located only in rear yards and shall be set back a minimum distance of ten feet from each lot line. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence as regulated in Chapter 1148.
- (2) Recreation courts. Tennis, basketball and other recreation courts shall be located only in rear yards and shall be set back from each lot line a minimum distance of ten feet as measured either from the enclosing fence or, if no fence is required, from the edge of the court surface. Tennis courts shall be enclosed by a metal chain link or mesh fence as regulated in Chapter 1148. This section shall not restrict the location of a basketball backboard that is not part of a basketball court but is attached to an existing structure or a pole located beyond the required front yard for a building or side yard for a driveway.
- (3) Outdoor Fireplaces. Outdoor Fireplaces are permanent structures that include a firebox and chimney. Such structures may be attached or detached from the dwelling and are permitted in accordance with the following standards:
 - A. Any Outdoor Fireplace that is attached to a dwelling shall be considered to be part of the dwelling.
 - B. Any Outdoor Fireplace that is detached from the dwelling shall not exceed fifteen (15) feet in height. Outdoor Fireplaces shall be constructed of decorative brick or stone and shall have an equal level of finish materials on all sides. A detached Outdoor Fireplace shall be considered a building for purposes of calculating the total accessory area permitted on a lot in Section 1125.04 (a)(1).
 - C. Fuel for Outdoor Fireplaces shall be restricted to non-treated, seasoned, dry wood, and shall not contain any rubbish, garbage, rags, trash, or any material coated with rubber, plastic, leather or petroleum-based materials or any flammable or combustible liquids. However, alternative burning systems that are specifically designed for Outdoor Fireplaces utilizing such energy sources as electricity or gas may also be used.
 - D. The use of an Outdoor Fireplace shall be in compliance with the Environmental Performance Regulations set forth in Chapter 1144 and with the Fire Prevention Code.
 - E. The use of an Outdoor Fireplace shall not create a public nuisance or health hazard due to smoke, fumes, sparks, heat, debris, or odor.
- (4) Play Structures. Outdoor play structures with a footprint in excess of fifty (50) square feet in area or a height greater than twelve (12) feet shall be located only in side or rear yards and set back a minimum distance of three (3) feet from each lot line as measured from the property line to the outer edge of any support framework of the equipment or any supporting framework. The area, for footprint measurement, shall be that of a rectangle that encloses the supporting framework. The height shall be measured from any point of the adjacent ground elevation to the highest point of any roof or other supporting framework. For corner lots, the minimum distance from the side street line shall be five feet plus the setback for the main building.

(Ord. 1995-18. Passed 4-10-95.)

- (e) Central Air Conditioner Units, Heat Pumps. Air conditioner units and heat pumps shall be:
 - (1) Located at the side or rear of the dwelling in compliance with the setback requirements of the main building; and
 - (2) Screened from view with evergreen plant material or decorative fencing.
- (f) Generators. Generators shall be:
 - (1) Located at the side or rear of the dwelling in compliance with the setback requirements of the main building;
 - (2) Screened from view with evergreen plant material or decorative fencing;
 - (3) Installed in conformance with the manufacturer's specifications;
 - (4) Fueled by natural gas;
 - (5) Situated so as to exhaust into the interior of the lot on which they are located;
 - (6) Used only during periods of power outages, or, for periodic testing and necessary maintenance operation between the hours of 7:00 a.m. and 7:00 p.m.; and
 - (7) Equipped with sound attenuation equipment sufficient to ensure that the noise level produced during operation complies with the requirements of Section 1144.02(b). (Ord. 2014-57. Passed 10-13-14.)

1125.05 HOME OCCUPATIONS; RENTING OF ROOMS.

- (a) Home Occupations. Home occupations, including professional offices are permitted only if in conformance with the following standards:
 - (1) Employment. The occupation is conducted only by members of the family residing in the dwelling unit. (Ord. 1984-20. Passed 11-6-84.)
 - (2) Area. The occupation is conducted within a completely enclosed dwelling unit and any space used for sales, service or production occupies no more than twenty-five percent (25%) of the dwelling unit's floor area nor more than 150 square feet. (Ord. 2014-57. Passed 10-13-14.)
 - (3) Sales. All merchandise sold on the premises is produced on the premises.
 - (4) Environmental impact. No use shall create noise, dust, odor, glare, smoke, vibration, fire hazard or any other hazard to an extent or frequency greater than that usually experienced in a residential occupancy with no home occupation in the same district. nor shall hazardous chemicals or substances not ordinarily found in a home be permitted for a home occupation use.
 - (5) Exterior appearance. The residential character of the building in which the activity occurs is not diminished.
 - (6) Parking. The occupation does not necessitate the parking of more automobiles than can be accommodated in the dwelling's driveway.
 - (7) Nursery schools/group instruction. No class session exceeds an enrollment of twelve students, and no session begins before 9:00 a.m. nor continues after 10:00 p.m.
 - (8) No Interference. No home occupation shall include the repair of motor vehicles or equipment and any home occupation use shall not interfere with television, telephone, cable television or other communication signals or services, Wi-Fi or internet communication signals or connections, or cause electric line fluctuations,
 - (9) The use of the dwelling unit for a home occupation shall be clearly incidental to the main use as a dwelling.
- (b) Renting of Rooms. Where the owner of a dwelling unit resides in such dwelling unit, not more than two rooms in such dwelling unit shall be occupied by a non-owner resident family and the number of renters in such dwelling unit shall be limited to two persons. (Ord.

1984-20. Passed 11-6-84.)

1125.06 LANDSCAPING REQUIREMENTS.

A zoning certificate for development under regulations of this chapter shall not be issued unless a plan which demonstrates compliance with the following landscaping requirements has been approved by the Administrator.

- (a) General. All portions of a lot not used for permitted structures, parking areas, driveways or walkways shall be properly planted with grass or other suitable vegetative ground cover and shall be maintained in good condition.
- (b) Tree Lawn. A strip of grass-covered land at least seven feet in width, known as the tree lawn, shall be reserved in a location between the roadway curb and the sidewalk contiguous to each lot where a sidewalk exists or is proposed.
- (c) Existing Vegetation. In the construction of new buildings or building additions, existing trees and other significant vegetation shall be retained, wherever feasible.
- (d) Street Trees. Trees shall be planted so that for every lot there is at least one tree on each tree lawn abutting a street. The minimum diameter of such trees, at planting, shall be three inches at twelve inches above ground level. The requirement of tree plantings on tree lawns shall not be applied to lots on which an existing mature tree is so situated in a yard that it would impede the eventual growth of a tree located on the tree lawn. All tree varieties shall be from a list of approved trees kept on file in the Building Department. Maintenance of Landscaping and Replacement of Landscaping. All landscaping required by this Planning and Zoning Code shall be maintained in good condition and, when necessary, shall be replaced with landscaping comparable to the landscaping required by the approved landscape plan. Any tree, shrub, or bush that is no longer in good condition, shall be replaced, at a minimum, with a tree, shrub, or bush that is comparable to the type and height of the tree, shrub, or bush specified for initial planting in the approved landscape plan. Any request to plant or maintain landscaping that is not comparable to the landscaping required by the approved landscape plan shall be reviewed by the Administrator and approved only if such landscaping is an improvement and enhancement, as determined by the Administrator, to the originally approved plan. The Administrator, in considering whether or not landscaping is an improvement and enhancement, shall consider the need for a visual barrier, the intent of the original landscaping plan, the contiguous properties, the current site conditions, including soil conditions and the success of a certain species growing in the area, and any other factor deemed relevant by the Administrator. (Ord. 2011-60. Passed 11-14-11.)

1125.07 VISIBILITY AT INTERSECTIONS.

Within a triangle formed by lines drawn between points on two street right-of-way lines twenty-five feet from their point of intersection, substantially unobstructed sight lines shall be maintained within a vertical height band two and one-half to six feet above curb level. (Ord. 2001-50. Passed 8-13-01.)

1125.08 SUPPLEMENTAL PARKING REGULATIONS.

In addition to the applicable parking regulations of Chapter [1141](#), the following parking regulations shall apply in all R1 and R2F Districts.

- (a) Exceptions. Vehicles temporarily on the premises of a dwelling for the purposes of deliveries, repairs, construction, landscaping, maintenance, garbage removal or service calls to and from the dwelling are exempt from the requirements of this section.

- (b) Overnight Parking. Overnight parking of vehicles in front and side yards is prohibited with the following exceptions:
- (1) The occupants of the premises and their guests may park a passenger vehicle that is not considered a large vehicle (hereafter defined) in a driveway provided that no part of any vehicle may extend over any public sidewalk or other right of way.
 - (2) A single vehicle having truck license plates and with a capacity rating of one (1) ton or less may be parked in a driveway provided that no part of any vehicle may extend over any public sidewalk or other right of way and that such truck is used solely by the occupant of the dwelling.
 - (3) A single recreational vehicle when authorized under Section 1125.08(d)(5) or Section 1125.08(d)(6).
- (c) Prohibited Activity. The rebuilding, overhauling or dismantling of an automotive vehicle or recreational vehicle or the storage of motor or body parts in an open yard is prohibited.
- (d) Recreational Vehicles. The outside parking and storage of recreational vehicles shall conform to the following:
- (1) When not authorized under Section 1125.08(d)(5) or 1125.08(d)(6), a single recreational vehicle twenty-four (24) feet or less in overall length or eight (8) feet or less in width or twelve (12) feet or less in height, inclusive of any rooftop mechanical equipment may be parked or stored on the premises provided that the following requirements are satisfied:
 - A. The vehicle shall be located only in a rear yard, a minimum distance of three feet from any lot line plus the width of required screening. On a corner lot the vehicle may be parked no closer to the street than five feet plus the setback for the main building plus the width of required screening.
 - B. The Administrator may require an increase in setbacks if necessary, for the installation of adequate screening.
 - C. The vehicle shall be screened as required under Section 1125.08(f) so as to obscure it from contiguous parcels and public streets when viewed from contiguous parcels and public streets by a person standing at ground level. The Administrator may exclude from the screening requirement an area of sufficient width to serve as an approach drive for the vehicle.
 - D. All parking areas and access drives to accommodate the vehicle shall comply with the requirements of Section [1125.04\(b\)](#) and shall be paved with concrete, asphalt or other hard surface materials.
 - (2) Recreational vehicles parked or stored shall not have fixed connections for electricity, water, gas or sanitary sewer facilities, and at no time shall a recreational vehicle be used for dwelling, business, or commercial purposes or for any accessory uses.
 - (3) The wheels or any similar devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal.
 - (4) No recreational vehicle shall be parked, stored or allowed to remain on a lot or parcel of land that is not improved with a main building being used for a permitted main use of the lot.
 - (5) One (1) recreational vehicle may be parked in a driveway for loading and unloading, for a period not to exceed forty-eight (48) consecutive hours as long as the location where the recreational vehicle is parked does not obstruct the view of vehicular and pedestrian traffic and no parking of such vehicles shall occur on more than a total of ten

- (10) days in any calendar year or any part of such days. The provisions of this subsection shall apply to any recreational vehicle, regardless of its length or width.
- (6) A recreational vehicle that is not owned by a resident person may be parked in the driveway of a lot for not more than five (5) consecutive days. Within a calendar year, there shall be a maximum of two permissible periods that any such vehicle is so parked. The Administrator may allow an extension of the five (5) day period for an emergency.
- (7) All recreational vehicles, when required by law, shall have current legal license tags and/or plates.
- (e) Large Vehicles and Trailers.
- (1) Vehicles exceeding nineteen (19) feet in length or seven (7) feet in width, or eight (8) feet in height are considered large vehicles for the purpose of the Planning and Zoning Code. Unless otherwise permitted in this section, a large vehicle shall be stored in a garage and used solely by the occupants of the dwelling. No large vehicle shall be parked, stored or allowed to remain on a lot or parcel of land that is not improved with a main building being used for a permitted main use of the lot.
- (2) When not considered a large vehicle, the outside parking and storage of trailers shall conform to the following:
- A. The trailer shall be located only in a rear yard, a minimum distance of three feet from any lot line plus the width of required screening. On a corner lot, the trailer may be parked no closer to the street than five feet plus the setback for the main building plus the width of required screening.
- B. The Administrator may require an increase in setbacks if necessary, for the installation of adequate screening.
- C. The trailer shall be screened as required under Section [1125.08\(f\)](#) so as to obscure it from adjacent parcels and public streets when viewed from adjacent parcels and public streets by a person standing at ground level. The Administrator may exclude from the screening requirement an area of sufficient width to serve as an approach for the trailer.
- D. The wheels or any similar devices of any trailer shall not be removed except for repairs, nor shall such trailer be otherwise permanently fixed to the ground in a manner that would prevent ready removal.
- E. No trailer shall be parked, stored or allowed to remain on a lot or parcel of land that is not improved with a main building being used for a permitted main use of the lot.
- (f) Screening. Screening shall consist of a planted area that provides a year-round, continuous, visual screen to an initial height of at least eight feet and an initial depth of at least ten feet. At a minimum, such planted area shall consist of two staggered rows of evergreen (non-deciduous) vegetation. Landscaped earth mounds and fencing may supplement the planted screen in order to achieve the required screen density and height. The Administrator shall determine the effectiveness of the selected screening. The screening requirement shall not apply where natural or man-made barriers exist which provide continual screening generally equivalent to that required by this Section. Screening shall be maintained in good condition at all times.
(Ord. 2007-06. Passed 2-12-07.)

1125.09 KEEPING CHICKENS.

The keeping of chickens may be permitted solely in the R1-100 District subject to the following:

- (a) A maximum of four (4) female chickens may be kept on the property. Roosters are not permitted.
- (b) Chickens shall be kept in an enclosure or fenced area, such as a coop or run at all times.
- (c) Chicken coops and runs must meet the following standards:
 - (1) Chicken coops and runs are allowed in the rear yard only.
 - (2) Chicken coops and runs shall be located a minimum of fifteen (15) feet away from the main building and all contiguous lot lines.
 - (3) The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility shall not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
 - (4) The chicken coop and run shall be designed to ensure that the health and well-being of the animal is not endangered by the manner of keeping or confinement.
 - (5) The chicken coop and run shall be adequately screened from view with evergreen plant material or fencing.
- (d) Chicken manure shall not be stored on the premises.
- (e) Chickens shall be kept in coops from dusk to dawn.
- (f) Slaughtering of chickens on the premises is prohibited.
(Ord. 2014-33. Passed 7-28-14.)

CHAPTER 1126
Residential Districts: R1-C One-Family Detached Cluster

- [1126.01](#) **Intent.**
- [1126.02](#) **Designation of development area.**
- [1126.03](#) **Minimum development area.**
- [1126.04](#) **Determination of density.**
- [1126.05](#) **Development plan required; design criteria.**
- [1126.06](#) **Maximum dwelling unit area.**
- [1126.07](#) **Open space required.**
- [1126.08](#) **Ownership and maintenance of open space.**
- [1126.09](#) **Access and circulation.**
- [1126.10](#) **Supplemental regulations.**

CROSS REFERENCES

District created - see P. & Z. [1119.01](#)
Zoning map amendments - see [APPENDIX B](#)

1126.01 INTENT.

In addition to the applicable provisions stated in Section 1105.03, it is the intent of these regulations to achieve the following objectives:

- (a) Efficient use of facilities and improvements required in connection with residential development;
- (b) Provision of open space and preservation of important environmental values; and
- (c) Increased flexibility in the design and arrangement of single family detached residential development so as to minimize the impact on existing residential areas.
(Ord. 1999-23. Passed 4-26-99.)

1126.02 PERMITTED USES

In the R1-C District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses. One-family detached dwellings.
- (b) Accessory Uses.
 - (1) Garages, driveways and walkways as regulated in Section 1125.04 (a) and (b) of this Planning and Zoning Code.
 - (2) Landscape features as regulated in Section 1125.06 of this Planning and Zoning Code.
 - (3) Fences, walls and hedges as regulated in Chapter [1148](#) of this Planning and Zoning Code.
 - (4) Central air-conditioner units, generators, heat pumps, as regulated in Section 1125.04 (e) and (f) of this Planning and Zoning Code.
 - (5) Signs, as regulated in Chapter [1143](#) of this Planning and Zoning Code.
 - (6) Home occupations, renting of rooms as regulated in Section 1125.05 of this Planning and Zoning Code

1126.03 DEVELOPMENT AREA.

- (a) The application of this chapter is limited to the land area or areas so designated on the official Zoning Map.
- (b) The minimum development area shall be twenty contiguous acres and the total area shall be

under one ownership at the time of application or the subject of a joint application.
(Ord. 1999-23. Passed 4-26-99.)

1126.04 DETERMINATION OF DENSITY.

- (a) The legally permitted density shall be determined by a “yield plan” based on the R1-100 District requirements and for the purpose of density calculations assumes conventional lot and street layouts conforming to all Municipal regulations. Such plans shall be conceptual in nature, but may not include lots or streets that would not be permitted in a conventional layout. In no case shall the number of building lots or dwelling units permitted exceed the yield plan number of units or lots.
- (b) Lots in the R1-C District shall be occupied by not more than one (1) main building per lot.
(Ord. 1999-23. Passed 4-26-99.)

1126.05 DEVELOPMENT PLAN REQUIRED; DESIGN CRITERIA.

A development plan shall be submitted in accordance with Chapter 1109. When reviewing such plans, the Planning and Zoning Commission shall use as a guide the standards of this chapter and the guidelines set forth below. Where strict application of these standards would serve no significant purpose, the Planning and Zoning Commission shall have the authority to waive, modify or apply additional standards so long as the convenience and general welfare of neighboring uses is maintained.

- (a) Lot and yard sizes shall be shown on the development plan and shall comply with the requirements of this chapter.
- (b) Area, Yard and Height requirements shall not be reduced to less than the requirements of Chapter 1125.03 for the R1-50 District.
- (c) Building sites shall be arranged to minimize disruption of scenic views and vistas.
- (d) The location, mass and spatial relationships of buildings shall emulate traditional village patterns and local character.
- (e) The arrangement of roads, driveways and lots shall be logically related to existing topography and land form.
- (f) Natural features such as hills and ridges, trees, wooded areas, rock outcroppings, ravines, and water courses shall be undisturbed insofar as possible.
- (g) Landscaping shall be required around the boundary of a Cluster Development to screen and lessen the impact of the development on surrounding properties. The buffer shall be landscaped in accordance with an approved landscape plan and shall be maintained as open space which may be included as part of the required common open space.
- (h) The plan shall not have an adverse impact on the scale and character of surrounding existing development.
(Ord. 1999-23. Passed 4-26-99.)

1126.06 MAXIMUM DWELLING UNIT AREA.

The dwelling unit area of each dwelling unit shall not exceed 2,800 square feet.
(Ord. 1999-23. Passed 4-26-99.)

1126.07 OPEN SPACE REQUIRED.

- (a) A minimum of fifty percent (50%) of the gross acreage in a Cluster Development shall be retained as permanent open space with such areas indicated on a map submitted by the applicant.
- (b) The designated open space shall be designed to best preserve the natural qualities of the land

and shall typically include all or part of the following resources:

- (1) Mature woodlands.
 - (2) Top of ridge lines.
 - (3) Aquifer recharge areas.
 - (4) Areas with highly permeable soils.
 - (5) Significant wildlife habitat areas.
 - (6) Historic, archaeological or cultural features.
 - (7) Scenic views into the property from existing public roads.
- (c) To the extent possible, designated open space shall be contiguous acreage. Except areas that by their nature have a linear configuration, such as buffers, waterbodies, or trail links, the length to width ratio of any parcel of open space shall not exceed 4:1.
- (d) Every effort shall be made to provide open space that will either connect or have potential to connect to contiguous areas to form a network of open space.
- (e) Stormwater management ponds or basins may be included as part of the minimum required open space.
- (f) Uses of the common open land shall be limited to conservation and natural preserve areas, and passive park type uses such as hiking trails,
- (g) The limits of designated open space shall be permanently and visibly marked in a manner so as to distinguish such open space from individual lots.
- (h) Common open space shall not be depleted, reduced in size or converted to any other use.
(Ord. 1999-23. Passed 4-26-99.)

1126.08 OWNERSHIP AND MAINTENANCE OF OPEN SPACE.

- (a) The applicant shall submit copies of the proposed documents which provide for the permanent preservation of open space at the time of application for development. No application shall be approved until such documents are acceptable to the Municipality and the Law Director in form and content.
- (b) Such common open space, proposed to be constructed in such space, shall be clearly delineated on the site plan together with descriptive data as to the methods to be employed to preserve and maintain such open space.
- (c) All common open space shown on the site plan must be owned in unencumbered fee simple title by an association or corporation solely owned and controlled by the dwelling unit owners, and subject to legally enforceable declarations and restrictions. Such declarations and restrictions shall grant enforcement rights to the Municipality as a third-party beneficiary and shall be reviewed by and must obtain approval of the Law Director before final approval for development will be granted.
(Ord. 1999-23. Passed 4-26-99.)

1126.09 ACCESS AND CIRCULATION.

- (a) Every lot shall have a minimum of fifty feet of contiguous frontage on a public or private street.
- (b) Private streets shall be clearly delineated on the development plan together with the descriptive data as to the compliance with the regulations of Chapter 1161 and the methods proposed for maintaining the private streets. In those cases where no request for public dedication is likely to be made, the Planning and Zoning Commission may authorize modifications to the requirements of Chapter 1161. Such authorization may include input from the Administrator, Municipal Engineer, Law Director and other Municipal officials as

- applicable.
- (c) The front yard setback of lots with frontage on a private street shall be measured from the edge of pavement or back of curb.
 - (d) All private streets shown on the development plan shall be subject to legally enforceable reservations and restrictions acceptable to and enforceable by the Municipality, which will ensure the preservation of the private street in perpetuity.
 - (e) Each development shall be served by a comprehensive walkway system, adequately separated from vehicular circulation.
(Ord. 1999-23. Passed 4-26-99.)

1126.10 SUPPLEMENTAL REGULATIONS.

- (a) Rebuilding, overhauling or dismantling of an automotive vehicle or the storage of motor or body parts in an open yard is prohibited.
- (b) Outside parking and storage of recreational vehicles is prohibited.
- (c) For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.

CHAPTER 1127
Residential Districts: Attached Single-Family

- [1127.01](#) **Intent.**
- [1127.02](#) **Permitted uses.**
- [1127.03](#) **Area regulations.**
- [1127.04](#) **Height regulations.**
- [1127.05](#) **Yard and setback regulations.**
- [1127.06](#) **Distances between buildings and uses.**
- [1127.07](#) **Design regulations and standards.**
- [1127.08](#) **Off-street parking regulations.**
- [1127.09](#) **Supplemental regulations.**

CROSS REFERENCES

- Night parking of commercial vehicles - see TRAF. [351.15](#)
- Dwelling defined - see P. & Z. [1107.07](#)
- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.07](#)

1127.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote development of medium-density clustered housing in order to appropriately and efficiently utilize limited remaining vacant land in the community.
(Ord. 1984-20. Passed 11-6-84.)

1127.02 PERMITTED USES.

In an ASF District, buildings and land shall be used by right only for the main and accessory uses set forth below:

- (a) Main Uses.
 - (1) Detached single-family dwellings as permitted in R1-50 Districts and as regulated in Chapter 1125.
 - (2) Attached single-family dwellings where more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District.
- (b) Accessory Uses.
 - (1) Private swimming pools as regulated in Section 1125.04(d)(1) of this Planning and Zoning Code, and other private recreational uses, including community center buildings.
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148 of this Planning and Zoning Code.
 - (3) Utility, maintenance, sanitation and storage facilities completely enclosed within otherwise permitted buildings.
 - (4) Central air-conditioner units, heat pumps, generators, as regulated in Section 1125.04 (e) and (f) of this Planning and Zoning Code.
 - (5) Signs, as regulated in Chapter 1143.
 - (6) Home occupations, renting of rooms as regulated in Section 1125.05 of this Planning and Zoning Code.

1127.03 AREA REGULATIONS.

In an ASF District, attached single family dwellings shall be developed and maintained in accordance with the following area regulations:

- (a) Development area: 3 acres minimum.
- (b) Density: 8 dwelling units per acre maximum.
- (c) Lot width at building line: 200 feet minimum.
- (d) Lot width at street line: 60 feet minimum at each vehicular entrance and along the length of each vehicular access through a yard area.
- (e) Building coverage: 25% of lot area, maximum, for all main and accessory buildings.
- (f) Dwelling unit width: 20 feet minimum,
- (g) Dwelling units per structure: 8 units maximum.
- (h) Dwelling unit area: 1,400 square feet minimum for one and two-bedroom units and 200 square feet for each additional bedroom.
- (i) Common open space: 750 square feet of lot area, minimum, per dwelling unit as defined and regulated in Section 1127.07(d).
- (j) Private open space: 240 square feet, minimum, of private open space provided contiguous to each dwelling unit and differentiated from common areas by means of such approved features as plantings, fences, walls, screens, patios, etc.
- (k) Utility and Storage Area: 100 square feet of utility and storage area provided on the ground floor or basement level of each dwelling unit in addition to the dwelling unit area.
(Ord. 1984-20. Passed 11-6-84.)

1127.04 HEIGHT REGULATIONS.

In an ASF District, attached single-family dwellings and other structures shall be developed and maintained in accordance with the following height regulations.

- (a) Buildings: 35 feet, maximum.
(Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory structures: Six feet maximum for accessory structures which are not buildings; twelve feet maximum for tennis court fences as regulated in Section 1148.05(d)(2). (Ord. 2014-69. Passed 11-10-14.)
- (c) Exceptions to height limit: Chimneys and antennas located on a main building may exceed the height limit established for buildings but are limited to a maximum height of ten feet above the roof line.
(Ord. 1984-20. Passed 11-6-84.)

1127.05 YARD AND SETBACK REGULATIONS.

In an ASF District, attached single-family dwellings and other structures shall be developed and maintained in accordance with the following regulations. Landscape features, gardens, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. setback

- (a) Main Buildings. The minimum setback from a lot line to a main building shall be as set forth below.
 - (1) To a street right-of-way line: 35 feet.
 - (2) To an R1 District line: 35 feet.
 - (3) To another lot line: 25 feet.

(b) Accessory building, structure or use. The minimum setback from a lot line to an accessory building, structure, or use shall be as set forth below:

<u>Accessory Uses</u>	<u>Minimum Setback (feet)</u>		
	<u>To Front Lot Line</u>	<u>To R1 District Line</u>	<u>To Other Lot Line</u>
Buildings and Structures	*	35	15
Surface Parking Area	*	10	5
Private Roads	*	10	5
Recreation Facilities	*	30	10
Walkways	0	5	5

*Not permitted in front yards, except that private roads are permitted only as necessary in providing access to a public right of way.

(c) Projection of Building Features into Setbacks.

- (1) Certain architectural features may project from a main building into any setback a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a setback any distance greater than a setback line that has been established by a variance. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.
- (2) Entrance features not exceeding forty-eight (48) square feet may project from a main building into a setback a maximum distance of six feet provided that no projection shall extend into a setback any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty-eight (48) square feet shall meet the setback requirements of the main building.

1127.06 DISTANCES BETWEEN BUILDINGS AND USES.

In an ASF District, attached single-family dwellings and other structures shall be developed and maintained in accordance with the following regulations regarding the required distances between buildings and other uses.

- (a) Definitions and Measurement Standards. The following definitions and measurement standards shall apply to terms used in this section.
 - (1) Main wall. Any exterior wall(s) of a residential building containing the principal windows of a living, dining or sleeping room or rooms.
 - (2) Secondary wall. Any exterior wall(s) of a residential building other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of a kitchen or bathroom, or no windows.
 - (3) Overlapping walls. A wall of one building shall be considered as overlapping a wall of a second building when perpendicular lines extended from that wall intersect the second wall.
 - (4) Length of overlap. The “length of overlap” shall be considered as the length of the portion of one wall from which perpendicular lines will intersect a second wall. In

determining the length of overlap, the minimum possible overlap shall be used for computation.

- (5) Facing walls. Although more than one set of walls may be “overlapping” in the relationship between two buildings, only one set of two walls shall be considered "facing". Facing walls shall be those two overlapping walls for which the length of overlap is the greatest.
- (b) Schedule of Distances. The minimum distance between walls of main buildings and other walls or uses shall be as set forth in the following schedule:

Building Wall	Other Wall or Use	Minimum Distance (feet)
Main wall, facing:	another main wall	40+x
	secondary wall	30+x
	accessory building	30
Secondary wall, facing:	another secondary wall	25+x
	accessory building	20
Accessory building, facing:	another accessory building	15
	private road	10

x = length of overlap divided by 5

(Ord. 1984-20. Passed 11-6-84.)

1127.07 DESIGN REGULATIONS AND STANDARDS.

In an ASF District, attached single-family dwellings and other structures shall be developed and maintained in accordance with the following design regulations and standards.

- (a) Building Design. In order to enhance privacy and to reduce the apparent mass of the buildings, the alignment of attached single-family dwellings should be varied and the facades of not more than every two dwelling units shall be offset by at least sixteen inches. Variations in exterior features such as facade, width, color, exterior materials and roof lines shall be deemed desirable. Furthermore, parallel arrangements of buildings should be avoided.
- (b) Site Design. Attached single-family developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading, and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of dwellings, open spaces and accessory uses.
- (c) Modifications to Area, Yard and Setback Requirements. With respect to properties of irregular shape, or unusual topography, relative to other properties in the same Zoning District, the Planning and Zoning Commission may modify requirements regarding areas, yards, setbacks and distances between uses if compliance with these requirements is either clearly infeasible or contrary to compliance with the design regulations and standards of this section. However, the maximum permitted density shall not be increased by reason of this provision. Applicants shall first seek modifications under this section prior to filing an application as set forth in Section 1111.03 for a variance for areas, yards, setbacks and distances between uses.
- (d) Common Open Space. As required in Section 1127.03(i), at least 750 square feet of land per dwelling unit shall be reserved as common open space in each ASF District.
 - (1) Required characteristics. Land designated as common open space under the provisions of this section shall conform to the characteristics described below.
 - A. Common open space shall consist of land or a combination of land and water of

such condition, size and shape as to be usable for passive recreation and/or scenic enjoyment as appropriate to the site, the surrounding area, and the expected resident population. Such area shall contain no structures other than those related to recreational use and shall not include roads, parking areas or private open space.

- B. Setback areas shall be excluded in the computation of common open space.
- C. Consideration shall be given to the arrangement and location of common open space to take advantage of physical characteristics of the site and to place common open space within easy access and view of dwelling units. Common open space shall not be separated from the development by existing roads.
- D. Common open space shall not be depleted, reduced in size or converted to any other use.

(2) Ownership and maintenance.

- A. The applicant shall submit copies of the proposed documents which provide for the permanent preservation of open space at the time of application for development. No application shall be approved until such documents are acceptable to the Municipality and the Law Director in form and content.
 - B. Such common open space, including any recreational facilities proposed to be constructed in such space, shall be clearly delineated on the site plan together with descriptive data as to the methods to be employed to preserve and maintain such open space.
 - C. In the event the open space is owned in common by more than one owner directly or indirectly, a non-profit association shall be incorporated under the laws of the State of Ohio and shall own the open space in unencumbered fee simple title.
 - D. All common open space shown on the site plan must be owned by an association or corporation solely owned and controlled by the dwelling unit owners, and subject to legally enforceable declarations and restrictions. Such declarations and restrictions shall grant enforcement rights to the Municipality as a third-party beneficiary, and shall be reviewed by and must obtain approval of the Law Director before final approval for development will be granted. .
- (e) Pedestrian Circulation. Each attached single-family residential development shall be served by a comprehensive walkway system adequately separated from vehicular circulation, connecting residential buildings to parking and recreation areas.
- (f) Utility Equipment. All utility lines serving an attached single-family residential development shall be located underground. (Ord. 1984-20. Passed 11-6-84.)
(Ord. 2014-69. Passed 11-10-14.)

1127.08 OFF-STREET PARKING REGULATIONS.

In addition to the applicable regulations of Chapter 1141, the following parking regulations shall apply in an ASF District.

- (a) Common Parking Areas. In addition to the parking required in Chapter [1141](#), a minimum of one-half (0.5) off-street parking space per attached single family dwelling unit shall be provided in unenclosed common parking areas distributed throughout the development in a manner providing convenient access to all dwelling units.
- (b) Garages. Each garage shall be provided for the exclusive use of a single dwelling unit and shall be attached to the residential structure which contains that unit. Such garages may be attached to one another at side walls in order to improve design.
- (c) Prohibited Activity. The rebuilding, overhauling or dismantling of an automotive vehicle or

the storage of motor or body parts in an open yard is prohibited. The outside parking and storage of recreational vehicles is prohibited.
(Ord. 2003-05. Passed 2-24-03.)

1127.09 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, lighting, landscaping, signs and environmental performance, refer to Chapters [1141](#)-50 of the Planning and Zoning Code.
(Ord 1984-20. Passed 11-6-84.)

CHAPTER 1129
Residential Districts: Multi-Family

- [1129.01](#) **Intent.**
- [1129.02](#) **Permitted uses.**
- [1129.03](#) **Area regulations.**
- [1129.04](#) **Height regulations.**
- [1129.05](#) **Yard and setback regulations.**
- [1129.06](#) **Distances between buildings and uses.**
- [1129.07](#) **Design regulations and standards.**
- [1129.08](#) **Supplemental regulations.**

CROSS REFERENCES

- Dwelling defined - see P. & Z. [1107.07](#)
- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.07](#)

1129.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote development of relatively high-density housing under conditions which maximize open space and minimize disturbance to adjoining lower-density residential areas. (Ord. 1984-20. Passed 11-6-84.)

1129.02 PERMITTED USES.

In RMF-10 and RMF-15 Districts, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Attached single-family dwellings, as regulated in Chapter 1127 of this Planning and Zoning Code.
 - (2) Multi-family dwellings where more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District.
- (b) Accessory Uses.
 - (1) Parking areas, roads and walkways
 - (2) Private swimming pools as regulated in Section 1125.04(d)(1) of the Planning and Zoning Code and other private recreational uses, including community center buildings.
 - (3) Landscape features and private gardens as regulated in Chapter 1142 of this Planning and Zoning Code.
 - (4) Fences, walls and hedges as regulated in Chapter 1148 of this Planning and Zoning Code.
(Ord. 1995-18. Passed 4-10-95.)
 - (5) Utility, maintenance, sanitation and storage facilities completely enclosed within an otherwise permitted main or accessory building.
 - (6) Rooftop mechanical equipment necessary for the normal operation of the development.
 - (7) Signs, as regulated in Chapter 1143.
 - (8) Home occupations, renting of rooms as regulated in Section 1125.05 of this Planning and Zoning Code.

(Ord. 2014-69. Passed 11-10-14.)
 (Ord. 1984-20. Passed 11-6-84.)

1129.03 AREA REGULATIONS.

In RMF-10 and RMF-15 Districts, land and structures shall be developed and maintained in accordance with the following area regulations.

- (a) Lot Size: 2 acres minimum.
- (b) Density: RMF-10: 10 dwelling units per acre maximum; RMF-15: 15 dwelling units per acre maximum.
- (c) Lot Width at Building Line: 200 feet minimum.
- (d) Lot Width at Street Line: 60 feet minimum at each vehicular entrance and along the length of each vehicular access through a yard area.
- (e) Building Coverage: 30% of lot area, maximum, for all main and accessory buildings.
- (f) Common Open Space: 750 square feet of lot area, minimum, per dwelling unit, as defined and regulated in Section 1129.07(d).
- (g) Dwelling Unit Area: 750 square feet minimum for a one-bedroom unit and 150 square feet for each additional bedroom.
- (h) Storage Area: 60 square feet minimum per dwelling unit provided in a common area enclosed within each main building in addition to the minimum required dwelling unit area.
 (Ord. 1984-20. Passed 11-6-84.)

1129.04 HEIGHT REGULATIONS.

In RMF-10 and RMF-15 Districts, structures shall be developed and maintained in accordance with the following height regulations.

- (a) Main Buildings. 35 feet maximum
 (Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory Structures. Fifteen feet maximum.
 (Ord. 1995-18. Passed 4-10-95.)
- (c) Rooftop Equipment. Rooftop mechanical equipment as permitted under Section 1129.02(b)(6) may extend a maximum of ten feet above the highest point of the building on which it is located, provided such equipment conforms to Section 1129.07(f) and is set back from any building face a distance at least equal to the height by which it exceeds the building height.
 (Ord. 1984-20. Passed 11-6-84.)

1129.05 YARD AND SETBACK REGULATIONS.

In RMF-10 and RMF-15 Districts, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, gardens, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of subsection (b) hereof.

- (a) Yards. The minimum yard setback from a lot line to a main building shall be as set forth below.

Number of Stories <u>In Main Building</u>	<u>Minimum Setback (feet)</u>		
	<u>To Street R. O. W.</u>	<u>To R1 District Line</u>	<u>To Other Lot Line</u>
1	35	35	15

2	35	45	25
3	35	55	35

(b) Setbacks. The minimum setback from a lot line to an accessory building, structure, or use shall be as set forth below.

<u>Accessory Uses</u>	<u>Minimum Setback (feet)</u>		
	<u>To Front Lot Line</u>	<u>To R1 District Line</u>	<u>To Other Lot Line</u>
Buildings and Structures	*	35	15
Surface Parking Area	*	10	5
Private Roads	*	10	5
Recreation Facilities	*	30	10
Walkways	0	5	5

* Not permitted in front yards, except that private roads are permitted only as necessary in providing access to a public right of way.

(c) Projection of Building Features into Setbacks.

- (1) Certain architectural features may project from a main building into any setback a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a setback any distance greater than a setback line that has been established by a variance. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.
- (2) Entrance features not exceeding forty-eight (48) square feet may project from a main building into a setback a maximum distance of six feet provided that no projection shall extend into a setback any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty-eight (48) square feet shall meet the setback requirements of the main building.

1129.06 DISTANCES BETWEEN BUILDINGS AND USES.

In RMF-10 and RMF-15 Districts, land and structures shall be developed and maintained in accordance with the following regulations regarding the required distances between buildings and other uses.

- (a) Definitions and Measurement Standards. The following definitions and measurement standards shall apply to terms used in this section.
 - (1) Main wall. Any exterior wall(s) of a residential building containing the principal windows of a living, dining or sleeping room or rooms.
 - (2) Secondary wall. Any exterior wall(s) of a residential building, other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of a kitchen or bathroom, or no windows.
 - (3) Overlapping walls. A wall of one building shall be considered as overlapping a wall of a second building when perpendicular lines extended from that wall intersect the second wall.
 - (4) Length of overlap. The "length of overlap" shall be considered as the length of the

portion of one wall from which perpendicular lines will intersect a second wall. In determining the length of overlap, the minimum possible overlap shall be used for computation.

- (5) Facing walls. Although more than one set of walls may be "overlapping" in the relationship between two buildings, only one set of two walls shall be considered "facing". Facing walls shall be those two overlapping walls for which the length of overlap is the greater.
- (b) Schedule of Distances. The minimum distance between walls of main buildings and other walls or uses shall as set forth in the following schedule.

Building Wall	Other Wall or Use	Minimum Distance (feet)
Main wall, facing:	another main wall	40+x
	secondary wall	30+x
	accessory building	30
	recreation facility	30
Secondary wall, facing:	another secondary wall	25+x
	accessory building	20
	recreation facility	20
Accessory building, facing:	another accessory building	15
	private road	10

x = length of overlap divided by 5

(Ord. 1984-20. Passed 11-6-84.)

1129.07 DESIGN REGULATIONS AND STANDARDS.

In RMF-10 and RMF-15 Districts, land and structures shall be developed and maintained in accordance with the following design regulations and standards.

- (a) Building Design. The maximum length of any multi-family residential building shall be 100 feet. Buildings may be attached if it is determined by the Planning and Zoning Commission that site design will be improved as a result. However, attached buildings shall be designed with visible offsets or setbacks not less than six feet in depth or with substantial variations in alignment. To reduce the apparent mass of buildings, variations in facade, width, color, exterior materials and roof lines shall be deemed desirable; furthermore, parallel arrangements of buildings should be avoided.
- (b) Site Design. Multi-family residential developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of dwellings, open spaces and accessory uses.
- (c) Modifications to Area, Yard and Setback Requirements. With respect to properties of irregular shape, or unusual topography, relative to other properties in the same Zoning District, the Planning and Zoning Commission may modify requirements regarding areas, yards, setbacks and distances between uses if compliance with these requirements is either clearly infeasible or contrary to compliance with the design regulations and standards of this section. However, the maximum permitted density shall not be increased by reason of this provision. Applicants shall first seek modifications under this section prior to filing an

application as set forth in Section 1111.03 for a variance for areas, yards, setbacks and distances between uses.

- (d) Common Open Space. As required in Section 1129.03(f), at least 750 square feet of land per dwelling unit shall be reserved as common open space in RMF-10 and RMF-15 Districts.
 - (1) Required characteristics. Land designated as common open space under the provisions of this section shall conform with the characteristics described below.
 - A. Common open space shall consist of land or a combination of land and water of such condition, size and shape as to be usable for active recreation and/or scenic enjoyment as appropriate to the site, the surrounding area, and the expected resident population. Such area shall contain no structures other than those related to recreational use and shall not include roads or parking areas.
 - B. Setback areas shall be excluded in the computation of common open space.
 - C. Consideration shall be given to the arrangement and location of common open space to take advantage of physical characteristics of the site and to place common open space within easy access and view of dwelling units. Common open space shall not be separated from the development by existing roads.
 - D. Common open space shall not be depleted, reduced in size or converted to any other use.
 - (2) Ownership and maintenance.
 - A. The applicant shall submit copies of the proposed documents which provide for the permanent preservation of open space at the time of application for development. No application shall be approved until such documents are acceptable to the Municipality and the Law Director in form and content.
 - B. Such common open space, including any recreational facilities proposed to be constructed in such space shall be clearly delineated on the site plan together with descriptive data as to the methods to be employed to preserve and maintain such open space.
 - C. In the event the open space is owned in common by more than one owner directly or indirectly, a non-profit association shall be incorporated under the laws of the State of Ohio and shall own such open space in unencumbered fee simple title.
 - D. All common open space shown on the site plan must be owned in unencumbered fee simple title by an association or corporation solely owned and controlled by the dwelling unit owners, and subject to legally enforceable declarations and restrictions. Such declarations and restrictions shall grant enforcement rights to the Municipality as a third-party beneficiary and shall be reviewed by and must obtain approval of the Law Director before final approval for development will be granted.
- (e) Pedestrian Circulation. Each multi-family residential development shall be served by a comprehensive walkway system, adequately separated from vehicular circulation, connecting residential buildings to parking and recreation areas.
- (f) Utility Equipment. All utility lines serving a multi-family residential development shall be located underground. All rooftop mechanical equipment shall be enclosed in a manner which complements the architectural style of the building on which it is located.
- (g) Off-Street Parking. In addition to the applicable regulations of Chapter 1141, in multifamily developments, a minimum of one-half (0.5) off-street parking space per dwelling unit shall be provided in unenclosed common parking areas distributed throughout

the development in a manner providing convenient access to all dwelling units

1129.08 SUPPLEMENTAL REGULATIONS.

- (a) Prohibited Activity. The rebuilding, overhauling or dismantling of an automotive vehicle or the storage of motor or body parts in an open yard is prohibited. The outside parking and storage of recreational vehicles is prohibited.
- (b) Supplemental Regulations. For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.
(Ord. 2003-05. Passed 2-24-03.)

CHAPTER 1130
Residential Districts: Mixed Use

- 1130.01** Intent.
- 1130.02** Standards.
- 1130.03** Permitted uses.
- 1130.04** Area regulations.
- 1130.05** Height regulations.
- 1130.06** Yard and setback regulations.
- 1130.07** Landscaping requirements for one and two-family dwellings.
- 1130.08** Distances between buildings and uses.
- 1130.09** Design regulations and standards.
- 1130.10** Supplemental parking regulations.
- 1130.11** Supplemental regulations.

CROSS REFERENCES

- Dwelling defined - see P. & Z. [1107.07](#)
- Off-street parking -see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.04](#)(h), [1143.07](#)
- Home occupation defined - see P. & Z. [1107.11](#)

1130.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote development of a mix of residential uses properly designed and located to achieve, among others, the following objectives:

- (a) To permit residential development that may serve as an appropriate transitional use between existing residential and nonresidential uses.
 - (b) To offer greater flexibility in the mix of permitted residential uses.
 - (c) To allow development on large sites within close proximity to the Municipal center.
 - (d) To encourage development to take place that will make efficient use of existing Municipal infrastructure and services.
- (Ord. 1993-45. Passed 7-12-93.)

1130.02 STANDARDS.

For the purpose of this chapter, the following standards shall apply:

- (a) Ownership and Maintenance of Private Roads. Private roads proposed to be constructed shall be clearly delineated on the site plan together with the descriptive data as to the compliance with the regulations of Chapter 1161 and the methods proposed for maintaining the private road. All private roads shown on the site plan shall be subject to legally enforceable reservations and restrictions acceptable to the Municipal government, which will ensure the preservation of the private road in perpetuity.
 - (b) Measurement of Front Lot Line on Private Roads. The front yard setback shall be measured from the edge of the pavement or back of the curb.
 - (c) Supplemental Regulations. Private roads shall be constructed in accordance with regulations set forth in Chapter 1161. In those cases where no request for public dedication is likely to be made, the Planning and Zoning Commission may authorize modifications to the requirements of Chapter 1161. Such authorization may be based on input from the Administrator, Municipal Engineer and other Municipal officers as applicable.
- (Ord. 1993-45. Passed 7-12-93.)

1130.03 PERMITTED USES.

In a Residential Mixed Use (RMU) District, building and land shall be used by right for only the main and accessory uses set forth below:

- (a) Main Uses.
 - (1) Detached one (1F) and two (2F) family dwellings.as permitted in R1-50 Districts and as regulated in Chapter 1125.
 - (2) Attached single-family (ASF) dwellings. where more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District.
- (b) Accessory Uses.
 - (1) Garages accessory to detached one (1F) and two (2F) family dwellings as regulated in Section 1125.04.
 - (2) Buildings, parking areas, roads and walkways
 - (3) Private swimming pools as regulated in Section 1125.04(d)(1) of the Planning and Zoning Code and other private recreation uses, including community center buildings.
 - (4) Landscape features and private gardens as regulated in Chapter 1142.
 - (5) Fences, walls and hedges as regulated in Chapter 1148.
 - (6) Utility, maintenance, sanitation and storage facilities completely enclosed within an otherwise permitted main or accessory building.
 - (7) Central air-conditioner units, heat pumps, generators, storage sheds and rooftop antennas as regulated in Section 1125.04.
 - (8) Rooftop mechanical equipment necessary for the normal operation of the development.
 - (9) Signs, as regulated in Chapter 1143.
 - (10) Home occupations, as regulated in Section 1125.05.
(Ord. 2016-49. Passed 10-10-16.)

1130.04 AREA REGULATIONS.

In the RMU District, the minimum lot size for a residential mixed use development shall be three (3) acres. Land and structures shall be developed and maintained in accordance with the following area regulations.

- (a) Lot Width.
 - (1) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that could satisfy the requirements of this chapter.
 - (2) No lot created after the effective date of this chapter which violates this section shall be entitled to a variance from the requirements set forth in Sections 1130.03 to 1130.05.
 - (3) Every lot shall have access to it that is determined to be sufficient to afford a reasonable means of ingress and egress for public service and emergency vehicles as well as for all those likely to need access to the property for its intended use. The Planning and Zoning Commission shall make such determination and shall receive input from the Administrator, Police Chief and other Municipal officials, as applicable.
(Ord. 1993-45. Passed 7-12-93.)
- (b) Maximum Density. Ten (10) units per acre, maximum for ASF and 2F dwellings.
- (c) Building Coverage. Thirty percent (30%) for all main and accessory buildings, maximum.

- (d) Common Open Space. Ten percent (10%) of lot area, minimum, for ASF developments as defined and regulated in Section 1130.09(d).
 (Ord. 2016-59. Passed 11-14-16.)
- (e) Private Open Space. 240 square feet, minimum, of private open space provided contiguous to each ASF dwelling unit and differentiated from common areas by means of such approved features as plantings, fences, walls, screens, patios, etc.
- (f) Dwelling Unit Area. 1,000 square feet minimum for a one-bedroom unit and 150 square feet for each additional bedroom.
- (g) Storage Area. Exclusive of the dwelling unit area, 100 square feet minimum per ASF dwelling unit provided on the ground floor or basement level of such dwelling unit.
 (Ord. 2016-59. Passed 11-14-16.)

1130.05 HEIGHT REGULATIONS.

In the RMU District, structures shall be developed and maintained in accordance with the following regulations.

- (a) Main Buildings. Main buildings shall be 35 feet or less in height.
- (b) Rooftop Equipment. Rooftop mechanical equipment as permitted under Section 1130.03(b)(7) may extend a maximum of ten feet above the highest point of the building on which it is located, provided such equipment conforms to Section 1130.09(f). With the exception of chimneys and antennas on one or two-family dwellings, attached or detached, such equipment shall be set back from any building face a distance at least equal to the height by which it exceeds the building height. Chimneys and antennas located on a dwelling are limited to a maximum height of fifteen feet above the roof line. (Ord. 1993-45. Passed 7-12-93.)

1130.06 YARD AND SETBACK REGULATIONS.

In the RMU District, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, gardens, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of subsection (b)(2) hereof.

- (a) Detached One (1F) and Two (2F) Family Dwellings.
 - (1) Yards. The minimum setback from a lot line to a dwelling shall be as set forth below.

	<u>R1</u>	<u>R2</u>
A. Front yard setback, minimum (feet)	30	30
B. Side yard setback, minimum (feet)		
With attached garage:		
Each side	3	5
Total	8	12
With detached garage:		
Each side	3	5
Total	13	15
Corner lots, from side street	10	10
C. Rear yard setback, minimum (feet)	30	30
 - (2) Modifications to required front yard setback. The Planning and Zoning Commission

may reduce the required front yard setback for a group of three or more contiguous one-family or two-family dwellings planned as a unit; however, the front setback shall not be less than two-thirds of that established in subsection (a) hereof.

(Ord. 1993-45. Passed 7-12-93.)

(b) Attached Single Family (ASF). (Ord. 2016-59. Passed 11-14-16.)

(1) Yards. The minimum yard setback from a lot line to a main building shall be as set forth below.

Number of Stories in Main Building	To Street R.O.W. or Private Road	<u>Minimum Setback (feet)</u>	
		<u>To R1 District Line</u>	<u>To Other Lot Line</u>
1	35	35	15
2	35	45	25
3	35	55	35

(2) Setbacks. The minimum setback from a lot line to an accessory structure or use shall be as set forth below.

<u>Accessory Uses</u>	<u>To Front Lot Line</u>	<u>Minimum Setback (feet)</u>	
		<u>To R1 District Line</u>	<u>To Other Lot Line</u>
Buildings and Structures	*	35	15
Surface parking area	*	10	5
Private roads	*	10	5
Recreation facilities	*	30	10
Walkways	0	5	5

* Not permitted in front yards, except that private roads are permitted only as necessary in providing access to a public right of way.

(3) The buffer requirements that would normally apply where multi-family development adjoins a One-Family District shall not apply within the RMU District, but all buffer requirements shall apply between the RMU District and contiguous districts zoned for one-family dwellings.

(c) Projection of Building Features into Setbacks.

- (1) Certain architectural features may project from a main building into any setback a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a setback any distance greater than a setback line that has been established by a variance. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.
- (2) Entrance features not exceeding forty-eight (48) square feet may project from a main building into a setback a maximum distance of six feet provided that no projection shall extend into a setback any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty-eight (48) square feet shall meet the setback requirements of the main building.

1130.07 LANDSCAPING REQUIREMENTS FOR ONE AND TWO FAMILY DWELLINGS.

A zoning certificate for development of a one (1F) or two (2F) family dwelling under the regulations of this chapter shall not be issued unless such development conforms with the requirements of Section 1125.06.
(Ord. 1993-45. Passed 7-12-93.)

1130.08 DISTANCES BETWEEN BUILDINGS AND USES.

In the RMU District, attached single family (ASF) dwellings shall be developed and maintained in accordance with the following regulations regarding the required distances between buildings and other uses.

- (a) Definitions and Measurement Standards. The following definitions and measurement standards shall apply to terms used in this section.
 - (1) "Main wall" means any exterior wall(s) of a residential building containing the principal windows of a living, dining or sleeping room or rooms.
 - (2) "Secondary wall" means any exterior wall(s) of a residential building, other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of a kitchen or bathroom or no window.
 - (3) "Overlapping walls" means a wall of one building in relation to a wall of a second building when perpendicular lines extended from that wall intersect with the second wall.
 - (4) "Length of overlap" means the length of the portion of one wall from which perpendicular lines will intersect a second wall. In determining the length of overlap, the minimum possible overlap shall be used for computation.
 - (5) "Facing walls." Although more than one set of walls may be "overlapping" in the relationship between two buildings, only one set of two walls shall be considered "facing". "Facing walls" means those two overlapping walls for which the length of the overlap is the greater.
- (b) Schedule of Distances. The minimum distance between walls of main buildings and other walls or uses shall be as set forth in the following schedule:

<u>Building Wall</u>	<u>Other Wall or Use</u>	<u>Minimum Distance (feet)</u>
Main wall, facing:	Another main wall	40+x
	Secondary wall	30+x
	Accessory building	30
	Recreation facility	30
Secondary wall, facing:	Another secondary wall	25+x
	Accessory building	20
	Recreation facility	20
Accessory building, facing:	Another accessory building	15

x = Length of overlap divided by 5
(Ord. 1993-45. Passed 7-12-93.)

1130.09 DESIGN REGULATIONS AND STANDARDS.

In an RMU District, attached single family (ASF) dwellings shall be developed and maintained in accordance with the following design regulations and standards.
(Ord. 2016-59. Passed 11-14-16.)

- (a) Building Design.
- (1) Attractive variations in facade, width, color, exterior materials and roof lines shall be deemed desirable; furthermore, parallel arrangements of buildings should be avoided.
 - (2) In order to enhance privacy and encourage attractive building arrangements for ASF dwellings, the alignment of buildings should be varied and the facades of not more than every two dwelling units shall be offset by at least sixteen inches. No more than eight units shall be located in one building.
 - (3) Buildings may be attached if it is determined by the Planning and Zoning Commission that site design will be improved as a result. However, attached buildings shall be designed with visible offsets or setbacks not less than six feet in depth or with substantial variations in alignment.
(Ord. 1993-45. Passed 7-12-93.)
- (b) Site Design. Developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of dwellings, open spaces and accessory uses.
- (c) Modifications to Area, Yard and Buffer Requirements. With respect to properties of irregular shape, or unusual topography relative to other lots in the same zoning district, the Planning and Zoning Commission may modify requirements regarding areas, yards, setbacks and distances between uses if compliance with these requirements is either clearly infeasible or contrary to compliance with the design regulations and standards of this section. However, the maximum permitted density shall not be increased by reason of this provision. Applicants shall first seek modifications under this section prior to filing an application as set forth in Section 1111.03 for a variance for areas, yards, setbacks and distances between uses.
(Ord. 1993-45. Passed 7-12-93.)
- (d) Common Open Space. As required in Section 1130.04(d), at least ten percent (10%) of the total area of the development shall be reserved as common open space in ASF developments and shall comply with the requirements of Section 1127.07(d) of this Planning and Zoning Code. (Ord. 2016-59. Passed 11-14-16.)
- (e) Pedestrian Circulation. Each ASF development shall be served by a comprehensive walkway system, adequately separated from vehicular circulation, connecting residential buildings to parking and recreation areas.
- (f) Utility Equipment. All utility lines serving a mixed use residential development shall be located underground. All rooftop mechanical equipment shall be enclosed in a manner which complements the architectural style of the building on which it is located.
(Ord. 2016-59. Passed 11-14-16.)
- (g) Accessory Structures.
- (1) R1/R2: Accessory structures are permitted as regulated in Section 1125.04.
 - (2) ASF Fifteen feet in height, maximum.
(Ord. 1993-45. Passed 7-12-93; Ord. 1995-18. Passed 4-10-95.)

1130.10 SUPPLEMENTAL PARKING REGULATIONS.

In addition to the applicable parking regulations of Chapter 1141, the following parking regulations shall apply.

- (a) Large Vehicles. Vehicles exceeding nineteen (19) feet in length or seven (7) feet in width, or eight (8) feet in height are considered large vehicles for the purpose of these parking regulations. Unless otherwise permitted in this section, a large vehicle shall be stored in a garage and used solely by the occupant of the dwelling. No large vehicle shall be parked, stored or allowed to remain on a lot or parcel of land that is not improved with a main building.
- (b) Overnight Parking. Overnight parking of vehicles in front and side yards is prohibited with the following exceptions:
 - (1) The occupants of the premises and their guests may park a passenger vehicle that is not considered a Large Vehicle in a driveway provided that no part of any vehicle may extend over any public sidewalk or other right of way.
 - (2) A single vehicle having truck license plates and with a capacity rating of one (1) ton or less may be parked in a driveway provided that no part of any vehicle may extend over any public sidewalk or other right of way and that such truck is used solely by the occupant of the dwelling.
- (a) Prohibited Activity. The rebuilding, overhauling or dismantling of an automotive vehicle or the storage of motor or body parts in an open yard is prohibited. The outside parking and storage of recreational vehicles is prohibited.
- (b) ASF: Garages. Each garage shall be provided for the exclusive use of a single dwelling unit and shall be attached to the residential structure which contains that unit. Such garages may be attached to one another at side walls in order to improve design. (Ord. 2003-05. Passed 2-24-03.)
- (c) ASF.
 - (1) In addition to the parking required in Chapter 1141 , a minimum of one-half (0.5) off-street parking space per dwelling unit shall be provided in unenclosed common parking areas distributed throughout the development in a manner providing convenient access to all dwelling units. (Ord. 2003-05. Passed 2-24-03.)

1130.11 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code. (Ord. 1993-45. Passed 7-12-93.)

CHAPTER 1131
Residential Districts: Retirement Living

- [1131.01](#) **Intent.**
- [1131.02](#) **Permitted uses.**
- [1131.03](#) **Area regulations.**
- [1131.04](#) **Height regulations**
- [1131.05](#) **Yard and setback regulations.**
- [1131.06](#) **Distances between buildings and uses.**
- [1131.07](#) **Design regulations and standards.**
- [1131.08](#) **Off-street parking regulations.**
- [1131.09](#) **Supplemental regulations.**

CROSS REFERENCES

- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P.& Z. [1143.07](#)
- Satellite dish antennas - see BLDG. [1350.11](#)

1131.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03 , it is the intent of these district regulations to promote the development of appropriately located housing for persons of retirement age and to provide in such locations dining, recreation and health center facilities for the comfort and convenience of such persons.

(Ord. 1984-20. Passed 11-6-84.)

1131.02 PERMITTED USES.

In a Retirement Living District, buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Attached single-family (ASF) dwellings
 - (2) Retirement Living Center (RLC) building, consisting of residential units with full dining service and other support services provided within the building. (Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory Uses.
 - (1) Health centers and recreation facilities primarily for the use of residents of the Retirement Living District.
 - (2) Dining facilities for residents of the district and their guests.
 - (3) Garages and parking areas, roads and walkways.
 - (4) Utility, maintenance, sanitation and storage facilities completely enclosed within separate buildings or otherwise permitted buildings, except that maintenance and repair of trucks, tractors, automobiles and similar vehicles shall not be permitted within residential buildings.
 - (5) Landscape features, private gardens, fences, walls and hedges as regulated in Chapters 1142 and 1148.
 - (6) Rooftop mechanical equipment necessary for the normal operation of the development.
 - (7) Signs, as regulated in Chapter 1143.
 - (8) Home occupations, as regulated in Section 1125.05.

(Ord. 2014-69. Passed 11-10-14.)

1131.03 AREA REGULATIONS.

In a Retirement Living District, more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District. Land and structures shall be developed and maintained in accordance with the following area regulations.

- (a) Areas.
 - (1) Development Area: 15 acres minimum.
 - (2) Lot Area: 3 acres minimum.(Ord. 2005-19. Passed 5-9-05.)
- (b) Density:
 - RLC: 20 dwelling units per acre maximum.
 - ASF: 10 dwelling units per acre maximum.
- (c) Lot Width at Building Line: 200 feet minimum.
- (d) Lot Width at Street Line: 60 feet minimum at each vehicular entrance and along the length of each vehicular access through a yard.
- (e) Building Coverage (all main and accessory buildings): 30% maximum.
- (f) Common Open Space: 500 square feet of lot area, minimum, per dwelling unit as defined and regulated in Section 1131.07(f).
- (g) Dwelling Unit Area:
 - RLC: 300 square feet minimum for an efficiency unit, 750 square feet minimum for a one-bedroom unit and 150 square feet for each additional bedroom.
 - ASF: 1,000 square feet minimum for a one-bedroom unit and 150 square feet for each additional bedroom.
- (h) Storage Area: 60 square feet minimum provided on the ground floor or basement level of each dwelling unit in addition to the dwelling unit area.
(Ord. 1984-20. Passed 11-6-84.)

1131.04 HEIGHT REGULATIONS.

In a Retirement Living District, structures shall be developed and maintained in accordance with the following height regulations.

- (a) Main Buildings. 35 feet or less, maximum
- (b) Accessory Structures. 12 feet maximum for private parking garages; 20 feet maximum for repair and storage garages; 35 feet maximum for buildings housing health, recreation and dining facilities.
- (c) Exceptions to Height Limits. Rooftop mechanical equipment as permitted in Section 1131.02(b)(6) may extend a maximum of ten feet above the highest point of the building on which it is located, provided such equipment conforms to Section 1131.07(h). With the exception of chimneys and antennas on attached single-family dwellings, such equipment shall be set back from any building face a distance at least equal to the height by which it exceeds the building height. (Ord. 1984-20. Passed 11-6-84; Ord. 1995-18. Passed 4-10-95.)

1131.05 YARD AND SETBACK REGULATIONS.

In a Retirement Living District, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, gardens, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable

regulations of this Planning and Zoning Code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of subsection (b) hereof.

(a) Yards. The minimum setback from a lot line to a main building shall be as set forth below.

Number of Stories In Main Building	Minimum Setback (feet)		
	To Street R.O.W.	To R1 District Line	To Other Lot Line
1	35	35	15
2	35	45	25
3	35	55	35

(b) Setbacks. The minimum setback from a lot line to an accessory structure or use shall be as set forth in the following table:

Accessory Uses	Minimum Setback (feet)		
	To Front Lot Line	To R1 District Line	To Other Lot Line
Buildings and Structures	*	35	15
Surface Parking Area	*	10	5
Private Roads	*	10	5
Recreation Facilities	*	30	10
Walkways	0	5	5

* Not permitted in front yards, except that private roads are permitted only as necessary in providing access to a public right of way.

(c) Projection of Building Features into Setbacks.

- (1) Certain architectural features may project from a main building into any setback a maximum distance of three feet. However, no such feature shall extend to within three feet of a side lot line or into a setback any distance greater than a setback line that has been established by a variance. For purposes of this subsection, architectural features shall include awnings, balconies, bay windows, belt courses, canopies, cornices, projecting eaves and other overhangs.
- (2) Entrance features not exceeding forty-eight (48) square feet may project from a main building into a setback a maximum distance of six feet provided that no projection shall extend into a setback any distance greater than a setback line that has been established by a variance. Entrance features shall include steps, landings, platforms and unenclosed porches not extending above the first floor.
- (3) Structures such as porches, balconies, platforms, decks, patios, and similar architectural projections that exceed forty-eight (48) square feet shall meet the setback requirements of the main building.

1131.06 DISTANCES BETWEEN BUILDINGS AND USES.

In a Retirement Living District, land and structures shall be developed and maintained in accordance with the following regulations regarding the required distances between buildings and other uses.

(a) Definitions and Measurement Standards. The following definitions and measurement standards shall apply to terms used in this section.

- (1) Main wall. Any exterior wall(s) of a residential building containing the principal windows of a living, dining or sleeping room or rooms.
 - (2) Secondary wall. Any exterior wall(s) of a residential building, other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of a kitchen or bathroom, or no windows.
 - (3) Overlapping walls. A wall of one building shall be considered as overlapping a wall of a second building when perpendicular lines extended from that wall intersect the second wall.
 - (4) Length of overlap. The “length of overlap” shall be considered as the length of the portion of one wall from which perpendicular lines will intersect a second wall. In determining the length of overlap, the minimum possible overlap shall be used for computation.
 - (5) Facing walls. Although more than one set of walls may be "overlapping" in the relationship between two buildings, only one set of two walls shall be considered "facing". Facing walls shall be those two overlapping walls for which the length of overlap is the greater.
- (b) Schedule of Distances. The minimum distance between walls of main buildings and other walls or uses shall be as set forth in the following schedule:

Building Wall	Other Wall or Use	Minimum Distance (feet)
Main wall, facing:	another main wall	40+x
	secondary wall	30+X
	accessory building	30
	recreation facility	30
	private road*	30
	surface parking area	10
Secondary wall, facing:	another secondary wall	25+x
	accessory building	20
	recreation facility	20
	private road*	20
	surface parking area	10
Accessory building, facing:	another accessory building	15
	private road*	10

x = length of overlap divided by 5.

* "private road" excludes a drive providing direct access to a Retirement Living Center building.
 (Ord. 1984-20. Passed 11-6-84.)

1131.07 DESIGN REGULATIONS AND STANDARDS.

In a Retirement Living District, land and structures shall be developed and maintained in accordance with the following design regulations and standards.

- (a) Building Design. Retirement Living Center. The maximum length of any main or accessory building wall shall be 100 feet. However, building length may extend a maximum of 200 feet, provided that walls are offset or aligned at angles as approved by the Architectural Board of Review.

- (b) Building Design: Attached Single-Family. In order to enhance privacy and to reduce the apparent mass of the buildings, the alignment of attached single family buildings should be varied and the facades of not more than every two dwelling units shall be offset by at least sixteen inches. No more than eight units shall be located in one building.
- (c) Building Design: General. To reduce the apparent mass of the building's variations in such building elements as facade, width, color, exterior materials, and roof lines shall be deemed desirable. Parallel arrangements of buildings should be avoided. However, uniformity in design is not expressly prohibited.
- (d) Site Design. Retirement Living residential developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of buildings, open spaces and accessory uses.
- (e) Modifications to Area, Yard and Setback Requirements. With respect to properties of irregular shape, or unusual topography the Planning and Zoning Commission may modify requirements regarding areas, yards, setbacks and distances between uses if compliance with these requirements is either clearly infeasible or contrary to compliance with the design regulations and standards of this section. However, the maximum permitted density shall not be increased by reason of this provision. Applicants shall first seek modifications permitted under this section prior to filing an application as set forth in Section 1111.03 for a variance for areas, yards, setbacks and distances between uses.
- (f) Common Open Space. As required in Section 1131.03(f), at least 500 square feet of land per dwelling unit shall be reserved as common open space in Retirement Living Districts.
 - (1) Required characteristics. Land designated as common open space under the provisions of this section shall conform to the characteristics described below.
 - A. Common open space shall consist of land or a combination of land or water of such condition, size and shape as to be usable for active recreation and/or scenic enjoyment as appropriate to the site, the surrounding area, and the expected resident population. Such area shall contain no structures other than those related to recreational use and shall not include roads or parking areas.
 - B. Setback areas shall be excluded in the computation of common open space.
 - C. Consideration shall be given to the arrangement and location of common open space to take advantage of physical characteristics of the site and to place common open space within easy access and view of dwelling units. Common open space shall not be separated from the development by existing roads.
 - D. Common open space shall not be depleted, reduced in size or converted to any other use.
 - (2) Ownership and maintenance.
 - A. The applicant shall submit copies of the proposed documents which provide for the permanent preservation of open space at the time of application for development. No application shall be approved until such documents are acceptable to the Municipality and the Law Director in form and content.
 - B. Such common open space, including any recreational facilities proposed to be constructed in such space, shall be clearly delineated on the site plan together with descriptive data as to the methods to be employed to preserve and maintain such open space.

- C. In the event the open space is owned in common by more than one owner directly or indirectly, a non-profit association shall be incorporated under the laws of the State of Ohio and such association shall be the owner in unencumbered fee simple title.
 - D. All common open space shown on the site plan must be subject to legally enforceable declarations and restrictions. Such declarations and restrictions shall grant enforcement rights to the Municipality as a third-party beneficiary, and shall be reviewed by and must obtain approval of the Law Director before final approval for development will be granted., The declarations and restrictions shall grant enforcement rights to the Municipality as a third-party beneficiary, and shall be reviewed by and must obtain the approval of the Law Director before final approval for development will be granted.
- (g) Pedestrian Circulation. Each Retirement Living residential development shall be served by a comprehensive walkway system adequately separated from vehicular circulation, connecting residential buildings, parking areas, recreation areas and health center buildings.
 - (h) Utility Equipment. All utility lines serving a Retirement Living residential development shall be located underground. All rooftop mechanical equipment shall be enclosed in a manner which complements the architectural style of the building on which it is located.
(Ord. 1984-20. Passed 6-11-84; Ord. 1995-18. Passed 4-10-95.)

1131.08 OFF-STREET PARKING REGULATIONS.

In addition to the applicable regulations of Chapter 1141, the following parking regulations shall apply to attached single-family developments in a Retirement Living District.

- (a) Common Parking Areas. In attached single-family developments, a minimum of one-half (0.5) off-street parking space per dwelling unit shall be provided in unenclosed common parking areas distributed throughout the developments in a manner providing convenient access to all dwelling units. This requirement shall be in addition to the parking requirements of Chapter 1141.
- (b) Garages. In attached single-family developments, each garage shall be provided for the exclusive use of a single dwelling unit and shall be attached to the residential structure which contains that unit. Such garages may be attached to one another at side walls in order to improve design.
- (c) Prohibited Activity. The rebuilding, overhauling or dismantling of an automotive vehicle or the storage of motor or body parts in an open yard is prohibited. The outside parking and storage of recreational vehicles is prohibited.
(Ord. 2003-05. Passed 2-24-03.)

1131.09 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.
(Ord. 1984-20. Passed 11-6-84.)

CHAPTER 1135 Office District

- [1135.01](#) **Intent.**
- [1135.02](#) **Permitted uses.**
- [1135.03](#) **Height regulations.**
- [1135.04](#) **Yard and setback regulations.**
- [1135.05](#) **Supplemental regulations.**

CROSS REFERENCES

- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.06](#)

1135.01 INTENT.

In addition to the provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote office development appropriately designed and located to achieve, among others, the following objectives:

- (a) To provide opportunities for local employment;
- (b) To stimulate the local economy and to generate local tax revenues; and
- (c) To limit retail sales and retail services so as to prevent a decline of such uses in the Municipal center where they are more appropriately located.
- (d) To permit development, which by virtue of its characteristic traffic generation, hours of operation and noise levels, may serve as an appropriate transitional use between residential areas and nearby retail or industrial areas.

(Ord. 1998-62. Passed 9-14-98; Ord. 2001-75. Passed 11-12-01.)

1135.02 PERMITTED USES.

In an Office District, more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District. Buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Office buildings. Office buildings, accommodating accounting, administrative, business, executive, governmental, insurance, investment, professional, public or quasi-public, real estate or travel agency establishments, except that no retail sales or retail services shall be permitted as a main use.
 - (2) Medical offices. Medical office buildings and outpatient clinics.
 - (3) Veterinary clinics. Veterinary clinics conducted within completely enclosed buildings sufficiently sound-insulated to confine all noise to the premises. (Ord. 2014-09. Passed 3-10-14.)
 - (4) Public buildings. Village hall, police and fire stations, post offices, libraries and other public facilities providing frequently used services.
 - (5) Non-profit organizations. Clubs, lodges, fraternal and service organizations, museums and similar facilities; retail sales shall be permitted if customary and incidental to the organization's non-profit activities.
 - (6) Funeral homes. (Ord. 2014-09. Passed 3-10-14.)
 - (7) Fitness Centers.
 - (8) Utility stations. Telephone exchanges, cable television and other communication services and similar utility switching or conversion facilities provided that such use does not involve unenclosed storage, truck or equipment storage or repair or the

housing of work crews. For landscaping regulations of utility uses, see Section 1142.07.

- (9) Similar uses. As regulated in Chapter [1113](#).
 (Ord. 2014-70. Passed 11-10-14.)
- (b) Accessory Uses.
 - (1) Off-street parking and loading areas, driveways and walkways.
 (Ord. 1984-20. Passed 11-6-84.)
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
 (Ord. 1995-18. Passed 4-10-95.)
 - (3) Utility, maintenance, sanitation and storage facilities completely enclosed within otherwise permitted main buildings.
 - (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
 - (5) Signs, as regulated in Chapter 1143.
 - (6) Lighting structures as regulated in Chapter 1150 of this Planning and Zoning Code, and flag poles.
 - (7) Sale of pharmaceuticals and medical supplies, provided that such use is completely enclosed within a permitted medical office building or clinic and further provided that such use occupies no more than twenty-five percent (25%) of the first-floor area.
 (Ord. 2014-70. Passed 11-10-14.)

1135.03 HEIGHT REGULATIONS.

In an Office District, land and structures shall be developed and maintained in accordance with the following height regulations.

- (a) Main Buildings: 40 feet maximum.
 (Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory Structures: 15 feet maximum for accessory structures.
 (Ord. 1995-18. Passed 4-10-95.)
- (c) Exceptions to Height Limitations: Rooftop mechanical equipment as permitted under Section 1135.02(b)(4) may extend a maximum of ten feet above the highest point of the building on which it is located, provided that such equipment is set back from any building face a distance at least equal to the height by which it exceeds the building height.
 (Ord. 1984-20. Passed 11-6-84.)

1135.04 YARD AND SETBACK REGULATIONS.

In an Office District, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory buildings structures and uses are permitted in setbacks only in accordance with the setback regulations of subsection (b) hereof.

- (a) Yards. The minimum setback from a lot line to a main building shall be as set forth below:

<u>Yard</u>	<u>Minimum Setback (feet)</u>		
	<u>To Street R.O.W. Line</u>	<u>To Residential District Line</u>	<u>To Other Lot Line</u>
Front	30	--	--
Side (each)	20	10	7
Rear	20	40	7

(b) Setbacks. The minimum setback from a lot line to an accessory structure or use shall be as set forth below:

<u>Accessory Use</u>	<u>Minimum Setback Depth (feet)</u>		
	<u>To Street R.O.W. Line</u>	<u>To Residential District Line</u>	<u>To Other Lot Line</u>
Structures	*	10	7
Surface Parking Area	15	10	5
Drives	*	10	5
Lighting/Flag Poles	5	10	5

* Accessory structures and drives are not permitted in required yards except that drives are permitted only as necessary in providing access to a public right of way.

(c) Modifications to Yard and Setback Requirements.

- (1) Front yards. The Planning and Zoning Commission may reduce the required front yard setback to permit proposed buildings in substantially built up blocks to meet prevailing setbacks if such alignment is deemed more appropriate
- (2) Side yards. Buildings on adjoining lots may be attached at side lot lines if approved by the Planning and Zoning Commission and Architectural Board of Review in consideration of planning and design standards and a recorded common wall agreement is entered into by the owners in form and content first approved by the Law Director.
- (3) Buffers. The Planning and Zoning Commission may eliminate buffer requirements at side and rear lot lines joining nonresidential uses in order to permit shared drive and parking facilities. Such action shall be taken only if it is determined that site design or safety will be improved as a result. The Planning and Zoning Commission shall require the submission of written reciprocal agreements between the property owners, which shall be recorded with the County Recorder, guaranteeing the observance of all required conditions for the life of the shared driving and/or parking facilities, which agreement shall be reviewed and subject to the approval of the Law Director, which agreements shall name the Municipality as a third party beneficiary of the agreements with the right to enforce such reciprocal agreements.

(d) Fire Escapes. An open or semi-enclosed iron fire escape shall project not more than six feet into a required rear yard.
 (Ord. 1984-20. Passed 11-6-84.)

1135.05 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.
 (Ord 1984-20. Passed 11-6-84)

CHAPTER 1137
Retail Business District

- 1137.01** Intent.
- 1137.02** Permitted uses.
- 1137.03** Height regulations.
- 1137.04** Yard and setback regulations.
- 1137.05** Detail regulations by type of establishment.
- 1137.06** Supplemental regulations.

CROSS REFERENCES

- Garbage or refuse outside eating establishments - see GEN. OFF. 521.10
- Off-street parking - see P. & Z. 1141.05
- Signs permitted - see P. & Z. 1143.06
- Special use designations - see P. & Z. App. A

1137.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote retail business development appropriately designed and located to achieve, among others, the following objectives:

- (a) To serve the daily shopping needs of community residents;
 - (b) To promote vitality in the local economy by serving the specialty retail shopping needs of the regional population;
 - (c) To strengthen the viability of the retail business district by focusing new retail development near the existing Municipal center and by preserving the pedestrian oriented retail character of the commercial street frontage; and
 - (d) To complement the historic and small-scale character of the Municipality's present residential and business communities.
- (Ord. 1992-94. Passed 1-11-93.)

1137.02 PERMITTED USES.

In a Retail Business District, more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District. Buildings and land shall be used by right for only the main and accessory uses set forth below. Except as otherwise permitted, such uses shall be conducted wholly within enclosed buildings. Processing, production and repair activities are further regulated in Section 1137.05(d).

- (a) Main Uses.
 - (1) Office uses. General and medical office uses as permitted in Office Districts.
 - (2) Retail sales. Establishments engaged primarily in the retail sale of merchandise as delineated below.
 - A. Convenience stores. Establishments engaged primarily in the sale of an assortment of merchandise from several categories including those selling any combination of food, or beverages for consumption off premises, pharmaceuticals, hardware, variety items, stationery, cards, tobacco, and reading matter.
 - B. Specialty stores. Establishments engaged primarily in the sale of one specific type of merchandise including those selling food and beverage products requiring further preparation off premises, artwork, antiques, crafts, gifts, jewelry, leather goods and novelties.

- C. Shopping goods stores including those selling apparel, furniture, luggage, appliances, bicycles, auto parts, sporting goods, office supplies and equipment, and musical instruments.
- (3) Retail services. Establishments engaged primarily in the sale of services, as delineated below.
 - A. Restaurants and other establishments engaged primarily in the sale of food in a ready-to-consume state, as regulated in Section 1137.05(a).
 - B. Personal service establishments including tailor, shoe repair, dry cleaner, laundromat, barber, beautician, musical instruction, artist studio, photography studio, and copying and printing, but excluding tattoo and body piercing establishments.
 - C. Banks, credit unions and savings associations, which may or may not include drive-in services as regulated in Section 1137.05(c).
 - D. Repair and servicing establishments for such products as household appliances, watches, clocks and jewelry, but excluding industrial equipment and motorized vehicles.
- (4) Hotels. As regulated in Section 1137.05(g).
(Ord. 2001-75. Passed 11-12-01.)
- (5) Recreation and entertainment uses. Fitness centers, bowling alleys, event centers, indoor theaters, and similar uses conducted within completely enclosed buildings sufficiently sound-insulated to confine all noise to the premises. Amusement machines are prohibited by the provisions of Chapter 715 of the Business Regulation Code.
- (6) Trade schools, etc. Trade and business schools and private establishments offering classes in such areas as self-improvement, dance, exam preparation and weight loss.
(Ord. 2014-70. Passed 11-10-14.)
- (7) Public buildings. Village hall, library, post office and other public facilities providing frequently used, pedestrian-oriented services. Police stations, fire stations and ambulance services shall be permitted only as regulated in Section 1137.05(e).
- (8) Museums and similar facilities.
- (9) Community centers.
- (10) Parking lots. As regulated in Section 1137.05(h).
- (11) Residential use. As regulated in Section 1137.05(i).
- (12) Similar uses. As regulated in Chapter 1113.
(Ord. 2001-75. Passed 11-12-01.)
- (b) Accessory Uses.
 - (1) Parking areas (open or enclosed) and loading areas, driveways and walkways.
(Ord. 1984-20. Passed 11-6-84.)
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters [1142](#) and [1148](#).
(Ord. 1995-18. Passed 4-10-95.)
 - (3) Utility, maintenance, sanitation and storage facilities as regulated in Section [1144.02](#)(d) and provided such use is located so as not to significantly interrupt the commercial street frontage.
 - (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
 - (5) Signs, as regulated in Chapter [1143](#).
 - (6) Lighting structures as regulated in Chapter 1150 of this Planning and Zoning Code, and flag poles.

- (7) Carry out food service as regulated by Section 1137.05(a)
- (8) Outdoor sales as regulated in Section 1137.05(e)
 (Ord. 1984-20. Passed 11-6-84.)

1137.03 HEIGHT REGULATIONS.

In a Retail Business District, land and structures shall be developed and maintained in accordance with the following height regulations,

- (a) Main buildings. Forty feet maximum
 (Ord. 1984-20. Passed 11-6-84.)
- (b) Accessory structures. Thirty-five feet maximum for garages and fifteen feet maximum for other structures.
 (Ord. 1995-18. Passed 4-10-95.)
- (c) Exceptions to height limitations. Rooftop mechanical equipment as permitted under Section 1137.02(b)(4) may extend a maximum of ten feet above the highest point of the building on which it is located, provided that such equipment is set back from each building face a distance at least equal to the height by which it exceeds the building height.
 (Ord. 1984-20. Passed 11-6-84.)

1137.04 YARD AND SETBACK REGULATIONS.

In a Retail Business District, land and structures shall be developed and maintained in accordance with the following land and setback regulations. Landscape features, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this Planning and Zoning Code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of Section (b) below.

- (a) Yards. The minimum setback from lot line to a main building shall be as set forth below.

<u>Yard</u>	<u>Minimum Setback (feet)</u>		
	<u>To Street R.O.W. Line</u>	<u>To Residential District Line</u>	<u>To Other Lot Line</u>
Front	20	--	--
Side (each)	20	15	5
Rear	20	40	5

- (b) Setbacks. The minimum setback from a lot line to an accessory structure or use shall be as set forth below.

<u>Accessory Use</u>	<u>Minimum Setback Depth (feet)</u>		
	<u>To Street R.O.W. Line</u>	<u>To Residential District Line</u>	<u>To Other Lot Line</u>
Structures	*	15	5
Surface Parking Area (main or accessory)	10	10	5
Drives	*	10	5
Lighting, Flag Poles	5	10	5

* Accessory structures and drives are not permitted in required yards except that drives are permitted only as necessary in providing access to a public right of way.

- (c) Modifications to Yard and Setback Requirements.

- (1) Front yards. The Planning and Zoning Commission may reduce the required front yard setback to permit proposed buildings in substantially built-up blocks to meet prevailing setbacks if such alignment is deemed more appropriate by the Commission.
- (2) Side yards. Buildings on adjoining lots may be attached at side lot lines if approved by the Planning and Zoning Commission and Architectural Board of Review in consideration of planning and design standards.
- (3) Buffers. The Planning and Zoning Commission may eliminate buffer requirements at side and rear lot lines joining nonresidential uses in order to permit shared drive and parking facilities. Such action shall be taken only if it is determined that site design or safety will be improved as a result. The Planning and Zoning Commission shall require the submission of written reciprocal agreements between the property owners, which shall be recorded with the County Recorder, guaranteeing the observance of all required conditions for the life of the shared driving and/or parking facilities, which agreement shall be reviewed and subject to the approval of the Law Director, which agreements shall name the Municipality as a third party beneficiary of the agreements with the right to enforce such reciprocal agreements.
- (d) Projections into Setbacks. An open or semi-enclosed fire escape may project no more than six feet into a required rear yard.
(Ord. 1984-20. Passed 11-6-84.)

1137.05 DETAILED REGULATIONS BY TYPE OF ESTABLISHMENT.

The following uses, as permitted in Section [1137.02](#), shall be developed and maintained in accordance with the additional regulations set forth below.

- (a) Restaurants (and other establishments engaged primarily in the sale of food in a ready-to-consume state).
 - (1) Outdoor service shall be limited to seating areas which are not located in setbacks.
 - (2) Direct service to customers in automobiles or other vehicles shall not be permitted.
 - (3) Restaurants which engage in the sale of food in a ready-to-consume state, but to be consumed off the premises, shall not be permitted.
 - (4) Carry-out food service shall only be permitted as an incidental use to restaurants and other establishments engaged primarily in the sale of food in a ready-to-consume state on the premises, and which otherwise comply with the requirements of this Planning and Zoning Code.
 - (5) All restaurants shall install and operate in good working condition an odor abatement system for its kitchen exhaust equipment.
(Ord. 2014-70. Passed 11-10-14.)
- (c) Drive-In Facilities. Drive-in banking facilities and similar facilities providing direct service to customers in motor vehicles shall be, planned, designed and constructed so that all vehicle stacking is contained on the lot.
- (d) Processing, Production, Repair. Processing, production and repair, such as baking, dry cleaning, photographic processing and appliance repair shall be permitted for uses in a Retail Business District only if the majority of such activity conducted at an establishment represents work generated through customer contacts, primarily walk-in contacts, made at that location rather than at retail outlets located elsewhere.
- (e) Emergency Services. In order not to interrupt the pedestrian-oriented commercial street frontage, police, fire and ambulance service uses shall be located if feasible, on streets other than Main or Franklin Streets. If located on these streets, such uses should be located on

- corner parcels at the intersection of public streets.
- (f) Lawn and Garden Outdoor Sale. Outdoor sale of lawn and garden supplies and equipment is permitted provided that no goods are displayed or stored in a setback and that such operation is accessory to an immediately contiguous enclosed retail business selling such supplies and equipment located on the same lot.
 - (g) Hotels. Dwelling units in a hotel shall be limited to a maximum density of thirty units per acre and a minimum floor area of 300 square feet per unit.
 - (h) Parking Lots as Main Uses. Landscaping and screening shall be provided as required in Section 1142.06.
(Ord. 1992-94. Passed 1-11-93.)
 - (i) Residential Uses. Residential uses shall be developed and maintained in accordance with the following:
 - (1) No residential use shall occupy a ground floor space with frontage on a public street.
 - (2) Private, off-street parking must be secured to accommodate a minimum of one parking space per efficiency or one bedroom unit and two parking spaces for two or more bedroom units. The provision of such parking spaces shall not result in the reduction of the required number of parking spaces for any other permitted use.
 - (3) Minimum dwelling unit area: 500 square feet for an efficiency, 750 square feet for a one bedroom unit, and 150 square feet for each additional bedroom.
 - (4) All utility equipment and mechanical systems shall be installed so that they are shielded from public view.
 - (5) The exterior appearance of the building in which the residential use is located shall not be altered in such a manner that will detract from its commercial character.

1137.06 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.
(Ord. 1984-20. Passed 11-6-84.)

**CHAPTER 1138
Central Shopping District**

- [1138.01](#) **Intent.**
- [1138.02](#) **Permitted uses.**
- [1138.03](#) **Area and height regulations.**
- [1138.04](#) **Yard and setback regulations.**
- [1138.05](#) **Detailed regulations by type of establishment.**
- [1138.06](#) **Supplemental regulations.**

CROSS REFERENCES

- Garbage or refuse outside eating establishments - see GEN. OFF. [521.10](#)
- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.06](#)

1138.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote retail business development appropriately designed and located to achieve, among others, the following objectives:

- (a) Preserve the Municipality's downtown as a core for retail sales and personal service businesses.
- (b) Promote pedestrian accessibility by discouraging uses that attract large-scale automobile and truck traffic that tend to make pedestrian circulation difficult and/or unsafe.
- (c) Promote the grouping, clustering and compactness of buildings to further encourage both pedestrian access to retail sales and services as well as comparative shopping.
- (d) Allow for a diversity of small business uses that complement and strengthen one another.
- (e) Restrict the location of offices, trade and business schools, and self-improvement training facilities to floor space that is not located on the ground floor so as to not disturb or break up the continuous flow of pedestrian shopping within the Municipality's historic downtown core.
(Ord. 1992-94. Passed 1-11-93.)
- (f) To create a Central Shopping District in which all of the regulations contained in this chapter shall apply.
- (g) To retain the unique historic and architectural characteristics of the downtown core while accommodating new investment.
(Ord. 2000-6. Passed 3-27-00.)

1138.02 PERMITTED USES.

In the Central Shopping District, more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District. Buildings and land shall be used by right of only the main and accessory uses set forth below. Except as otherwise permitted, such uses shall be conducted within completely enclosed buildings. (Ord. 2014-70. Passed 11-10-14.)

- (a) Main Uses.
 - (1) Office uses. General and medical office uses as permitted in Office Districts provided that no office use other than a travel agency or similar service oriented business expecting a substantial amount of walk-in traffic, shall occupy a ground floor space with frontage on a public street from which that space has access.
 - (2) Retail sales. Establishments engaged primarily in the retail sale of merchandise as

delineated below.

- A. Convenience stores. Establishments engaged primarily in the sale of an assortment of merchandise from several categories including those selling any combination of food, beverages for consumption off premises, pharmaceuticals, hardware, variety items, stationery, cards, tobacco, and reading matter.
 - B. Specialty stores. Establishments engaged primarily in the sale of one specific type of merchandise, including those selling food and beverage products requiring further preparation off premises, artwork, antiques, crafts, gifts, jewelry, leather goods and novelties.
 - C. Shopping goods stores including those selling apparel, furniture, luggage, appliances, bicycles, auto parts, sporting goods, office supplies and equipment, and musical instruments.
- (3) Retail services. Establishments engaged primarily in the retail provision of services, as delineated below.
- A. Full-service restaurants, as regulated in Section 1138.05(a).
 - B. Personal service establishments including tailor, shoe repair, dry cleaner, laundromat, barber, beautician, musical instruction, artist studio, photography studio, and copying and printing, as regulated in Section 1138.05(c), but excluding tattoo and body piercing establishments.
 - C. Banks, credit unions and savings associations, which may or may not include drive-in services as regulated in Section 1138.05(b).
 - D. Repair and servicing establishments for such products as household appliances, household electronics, watches, clocks and jewelry, as regulated in Section 1138.05(c), but excluding industrial equipment and motorized vehicles.
- (4) Hotels. As regulated in Section 1138.05(f).
- (5) Trade schools, etc. Trade and business schools and private establishments offering classes in such areas as self-improvement, dance, exam preparation and weight loss, provided that no such use shall occupy a ground floor space with frontage on a public street from which that space has access.
- (6) Public buildings. Village hall, library, post office and other public facilities, providing frequently used, pedestrian-oriented services. Police stations, fire stations and ambulance services shall be permitted only as regulated in Section 1138.05(d).
- (7) Residential use. As regulated in Section 1138.05(g).
- (8) Similar uses. As regulated in Chapter 1113
(Ord. 2001-75. Passed 11-12-01; Ord. 2006-56. Passed 1-8-07.)
- (b) Accessory Uses.
- (1) Parking areas (open or enclosed) and loading areas, driveways and walkways.
(Ord. 1992-94. Passed 1-11-93.)
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
(Ord. 1995-18. Passed 4-10-95.)
 - (3) Utility, maintenance, sanitation and storage facilities as regulated in Section 1144.02(d) and provided such use is located so as not to significantly interrupt the commercial street frontage.
 - (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
 - (5) Signs, as regulated in Chapter 1143.
 - (6) Lighting structures, as regulated in Chapter 1150, and flag poles.

(Ord. 1992-94. Passed 1-11-93.)

1138.03 AREA AND HEIGHT REGULATIONS.

For regulations regarding area and height restrictions, the same regulations contained under Section 1137.03 of the Retail Business District shall also apply to all land and structures within the Central Shopping District.

(Ord. 1992-94. Passed 1-11-93.)

1138.04 YARD AND SETBACK REGULATIONS.

For regulations regarding minimum yard and setback requirements, the same regulations contained in Section 1137.04 of the Retail Business District shall also apply to the land and structures within the Central Shopping District.

(Ord. 1992-94. Passed 1-11-93.)

1138.05 DETAILED REGULATIONS BY TYPE OF ESTABLISHMENT.

The following uses, as permitted in Section 1138.02, shall be developed and maintained in accordance with the additional regulations set forth below:

(Ord. 2003-61. Passed 12-8-03.)

- (a) Full-Service Restaurants. As used in this chapter, “full-service restaurant” means a place where food and beverages are sold and consumed on-premises within a completely enclosed building, except as otherwise permitted herein.
 - (1) A full- service restaurant shall have a host and/or hostess to seat customers, provide table service to customers with food orders taken and food delivered to tables by waiters and /or waitresses.
 - (2) Outdoor service shall be limited to seating areas which are not located in setbacks. Furthermore, indoor and permitted outdoor service areas for each establishment shall be sufficient in size to accommodate the majority of customers served.
 - (3) Direct service to customers in automobiles or other vehicles shall not be permitted.
 - (4) Carry-out service shall only be permitted as an incidental use to a full-service restaurant which otherwise complies with the requirements of this Planning and Zoning Code.
 - (5) Any restaurant shall install and operate in good working condition an odor abatement system for its kitchen exhaust equipment
(Ord. 2006-56. Passed 1-8-07.)
- (b) Drive-in Facilities. Drive-in banking facilities and similar facilities providing direct service to customers in motor vehicles shall be and planned, designed and constructed so that all vehicle stacking is contained on the lot.
- (c) Processing, Production, Repair. Processing, production and repair, such as baking, dry cleaning, photographic processing and appliance and home electronics repair, shall be permitted for uses in the Central Business District only if the majority of such activity conducted at an establishment represents work generated through customer contacts, primarily walk-in contacts, made at that location rather than at retail outlets located elsewhere.
- (d) Emergency Services. In order not to interrupt the pedestrian-oriented commercial street frontage, police, fire and ambulance service uses shall be located on streets other than Main, or Franklin Streets.
- (e) Hotels. Dwelling units in a hotel shall be limited to a maximum density of thirty units

per acre and a minimum floor area of 300 square feet per unit.
(Ord. 1992-94. Passed 1-11-93.)

- (f) Residential Use. Residential uses shall be developed and maintained in accordance with the following: (Ord. 2003-61. Passed 12-8-03.)
- (1) No residential use shall occupy a ground floor space with frontage on a public street. (Ord. 1995-38. Passed 6-12-95.)
 - (2) Private, off-street parking, or public off-street parking by Municipal permit, must be secured for overnight parking and must accommodate a minimum of one parking space per efficiency or one bedroom unit and two parking spaces for two or more bedroom units. The provision of such spaces shall not result in the reduction of the required number of parking spaces for any other permitted use. (Ord. 2003-61. Passed 12-8-03.)
 - (3) Minimum dwelling unit area: 500 square feet for an efficiency, 750 square feet for a one bedroom unit, and 150 square feet for each additional bedroom.
 - (4) All utility equipment and mechanical systems shall be installed so that they are shielded from public view.
 - (5) The exterior appearance of the building in which the residential use is located shall not be altered in such a manner that will detract from its commercial character.

1138.06 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code. (Ord. 1992-94. Passed 1-11-93.)

CHAPTER 1139
Limited Industrial Districts

- 1139.01** Intent.
- 1139.02** Permitted uses.
- 1139.03** Area and height regulations.
- 1139.04** Yard and setback regulations.
- 1139.05** Supplemental regulations.

CROSS REFERENCES

- Noxious or offensive odors - see GEN. OFF. [521.09](#)
- Off-street parking - see P. & Z. [1141.05](#)
- Signs permitted - see P. & Z. [1143.06](#)
- Similar use designations - see P. & Z. [App. A](#)

1139.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these district regulations to promote limited industrial development appropriately designed and located to achieve, among others, the following objectives:

- (a) To provide opportunities for local employment.
- (b) To stimulate the local economy and generate local tax revenues.
- (c) To minimize the impact of limited industrial uses on surrounding uses.
- (d) To encourage development to take place that will make efficient use of existing infrastructure and services.
- (e) To limit permitted industrial uses to those most compatible with the predominantly small-scale, residential character of the community.
(Ord. 2004-43. Passed 9-13-04.)

1139.02 PERMITTED USES.

In Limited Industrial Districts, more than one (1) main building may be grouped on a lot provided that such grouping shall comply with the requirements of this District Buildings and land shall be used by right for only the main and accessory uses set forth below.

- (a) Main Uses.
 - (1) Research laboratories. Research laboratories for basic and applied research, experiment and testing.
 - (2) Service, storage and limited sales. Service and storage uses as listed below, with retail sales limited to the sale of building materials at such establishments as lumber yards and plumbing supply distributors.
 - A. Repair of household appliances and goods produced by manufacturing and assembly processes permitted in subsection (a)(3) and (4) hereof.
 - B. Shops and offices of contractors, including carpentry, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, roofing and sheet metal; packing and crating, monument works.
 - C. Storage yards and sale of new lumber and other building materials.
 - D. Warehouses and other storage establishments provided that all materials are enclosed within a structure or screened by a solid wall or fence sufficient to conceal all such materials when viewed by a person standing at ground level.
 - (3) Manufacture: precision products. Manufacturing processes limited to cutting, grinding, assembling, extrusion, finishing, polishing and incidental stamping and welding of

precision products and others which normally have a high value in relation to bulk, such as the following:

- A. Cameras and other photographic equipment, clocks, jewelry, cutlery, kitchen utensils.
 - B. Electric equipment: household appliances, lighting fixtures, small motors not to exceed 25 pounds, radios, televisions.
 - C. Hand tools, builders' hardware.
 - D. Instruments: musical, medical and scientific.
 - E. Electronic and mechanical control and communication devices and equipment.
 - F. Toys, sporting goods and athletic equipment.
- (4) Manufacture: nonmetal products. Manufacture of textile, wood, plastic and other nonmetal products such as the following:
- A. Furniture, cabinets and other wood products.
 - B. Printed and engraved material.
 - C. Clothing and other textile products.
 - D. Pharmaceutical products including cosmetics, drugs and toiletries.
 - E. Plastic including extrusion, molding and fabricating of panels, sheets, tubes and rods.
- (5) Office uses. Main and accessory uses as regulated in Chapter [1135](#). (Ord. 2000-43. Passed 9-13-04.)
- (6) Mixed Use Development. Development that permits a variety of complementary and integrated uses within a single structure or in multiple structures in the same Development Area in accordance with the following requirements of this section and all other applicable ordinances of the Municipality:
- A. Development Area for a Mixed Use Development shall be a minimum of three (3) acres.
 - B. At least three of the following uses are required for the establishment of a Mixed Use Development:
 - 1. Specialty stores including those selling artwork, antiques, crafts, gifts, jewelry, leather goods, and novelties, provided that the footprint of any one retail use shall not exceed 1,500 gross square feet and the total footprint area of all retail uses shall not exceed 7,000 gross square feet;
 - 2. Restaurants and other establishments engaged primarily in the sale of food in a ready-to-consume state provided that the total seat count of all restaurant uses does not exceed 250 seats and the total footprint of the patron seating areas for all restaurant uses shall not exceed 4,000 gross square feet. Outdoor service shall be limited to seating areas which are not located in setbacks. Direct service to customers in automobiles or other vehicles shall not be permitted. Restaurants which engage in the sale of food in a ready-to-consume state, but to be consumed off the premises, shall not be permitted. Carry-out service shall only be permitted as an incidental use to restaurants and other establishments engaged primarily in the sale of food in a ready-to-consume state on the premises, and which otherwise comply with the requirements of this Planning and Zoning Code. All restaurants shall install and operate in good working condition an odor abatement system for its kitchen exhaust equipment.
 - 3. Breweries defined as establishments that manufacture beer, provided that the

total production level shall not exceed 5,000 barrels of beer per year. Beer includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent or more, but not more than twelve percent, of alcohol by volume. Manufacture includes all processes by which beer is produced. Any brewery shall install and operate in good working condition an odor abatement system for any exhaust equipment.

4. Hotels limited to a maximum of 20 guest rooms;
 5. Office uses; (Ord. 2008-43. Passed 11-10-08.)
 6. Business and community centers, defined as establishments that offer business and community support facilities including those for conferences, seminars, lectures, trade shows, and continuing education classes, provided that the maximum occupancy does not exceed 150 people. Business and community centers may include the preparation and consumption on the premises of food and beverage provided that an odor abatement system is installed and operated in good working condition for its kitchen exhaust equipment.;
(Ord. 2009-26. Passed 6-8-09.)
 7. Indoor theaters contained within completely enclosed buildings sufficiently sound-insulated to confine all noise to the premises. The total footprint area of all indoor theater centers shall not exceed 5,000 gross square feet and the total theater seat count shall not exceed 80 seats;
(Ord. 2014-70. Passed 11-10-14.)
 8. Museums; and
 9. Playgrounds, not to exceed 3,000 gross square feet.
(Ord. 2008-43. Passed 11-10-08.)
- C. Off-street parking and loading facilities shall be permitted in accordance with the requirements of Chapter [1141](#).
- (7) Fitness Centers.
(Ord. 2014-70. Passed 11-10-14.)
 - (8) Similar uses. As regulated in Chapter [1113](#).
(Ord. 2000-43. Passed 9-13-04.)
- (b) Accessory Uses.
- (1) Accessory uses, buildings, or structures customarily incidental to a permitted use.
 - (2) Off-street parking and loading areas, driveways and walkways.
 - (3) Landscape features, fences, walls and hedges as regulated in Chapters [1142](#) and [1148](#).
 - (4) Utility, maintenance, sanitation and storage facilities, including garages. All trash and garbage and all raw materials, fuel, machinery, equipment and trucks used in the operation of a permitted use shall be enclosed within a structure or screened by a solid wall or fence sufficient to conceal all such materials when viewed by a person standing at ground level. All garbage shall be stored in air-tight vermin-proof containers.
 - (5) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
 - (6) Signs, as regulated in Chapter [1143](#).
 - (7) Light poles and flagpoles.
 - (8) Lunchrooms and recreation facilities for the exclusive use of employees.
 - (9) Retail sales of products manufactured, assembled or repaired on the premises and related products when such sales are incidental to a permitted main use. Such determination shall be made by the Planning and Zoning Commission.

(Ord. 2004-43. Passed 9-13-04.)

1139.03 AREA AND HEIGHT REGULATIONS.

In a Limited Industrial District, land and structures shall be developed and maintained in accordance with the following area and height regulations.

- (a) Lot Size. One acre minimum, except 10,000 square feet minimum for automotive service stations, repair garages and auto washes.
- (b) Lot Width. 100 feet minimum for street and building lines.
- (c) Building Coverage. Forty percent (40%) of lot area, maximum, for all main and accessory buildings.
- (d) Height.
 - (1) Main buildings: Three stories maximum and not exceeding forty feet.
(Ord. 1984-20. Passed 11-6-84.)
 - (2) Accessory structures: Fifteen feet maximum for accessory structures.
(Ord. 1995-18. Passed 4-10-95.)
 - (3) Exceptions to height limitations. Rooftop mechanical equipment as permitted under Section 1139.02(b)(5) may extend a maximum of ten feet above the highest point of the building on which it is located, provided that such equipment is set back from any building face a distance at least equal to the height by which it exceeds the building height.
(Ord. 1984-20. Passed 11-6-84.)

1139.04 YARD AND SETBACK REGULATIONS.

In a Limited Industrial District, land and structures shall be developed and maintained in accordance with the following yard and setback regulations. Landscape features, fences, walls and signs shall be permitted in setback areas, provided that such uses conform to applicable regulations of this code. Other accessory uses are permitted in setbacks only in accordance with the setback regulations of subsection (b) hereof.

- (a) Yards. The minimum setback from a lot line to a main building shall be as set forth below.

Yard	Minimum Setback (feet)		
	To Street R.O.W. Line*	To Residential District Line	To Other Lot Line
Front	30	--	--
Side	20	40	15
Rear	20	50	25

* For private roads, such distance shall be measured to the road pavement edge.

(b) Setbacks. The minimum setback depth from a lot line to an accessory structure or use shall be as set forth below.

<u>Accessory Use</u>	<u>Minimum Setback Depth (feet)</u>		
	<u>To Street R.O.W. Line</u>	<u>To Residential District Line</u>	<u>To Other Lot Line</u>
Structures	*	40	15
Surface Parking or Loading Area	5	15	5
Drives	*	15	5
Light/Flagpoles	5	15	5

* Accessory structures and drives are not permitted in required yards except that drives are permitted only as necessary in providing access to a public right of way.

(Ord. 1984-20. Passed 11-6-84.)

1139.05 SUPPLEMENTAL REGULATIONS.

For regulations regarding off-street parking and loading, landscaping, lighting, signs and environmental performance, refer to Chapters 1141-1150 of the Planning and Zoning Code.

(Ord. 1984-20. Passed 11-6-84.)

TITLE FIVE - Supplemental Zoning Standards

- Chap. [1141](#). Off-Street Parking and Loading.
- Chap. [1142](#). Landscaping Regulations.
- Chap. [1143](#). Signs.
- Chap. [1144](#). Environmental Performance Regulations.
- Chap. [1145](#). Nonconforming Buildings and Uses.
- Chap. [1146](#). Historic Preservation Regulations.
- Chap. [1148](#). Fences, Walls, and Hedges.
- Chap. [1149](#). Wireless Telecommunications Facilities.
- Chap. [1151](#). Riparian Buffer Regulations.

CHAPTER 1141

Off-Street Parking and Loading

- [1141.01](#) **Intent.**
- [1141.02](#) **Off-street parking facilities; when required.**
- [1141.03](#) **Continuation of parking facilities.**
- [1141.04](#) **Standards and definitions.**
- [1141.05](#) **Schedule of required off-street parking spaces.**
- [1141.06](#) **Modifications to schedule.**
- [1141.07](#) **Separate or combined use of facilities.**
- [1141.08](#) **Pedestrian and Motor Vehicle Safety**
- [1141.09](#) **Access drives to parking areas.**
- [1141.10](#) **Off-street loading facilities.**
- [1141.11](#) **Location of loading spaces.**
- [1141.12](#) **Size of loading space.**
- [1141.13](#) **Schedule of requirements.**
- [1141.14](#) **Improvements to parking and loading areas.**
- [1141.15](#) **Illumination of parking and loading areas.**
- [1141.16](#) **Approval of parking and loading plans.**
- [1141.17](#) **Performance bond required.**

CROSS REFERENCES

- Landscaping regulations - see P. & Z. [1142.05](#), [1142.06](#)
- Nonconforming facilities - see P. & Z. [1145.03\(e\)](#)
- Parking areas, loading space defined - see P. & Z. Ch. [1107](#)
- Park and institutional districts - see P. & Z. Ch. [1123](#)
- Junk vehicles - see GEN. OFF. [521.11](#)
- Parking district - see P. & Z. Ch. [1133](#)

CHAPTER 1141 Off-Street Parking and Loading

1141.01 INTENT.

Off-street parking and loading requirements and regulations are established in order to achieve, among others, the following purposes:

- (a) To prevent and relieve congestion on streets;
- (b) To promote the safety and convenience of pedestrians by locating parking areas so as to lessen car movements in areas of congestion; and
- (c) To promote the general convenience, welfare and prosperity of institutional, residential, retail business and industrial developments which depend upon off-street parking and off-street loading facilities.

(Ord. 1963-586. Passed 12-9-63.)

1141.02 OFF-STREET PARKING FACILITIES; WHEN REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be determined in conformance with the schedule in Section 1141.05 for the various office, institutional, residential, retail business, industrial buildings and uses, and provided in conformance with the other provisions of this chapter as a condition precedent to the occupancy of such building or use.

- (a) Central Shopping District.
 - (1) A change of one permitted use to another permitted use occupying the existing floor area of a building shall not require parking greater than that already provided for or allowed as a lawful non-conforming use for the previous permitted use of such building.
 - (2) Parking facilities shall be provided for any additional parking requirement resulting from an increase in the number of dwelling units, indoor or outdoor seating capacity, floor area or number of establishments. For purposes of this section "establishment" shall be considered a use or uses occupying a space which is defined by exclusive access and walls separating such use or uses from all other uses.
 - (3) Parking facilities shall be provided for the entire building whenever a new building is constructed.
- (b) All Other Districts.
 - (1) Parking facilities shall be provided for the entire building or use whenever a building is constructed or a new use established,
 - (2) Parking facilities shall be provided for the entire building or use whenever the use of an existing building is changed to a use requiring more parking facilities
 - (3) Parking facilities shall be provided for the entire building or use wherever an existing building is altered so that there is an increase in the number of dwelling units, seating capacity, floor area or number of establishments. For purposes of this section "establishment" shall be considered a use or uses occupying a space which is defined by exclusive access and walls separating such use or uses from all other uses.

(Ord. 1984-20. Passed 11-6-84; Ord. 2006-05. Passed 2-27-06.)

1141.03 CONTINUATION OF PARKING FACILITIES.

- (a) All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair and shall not be reduced below the required size as long as the main use

remains, unless an equivalent number of spaces is provided for such use in another approved location in accordance with this Planning and Zoning Code.

- (b) In order to insure the continued use for automobile parking purposes of any areas established therefor, the Planning and Zoning Commission may require, before approval of same, evidence in writing that the owner or owners of the land to be included in such automobile parking areas have by covenant agreed to continue the use of such land for off-street parking accessory to the residential, institutional, business or industrial use for which such parking areas are required, such covenant first be reviewed and approved by the Law Director, to be filed among the records of Cuyahoga County, and enforceable by the Municipality.
(Ord. 1963-586. Passed 12-9-63.)

1141.04 STANDARDS AND DEFINITIONS.

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

(Ord. 2003-61. Passed 12-8-03.)

- (a) "Accessory off-street parking space" means an open or enclosed area that is not located in a dedicated right of way and that is accessible from a street or alley for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Except for one and two-family dwellings, each space shall be not less than nine feet wide and 180 square feet in area. Unless otherwise permitted to use a drive for parking, such required parking spaces shall be exclusive of all drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area and the regulations found in Sections 1141.04, 1141.05 and 1141.06.
(Ord. 1990-70. Passed 11-12-90.)
- (b) "Floor area" means the total area of all the floors measured from the exterior faces of the building. Where building floor area is designated as the standard for determining parking space requirements, floor area shall be the total of all floor areas of the building, excluding stairwells and elevator shafts, mechanical equipment rooms and utility rooms; provided however, that such exclusions shall not exceed fifteen percent (15%) of the total floor area.
(Ord. 2003-61. Passed 12-8-03.)
- (c) "Seat" means the number of seating units installed or indicated, or each twenty- four linear inches of benches, pews or space for loose chairs or similar seating facilities; spacing of rows shall be thirty inches on center.
- (d) "Employees" means the maximum number of employees on any two successive shifts.
- (e) Required Minimum Parking Spaces. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.
- (f) Parking facilities serving any dwelling shall be located on the same lot as the dwelling served.
- (g) No vehicle shall be parked so that any portion extends over any lot line or public sidewalk.
- (h) No off-street parking space shall be located so that any portion extends over any lot line, public sidewalk or public right of way.
(Ord. 1984-20. Passed 11-6-84.)

1141.05 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

<u>Building or Use</u>	<u>Parking Spaces Required</u>
<u>Institutional</u>	
Places of public assembly (including places of worship)	One space for each four seats in principal assembly room
Libraries and museums	10 spaces plus 1 additional space for each 300-sq. ft. of floor area in excess of 2,000 sq. ft.
Primary and secondary schools (private and public)	(a) Elementary schools and kindergartens -four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional nonteaching employee
	(b) High schools and middle schools - one for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater
Municipal, Township, County, State and Federal buildings used for administrative functions	One space per 200 sq. ft. of office floor area plus one space for each four seats in assembly rooms
<u>Residential</u>	
Detached one- or two-family dwelling	Three spaces (at least two enclosed, driveway may count as unenclosed space) per dwelling unit
Attached single-family dwelling	Three spaces (at least two enclosed, driveway may count as unenclosed space) per dwelling unit
Multi-family dwelling	Two spaces (at least one enclosed) per dwelling unit
Rented rooms in one-or two-family dwelling (attached or detached)	One space per room in addition to spaces required for resident family
Retirement Living: attached one- or two-family dwelling	Three spaces (at least two enclosed, driveway may count as unenclosed space per dwelling unit
Retirement Living: multi-family	One space for each dwelling unit
Retirement Living: retirement living center building	One space for each two beds plus one space per professional staff person, plus one space for each two non-professional employees on the largest shift
<u>Office Building</u>	
Medical and dental offices	One space for each 100 sq. ft. of floor area.
Other offices	One space per 300 sq. ft. of floor area
Hotels	One space per guest room or unit plus one space per employee on the largest shift
Veterinary clinic	One space per 300 sq. ft. of floor area
Club, lodge or fraternal and service organizations	One space for each four seats in the principal assembly rooms, or one space per 50 sq. ft. of floor area in the principal assembly rooms for places of assembly without fixed seats, whichever is greater
Funeral homes	One space per 30 sq. ft. of assembly rooms, or one space for each four seats, whichever is greater, but in

Retail Business

no case less than twenty spaces

Retail stores, banks, service establishments

- (a) Less than 3,000 sq.ft. per unit -
10 spaces per 1,000 sq.ft. of floor area
- (b) 3,000 - 10,000 sq.ft. per unit -
8 spaces per 1,000 sq.ft. of floor area
- (c) 10,000 sq.ft. or greater -
7 spaces per 1,000 sq.ft. of floor area

Automobile service station

One space per employee plus two spaces per service bay

Eating places, bars, taverns

One space per 50 sq. ft. of floor area, including outdoor eating areas, or one space for each two seats, including outdoor eating areas, whichever is greater

Indoor theater, auditorium, arena, stadium and other places of assembly

One space for each four seats in the principal assembly rooms, or one space per 50 sq. ft. of floor area in the principal assembly rooms for places of assembly without fixed seats, whichever is greater

Skating rink, swimming pool

One space per 50 sq. ft. of area used for skating or swimming

Bowling alley

Six spaces per bowling lane

Physical Fitness

One space per 100 sq. ft. of floor area where physical fitness programs are permitted

Industrial

Executive offices, sales offices

One space per 300 sq. ft. floor area

Service and storage establishments, laboratories, manufacturing plants and other uses permitted in a limited industrial district

One space per employee on the two largest successive shifts

Other Buildings or Uses

For a specific building or use not scheduled above, the Planning and Zoning Commission shall apply the unit of measurement of the above schedule deemed to be most similar to the parking required by the proposed building or use. If the Planning and Zoning Commission determines that there is no listed use similar to the proposed use, the Planning and Zoning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

(Ord. 1963-586. Passed 12-9-63; Ord. 1989-6. Passed 2-27-89; Ord. 1990-70. Passed 11-12-90; Ord. 1993-20. Passed 3-8-93; Ord. 2001-75. Passed 11-12-01; Ord. 2003-61. Passed 12-8-03; Ord. 2004-51. Passed 9-27-04.)

1141.06 MODIFICATIONS TO SCHEDULE.

An existing building or use which does not conform to parking requirements as set forth in Section 1141.05 and where land is not available on the same lot or adjoining lot, the Planning and Zoning Commission may modify the location of parking facilities to permit such facilities within 400 feet walking distance of any customer entrance to the building or use. The Planning and Zoning Commission shall permit such facilities only if it determines that the pedestrian route between the parking area and the subject use is safe and does not necessitate unlawful trespassing, and continuous parking is available pursuant to covenants in compliance with Section 1141.03

(Ord. 1984-20. Passed 11-6-84.)

1141.07 SEPARATE OR COMBINED USE OF FACILITIES.

- (a) A building containing one use shall provide the off-street parking spaces as required for the specific use.
- (b) A building, or group of buildings, containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements shall provide spaces for not less than the sum of the spaces required for each use.
- (c) Institutions (as set forth in the schedule in Section 1141.05) may assume that up to, but not more than fifty percent (50%) of their requirements may be shared in contiguous parking areas which are accessory to business establishments and which normally have different hours of operation. Provided however, where there is a sharing of facilities by different owners, there shall be covenants in compliance with Section 1141.03 covering a period of time as may be required by the Planning and Zoning Commission and provided, further, that should any of the uses be changed or the facilities discontinued, then the required spaces for the use remaining shall be provided elsewhere as a condition precedent to the continued use of such building or buildings.

(Ord. 1963-586. Passed 12-9-63.)

1141.08 PEDESTRIAN AND MOTOR VEHICLE SAFETY.

To help insure the safety and convenience of motorists, pedestrians and shoppers within off-street parking and loading areas, the Planning Commission may require additional pedestrian and motor vehicle safety features within such parking and loading areas. Safety features which the Planning Commission may require to be installed include, but are not limited to:

- (a) Raised pedestrian walkways.
- (b) Crosswalks.
- (c) Stop signs.
- (d) Motor vehicle directional arrows.
- (e) Continuous landscaped strips for pedestrian only traffic.

(Ord. 1990-70. Passed 11-12-90.)

1141.09 ACCESS DRIVES TO PARKING AREAS.

The following standards shall apply to all off-street parking spaces, except those required for one- and two-family dwellings:

- (a) Off-street parking spaces shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area into or from a public street or alley shall be traveling in a forward motion.
- (b) The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets.
- (c) The centerline of the access driveways shall be at least fifty feet from the right-of-way line of the nearest intersecting street and spaced at not less than 120-foot intervals measured from the centerline of the driveways.
- (d) Parking areas of more than ten spaces shall be served by a driveway or driveways with a total of at least one entrance lane and a separate exit lane.

(Ord. 2001-50. Passed 8-13-01.)

Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the setback line, shall conform to the following schedule:

	<u>Width Measured in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One lane	10	12
Two lanes	20	24
Three lanes	30	36

In all cases the radius of the edge of the apron shall be at least fifteen feet so that a car entering from the curb lane shall be perpendicular to the setback line at the driveway without obstructing vehicles in other traffic lanes.

(Ord. 1963-586. Passed 12-9-63; Ord. 1990-70. Passed 12-11-90.)

1141.10 OFF-STREET LOADING FACILITIES.

Off-street loading facilities shall be provided for all non-residential buildings hereafter erected or altered for such uses. The facilities shall be maintained as long as such building is occupied, shall continue unobstructed and not be used for repair or servicing of motor vehicles. Space required and allocated for off-street parking shall not be allocated or used to satisfy the space requirements for off-street loading, and off-street loading spaces shall not be allocated or used to satisfy the space requirements for off-street parking.

(Ord. 2003-61. Passed 12-8-03.)

1141.11 LOCATION OF LOADING SPACES.

All required loading spaces shall be located on the same lot as the use served and arranged so that a public street or sidewalk will not be occupied during the loading or unloading process. Such spaces may be open or enclosed. They shall not be located in any setback or less than fifty feet from a residential district.

(Ord. 1963-586. Passed 12-9-63.)

1141.12 SIZE OF LOADING SPACE.

A required off-street loading space shall be at least twelve feet wide by at least twenty-five feet in length for buildings less than 15,000 square feet of gross floor area, and each required loading space for a building of 15,000 square feet or more of floor area shall be not less than twelve feet wide by fifty feet in length. Each space shall have a vertical clearance of at least fourteen feet. The required areas shall be exclusive of aisle and maneuvering space.

Uses for which off-street loading facilities are otherwise required but which are located for buildings of less than 5,000 square feet of floor area shall be provided with a receiving platform or other facilities contiguous to a service drive or other open space on the same lot.

(Ord. 1963-586. Passed 12-9-63.)

1141.13 SCHEDULE OF LOADING SPACE REQUIREMENTS.

<u>Building or Use</u>	<u>Gross Floor Area of Building</u>	<u>Required Number of Spaces</u>
Retail, Office, and Institutional	5,000 to 10,000 square feet	1
	10,000 to 40,000 square feet	2
	40,000 to 100,000 square feet	3
	each additional 50,000 sq. ft.	1 additional space
Manufacturing and Industrial	Up to 40,000 square feet	1
	40,000 to 100,000 square feet	2
	each additional 50,000 sq. ft.	1 additional space

(Ord. 1963-586. Passed 12-9-63.)

1141.14 IMPROVEMENTS TO PARKING AND LOADING AREAS.

- (a) All parking areas and loading areas and access driveways shall be fully improved with an asphalt, concrete or other hard surface materials approved by the Municipal Engineer. Parking areas shall be graded to provide for drainage so that injury will not be caused to adjacent properties nor will water drain across any private or public sidewalk. Appropriate bumper guards or curbs shall be provided in parking areas for three or more spaces in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into setbacks.
- (b) All off-street parking areas for three or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Administrator and shall be maintained in a clearly visible condition.
- (c) The Planning and Zoning Commission shall require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential district. All perimeter screening including parking lot street frontage shall be a minimum of five feet wide and in accordance with Sections 1142.05 and 1142.06 of this Planning and Zoning Code.
- (d) The driveways, parking area pavement, curbs and bumper guards shall be constructed in accord with standards established by the Municipal Engineer.

(Ord. 1963-586. Passed 12-9-63; Ord. 1990-70. Passed 11-12-90.)

1141.15 ILLUMINATION OF PARKING AND LOADING AREAS.

Regulated in Chapter 1150 of this Planning and Zoning Code. (Ord. 1990-70. Passed 11-12-90.)

1141.16 APPROVAL OF PARKING AND LOADING PLANS.

Detailed drawings of off-street parking and loading areas, except for one and two-family dwellings shall be submitted to the Planning and Zoning Commission for approval. The drawings shall show each space, dimension of driveways, aisles and other features enumerated in this chapter.

(Ord. 1963-586. Passed 12-9-63.)

1141.17 PERFORMANCE BOND REQUIRED.

The Administrator may require a performance bond for any grading, curbing, paving, striping or lighting of parking lots when the work is required under Chapter 1150 or Section 1141.14. The amount of the performance bond shall be determined by the Administrator and be in relationship to the amount

of work being performed.
(Ord. 1984-33. Passed 11-12-84.)

CHAPTER 1142 Landscaping Regulations

- [1142.01](#) Intent.
- [1142.02](#) Applicability.
- [1142.03](#) General landscaping.
- [1142.04](#) Street trees.
- [1142.05](#) Parking areas.
- [1142.06](#) Perimeter screens.
- [1142.07](#) Utility uses.
- [1142.08](#) Visibility at intersections.
- [1142.09](#) Maintenance of landscaping and replacement of landscaping.

CROSS REFERENCES

- Grade defined - see P. & Z. [1107.08](#)
- Flood control - see BLDG. Ch. [1353](#)

1142.01 INTENT.

It is the intent of these regulations to achieve, among others, the following purposes.

- (a) To ensure that the open areas on developed lots are attractively landscaped and maintained.
 - (b) To ensure that residential areas are adequately screened and buffered from adjoining nonresidential developments.
 - (c) To preserve attractive visual landscapes along public streets.
- (Ord. 1984-20. Passed 11-6-84.)

1142.02 APPLICABILITY.

The regulations of this chapter shall apply to all zoning districts except R1 and R2F Districts, which are regulated by provisions of Chapter 1125 and 1126.
(Ord. 1984-20. Passed 11-6-84.)

1142.03 GENERAL LANDSCAPING.

Any portion of a developed lot not used for permitted main and accessory buildings or structures shall be landscaped with vegetative ground cover, shrubs and trees in accordance with an overall landscaping plan acceptable to the Municipality. Such landscaping shall be maintained in good condition. In the development of property, existing trees and significant vegetation shall be retained wherever feasible.

(Ord. 1984-20. Passed 11-6-84.)

1142.04 STREET TREES.

- (a) General. A grass-covered strip of land at least seven feet in width shall be provided and maintained contiguous to each property in a location between the sidewalk (where one exists or is proposed), and the curb or pavement edge of a contiguous public street. Such area shall be planted with trees spaced at intervals of not more than thirty-five feet on centers at an initial diameter of three inches at twelve inches above ground level.
 - (b) Tree Types. All tree varieties shall be from a list of approved trees kept on file in the Building Department.
- (Ord. 1984-20. Passed 11-6-84.)

- (c) Private Streets. The requirement for tree plantings shall also apply to private streets in Attached Single Family, Multi-Family, Retirement Living, Residential Mixed Use and Cluster Residential Districts. However, such trees may be spaced at intervals greater than thirty-five feet, as approved by the Administrator, in order to encourage the clustering of trees. (Ord. 2014-56. Passed 10-13-14.)

1142.05 PARKING AREAS.

- (a) Perimeter Planting. A continuous landscaped strip of evergreen shrubs planted at intervals of not more than five feet on centers and at initial height of at least two feet shall be provided and maintained along any side of a parking area which is located in a setback abutting a public street. The Planning and Zoning Commission may permit alternative forms of planting if it determines that the required planting is either infeasible or not in keeping with an area's character.
- (b) Interior Landscaping. Any single parking area with fifty or more spaces shall utilize at least five percent (5%) of its area for landscaping designed to interrupt the expanse of paved surface. In Attached Single Family, Multi-Family, Residential Mixed Use, and Retirement Living Residential Districts, landscaped islands shall be provided so that no row of parking exceeds eight spaces in length.
(Ord. 1984-20. Passed 11-6-84.)

1142.06 PERIMETER SCREENS.

A planted area designed to screen views and noise shall be provided along certain lot lines separating uses which are not fully compatible. The location and nature of such perimeter screens shall be in accordance with the following regulations.

- (a) Location of Screen. A perimeter planted screen shall be provided along the following lot lines:
 - (1) On the property of a Retail or other Business, Office, or Industrial District use that abuts a Residential, Park or Institutional District use.
 - (2) On the property of a Multi-Family Residential, Attached Single-Family, Residential Mixed Use or Retirement Living District use that abuts a R1 or R2F District use.
 - (3) Along the rear lot line of an Industrial District abutting a public street.
- (b) Nature of Screen. The planted area shall provide a continuous visual screen to an initial height of at least eight feet. The screening effect shall be achieved in a manner deemed appropriate by the Planning and Zoning Commission. One appropriate method involves the planting of evergreen trees at intervals of not more than ten feet on centers and at an initial height of at least eight feet. Another appropriate method involves the planting of evergreen shrubs at intervals of not more than five feet on centers used either along, if sufficient in height, or as a supplement to a row of deciduous trees. Other acceptable approaches include the use of landscaped earth mounds topped by shrubbery.
- (c) Exceptions. The screening requirement shall not apply where natural or man-made barriers exist which will provide permanent screening generally equivalent to that required.
(Ord. 1984-20. Passed 11-6-84.)

1142.07 UTILITY USES.

Maintenance facilities, sanitation facilities, storage facilities and utility uses including but not limited to electrical substations, telephone exchanges, communication related boxes and telephone terminal boxes located in any district except Industrial Districts shall be governed by the following

landscaping and fencing regulations.

- (a) Landscaping. Utility uses shall be substantially screened from view by evergreen shrubbery and/or trees, as approved by the Administrator. Such landscaping shall not be required along a lot line bordering an Industrial District.
- (b) Fencing. Utility uses shall be completely enclosed by a fence or wall not less than five feet and not more than seven feet in height. The design and construction of such fences shall be approved by the Architectural Board of Review in consideration of factors of safety and visual impact on nearby uses. For uses which do not present safety hazards, the Administrator may waive the fencing requirement.
(Ord. 1984-20. Passed 11-6-84.)

1142.08 VISIBILITY AT INTERSECTIONS.

In all zoning districts, within a triangle formed by lines drawn between points on two street right-of-way lines twenty-five feet from their point of intersection, substantially unobstructed sight lines shall be maintained within a vertical height band two and one-half to six feet above curb level.
(Ord. 1984-20. Passed 11-6-84.)

1142.09 MAINTENANCE OF LANDSCAPING AND REPLACEMENT OF LANDSCAPING.

All landscaping required by this Chapter 1142 shall be maintained in good condition and, when necessary, shall be replaced with landscaping comparable to the landscaping required by the approved landscape plan in accordance with the following:

- (a) Any tree, shrub, or bush, due to its condition, shall be replaced, at a minimum, with a tree, shrub, or bush that is comparable to the type and height of the tree, shrub, or bush specified for initial planting in the approved landscape plan.
- (b) Any request to plant or maintain landscaping that is not comparable to the landscaping required by the approved landscape plan shall be reviewed by the Administrator and approved only if such landscaping is an improvement and enhancement, as determined by the Administrator, to the originally approved plan.
- (c) The Administrator, in considering whether or not landscaping is an improvement and enhancement, shall consider the intent of Chapter 1142, the need for a visual barrier, the intent of the original landscaping plan, the adjacent properties, the current site conditions, including soil conditions and the success of a certain species growing in the area, and any other factor deemed relevant by the Administrator.
(Ord. 2011-65. Passed 11-28-11.)

CHAPTER 1143 Signs

- [1143.01](#) Intent.
- [1143.02](#) Conformance required.
- [1143.03](#) Definitions and references.
- [1143.04](#) Signs prohibited.
- [1143.05](#) Permits.
- [1143.06](#) Number and type of signs permitted: nonresidential districts.
- [1143.07](#) Number and types of signs permitted; residential districts.
- [1143.08](#) Design standards.
- [1143.09](#) Temporary signs.
- [1143.10](#) General provisions.

1143.01 INTENT.

Sign regulations, including provisions to control the type, design, size, illumination, movement, materials, condition and location thereof, are established in order to achieve, among others, the following purposes:

- (a) To protect and maintain property values;
- (b) To provide for reasonable and appropriate means of communication;
- (c) To protect and enhance the unique historic and aesthetic character of the Municipality;
- (d) To eliminate any conflict that would be hazardous between traffic control signs and devices and signs not related to the function of traffic control;
- (e) To ensure a safe and orderly pedestrian and vehicular environment;
- (f) To reduce visual clutter;
- (g) To promote economic development; and,
- (h) To achieve an appropriate balance between visual displays as a means of communication and reducing the harms caused by such displays.

(Ord. 2017-19. Passed 5-22-17.)

1143.02 CONFORMANCE REQUIRED.

- (a) Signs shall be designed, erected, altered, reconstructed, moved or maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.
- (b) The construction, erection, safety and maintenance of all signs shall also comply with the provisions of the Building Code of the Municipality.
- (c) The display of the flag of any governmental agency shall not be governed by the provisions of these regulations.

(Ord. 2017-19. Passed 5-22-17.)

1143.03 DEFINITIONS AND REFERENCES.

As used in this chapter, unless the context otherwise indicates:

- (a) "Awning" means a projection from a building wall intended primarily for shelter or ornamentation and which can be retracted, folded or collapsed against the face of the supporting building.
- (b) "Billboard" means a permanent sign directing attention to a commercial activity conducted elsewhere than upon the lot on which the sign is located.

- (c) "Board" means the Board of Zoning Appeals of the Municipality as created by Article VII of the Charter.
- (d) "Building unit" means a space occupying a portion of the ground floor of a building, containing an exclusive entrance from the building exterior and separated from all other ground floor spaces by a party wall or walls. For the purposes of this Chapter regulations referring to a building shall apply to a building unit if such building is divided into units.
- (e) "Canopy" means a projection from a building wall intended primarily for shelter or ornamentation, and typically constructed to include a top element, or cover, and front or side overhangs.
- (f) "Copy" means the letters, words, symbols or artwork displayed on a sign.
- (g) "Erect" means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.
- (h) "Facing" and "surface" mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
- (i) "Ground sign" means any sign supported by uprights or braces attached to the ground and not attached to any building.
- (j) "Height" means the height above finished grade and refers only to ground (pole) signs unless otherwise indicated.
- (k) "Illuminated sign" means any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- (l) "Incidental sign" means a wall sign one (1) square foot or less in area and not illuminated, or, a ground sign two (2) square feet in area, four feet or less in height and not illuminated.
- (m) "Marquee" means a projection from a building wall intended for the display of signs and secondarily, for shelter or ornamentation, and typically constructed to include a top element, or cover, and a bottom element, or soffit connected by vertical faces on three sides.
- (n) "Multi-tenant building" means a nonresidential building served by a common entrance that contains multiple uses.
- (o) "Permanent sign" means a sign permanently affixed or attached to the ground, a building or a structure and which cannot be removed without special handling such as removing or dismantling a foundation, fasteners, adhesives, or similar materials providing support or structural integrity for the sign.
- (p) "Portable sign" means any sign other than a temporary sign which is made of durable materials, designed to be moved and is not permanently attached to any part of a building, structure, or to the ground.
- (q) "Projecting sign" means any sign with two faces that extends outward at an angle from the wall to which it is attached.
- (r) "Roof sign" means any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building, with the principal support on the roof structure.
- (s) "Sign" means any visual communication including but not limited to any writing, pictorial representation, mural illustration, emblem, symbol, design, drawing, banner, flag, placard, pennant, poster or other similar device that is visible from a dedicated right of way, private street, alley, sidewalk, or other public place and is used for purpose of advertisement, announcement, declaration, demonstration, identification or expression or directing attention to a person, institution, organization, business, activity, place, object or product.
- (t) "Sign panel" means a structural object or portion of a structural object, including painted surfaces, designed to form a distinct background area or frame for display of a sign's copy or information. However, an architectural frame or space integral to a building's design and not

- differentiated from the wall by color shall not be considered a sign panel.
- (u) "Temporary sign" means a sign constructed of cloth, paper, wood, metal, fabric, or other material that is not intended to be permanently installed in the ground nor permanently affixed to a building or structure and is intended for use for a limited period of time.
 - (v) "Wall sign" means any sign painted on, attached to, or erected against or integrated into the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.
 - (w) "Window sign" means any sign lettered directly on a window or placed on the inside of a window so as to be read from the outside. The glass or clear plastic portion of an exterior door shall be considered a window for purposes of this definition.
 - (x) References to "zoning districts" herein refer to the districts established in Chapter 1119. (Ord. 2017-19. Passed 5-22-17.)

1143.04 SIGNS PROHIBITED.

In general, any sign that is not expressly authorized by this Chapter is prohibited. Additionally, the following specific signs are prohibited:

- (a) Any sign attached to natural vegetation.
 - (b) Any sign that, by reason of its location, illumination, movement, shape or color, may interfere with, obstruct the view of, or be confused with, any authorized traffic control device.
 - (c) Any sign that shows evidence of inadequate maintenance or deterioration including peeling paint, rust, dirt, fading, damage or discoloration.
 - (d) Any sign located within a vision triangle of any public street intersection or intersection of a public street with a private street, alley, or driveway that has a height greater than two and one-half feet above curb level. Such vision triangle shall be formed by lines drawn between points on any two streets, or on any street and alley or driveway twenty-five (25) feet from their point of intersection.
 - (e) Any sign that displays flashing, scrolling or intermittent lights or lights of changing degrees of intensity.
 - (f) Any sign that is internally illuminated, including those signs with exposed neon tubing, signs with a light source located in the interior of the sign, or signs whose light source is attached to or near the sign in a manner that allows the light to be seen through the face of the sign.
 - (g) Any permanent sign placed upon or projecting over any public land, street, sidewalk or other public right-of-way, except as expressly permitted in Section 1143.06(d).
 - (h) Roof signs.
 - (i) Any sign that is painted on sidewalks or curbs.
 - (j) Marquee signs.
 - (k) Billboards.
 - (l) Portable signs.
- (Ord. 2017-19. Passed 5-22-17.)

1143.05 PERMITS.

- (a) Permit Required. A sign permit is required to erect, repair, alter, relocate or maintain any sign except those exempted in subsection (f) herein provided however, that minor repairs or maintenance of signs not involving structural changes may be undertaken without first obtaining a permit.
- (b) Application for Permit. Application for sign permits shall be made upon forms provided by the Administrator and shall contain or have attached thereto the following information:

- (1) The name, mailing address, e-mail address and telephone number of the applicant;
 - (2) The location of the building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) The position of the sign in relation to buildings or structures on contiguous lots;
 - (4) Two scale drawings, blueprints or ink, as well as a digital version in a format acceptable to the Municipality, of the plans and specifications of each sign indicating all dimensions, materials, colors, type of lettering illumination, method of construction and means of attachment to the building or ground;
 - (5) The name of the person erecting the sign;
 - (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected;
 - (7) Photograph of the area of the building upon which a wall sign is to be placed;
 - (8) Such other information as the Administrator shall require, to show full compliance with this and all other ordinances of the Municipality;
 - (9) Payment of the nonrefundable fee required by Section 1309.12 of the Building Code.
- (c) Referral of Application to Architectural Board of Review. Approval of the Architectural Board of Review shall be obtained before issuance of any permit required hereunder.
- (d) Issuance of Permit. The Administrator, upon the filing of an application for a sign permit, shall examine all required plans and specifications as well as the premises upon which the sign is to be placed. If the proposed sign is in compliance with all the requirements of this chapter and all other ordinances of the Municipality, and the Architectural Board of Review has approved the sign application, the sign permit shall be issued. If the work authorized under the sign permit has not been completed within six months after date of issuance, the permit shall become null and void.
- (e) Revocability of Permits. The Administrator may revoke any sign permit for noncompliance with any provisions of this chapter or misrepresentation of fact on the permit application. All rights and privileges acquired under the provisions of this chapter or any amendment hereof are mere licenses, and all sign permits shall contain this provision.
- (f) Permit Exemptions. The permit provisions of this section shall not apply to the following signs; such signs, however, are still subject to the regulations provided for in this chapter:
- (1) Temporary signs as regulated in Section 1143.09.
 - (2) Incidental signs.
 - (3) Cornerstones and other similar building plaques or architectural elements permanently incorporated into a building and not exceeding two (2) square feet in total area.
(Ord. 2017-19. Passed 5-22-17.)

1143.06 NUMBER AND TYPE OF SIGNS PERMITTED: NONRESIDENTIAL DISTRICTS.

In nonresidential districts, permanent signs shall be permitted as follows:

- (a) General. Unless otherwise allowed by this section, a maximum of two permanent signs shall be permitted for each building.
- (1) One sign may be displayed as a ground sign.
 - (2) In the Central Shopping, Retail Business, and Office Districts, one sign may be displayed as a projecting sign.
 - (3) Any one use shall not display both a projecting sign and a ground sign.
 - (4) Signs that are not considered incidental signs may be illuminated by an external light source.

- (b) Wall Signs.
 - (1) Wall signs for each building shall not exceed twelve square feet in combined area, except as permitted in Section 1143.06(c)(2) below.
 - (2) Wall signs which occupy a single space two feet or less in vertical dimension may extend to a width ninety percent (90%) or less of the width and length of the building or unit.
 - (3) Permanent window signs shall be regulated as wall signs for the purposes of this section.
- (c) Ground Signs.
 - (1) In addition to those signs permitted in Section 1143.06(a), one additional ground sign shall be permitted for each lot with a frontage of at least 120 feet measured along the line providing principal access to the building(s) on such lot. The minimum spacing between ground signs on the same lot shall be twenty- five feet.
 - (2) Ground signs shall be twenty square feet or less in area and six feet or less above finished grade in height except that a ground sign located in a vision triangle of any public street intersection or intersection of a public street with a private street, alley, or driveway shall be two and one-half feet or less above curb level.
 - (3) Ground signs shall not be located nearer the street than the required building line nor shall such signs be located less than twenty feet from an interior side lot line. However, a ground sign which does not exceed twelve square feet in area and is situated within a landscaped area may be located as close as five feet to any street right-of-way line and ten feet to an interior side lot line. Such landscaped area shall be bounded by curbing or other effective vehicular barriers and shall be sufficient in size so that all portions of the sign are set back at least eighteen inches from its perimeter.
- (d) Projecting Signs.
 - (1) Projecting signs shall be limited to two faces with each face twelve (12) square feet or less. However, an additional three-inch border or frame may be permitted to provide ornamental design. The maximum horizontal dimension shall be four (4) feet. The maximum vertical dimension shall be four and one-half (4 1/2) feet.
 - (2) The lowest point of a projecting sign or part thereof shall be at least eight feet above a sidewalk or other walkway and at least fifteen feet above a driveway or private road. Projecting signs or parts thereof shall not extend nearer than one foot to a curb line of any street. Also, projecting signs shall not extend a distance greater than two feet from the wall to which it is attached, measuring from the point of the sign nearest thereto.
 - (3) Erection. Projecting signs exceeding fifty pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. Projecting signs shall not be secured with wire, strips of wood or nails, or be hung or secured to any other sign.
- (a) Awnings and Canopies. Sign copy may be painted or otherwise permanently affixed to a ground floor awning or canopy in a space not exceeding eight inches in height on the front and side portions thereof.
- (b) Secondary and Rear Entrances. In addition to those signs permitted in Section 1143.06(a), buildings or units thereof with a secondary or rear customer entrance shall be permitted an additional wall or window sign six square feet or less in area. Such signs shall be located in proximity to the secondary or rear entrance.
- (c) Multi-tenant buildings. In multi-tenant buildings, the allowable sign area for all tenants shall not exceed the maximum sign area computed as if there were a single tenant. The property owner shall be responsible for allocating the permitted sign area among tenants in a multi-tenant building.

- (d) Upper Floor Uses. In Business Districts, any use located on the second floor of a building or above shall be permitted one permanent window sign twelve square feet or less in area. In addition to a permanent window sign, upper floor uses with an exclusive ground floor entrance may display a wall sign, two square feet or less, at such entrance.
(Ord. 2017-19. Passed 5-22-17.)

1143.07 NUMBER AND TYPES OF SIGNS PERMITTED: RESIDENTIAL DISTRICTS.

In all residential districts, permanent signs shall be permitted as follows:

- (a) General.
 - (1) Dwelling units that are permitted in the Cluster and RMU Overlay Districts shall be deemed to be in a residential district regardless of the underlying zoning district.
 - (2) Signs that are not considered incidental signs may be illuminated by an external light source.
 - (3) Signs permitted under this section shall be twelve square feet in area or less.
 - (4) Ground signs permitted under this section shall be set back five feet from any street right of way and ten feet to an interior lot line. Additionally, such signs shall be four feet or less in height except that a ground sign located in a vision triangle of any public street intersection or intersection of a public street with a private street, alley, or driveway shall be two and one-half feet or less above curb level.
- (b) Dwelling Units. One permanent sign shall be permitted for each dwelling unit.
 - (1) Each single family and two-family dwelling unit may display either a ground or wall sign. Such sign shall require no permit.
 - (2) Each attached single family or multi-family family dwelling unit may display a wall sign. Such sign shall require no permit.
- (c) Residential Developments. Each residential development shall be permitted one sign located near the entrance to the development. Such sign shall be permitted only as a ground sign in single-family districts and only as a ground, wall, awning or canopy sign in multi-family districts.
- (d) Building Signs. In multi-family developments of two or more residential buildings, each building shall be permitted one wall, awning, canopy or ground sign.
- (e) Nonresidential Main Uses. One wall or ground sign may be permitted on the premises of a permitted nonresidential main use located in a residential district.
(Ord. 2017-19. Passed 5-22-17.)

1143.08 DESIGN STANDARDS.

In order to facilitate information legibility, traffic safety, general economic vitality and the preservation of unique historic resources, signs should be designed in a manner compatible with the character and style of immediate and neighboring buildings and signs.

More specifically, signs shall be designed in accordance with the following standards:

- (a) Signs in Series. Signs to be seen in series shall be designed with continuity and compatibility in terms of style, materials, color, size and location.
- (b) Color. The color of signs shall be compatible with the color of the building facade to which they relate.
- (c) Installation. Wall signs shall be designed to fit within any given frame of the architectural space intended for signage. The installation of any sign shall not irreparably damage any building cornice, ornament or other architectural details.
- (d) Lighting. Where permitted, lighting shall be in compliance with Chapter 1150 of this Planning

and Zoning Code and designed and located so that light sources are shielded from creating glare in residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

- (e) Construction. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- (f) Wall Signs.
 - (1) Wall signs shall not be erected, relocated or maintained so as to prevent free ingress to, or egress from any door, window or fire escape.
 - (2) Wall signs shall not cover wholly or partially any wall opening.
 - (3) Wall signs shall not project beyond the ends or top of the building wall to which it is attached or be set out more than six inches from the face of the building to which it is attached.
- (g) Awnings and Canopies.
 - (1) Awnings or canopies shall not extend beyond a point twelve inches inside the curb line of the street.
 - (2) All awnings and canopies shall be constructed and erected so that the lowest portion thereof is at least eight feet above the level of the sidewalk.
 - (3) Awnings shall be constructed of such materials as may be approved by the Architectural Board of Review provided that all frames and support shall be metal. Every awning shall be attached to and supported by the building. Posts or columns beyond building lines shall not be permitted for awnings.
 - (4) Canopies shall be constructed of such materials as may be approved by the Architectural Board of Review. The framework of all canopies shall be approved by the Architectural Board of Review in compliance with the Building Code.
(Ord. 2017-19. Passed 5-22-17.)

1143.09 TEMPORARY SIGNS.

Temporary signs shall be permitted only in accordance with the following regulations:

- (a) General.
 - (1) Temporary signs shall not be illuminated.
 - (2) Temporary signs that show evidence of deterioration, dirt, damage, or discoloration shall be removed or replaced.
 - (3) Temporary signs shall be placed no closer than five feet from any right of way line or property line.
 - (4) The maximum height of a temporary sign shall be four feet except that a temporary sign located in a vision triangle of any public street intersection or intersection of a public street with a private street, alley, or driveway shall be two and one-half feet or less above curb level.
- (b) Window Signs. Interior temporary window signs that are intended to be visible from the public right of way, private street or sidewalk may occupy no more than thirty percent (30%) of the window area. The window area of each building or unit thereof shall be measured to include all glass area of windows and doors of the front façade. Glass area covered in a relatively permanent manner by nontransparent material shall be excluded from this measurement. Wherever possible, temporary window signs shall be clustered so that relatively large portions of window area remain unobstructed.
- (c) Wall and Ground Signs. Temporary wall and ground signs that are intended to be visible from

the public right of way, private street or sidewalk, may be displayed in compliance with the following regulations:

- (1) One sign may be posted on property during active construction authorized by a Building Permit. Such sign shall not exceed twelve square feet in area.
- (2) One sign may be posted on property that is actively marketed for sale or lease. Such sign shall not exceed twelve square feet in area.
- (3) An additional twelve (12) square feet of non-commercial signage may be posted on a parcel.
(Ord. 2017-19. Passed 5-22-17.)

1143.10 GENERAL PROVISIONS.

- (a) Construction. Permanent signs shall be constructed of permanent materials, maintained in good condition at all times, kept free of cracked or peeling paint, rust, missing or damaged sign panels or supports, and not obscured by weeds, grass or other vegetation.
- (b) Measurement Standards. The area of any sign shall be measured to include the area of the smallest single rectangle enclosing all elements of the sign, including letters, characters, designs, graphics and the space between the elements of the sign. For ground signs with the two sides in parallel, back-to-back arrangement, only one side of the sign shall be included in the measurement of the area. In determining the location of a sign in relation to lot lines, distances shall be measured from the vertical projection of the lot line to the closest point on the sign. The height of a ground sign shall be measured to the top of the sign panel. The supporting structure may extend a maximum of two feet above the sign panel.
- (c) Removal of Certain Signs. When a commercial sign is not associated with an existing commercial use of the property, or in the case of non-commercial signage, when the owner abandons the use associated with the sign, such sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within ten days after written notification from the Administrator. Upon failure to comply with such notice within the time specified in such order, the Administrator is hereby authorized to cause removal of such sign, and any expenses incident thereto shall be paid by the owner of the building to which such sign is attached. Signs that are more than fifty years old, lawfully installed and attached to or on the same lot as a historically significant structure are considered to be of historic significance and are exempt from the requirements of this sub-section.
- (d) Unsafe and Unlawful Signs. If the Administrator's inspection finds that any sign regulated herein is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of any of the provisions of this chapter, notice shall be given in writing by the Administrator to the permittee thereof. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth within ten days after such notice, such sign may be removed by the Administrator at the expense of the permittee or owner of the property upon which it is located. The Administrator shall refuse to issue a permit for a sign or a building permit to any permittee or owner who refuses to pay costs so assessed. The Administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice, and give written notice of the sign removal to the owner of the lot and/or use when feasible.
- (e) Nonconforming Signs. Signs lawfully erected but made nonconforming by adoption of this Code or amendments thereto, are regulated by the provisions of Section 1145.03(d).
- (f) Presumption of Responsibility. The owner or occupant of any premises upon which a violation

of any of the provisions of this chapter is apparent or the owner of any sign placed or remaining anywhere in violation of any of the provisions of this chapter shall be deemed prima-facie responsible for the violation so evidenced and subject to the penalty provided therefor.

- (g) Substitution of Noncommercial Message. Noncommercial signs may be substituted for any sign expressly permitted by this Chapter. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications that apply to the sign for which they are being substituted.
(Ord. 2017-19. Passed 5-22-17.)

CHAPTER 1144
Environmental Performance Regulations

- [1144.01](#) **Intent.**
- [1144.02](#) **Regulations.**
- [1144.03](#) **Proposed uses and facilities.**
- [1144.04](#) **Existing uses and facilities.**

1144.01 INTENT.

These environmental performance regulations are established in order to protect local residents and property from offensive or harmful effects resulting from conduct of various activities. (Ord. 1984-20. Passed 11-6-84.)

1144.02 REGULATIONS.

The following regulations shall be observed in all zoning districts. Where similar regulations are presented elsewhere in this Planning and Zoning Code, the most restrictive regulations shall apply. See in particular Chapters [1331](#) and 1340 of the Building Code.

- (a) Outdoor Lighting.
- (b) Outdoor lighting shall comply with Chapter 1150 of this Planning and Zoning Code. Noise. No use shall emit noise in violation of Section [509.08](#). (Ord. 2008-53. Passed 2-9-09.)
- (c) Fire, Explosive and Radioactive Hazards. Storage, handling and use of flammable and explosive material shall be conducted with adequate safeguards as set forth in the published NFPA Codes of the National Fire Protection Association and as may hereafter be amended, supplemented or replaced, and in compliance with the regulations of the U. S. Department of Labor and Industry. Storage of other materials shall comply with fire protection codes of the Municipality and all areas shall be accessible to fire-fighting equipment, Activities which emit radioactivity are prohibited.
- (d) Storage. All trash and garbage and all raw materials, fuel, machinery, equipment and trucks used in the operation of a business, office or industrial use shall be enclosed within a structure or screened by a solid wall or fence sufficient to conceal all such material from residential districts and public streets when viewed by a person standing at ground level. All garbage shall be stored in air-tight, vermin-proof containers.
- (e) Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to produce a nuisance, as defined in Chapter 1340 of the Codified Ordinances of the Municipality, or a health or safety hazard beyond the lot occupied by the use.
- (f) Air-Borne Pollution. There shall be no emissions of noxious, toxic or corrosive fumes or gases and no emissions of dust or other particulate matter injurious to health, vegetation or property beyond the lot occupied by the use. Stack and vent emissions are further regulated in Section [1331.05](#) of the Building Code.
- (g) Liquid Wastes. Liquid wastes or sewerage shall not be discharged into a reservoir, stream or other open body of water or into a storm or sanitary sewer until treated so that the insoluble substances, oils, grease, acids, alkalines and other chemicals in the wastes shall not exceed the amounts allowed by other codes of the Municipality.
- (h) Electrical Disturbances. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- (i) Soil Removal. Soil, sand or gravel shall not be stripped or removed in nonindustrial districts except excess soil, sand or gravel resulting from excavations or grading in connection with the

construction or alteration of a building or other permitted improvement of a lot. In industrial districts, no such activities shall be conducted in such a manner as to create a nuisance as defined in Chapter 1340 of the Codified Ordinances of the Municipality. Soil removal is also regulated by Chapter 1355 of the Codified Ordinances of the Municipality.
(Ord. 1984-20. Passed 11-6-84.)

1144.03 PROPOSED USES AND FACILITIES.

Except in R1 and R2F Districts, all applications for zoning certificates shall be accompanied by certification by the applicant that the proposed use can meet the performance standards set forth above. However, the Administrator may waive this requirement for applications which, in his determination, do not propose activities relevant to the above standards.
(Ord. 1984-20. Passed 11-6-84.)

1144.04 EXISTING USES AND FACILITIES,

- i. Determination of Violation. The Administrator shall investigate any purported violation of these environmental performance regulations and if there are reasonable grounds for same, may request that the Municipal Engineer or other qualified professional determine the existence and nature of such violation.
- ii. Payment of Costs of Determination. The cost of engineering services incurred by the Municipality in establishing a violation shall be paid by the violator if such violation is established. If no violation is established, the cost shall be borne by the Municipality.
- iii. Correction of Violation. Any use established after December 5, 1984 and subsequently found to be operating in violation of the performance standards set forth in this chapter shall correct such violations within a reasonable period of time as determined by the Administrator in accordance with Chapter 1109.07 of this Planning and Zoning Code. (Ord. 1984-20. Passed 11-6-84.)

CHAPTER 1145
Nonconforming Buildings and Uses

- [1145.01](#) **Intent.**
- [1145.02](#) **Nonconforming buildings.**
- [1145.03](#) **Nonconforming use of buildings; nonconforming accessory uses.**
- [1145.04](#) **Nonconforming use of land.**
- [1145.05](#) **Nonconforming use due to reclassification.**
- [1145.06](#) **Change from nonconforming use.**

CROSS REFERENCES

Nonconforming uses - see Ohio R.C. 713.15

1145.01 INTENT.

- (a) Within the districts established by this Planning and Zoning Code and amendments thereto or amendments that may later be adopted, buildings, lots and uses of buildings and land prevail which were lawful before this Code was passed or amended, but which would be prohibited under the terms of this Code or further amendments.
- (b) It is the intent of this Code to permit such nonconformities to continue until they are removed although they are considered to be incompatible with the permitted uses in the districts involved.
- (c) It is further the intent that nonconformities shall not be enlarged upon, expanded or extended, that nonconforming uses be changed only to a more restrictive use, and that the rebuilding of a nonconforming building, if substantially destroyed, shall be regulated in accordance with Section 1145.02(d) of this Planning and Zoning Code.
- (d) Furthermore, the continuation of a lawful nonconformity shall not be construed as a reason for permitting nonconformities not specifically permitted in this Code.
(Ord. 1963-586. Passed 12-9-63.)

1145.02 NONCONFORMING BUILDINGS AND STRUCTURES.

A building or other structure existing lawfully at the time this Planning and Zoning Code became effective, but which does not currently conform as to area or width of lot, setback, yard dimensions, lot coverage, height of building or other structure, use intended or other regulations of the district in which it is located, is a lawful nonconforming building. or other structure. Such building or other structure may continue to be occupied or used so long as it remains otherwise lawful, subject to the following provisions:

- (a) Maintenance and Repair. A nonconforming building or other structure may continue to be used, maintained and repaired, provided however no structural parts shall be replaced except when required by law to restore to a state of good repair or good condition, as defined in Chapter 1340 of the Codified Ordinances of the Municipality or to make the building, or other structure conform to the regulations of the district in which it is located.
- (b) Additions. A nonconforming building or other structure shall not be altered, added to or enlarged unless the additions and original building or other structure are made to conform to the yard, coverage and height regulations of the district in which it is located, except a nonconforming dwelling may be altered, modernized or enlarged provided the alterations and enlargements conform to all the yard regulations and setbacks , and the existing dwelling and the proposed enlargement combined shall meet the maximum lot coverage regulations of the district in which it is located.
- (c) Moving. A nonconforming building shall not be moved in whole or in part to any other

location on the lot or other premises, unless every portion of such building so moved is made to conform to all regulations of the district in which it is to be located.

- (d) Restoration of Damaged Building. If a nonconforming building is damaged or destroyed by any cause to the extent of fifty percent (50%) or less of its reproduction value, those portions so destroyed or damaged may be restored but to no more than its former size, provided such restoration is completed within a period of one year from date of damage or destruction. If such building is occupied by a nonconforming use prior to damage, such use may be continued. If a nonconforming building is damaged or destroyed more than fifty percent (50%) of its reproduction value, no repair or reconstruction shall be made unless every portion of the building is made to conform to regulations of the district in which the building is located and unless occupied by a conforming use. Determination of the reproduction value shall be made by majority vote of three practicing building construction contractors, one to be appointed by owner, one to be appointed by the Municipality, and the third to be selected by the mutual consent of the two parties, in the event the Municipality and the owner do not agree on the value.

(Ord. 1963-586. Passed 12-9-63.)

1145.03 NONCONFORMING USE OF BUILDINGS; NONCONFORMING ACCESSORY USES.

A use of a building existing lawfully at the time this Planning and Zoning Code became effective, but which does not conform to the use regulations, including the sign regulations, of the district in which it is located, is a nonconforming use of a building and may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Change of Use. The nonconforming use of a building may only be changed to a conforming use. Thereafter, it shall not be changed back to the former nonconforming use. The term "change of use" shall not include changes within a single use category
- (b) Expansion of Use. A nonconforming use of part of a building may only be expanded or extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code that made the use nonconforming, but no such use shall be extended so as to occupy any land outside such building.
- (c) Discontinuance of Use. If a nonconforming use within a building or portion thereof is discontinued for a continuous period of one year, any future use of such building or portion thereof, so discontinued, shall be in conformity with the use regulations of the district in which the building is located.
- (d) Nonconforming Signs. Signs lawfully erected but made nonconforming by adoption of this Planning and Zoning Code or amendments thereto, may be maintained and repaired as authorized by the Administrator to ensure attractive and safe conditions; however, such signs shall not be otherwise altered or moved unless made to comply with all regulations of Chapter [1143](#). Further, any sign or part thereof which is removed, except for authorized repairs or requires repairs of a cost which exceeds fifty percent (50%) of its reproduction value, shall not be rebuilt or relocated unless made to comply with all regulations of Chapter [1143](#). Temporary and incidental signs shall not become lawful nonconforming signs.

(Ord. 1963-586. Passed 12-9-63.)

- (e) Nonconforming Parking Facilities. A building or use existing lawfully at the time this Planning and Zoning Code or an amendment thereto became effective, but which does not

conform with the off-street parking or off-street loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided. Any parking spaces that may be provided shall be in accord with the regulations and standards set forth in Chapter [1141](#). If an existing building is altered so that there is an increase of the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street facilities, then off-street parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in Sections 1141.05 and 1141.13; provided, however, that if the building is located in the Central Shopping District the owner or occupant shall not be required to provide additional parking for the increased parking requirement unless it results from an increase in the floor area due to an expansion of an existing building.

(Ord. 2007-07. Passed 2-26-07.)

- (f) Nonconforming as to Performance Standards. A building or use existing lawfully at the time this Code became effective, but which is nonconforming as to one or more of the performance standards shall not be required to conform therewith except at such times that the use is changed or the building is altered.

(Ord. 1963-586. Passed 12-9-63.)

1145.04 NONCONFORMING USE OF LAND.

A vacant lot or parcel of land, nonconforming as to use or dimension (area or yard) and existing lawfully at the time this Planning and Zoning Code or amendment thereto became effective but which does not conform with the use and/or dimension regulations of the district in which it is located is a nonconforming use of land, and such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Expansion of Use. The nonconforming use of a lot, or part thereof, shall not be expanded or extended onto other parts of the lot.
- (b) Discontinuance of Use. If the nonconforming use of a lot, or part thereof, is discontinued for a continuous period of one year, any future use of such lot, or part thereof so discontinued, shall be in conformity with the use regulations of the district in which it is located.
- (c) Insufficient Size. A vacant lot of record which does not comply with the area and/or width requirements of the district in which it is located on the effective date of this Planning and Zoning Code or any amendment thereto may be used as follows:

(1) Single lots. If a vacant nonconforming lot does not adjoin another lot with continuous frontage and under common ownership on the effective date of this Code or applicable amendment thereto, such lot may be developed provided that such development complies with all regulations of this Planning and Zoning Code except those pertaining to lot width and area.

(2) Lots in combination. If a vacant nonconforming lot adjoins one or more lots with continuous frontage and in common ownership on the effective date of this Code or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development. Transfer of one or more of such lots to a third party, in order to avoid the requirements of this paragraph, shall result in a determination that the lots remain in common ownership. However, if replatting of such lots cannot be effected reasonably without resulting in an average lot width or area less than the minimum required for the district, the Planning and Zoning Commission may reduce such width and area requirements by not more than ten percent (10%).

(Ord. 1984-20. Passed 11-6-84.)

1145.05 NONCONFORMING USE DUE TO RECLASSIFICATION.

- (a) The foregoing provisions of this chapter shall also apply to the buildings, structures, and or other uses hereafter becoming nonconforming as a result of reclassification of districts or of other amendments made to this Planning and Zoning Code or of future reclassification of districts or of other amendments made thereto.
- (b) Buildings and uses that were conforming or lawfully existing nonconforming buildings and uses under Ordinance 1932-144 as amended and become nonconforming under this Code shall be deemed lawful nonconforming buildings and uses.
(Ord. 1963-586. Passed 12-9-63.)

1145.06 CHANGE FROM NONCONFORMING USE.

- (a) A nonconforming building or use shall cease to be considered as such whenever it complies with the requirements of the district in which it is located and shall not be resumed thereafter.
- (b) A proposed building conforming in all respects to the Planning and Zoning Code shall be permitted on the same zoning lot as a nonconforming building or use provided the lot area, lot width and number of parking spaces allocated to the nonconforming building or use and the proposed conforming building equal the sum of the lot area, lot width and parking spaces required for each use; and provided the distances between the conforming building and nonconforming building or use are at least equal to the distances required if the two uses were on adjacent lots; provided however, that in a one-family and two-family district only one main building shall be permitted on a zoning lot.
(Ord. 1963-586. Passed 12-9-63.)

CHAPTER 1146 Historic Preservation Regulations

- [1146.01](#) Intent.
- [1146.02](#) Applicability.
- [1146.03](#) Administrative procedures.
- [1146.04](#) Standards of review.
- [1146.05](#) Definitions.
- [1146.06](#) Demolition and moving.
- [1146.07](#) Maintenance requirements.
- [1146.08](#) Supplemental regulations.

CROSS REFERENCES

- Architectural Board of Review - see CHTR. [Art. VII, Sec. 9](#); ADM. Ch. [137](#)
- Plans and drawings - see BLDG. Ch. [1305](#)
- Permits - see BLDG. Ch. [1307](#)
- Moving buildings - see BLDG. Ch. [1337](#)

1146.01 INTENT.

In order to maintain and enhance the distinctive historic character of the Municipality these regulations are established to achieve, among others, the following objectives:

- (a) To foster a sense of community identification; and civic pride by preserving structures which reflect periods and events in the history of the community and its region;
- (b) To stimulate the local economy by encouraging investment in historic resources and protecting the community assets which support current retail activity;
- (c) To protect property values within the Municipality by preventing environmental changes which diminish the area's unique historic character;
- (d) To recognize the importance of preserving structures that contribute to the traditional village land use pattern; and
- (e) To avoid demolition of or incompatible alterations to historic structures.
(Ord. 2007-19. Passed 7-23-07.)

1146.02 APPLICABILITY.

- (a) No building or other structure in the Municipality shall be erected, altered in exterior construction or appearance, enlarged, moved or demolished unless such action complies with the provisions of this chapter. Applicability of these provisions is limited to structures of historic significance and sites in proximity to such structures. See Section 1146.05 for an explanation of terms.
- (b) The painting of buildings and structures shall not be governed by these regulations. For the purposes of this Chapter a structure shall include building or a portion thereof.
(Ord. 2002-26. Passed 5-13-02.)

1146.03 ADMINISTRATIVE PROCEDURES.

The following procedures are established to govern the processing of applications for building permits and other municipal authorizations in accordance with the regulations of this chapter.

- (a) Mandatory Referral.
 - (1) As directed by Section 1109.05(b)(1), all requests for building permits shall be referred to the Architectural Board of Review for a determination of compliance with this Chapter. The Architectural Board of Review may obtain the assistance of an expert in

historic architecture to assist in determining whether a proposed project satisfies the requirements of this chapter. (Ord. 2007-19. Passed 7-23-07.)

- (2) All requests for demolition of a structure or portion of a structure which is more than fifty (50) years old shall be accompanied by a deposit of five hundred dollars (\$500.00). All requests to make an addition to or alteration of a structure or portion of a structure which is more than fifty (50) years old shall be accompanied by a deposit of three hundred dollars (\$300.00). As provided below, the request shall be referred to the Architectural Board of Review with a recommendation from the Administration as to whether or not the structure is a Historically Significant Property. The Architectural Board of Review shall apply the standards set forth in Section 1146.06 hereof to determine whether or not demolition is permitted.

(Ord. 2015-10. Passed 4-13-15.)

- A. Advice of Expert on Historic Significance. When an applicant requests a permit to demolish a structure or portion thereof that is more than fifty (50) years old, the Administrator shall engage the assistance of an expert in the field of the history of architecture, who shall make a recommendation to the Architectural Board of Review regarding whether or not the structure is an Historically Significant Property, as defined by Section 1146.05 of this Chapter. The expert shall be paid out of the deposit made pursuant to paragraph (a)(2) hereof, and the remaining funds from such deposit, if any, shall be returned to the applicant.

(Ord. 2007-19. Passed 7-23-07.)

- B. Advice of Expert on Economic Feasibility. If, in reviewing a request for demolition, a majority of the Architectural Board of Review, by motion, requests the advice of an expert to assist in the analysis of determining whether or not the repair, rehabilitation or restoration of an Historically Significant Property is Economically Feasible, the Administrator shall determine whether the Municipality should engage an expert at Municipality expense, to provide such advice.

(Ord. 2015-10. Passed 4-13-15.)

- C. Advice of Expert on Additions and Alterations. When an applicant requests a permit to add to, or in any material way (other than painting) alter the exterior of, any structure that is more than fifty (50) but less than one hundred (100) years old, the Administrator shall engage the assistance of an expert in the field of the history of architecture, who shall make a recommendation to the Architectural Board of Review regarding whether or not the structure is a Historically Significant Property, as defined by Section 1146.05 of this Chapter, and whether the proposed addition or alteration is Compatible with the existing structure and other historic structures in proximity thereto. When the structure, or a portion thereof has been determined by the Municipality to be at least 100 years old, it shall be presumed to be a Historically Significant Property and the advice of an expert shall not be required unless the Administrator needs such assistance to determine the age of the structure, or a portion thereof. The Administrator shall obtain the expert opinion to determine if the proposed material change will have an adverse effect on the Historical Significance of the structure. The expert shall be paid out of the deposit made pursuant to paragraph (a)(2) hereof, and the remaining funds from such deposit shall be returned to the applicant.

- (3) Where an applicant for a building permit proposes to change the existing grade of a lot by more than three (3) inches, the Architectural Board of Review shall review, in accordance with Section 1109.05 and this Chapter 1146 of this Planning and Zoning Code, such change to ensure that the proposed building elevations and site grading are compatible with contiguous property and that the proposed building meets the standards set forth in Section 1115.04, failing which the Architectural Review Board shall deny approval of such grade change.
- (b) Approval/Disapproval. The Architectural Board of Review shall either approve, approve with modification or disapprove the application in accordance with the review and approval procedures set forth in Section [1109.05](#). In conjunction with a motion to grant the request of the applicant, the members of the Architectural Board of Review shall identify facts which have been presented to the Architectural Board of Review which the members believe are supportive of their decision in the case. It is not sufficient for the Architectural Board of Review to identify the ultimate fact to be determined (e.g., Compatibility or Historic Significance), but the members of the Architectural Board of Review, when stating or voting on the motion to grant the request of the applicant(s), shall identify the specific facts presented in the matter before them which cause them to reach their conclusion and support their vote; if a member states facts with which a second member agrees, the second member may indicate so, generally, and/or may distinguish his or her findings relative to facts previously stated. The facts identified and agreed upon by a majority of the Architectural Board of Review shall be deemed the Conclusions of Fact of the Architectural Board of Review; provided that if no majority vote is obtained, the motion shall be deemed defeated and facts adopted by those who voted in opposition to the motion shall be deemed the Conclusions of Fact of the Architectural Board of Review.
- (c) Notifications. The Architectural Board of Review shall notify the applicant in writing of the time and location of its meeting. Subsequent to that meeting, the Architectural Board of Review shall notify the applicant in writing of its determination, stating reasons for a determination of disapproval.
- (d) Appeal. Any interested party may appeal the determination of the Architectural Board of Review to the Board of Zoning Appeals, in accordance with the terms of Chapter [1111](#) of the Codified Ordinances.
- (e) Mandatory Stay of Demolition. No permit to demolish shall be issued by the Administrator for thirty (30) days following the final administrative adjudication by the Municipality, and in the event the appellate court(s) reviewing the matter issue a stay, no demolition permit shall be issued pending the final outcome of the administrative appeal.
(Ord. 2007-19. Passed 7-23-07.)

1146.04 STANDARDS OF REVIEW.

In its review of applications, the Architectural Board of Review shall:

- (a) Consider the historical and architectural nature of existing buildings, signs and structures within the Municipality and the compatibility of proposed changes or proposed new buildings, signs and structures with such existing buildings, signs and structures;
- (b) Consider the design standards of Section 1146.08; and
- (c) Follow the guidelines set forth below:
 - (1) Preservation of features. The distinguishing original qualities or character of a Historically Significant Property shall not be destroyed. Removal or alteration of historic material or distinctive architectural features shall be avoided. (Ord.

- 2007-19. Passed 7-23-07.)
- (2) Replacement of features. Consistent with the concept of responsible property maintenance, deteriorated or damaged architectural features shall be repaired rather than replaced. In the event that the Architectural Board of Review determines that replacement of architectural features on a Historically Significant Property is necessary, the new material should closely match the material being replaced in composition, design, color, texture and other visual qualities. (Ord. 2015-10. Passed 4-13-15.)
 - (3) Compatibility. Alterations, additions and new development shall be compatible in scale, material and character with the design of the subject property and any structure more than fifty (50) years old in Proximity to the subject property. New structures may be constructed in accordance with a different architectural style than Historically Significant Properties.
 - (4) Contemporary design. All structures shall be recognized as products of their own time. Alterations, additions and new development which have no historical basis and which seek to create an earlier appearance shall not be required. Conversely, compatible contemporary design shall not be prohibited or discouraged except where such design would clearly detract from the architectural unity of an ensemble or group of Historically Significant Properties.
 - (5) Cleaning. The surface cleaning of Historically Significant Property shall be undertaken by the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be permitted.
 - (6) Accessory structures. Fences, walkways, street lights, and other accessory structures located in Proximity to structures more than (50) years old shall be compatible in design with the character of such properties.
 - (7) Signs. In addition to meeting the requirements of Chapter 1143, signs located on or in proximity to Historically Significant Properties shall be compatible in color, material, placement and character with the architectural style of such Properties.
- (d) Apply the following burdens of proof when evaluating applications under this Chapter:
- (1) Any person asserting that a structure is an Historically Significant Property bears the burden of proving the assertion by clear and convincing evidence; provided, that any structure which is more than one hundred (100) years old shall be presumed to be an Historically Significant Property, and any party asserting that such structure is not a Historically Significant Property shall bear the burden of proving the same by clear and convincing evidence.
 - (2) If new construction is proposed, the design of the new construction shall be permitted unless it is proven, by a preponderance of the evidence, that the new building is not compatible with any structure more than fifty (50) years old that is in Proximity to the proposed new building. Nothing herein shall limit the authority of the Architectural Board of Review to require a property owner to adhere to proper architectural principles in the design, use of materials, finished grade lines and orientation of the construction of the new building or to make recommendations to the applicant regarding the proposed design.
 - (3) If an addition to, or exterior alteration of, an existing Historically Significant Property is proposed, the applicant shall bear the burden of proving, by clear and convincing evidence, that the proposed addition or alteration is consistent with the historically significant features of the structure such that the historically significant

- features shall be preserved.
- (4) If a party proposes the demolition of a Historically Significant Property, that party bears the burden of proving, by clear and convincing evidence, that the demolition is permissible pursuant to Section 1146.06 hereof.
(Ord. 2007-19. Passed 7-23-07.)

1146.05 DEFINITIONS.

As used in this chapter, the following terms shall have the meaning given herein:

- (a) A “Historically Significant Property” means (i) any structure which is more than one hundred (100) years old, or, (ii) any structure that is fifty (50) years old and:
- (1) Is listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior); or preliminarily determined by the Ohio Historic Site Preservation Advisory Board as meeting the requirements for individual listings on the National Register; or
 - (2) Is certified or preliminarily determined by the Ohio Historic Site Preservation Advisory Board as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Ohio Historic Site Preservation Advisory Board to qualify as a registered historic district; or
 - (3) Consistent with the criteria used to determine National Register eligibility, possesses one or more of the following attributes:
 - A. Is associated with events that have made a significant contribution to the broad patterns of Municipality history; or
 - B. Is associated with the lives of persons significant in the Municipality’s past; or
 - C. Is a structure which:
 1. Embodies the distinctive local characteristics of a type, period or method of construction; or
 2. Represents the work of a local Master as defined herein; or
 3. Possesses high artistic values; or
 - D. Has yielded or may be likely to yield, information important in the prehistory or history of the Municipality.
- (b) “Compatible” for the purposes of this chapter means that a design does not materially and adversely impact the economic or historical value of a Historically Significant Property.
- (c) “Proximity” for the purpose of determining compatibility of design pursuant to Section 1146.04 means the potential for one property, by virtue of its location, to materially and adversely affect an Historically Significant Property.
(Ord. 2007-19. Passed 7-23-07.)
- (d) “Economically Feasible” means that the costs of the necessary repair and rehabilitation of a Historically Significant Property, when combined with the market value of the land upon which the Historically Significant Property resides, do not exceed the market value of the real property after the necessary repair and rehabilitation of the Historically Significant Property has been completed, based on the reasonable expectations in the marketplace for comparably aged and constructed homes by an amount beyond what a willing and reasonably prudent buyer would agree to pay for a Historically Significant Property in that area of the Municipality.
- (e) “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity and material of a Historically Significant Property.

- (f) “Restoration” means the returning of a historically significant building to its original condition or to its condition at a specifically identified time in its history as it has evolved, based on supporting visual and documentary evidence and physical analysis of the property. The intent of restoration is to accurately restore the character-defining historical elements of the property to their original or selected later date appearance when it achieved its historical importance. Conjectural restoration is not acceptable.
- (g) “Repair” means the fixing or mending of a building that has suffered natural or man-made damage due, for example, to wind, water, fire, vandalism or long-term failure to properly maintain it. Repair does not imply, nor does it encourage restoration, although it may become part of the process for a building undergoing restoration.
- (h) “Rehabilitation” means the renovation of a building, in its present condition, for continued use, or its adaptation to a new use. To meet the Secretary of the Interior’s Standards for Rehabilitation, the owner must retain the surviving historically-important, character-defining components of the building but is not required to restore it to its original historical appearance or configuration, which may have changed over the years.
- (i) “Reconstruction” means the building of a replica of a structure, or portion thereof, that has been destroyed, based upon supporting visual and documentary evidence and, possibly surviving fragments. This technique is rarely used and is usually confined to archaeological sites. (Ord. 2015-10. Passed 4-13-15.)
- (j) “Master” means a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality. The property must express a particular phase in the development of the master’s career, an aspect of the master’s work, or a particular idea or theme in the master’s craft.

1146.06 DEMOLITION AND MOVING.

- (a) Demolition Prohibited; Exceptions. The demolition of a Historically Significant Property shall not be permitted unless one of the following conditions exist:
 - (1) Demolition has been ordered by the Administrator for public safety because of an unsafe or dangerous condition that constitutes an emergency. (Ord. 2007-19. Passed 7-23-07.)
 - (2) The owner demonstrates that the Historically Significant Property is either not habitable or otherwise not safe; or the Repair or Rehabilitation of the structure is not Economically Feasible and the property’s condition did not result from damage which has been purposefully caused to the property, or allowed to occur due to the neglect of the owner or previous owners with the likely intention of making the Repair or Rehabilitation of the structure not Economically Feasible. No permit to demolish will be permitted under this paragraph (a)(2) or (3) hereof unless the owner or owner’s representative obtains final approval from the Architectural Board of Review for the structure(s) which will replace the structure to be demolished. (Ord. 2015-10. Passed 4-13-15.)
 - (3) The owner demonstrates to the satisfaction of the Architectural Board of Review that denial of the demolition is inconsistent with a legitimate interest in the health, safety and welfare of the Municipality.
 - (4) The demolition request is for an inappropriate addition or a portion of a structure that is not historically significant, and, the demolition will not adversely affect those parts of the structure that are found to be a Historically Significant Property as determined by

the Architectural Board of Review.

- (b) Moving. No Historically Significant Property may be moved from its current location unless the Architectural Board of Review determines that the moving of the structure will not materially and adversely impact the historical character of the structures more than 50 years old in Proximity.
(Ord. 2007-19. Passed 7-23-08.)

1146.07 MAINTENANCE REQUIREMENTS.

- (a) Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the Administrator upon certification of an unsafe condition constituting an emergency.
- (b) Similarly, nothing in this chapter shall be construed to govern or restrict routine maintenance activities, which do not represent alterations in exterior appearance.
- (c) The owner of any structure, even if vacant and uninhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration. This provision shall be in addition to all other applicable provisions of the Building Code.
(Ord. 2002-26. Passed 5-13-02.)

1146.08 SUPPLEMENTAL REGULATIONS.

Design Guidelines relating to the responsibilities and duties of the Architectural Board of Review based on the foundation of the Charter and Codified Ordinances of the Municipality were adopted by the Municipality on October 10, 2005. For additional design regulations for specific uses or zoning districts refer to the following among others:

- (a) Building and site design regulations for attached single family development in the ASF District as set forth in Sections 1127.07(a) and 1127.07(b).
- (b) Regulations for garages in the ASF District as set forth in Section 1127.08(b).
- (c) Building and site design regulations for multifamily development in the MF District as set forth in Sections 1129.07(a) and 1129.07(b).
- (d) Building and site design regulations for attached single family development and multifamily development in the RMU District as set forth in Sections 1130.09(a) and 1130.09(b).
- (e) Regulations for garages in the RMU District as set forth in Section 1130.10(d).
- (f) Building and site design regulations for the RL District as set forth in Sections 1131.07(a), 1131.07(b), 1131.07(c), and 1131.07(d).
- (g) Regulations for garages in the RL District as set forth in Section 1131.08(b).
- (h) Modification of side yard setback requirements in the Office District as set forth in Section 1135.04(c)(2).
- (i) Modification of side yard setback requirements in the Retail Business District as set forth in Section 1137.04(c)(2).
- (j) Design regulations for canopies at automobile service stations in the Retail Business District as set forth in Section 1137.05(b)(3).
- (k) Modification of side yard setback requirements in the Central Shopping District as set forth in Section 1138.04.
- (l) Fencing for utility uses as set forth in Section 1142.07(b).
- (m) Design standards for signs as set forth in Section 1143.08.
- (n) Design standards for cluster development as set forth in Section 1126.05(d) and 1125.05(h).
(Ord. 2002-26. Passed 5-13-02; Ord. 2006-15. Passed 5-22-06.)

CHAPTER 1148 Fences, Walls, and Hedges

- 1148.01** Intent.
- 1148.02** Definitions and references.
- 1148.03** General provisions.
- 1148.04** Permits.
- 1148.05** Fences, walls and hedges permitted: residential districts.
- 1148.06** Fences, walls and hedges permitted: non-residential districts.
- 1148.07** Retaining Walls

1148.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these regulations:

- (a) To regulate the location, height and overall general characteristics of fencing, walls, hedges, or any combination thereof within the front, side or rear yards of any property within the Municipality;
- (b) To maintain an orderly appearance and reduce any negative impact upon other properties where such fencing, walls, or hedges are visible.
- (c) To prohibit fence, wall or hedge placement at heights or locations which interfere with clear visibility of vehicular and pedestrian traffic on adjacent streets, alleys, or sidewalks.
(Ord. 1995-18. Passed 4-10-95.)
- (d) To preserve and protect public health, safety and welfare by regulating retaining walls and minimizing their impact on contiguous property.

1148.02 DEFINITIONS AND REFERENCES.

As used in this chapter, unless the context otherwise indicates:

- (a) "Fence" means a barrier open to light and air which is constructed of non-living materials in order to enclose, screen, or secure property, or, a means of designating a property boundary.
- (b) "Hedge" means an evergreen or deciduous landscape barrier consisting of a continuous, dense planting of shrubs which have several small stems from the ground or small branches near the ground.
- (c) "Retaining wall" means a solid barrier which is constructed of stone or masonry which functions to resist a lateral load from a mass of earth or other material.
- (d) "Wall" means a solid barrier which is constructed of wood, masonry or other non-living materials in order to enclose, screen, or secure property, or, a means of designating a property boundary. A solid fence is considered a wall.
(Ord. 1995-18. Passed 4-10-95.)

1148.03 GENERAL PROVISIONS.

Fences, walls, and hedges shall be permitted in front, side, or rear yards subject to the following limitations and requirements:

- (a) Construction. Fences and walls must be of uniform design and constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- (b) Appearance. The unfinished side, supporting rails, and posts of any fence shall face the interior of the property of the owner, and, the finished side of the fence shall face contiguous property. Fences which exceed two feet in height above natural grade shall be designed with a surface at least twenty five percent (25%) open to light and air throughout its area.
- (c) Location.
 - (1) Any fence designed with a surface at least twenty-five percent (25%) open to light and air throughout its area may be located on a property line.
 - (2) Any wall, any hedge, or, a fence designed with a surface of less than twenty-five percent (25%) open to light and air throughout its area, may be located no less than three feet from a property line.
 - (3) Retaining walls constructed of plain concrete masonry unit blocks without aesthetic additive such as exposed aggregate or thoroughly blended coloration.
- (d) Prohibited fences, walls and hedges.
 - (1) Fences charged with electrical current.
 - (2) Barbed wire fences except as otherwise provided for in Section 1148.06(b).
- (a) Proximity to Historic Structures. Fences located in proximity to historically significant properties shall be Compatible in design with the character of such properties.
- (b) Utility Uses. Utility uses shall be completely enclosed by a fence or wall not less than five feet and not more than seven feet in height. Such fences shall be opaque. The design and construction of such fences shall be approved by the Architectural Board of Review in consideration of factors of safety and visual impact on nearby uses. For uses which do not present safety hazards, the Administrator may waive the fencing requirement.
- (c) Exceptions. The requirements of this chapter shall not apply to a hedge which is planted as a perimeter screen under the landscaping regulations set forth in Section 1142.06.
(Ord. 1995-18. Passed 4-10-95.)

1148.04 PERMITS.

- (a) Permit Required. No person shall erect any fence, wall, or retaining wall without first obtaining a building permit and making payment of the fee required by Section 1309.14 of the Building Code.
- (b) Survey Required. If documentation of the property line locations is not conclusive, the Administrator may require a professional survey to identify such locations prior to issuing a permit.
(Ord. 2014-59. Passed 10-13-14.)

1148.05 FENCES, WALLS, AND HEDGES PERMITTED: RESIDENTIAL DISTRICTS.

- (a) Front Yards. Fences, walls and hedges shall not exceed three and one-half feet in height above finished grade. However, fences, walls and hedges shall be permitted to a greater height in the front yard along a side lot line which adjoins a business or industrial district if approved by the Planning and Zoning Commission and a determination is made that the

- fence, wall or hedge will comply with subsection (c)
- (b) Side and Rear Yards. Fences, walls and hedges shall not exceed six feet in height, except as required for tennis courts in subsection (d)(2) hereof or utility fences as permitted in Section 1148.03(b).
 - (c) Corner Lots. The installation of a fence, wall or combination thereof shall not create a visibility or safety concern for vehicular or pedestrian movement. Within a triangle formed by lines drawn between points on the two street lines of a corner lot twenty-five feet from their intersection, substantially unobstructed sight lines must be maintained within a vertical height band of two and one-half feet to six feet above curb level.
 - (d) Recreational Uses.
 - (1) Swimming pools. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence not less than six feet in height. A building or existing wall may be used as part of the enclosure. All gates providing access to the pool or pool area shall be of self-closing and self-latching construction with the latch at least five feet from ground level, shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is unattended. In no case shall a fence include design features that would facilitate its ascent or permit the passage of a child's body as determined by the Administrator.
 - (2) Tennis courts. Tennis courts shall be enclosed by a metal chain link or mesh fence at least nine feet in height but no more than twelve feet in height above finished grade. (Ord. 1995-18. Passed 4-10-95.)

1148.06 FENCES, WALLS, AND HEDGES PERMITTED: NON-RESIDENTIAL DISTRICTS.

- (a) Height. Fences, walls, and hedges shall not exceed eight feet in height. Any fence, wall, or hedge which restricts the visibility along a traveled right-of-way, shall be located subject to the approval of the Planning and Zoning Commission.
- (b) Limited Industrial District. In the Limited Industrial District, the placement of not more than three strands of barbed wire shall be permitted on top of a fence other than a barbed wire fence, provided such strands are not less than sixty inches from the ground.
- (c) Contiguous Residential Districts. The Planning and Zoning Commission shall require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential district. Landscape features shall be installed in accordance with Sections 1142.05 and 1142.06. (Ord. 1995-18. Passed 4-10-95.)
- (d) Recreational Uses.
 - (1) Swimming pools. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence not less than six feet in height. A building or existing wall may be used as part of the enclosure. All gates providing access to the pool or pool area shall be of self-closing and self-latching construction with the latch at least five feet from ground level, shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is unattended. In no case shall a fence include design features that would facilitate its ascent or permit the passage of a child's body as determined by the Administrator.
 - (2) Tennis courts. Tennis courts shall be enclosed by a metal chain link or mesh fence at least nine feet in height but no more than twelve feet in height above finished grade. (Ord. 2014-59. Passed 10-13-14.)

1148.07 RETAINING WALLS

- (a) A retaining wall may be constructed on property where topographic conditions warrant or where necessary to retain fill or cut slopes.
- (b) In addition to the permit requirements of Section 1148.04, all retaining walls over three (3) feet in height shall require the submission of plans and specifications for approval by the Municipal Engineer. Such plans shall be prepared by a professional engineer.
- (c) Retaining walls shall be set back from any property line a minimum of three (3) feet plus one (1) foot for every foot of wall height greater than three (3) feet.
- (d) The height of a retaining wall shall be measured vertically from the finished grade of the lower side of the wall to the highest point at the top of the wall.
- (e) Retaining walls exceeding three (3) feet in height shall have a hedge, fence or rail at the top edge of the wall.
- (f) Retaining walls shall not restrict access to utilities, impede the normal flow of storm water, cross open drainage channels, or be located over an access easement.
- (g) Retaining walls shall be maintained by the owner in good repair at all times.
- (h) Walls greater than six (6) feet in height or in excess of one-hundred (100) square feet shall be subject to review by the Architectural Review Board. The design and construction of such walls shall be approved by the Architectural Board of Review in consideration of factors of safety and visual impact on nearby uses.

CHAPTER 1149
Wireless Telecommunications Facilities

<u>1149.01</u>	Intent.
<u>1149.02</u>	Definitions.
<u>1149.03</u>	Administrative procedures.
<u>1149.04</u>	General requirements.
<u>1149.05</u>	Minimum area, height and design requirements.
<u>1149.06</u>	Abandonment.
<u>1149.07</u>	Supplemental regulations.

1149.01 INTENT.

In addition to the applicable provisions of the intent stated in Section [1105.03](#), it is the intent of these regulations to provide for the placement of wireless telecommunication facilities to achieve the following objectives:

- (a) To minimize adverse health, safety, welfare, and visual impacts through the buffering, siting and design of such facilities.
- (b) To encourage the sharing of sites among users to minimize the number of towers within the Municipality.
- (c) To require the prompt removal of obsolete or vacated facilities.
- (d) To exclude from these regulations those installations and systems used by amateur radio operators.

(Ord. 1997-80. Passed 12-8-97.)

1149.02 DEFINITIONS.

- (a) "Collocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (b) "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
- (d) "Monopole" means a vertical support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (e) "Open space" means land devoted to conservation or recreational purposes and/or land designated to remain undeveloped.
- (f) "Telecommunication" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
- (g) "Wireless telecommunications antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (h) "Wireless telecommunications equipment shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- (i) "Wireless telecommunications facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- (j) "Wireless telecommunications tower" means a structure intended to support equipment used to

transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

(Ord. 1997-80. Passed 12-8-97.)

1149.03 ADMINISTRATIVE PROCEDURES.

In addition to the requirements of Chapter [1109](#), the following procedures are established to govern the processing of applications for placement and operation of wireless telecommunication facilities as regulated in this chapter.

- (a) When a wireless telecommunications facility is proposed, the applicant shall submit:
 - (1) A plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility.
 - (2) Detailed plans including photographs of the proposed site, and complete structure elevations and a perspective view showing the tower from all contiguous property lines or lot lines.
 - (3) Evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.
 - (4) A landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
 - (5) Documentation demonstrating that the telecommunications tower must be sited in the proposed location and that it is technically necessary.
 - (6) Evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.
 - (7) A statement describing anticipated maintenance needs, including frequency of service, equipment needs, and traffic, safety, or noise impacts of such maintenance.
 - (8) Aerial photos and/or renderings may augment the plot plan.
 - (9) Evidence that demonstrates the applicant's ability to furnish a financial guarantee for the estimated amount of removal of the facility. Such guarantees may be in the form of a performance or surety bond, a certified check, or any other type of surety approved by the Municipality.
 - (10) The operator of a wireless telecommunications facility shall, at all times, maintain liability insurance with such amounts and types of coverage as deemed necessary by the Law Director with the Municipality named as additional insured. Evidence of such insurance, which shall be renewed annually, shall be kept on file with the Municipality. The Municipality may require increases in the monetary limits every five years based on inflation, experience in judgments for damages in tort cases, and new types of coverages when made available to the wireless telecommunications industry, or to cover those amounts and types of coverages a wireless telecommunications tower owner in Cuyahoga County customarily requires carriers to provide for the owner's benefit.
- (b) The Administrator may waive any of the above requirements which he determines to be inapplicable in specific instances.
(Ord. 1997-80. Passed 12-8-97.)
- (c) In addition to the Review and Approval Procedures set forth in Section 1109.05, an application for the placement of a wireless telecommunication shall be subject to the following:
 - (1) Upon receiving the completed application, the Planning and Zoning Commission shall

hold a public hearing. Such application request shall be posted on the Municipality's website at least thirty days prior to the date of the hearing. Notice of the hearing shall also be mailed, by first class mail, at least fifteen days before the hearing date, to owners of property within 300 feet of the subject property. The addresses of such owner shall be obtained from the addresses appearing on the County Auditor's tax list or the County Treasurer's mailing list. The failure to mail notice to owners whose names do not appear on such lists, as well as the failure of delivery of such notice, shall not invalidate any subsequent Planning and Zoning Commission action. The mailed and website notification shall set forth the time and place of the public hearing and a summary of the proposed application. During the thirty days preceding the hearing, a copy of the application shall be on file for public inspection in the office of the Clerk of Council.

(Ord. 2014-37. Passed 8-25-14.)

- (2) Following the public hearing, the Planning and Zoning Commission may adopt the proposal by a majority vote of those appointed to the Planning and Zoning Commission.
 - (3) Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be made within a reasonable time and in writing and supported by substantial evidence contained in a written record of the proceedings of the Planning and Zoning Commission and the Secretary of the Planning and Zoning Commission shall deliver such decision contemporaneously with issuing such written decision to the applicant upon rendering the final decision.
 - (4) The notice and hearing requirement may be waived by the Administrator for applications for construction of a new antenna on an existing structure which do not require the construction of a new tower or associated facilities.
- (d) The Planning and Zoning Commission may refer a pending application to one or more expert consultants qualified to advise whether a proposed wireless telecommunication facility conforms to the standards of this chapter. Based on such information, the Planning and Zoning Commission, based on substantial evidence, and within a reasonable time, may approve or deny the application, or may require modification of the proposed facility. The applicant shall pay all fees for services of the expert consultant deemed reasonable and necessary by the Planning and Zoning Commission.
- (Ord. 1997-80. Passed 12-8-97.)

1149.04 GENERAL REQUIREMENTS.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located.

- (a) Wireless telecommunications facilities that include towers must be located in a non-residential district unless the applicant presents substantial evidence as to why it is not technically feasible or why a location in a residential district is technically mandated. Every effort must be made by the applicant to find the least intrusive location so as to minimize impact on the residential community.
- (b) A wireless telecommunications facility is permitted on a property with an existing use which may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunications provider. The facility will not be considered an addition to the structure or value of a nonconforming use.
- (c) Where technically feasible, an antenna for a wireless telecommunications facility shall be

- attached to an existing structure or building.
- (d) Underground equipment shelters are encouraged and may be mandated by the Planning and Zoning Commission where technically feasible.
 - (e) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
 - (f) No tower shall be artificially lighted except to assure safety or as required by the FAA. Security lighting around the equipment shelter is permitted.
 - (g) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency. The number, size and placement of such signs shall be determined by the Administrator.
 - (h) Underground utility wiring to the site and from the tower to any service or ancillary structures shall be required if technically feasible.
 - (i) The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance or repairs.
 - (j) Equipment, mobile or immobile, not used in direct support of the facility shall not be stored or parked on the site except in connection with a repair or maintenance being made to the installation.
 - (k) No supporting wires or cables shall encroach upon any minimum setback requirements.
 - (l) Existing vegetation, primarily trees and shrubs, shall be preserved to the maximum extent possible.
- (Ord. 1997-80. Passed 12-8-97.)

1149.05 MINIMUM AREA, HEIGHT AND DESIGN REQUIREMENTS.

Wireless telecommunications facilities are subject to the following conditions:

- (a) Minimum Lot Size. The area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing, buffer planting, and minimum yard requirements.
 - (b) Minimum Yard Requirements.
 - (1) Tower. The minimum setback for the applicable zoning district, except that the minimum distance to any single family or two family residential use lot line or residential district lot line shall be 300 feet.
 - (2) Equipment shelter. The minimum setback for the applicable zoning district.
 - (c) Maximum Height.
 - (1) Tower. 150 feet including antenna.
 - (2) Equipment shelter. 15 feet above finished grade.
 - (3) Antenna attached to existing building or structure. 20 feet or 20% of the building height above the existing building or structure, whichever is less.
 - (d) Maximum Size of Equipment Shelter. 300 square feet for a single shelter, or, if there is more than one, 750 total square feet for all shelters. The Planning and Zoning Commission may require that providers utilize a single shelter or construct multiple shelters so that they share common walls with each shelter having a separate outside entrance.
 - (e) Access. Provided along the circulation driveways of the existing use without interfering with the parking or vehicular circulation for the main use if present.
- (Ord. 1997-80. Passed 12-8-97.)

1149.06 ABANDONMENT.

All providers utilizing towers shall present a report to the Administrator notifying them of any

tower facility located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Administrator may declare the facility abandoned. This excludes any dormancy period between construction and the initial use of the facility. The facility's owner/operator will receive written notice from the Administrator and will be instructed to either reactivate the facility's use within 180 days or dismantle and remove the facility. If reactivation or dismantling does not timely occur, the Municipality may remove or will contract to have removed the tower facility and related structures and equipment at the owner/operator's cost. If the owner/operator does not pay for removal, the Municipality shall have a lien on the tower facility and related equipment and structures until paid and may record the lien with the Cuyahoga County Recorder.

(Ord. 1997-80. Passed 12-8-97.)

1149.07 SUPPLEMENTAL REGULATIONS.

- (a) The location of the tower and equipment shelter shall comply with all natural resource protection standards including Chapter [1144](#), Environmental Performance Regulations, and, Chapter [1152](#), Hillside Protection.
- (b) Security fencing shall surround the tower, equipment shelter and any guy wires, either completely or individually as required by Chapter [1142](#), Landscaping Regulations, and Chapter [1148](#), Fences, Walls and Hedges.
- (c) Any application to locate an antenna on a building or structure that is listed on an historic register, or is in an historic district shall be subject to review by the Architectural Board of Review in accordance with Chapter [1146](#), Historic Preservation Regulations.
- (d) No advertising is permitted anywhere on the facility with the exception of incidental signs as permitted by Chapter [1143](#), Signs.

(Ord. 1997-80. Passed 12-8-97.)

CHAPTER 1150 OUTDOOR LIGHTING

1150.01 PURPOSE AND INTENT.

It is the intent of this Planning and Zoning Code to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems shall be designed, constructed, and installed to (i) control glare, (ii) prevent light trespass, (iii) minimize obtrusive light, and (iv) conserve energy while maintaining safety, security and productivity.

1150.02 DEFINITIONS.

- (a) Cut-off Angle (of a luminaire) - the angle, measured up from the nadir, between the vertical axis and the first line of site at which the bare source is not visible.
- (b) Director Light - light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
- (c) Foot Candle - a unit of illuminance equal to one lumen per square foot or 10.76 Lux.
- (d) Flood or Spotlight - any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- (e) Full Cut-off or Fully-Shielded Luminaire - a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as certified by the manufacturer.
- (f) Glare - light emitting from a luminaire with an intensity great enough to cause annoyance, discomfort, or loss of visual performance and visibility.
- (g) HID Light Source - means a lamp which utilizes a small gas arc discharge or "high intensity discharge" as the light emitter. Examples of HID light sources are mercury, metal halide and high-pressure sodium lamps.
- (h) Light Trespass- the unwanted shining of direct light produced by a luminaire beyond the boundaries of the property on which it is located, also meaning light that is of an intrusive and objectionable nature.
- (i) Lumen - the unit measure of light flux or light output from lamps and luminaires.
- (j) Luminaire - a complete lighting unit typically consisting of all electrical and mechanical parts necessary for operation including a lamp, ballast (in the case of discharge lamps), optical assembly and enclosure.
- (k) Lux - the SI unit of illuminance. One lux is one (1) lumen per square meter and approximately 0.1 foot-candles.
- (l) Maximum Mean Average Lux - the maximum average lux level on a surface based upon the average lumen output of a lamp over its life. Average lumen output over the life of the lamp is typically about 75% of new lamp lumen output.
- (m) Temporary Outdoor Lighting - lighting that is applied temporarily for construction, safety, seasonal events, or public events.

1150.03 GENERAL REQUIREMENTS.

- (a) Outdoor lighting fixtures installed in all zoning districts other than the Parks, Conservation and all residential districts, after the effective date of this Chapter 1150, shall comply with the following:
 - (1) Lighting Plans. Full lighting plans shall be required prior to the installation of any lighting improvements or fixtures. Lighting plans shall show the following:
 - A. The location and height above grade of the luminaires.

- B. The wattage and type of each light source such as incandescent, fluorescent, metal halide, etc.
 - C. The general type and appearance of each luminaire such as lantern, globe, floodlight, full-cutoff area luminaire, wall pack, downlight, etc.
 - D. Calculated or manufacturer-rated numerical values of total light output (lumens) of the luminaire or luminaires and the light output above a horizontal plane through the optical center of the luminaire if the light output per lamp is greater than allowed by this regulation.
 - E. A 2-D or 3-D photometric model that quantifies calculated light output on the property and demonstrates compliance with the regulation.
 - F. Building walls to be illuminated by wall mounted or facade-mounted luminaires including relevant building elevations showing the location of the luminaires, their aiming direction and aiming angle (if directional), the portions of the building walls to be illuminated, and their color.
- (2) Where used for safety or security purposes, only fully shielded luminaires shall be utilized.
- (3) The cut-off angle or placement of all luminaires will be such that the level of lighting shall not exceed 11 lux at any property line measured by meter line of sight to any luminaire. Other than light incidental to fully shielded lighting, no direct light will be allowed to trespass onto other properties.
- (4) Island canopy ceiling fixtures shall be recessed so that direct light cannot radiate onto adjacent properties or roadways.
- (5) With the exception of flag lighting, ground level signs, any decorative lighting mounted as shielded sconces (emitting a maximum of 3,000 lumens each) on building side walls, no lighting may be pointed in an upward direction.
- (6) All non-residential lighting will be designed to provide average lux levels at ground level in keeping with the recommended averages published in RP-33 Lighting for Exterior Environments and RP-20 Light for Parking Facilities by the IESNA (Illuminating Engineering Society of North America), and all institutional, industrial and business district lighting will be designed to achieve no more than a maximum mean average equal to 200% of recommended averages or maximums. Average lux levels in excess of 300% of recommended averages or maximum at ground level will be in non-conformance with this Chapter. Parking lot lighting shall not exceed more than a maximum mean average of 50 lux at ground level.
- (7) All outdoor light pole fixtures shall not be taller than the buildings it serves or 30 feet, whichever is shorter.
- (b) Outdoor lighting fixtures installed in the Conservation, Parks, and all residential districts after the effective date of this Chapter shall comply with the following:
- (1) All HID lighting (including mercury vapor) will have full cut-off fixtures or be shielded to prevent the trespass of glare from direct light onto adjacent properties.
 - (2) All exterior lighting shall be designed and installed to avoid glare and light trespass on adjoining properties and public rights of way.
 - (3) The total light output of all exterior lighting shall not exceed 75,000 lumens. Total lumens shall be calculated by adding the manufacturer initial lumen rating for each lamp type to obtain a total lumen value.
 - (4) Wall or Facade Mounted Lighting. Wall mounted fixtures and/or facade mounted luminaires shall be used solely for illuminating entrances and walkways and shall not be used or designed for building architectural illumination.
 - (5) Driveway Lighting. Driveway and parking area lighting shall be limited to low-mounted luminaires only. Low-mounted lighting is defined as lighting where the optical center of the luminaire is no more than 2 feet above driveway grade.

- A. If lanterns or unshielded luminaires utilizing clear, diffusing or prismatic lenses are installed, the incandescent lamp wattage is limited to 25 watts per enclosure or the equivalent light output for other light sources.
 - B. If fully-shielded luminaires are installed, the incandescent lamp wattage is limited to 40 watts per enclosure or the equivalent light output for other light sources.
 - C. The maximum incandescent wattage allowed per linear foot of driveway for lighting is 0.75 watts or the equivalent light output for other light sources.
- (6) Area Lighting. Floodlights and spotlights may be permitted for the purpose of illuminating tennis courts or other permitted outdoor uses or activities in compliance with the following:
- A. Luminaires shall be mounted at 30 feet or less measured from the optical center of the luminaire to grade directly beneath the luminaire.
 - B. Lamp wattage is limited to 90 watts of incandescent or halogen incandescent reflector ("PAR") type lamps or equivalent per socket and no more than three sockets per mounting location.
 - C. The lighting shall be designed and operated to provide the minimum and no more than 1.5 times the minimum maintained illumination values recommended for the application by the Illuminating Engineering Society of North America as expressed in the IESNA Lighting Handbook (current edition) or current Recommended Practice for the application.
 - D. Such lighting shall not be operated between midnight and 9:00 a.m.
- (7) Landscape Lighting. Landscape lighting is defined as lighting installed and arranged to primarily illuminate "softscape" such as bushes, trees, vines, shrubs and flowers or "hardscape" such as terraces, fences, bridges, walls (non-building), sculpture, water features, ornaments, and formed earth shapes. Landscape lighting may be automatically or manually switched provided that the operating period extends only from dusk to midnight.
- (8) Street Address, Identification Signs. Street address, identification signs, and entrance features may be illuminated internally or externally, provided that lamp wattage is limited to 30 watts of incandescent or the equivalent light output using other types of light sources.

(c) The Architectural Board of Review may authorize specific exemptions when the Board determines that there will be no adverse impact resulting from the lighting and that such lighting is consistent with the spirit and intent of this Chapter.

1150.04 EXEMPTIONS

- A. Kerosene, propane, battery and natural gas lamps.
- B. All low voltage lighting rated at twenty-four volts or less.
- C. Decorative outdoor lighting fixtures with bulbs that do not exceed twenty-five (25) watts, installed seasonally for one period not exceeding forty-five (45) days during any calendar year, are exempt from the requirements of this Chapter.
- D. Temporary construction or emergency lighting is exempt from the requirements of this Section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- E. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Chapter shall be exempt from the requirements of this Chapter. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this Chapter.
- F. Special Event lighting for events otherwise approved by the Municipality.

G. Municipal lighting.

1150.05 PROHIBITED LIGHTING.

This Section identifies lighting applications which cause glare, decrease visibility, produce unattractive lighting environments or excessive light trespass or light pollution. These applications are prohibited.

- (a) Unshielded Light Sources. This type of lighting is prohibited except as described herein.
- (b) Changing Lights. Lights which flash, move, blink, flicker, vary in intensity or change color are prohibited from being installed on buildings or grounds except for temporary exemptions described herein.
- (c) Types of Lamps. Mercury and low pressure sodium (LPS) discharge lamps are prohibited because of their poor color qualities.
- (d) Architectural Lighting. Linear lighting such as "rope" light or high-voltage (neon) tubing is prohibited.

1150.06 NONCONFORMANCE.

There shall be no change in use or lamp type, or any replacement or structural alteration made, without conforming to all applicable requirements of this Chapter.

CHAPTER 1151 Riparian Buffer Regulations

- 1151.01 Intent.**
- 1151.02 Establishment of buffer area and boundary.**
- 1151.03 Permitted uses.**
- 1151.04 Supplemental regulations.**

CROSS REFERENCES

Hillside protection - see P. & Z. Ch. [1165](#)

1151.01 INTENT.

In addition to the applicable provisions stated in Section [1105.03](#), it is the intent of these regulations to achieve the following objectives:

Limit impact of land uses on rivers in order to preserve and conserve the quality, purity, clarity and free-flowing condition of streams;

- (a) Maintain natural water temperatures, preserve aquatic and terrestrial plant and animal habitat;
- (b) Prevent erosion of stream banks, lessen the level of siltation of stream waters; and
- (c) Preserve valuable water resources in the interest of present and future generations.

(Ord. 2013-32. Passed 6-10-13.)

1151.02 ESTABLISHMENT OF BUFFER AREA SETBACK AND BOUNDARY.

The buffer area setback shall be maintained along both sides of stream channels which have a mean surface width at normal low water of at least ten feet or greater and wetlands as defined by the Army Corps of Engineers and the United States Environmental Protection Agency (E.P.A.). The minimum boundary of the buffer area setback shall be set at 120 feet in a horizontal plane outward from the normal low water mark of the stream channel. It shall be preserved in its natural state and shall be adjusted outward to include sensitive areas such as steep slopes, wetlands and wooded areas contiguous to the stream. (Ord. 2013-32. Passed 6-10-13.)

1151.03 PERMITTED USES.

Use or activities shall not significantly affect the natural quality of the area and are limited to the following:

- (a) Passive recreational uses such as hiking, fishing, etc.
 - (b) Only damaged or diseased trees or those that the Administrator has determined to be in imminent danger of being uprooted or falling in or along the stream may be removed. The stump and root structure of trees on the stream bank shall be left in place to retard bank erosion.
- (Ord. 2013-32. Passed 6-10-13.)

1151.04 SUPPLEMENTAL REGULATIONS.

- (a) The buffer area setback described above shall be overlays to the existing underlying districts as shown on the official Zoning Map of the Municipality, and as such, the provisions for the riparian buffer area setbacks shall serve as a supplement to the underlying district provisions.
 - (b) Where there happens to be any conflict between the provisions or requirements of any buffer area and those of any underlying district, the more restrictive provisions and/or those pertaining to the flood plain buffer area setback shall apply.
 - (c) In the event any provision concerning a flood plain buffer area setback is declared inapplicable as a result of any legislative or administrative actions, or judicial declaration, the basic underlying district provision shall remain applicable.
- (Ord. 2013-32. Passed 6-10-13.)

**CHAPTER 1152
Hillside Protection**

- [1152.01](#) Intent.
- [1152.02](#) Definitions.
- [1152.03](#) Procedures.
- [1152.04](#) Required hillside control measures, standards and plans.
- [1152.05](#) Hold harmless provisions.
- [1152.06](#) Administration and enforcement.

CROSS REFERENCES

- Landscaping regulations - see P. & Z. Ch. 1142
- Riparian buffer regulations - see P. & Z. Ch. 1151
- Flood damage protection - see BLDG. Ch. 1353

1152.01 INTENT.

Whereas the hillside areas of the Municipality differ from the Municipality's flatlands, hillsides necessitate different provisions for their development and their protection. The Hillside Protection Regulations are established to achieve, among others, the following objectives:

- (a) To permit development on hillside areas while conserving and promoting the public health, safety, convenience and general welfare by minimizing disruption to slope stability, water run-off and soil erosion problems incurred in adjustment of the topography to meet development needs;
 - (b) To use generally accepted design, landscape architecture, architecture, civil engineering, and geotechnical engineering to preserve, enhance and promote the existing and future safety of hillside areas;
 - (c) To preserve and enhance the natural beauty of the landscape by encouraging the maximum retention of natural topographic features such as natural drainage swales, streams, slope ridge lines, rock outcroppings, vistas from and of the hillsides, trees and other natural plant formations and to retain the sense of identity and image that the hillside areas now impart to the Municipality;
 - (d) To maximize the natural environmental value of hillside areas as well as their scenic beauty and to protect public and private property owners from the potential damage to human life and safety and property damage that could be caused by increased hillside instability;
 - (e) To assure access to properties that have hillside areas by emergency, police and fire vehicles and personnel to protect persons and property; and,
 - (f) To preserve and protect the unique scenic resources and scenic river habitats in the Municipality.
- (Ord. 2017-43. Passed 8-28-17.)

1152.02 DEFINITIONS.

- (a) "Average percent slope."
Average percent slope "S" is computed by the formula:
$$S = \frac{0.00229 \text{ I L}}{A}$$

where S = Average percent slope
 I = Contour interval, in feet*
 L = Summation of length of contours, in feet
 A = Area in acres of parcel being considered

* Calculations of average percent slope should be based upon accurate topographic surveys using a contour interval no greater than ten feet and a horizontal map scale of 1": 200' or larger. The area of the zoning lot shall be used in this calculation.

- (a) "Cut" means a portion of land surface or areas from which the earth has been removed or will be removed by excavation; the depth below the original ground surface or excavating

- surface.
- (b) "Earth moving" means any excavating, cutting or filling, or any stockpiling thereof.
 - (c) "Erosion" means the general process whereby soils are detached and moved by the flow of surface or subsurface water, wind, ice and gravity.
 - (d) "Excavating" means removing of soil or other materials by any means whatsoever from water or land on or beneath the surface thereof or beneath the land surface, whether exposed or submerged.
 - (e) "Fill" means depositing of soil, rock or other materials by other than natural means.
 - (f) "Finished grade" means the final grade or elevation of the ground surface after grading is completed.
 - (g) "Geotechnical Engineer" means a Registered Professional Engineer in the State of Ohio with training in geotechnical engineering and experience in slope stability analysis and stabilization methods.
 - (h) "Grade" means the degree of rise or descent of a sloping surface.
 - (i) "Grading" means any excavating, cutting or filling, stockpiling of land or earth or combination thereof, including the conditions resulting from any of the above.
 - (j) "Hillside area" includes land in all zoning districts in the Municipality with an average percent slope of twelve percent (12%) or greater and any area contiguous to such a slope within a distance of one times the height of the slope.
 - (k) "Hillside control measures" means all of the planning work and control that is required and specified by this chapter.
 - (l) "Impervious surface" means roads, buildings and structures as defined in Section [1107.05](#) of the Planning and Zoning Code, tennis courts, roofs, driveways, sidewalks, pools, patios, pool decks, decks, parking lots and other similar surfaces.
 - (m) "Natural ground surface" means the ground surface in its original state before any grading, excavation or filling.
 - (n) "Natural vegetation" means plant materials which are indigenous to the area and exist on a site prior to any construction or earth moving activity.
 - (o) "Owner/developer/builder" means an individual, firm, association, syndicate, limited liability company, limited liability partnership, partnership or corporation having sufficient proprietary interest to seek development of land.
 - (p) "Run-off" means the part of precipitation which flows over land without filtering into the soil.
 - (q) "Undisturbed" means that portion of the parcel to be developed which will not be regraded, have any vegetation removed from or have any impervious surface constructed on or over as specified in this chapter.
- (Ord. 2017-43. Passed 8-28-17.)

1152.03 PROCEDURES.

Upon the filing of a request for approval of a building permit, grade plan approval or subdivision, the Administrator shall use the following procedures to determine whether the proposed action is governed by provisions of this chapter and whether a hillside protection permit is required for a parcel or part of a parcel.

- (a) The average percent slope shall be calculated, and this information shall be supplied by the applicant at the time of filing of the application with the Municipality.
- (b) The application shall be reviewed by the Municipal Engineer who shall then notify the Administrator if a hillside protection permit is required.
- (c) If a hillside protection permit is required, the owner/developer shall be required to include hillside control measures with grading, hydrological and landscaping plans as specified in Section [1152.04](#). These plans shall be submitted to the Municipal Engineer for approval.
- (d) If it is determined by the Administrator that the action is governed by these provisions, then a hillside protection permit shall be required before a building permit or subdivision permit is issued to the owner or developer by the Municipality. A hillside protection permit shall be

issued in phases as determined by the Administrator and the Municipal Engineer before the next phase permit will be issued.

Refer to Section [1152.06](#) for additional information on administration and enforcement.
(Ord. 2017-43. Passed 8-28-17.)

1152.04 REQUIRED HILLSIDE CONTROL MEASURES, STANDARDS AND PLANS.

The owner/developer shall comply with the following provisions:

- (a) Pre-Construction Record. A photographic record shall be filed with the Administrator prior to any building, grading or clearing activity on the parcel to be developed. This record shall completely depict the pre-development condition of the parcel in sufficient detail to enable the Administrator to evaluate compliance with these regulations during and following completion of construction activities under these regulations. The Administrator shall have the authority to request additional photographs of pre-development conditions of the parcel being developed to satisfy the intent of this section when in his opinion such additional records are required.
- (b) Geotechnical Report. When deemed necessary by the Municipal Engineer, a geotechnical report by a qualified geotechnical engineer that addresses all factors pertinent to site stability, both present and future, will be required by the Municipal, and shall include the following:
 - (1) Present stability evaluation. An evaluation of the present stability of the site, based on field exploration that may include test borings and lab testing and stability analysis.
 - (2) Future stability evaluation. An evaluation of the effect of the planned construction on stability based on the findings under paragraph (c)(1) hereof.
 - (3) Recommended strategies. Detailed strategies to ensure that existing or potential instabilities will be mitigated.
 - (4) Instrumentation. Instrumentation shall be required where, in the opinion of the Municipal Engineer, there is evidence of slope movement. Such evidence may include damage to contiguous structures, head scarps, toe bulges, open fissures, misalignment of fence lines, vertical drops or any other evidence that suggest past or active slope failure.
 - (5) Minimum Requirements. The Municipal Engineer shall have the authority to set minimum standards for the Geotechnical Report based on current engineering standards and site conditions.
- (c) Grading Plans. A grading plan shall be required for each lot in conformance with Section [1307.19](#) of the Building Code and in addition shall show the natural topography of the total parcel to be developed and any steep slopes on contiguous properties that, in the opinion of the Municipal Engineer, may be affected by the development, the location and size of all structures, the finished grade of all improvement locations and the dimensions, elevations and contours of any proposed earth moving and shall be submitted with each application for a hillside protection permit and shall show the following. No building or demolition permits may be issued and no construction activity initiated until a grading plan permit is issued:
 - (1) A detailed topographic map. A contour map with two-foot intervals or suitable cross sections or profiles of areas where streets, driveways, buildings, utilities or grading construction is proposed shall be required.
 - (2) Road profiles. Profiles and cross sections of all significant changes in the cross slopes; the cross section to show proposed and natural grade at the centerline of the road, the right-of-way line and the proposed building setback lines shall be required.
 - (3) Special terrain notes. Notes and details of existing terrain shall be shown over the required topographic information.
 - (4) Material disposal. A description shall be included of methods to be employed in disposing of soil and other material removed, including the location of the disposal site.
 - (5) Timetable. A schedule shall be included showing when each stage of the project will

- be completed, including the estimated starting and completion dates.
- (d) Earth Moving Controls. The following minimum standards shall apply to earth moving:
- (1) Minimum alterations. Earth moving shall be limited to the minimum required for building foundations, driveways, drainage control structures and immediate yard areas.
 - (2) Erosion control. All earth moving shall create the lowest possible potential for airborne or waterborne transportation of soil.
 - (3) Compaction. All fill shall be stabilized in conformance with generally accepted engineering standards, including a compacted density in conformance with the approved Geotechnical Report.
 - (4) Prompt completion. All earth moving shall be accomplished in the shortest practical period of time. In no event shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen days prior to the initiation of construction.
 - (5) Cut and fill. Cut and fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes steeper than 2:1; or where fill slope toes out within twelve feet horizontal of the top of an existing or planned cut slope.
- (e) Hydrological Controls. The following standards shall apply to hydrological controls:
- (1) Natural channels. Natural drainage ways shall be preserved to the maximum extent possible.
 - (2) Controlled run-off. Run-off from concentrated impervious surfaces shall be collected and transported in a pipe or other approved manner to a Municipal storm sewer system if available, or if unavailable, to the bottom of a ravine in a safe, adequate and nonerosive manner. Where required by the Municipal Engineer, storm water retention facilities shall be installed.
 - (3) Interceptor ditches. Where required, interceptor ditches shall be established above steep slopes in such a way as not to saturate or erode soil, and the intercepted water shall be conveyed in a pipe or other approved manner to a Municipal storm sewer system or to the bottom of a ravine or steep slope.
 - (4) Discharge point stabilization. Natural drainage ways shall be established by means consistent with sound professional engineering practice, below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion and in such manner as to dissipate the energy of the discharge.
 - (5) Early completion. The overall drainage system shall be completed and made operational at the earliest possible time during construction.
 - (6) Impact on adjacent property. Natural or usual flow of surface or subsurface water shall not be altered or obstructed in any way by grade changes that may adversely affect the property of another by either contributing to pooling or collection of waters, or to the concentration or intensification of surface water discharge. However, construction which might otherwise be prohibited hereinabove may be allowed if such waters are safely and adequately drained in a nonerosive manner by a pipe or other approved manner to a storm sewer or to a channel at the bottom of a ravine or steep slope.
- (f) Hydrological Control Plan. A hydrological control plan, prepared by a registered professional civil engineer or landscape architect, shall be submitted with each application for a hillside protection permit. This plan shall include the following:
- (1) Hydrologic inventory. A reasonably detailed description of:
 - A. The direction of flow within the local drainage basin;
 - B. All natural drainage channels directed toward and away from the site within fifty feet of the perimeter of the site;
 - C. Other natural drainage ways which may affect or be affected by the proposal; and
 - D. Any future realignment of the natural ravine channel.

- (2) Special notations. Special notations shall be included highlighting details of the terrain, existing natural surface drainage and areas subject to seepage or spring flow.
 - (3) Proposed facilities. The location of all surface and subsurface drainage devices and protective measures to be installed as part of the proposed development, together with a statement concerning any active erosion occurring at the outlet of existing or proposed systems.
- (g) Vegetation and Revegetation. The following standards shall apply to vegetation and revegetation of Hillside Areas:
- (1) Shortest duration. Soil exposure shall be kept to as short a duration of time as practical.
 - (2) Temporary measures. When required by the Municipal Engineer, temporary vegetation, mulch or other acceptable cover shall be used to protect areas exposed during development and to prevent airborne or waterborne transportation of soil.
 - (3) Revegetation. A mix of plantings (preferably native with adequate deep root systems) shall be used to landscape steep slope areas disturbed by earth moving and construction.
- (h) Landscape Plan. A landscape plan, prepared or approved in writing by a professional registered landscape architect trained and experienced in both the characteristics of plant material and proper procedures for installation, shall be submitted with each application for a hillside protection permit. This plan shall include the following:
- (1) Existing inventory. A site plan inventory describing the existing vegetation cover of the property and showing those areas where the vegetation will be removed as part of the proposed development.
 - (2) Revegetation. A site plan describing proposed revegetation of disturbed areas and specifying the materials to be used.
 - (3) Written description. A detailed description of any slope stabilization and revegetation methods, together with the rationale for selecting the plant materials and planting techniques to be used.
- (i) Driveways. The maximum grade on driveways shall not exceed ten percent (10%). Each drive shall provide sufficient space and distance so that any vehicle entering or leaving the premises shall be traveling in a forward motion.
- (j) Excluded Activities. This chapter shall not be interpreted to prohibit normal landscape maintenance or routine arboreal activities or to prohibit small scale planting of ornamental flowers or shrubs, or the removal of diseased, dead or damaged trees. However, such activities shall be carried out to conformance with the standards of vegetation or revegetation of this chapter.
(Ord. 2017-43. Passed 8-28-17.)

1152.05 HOLD HARMLESS PROVISIONS.

The following hold harmless provisions pertain to any construction or any earth moving activities permitted by the administration of this chapter:

- (a) Limited Obligation. Compliance with the procedures of this chapter and the issuance of any related permits shall not be construed to impose any legal obligation upon the Municipality or its elected or appointed officials.
- (b) Civil Claims. Compliance with the procedures of this chapter and the issuance of related permits shall not relieve the property owner from civil liability claims by other property owners.
- (c) Endorsement. Compliance with the procedures of this chapter and the issuance of related permits do not imply approval of, the need for or the benefit or efficacy of the proposed construction; nor does it constitute any assertion that the proposed construction will not result in damage to the property in question or to adjoining property. (Ord. 2017-43. Passed 8-28-17.)

1152.06 ADMINISTRATION AND ENFORCEMENT.

- (a) Administration and Enforcement. As prescribed in Chapter [1109](#) of the Planning and Zoning Code.
- (b) Additional Site Inspections. Additional site inspections shall be scheduled by the Administrator or Engineer during and upon completion of each phase of the hillside development. Construction activity shall be halted if it is found upon inspection that a situation exists or could result which endangers the health, safety or welfare of adjacent property owners.
- (c) Appeals. As prescribed in Chapter [1111](#) of the Planning and Zoning Code.
- (d) Severability. If for any reason, any change, sentence paragraph, section or other part of these Hillside Protection Regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these Hillside Protection Regulations as a whole, or any part thereof, other than the part so held to be invalid.
- (e) Relation To Other Laws. The provision of these Regulations shall supplement any and all laws of the State, ordinances of the Municipality or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these Regulations. Whenever the requirements of any other lawfully adopted law, ordinance, regulation, resolution or rule, conflict with or similarly regulate the same subject matter as the Hillside Protection Regulations, the more restrictive or that imposing the higher standards shall govern. (Ord. 2017-43. Passed 8-28-17.)

CHAPTER 1153 Solar Energy Systems

1153.01	Intent.
1153.02	Definitions.
1153.03	Applicability.
1153.04	Application requirements.
1153.05	General requirements.
1153.06	Abandonment.

1153.01 INTENT.

In addition to the applicable provisions of the intent stated in Section [1105.03](#), it is the intent of these regulations to provide for the placement of solar energy systems to achieve the following objectives:

- (a) To regulate the construction, modification, operation and abandonment of solar energy systems;
- (b) To require solar energy systems to meet reasonable standards that will protect the public health, safety, and welfare while preserving the enjoyment of private property;
- (c) To minimize the adverse impacts of solar energy systems on contiguous properties and on the aesthetic quality of the Municipality; and,
- (d) To promote orderly land use, and development while allowing the safe, effective, and efficient use of solar energy systems.
(Ord. 2017-34. Passed 7-10-17.)

1153.02 DEFINITIONS.

- (a) "Abandonment" means the discontinued use of the solar energy generation system in whole or part.
- (b) "Solar array" means any collection of solar panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.
- (c) "Solar cell" means the basic photovoltaic device that generates electricity when exposed to light.
- (d) "Solar energy system" means the photovoltaic cells and related accessories that are designed to convert solar energy into electrical energy; or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water or air and may include battery storage systems.
- (e) "Solar panel" means any device used for collecting solar energy and converting it to electrical power.
(Ord. 2017-34. Passed 7-10-17.)

1153.03 APPLICABILITY.

- (a) Solar energy systems shall be designed, erected, installed, operated, and maintained in accordance with the provisions set forth in this Chapter.
- (b) A Building Permit and Electrical Permit shall be required prior to the erection, installation, connection, or operation of any solar energy system.
- (c) Like-kind replacements, minor repairs or maintenance of lawfully existing solar energy systems not involving structural changes may be undertaken without first obtaining a permit. (Ord. 2017-34. Passed 7-10-17.)

1153.04 APPLICATION REQUIREMENTS.

In addition to the application requirements set forth in Section [1109.04](#), an application for a solar

energy system shall include:

- (a) The manufacturer's specifications.
- (b) Complete architectural and engineering drawings, adequately scaled and dimensioned depicting the location, installation, mounting, anchorage details, appearance on the building and details for wiring and connections, and battery storage system details.
- (c) Details for battery storage systems regarding:
 - (1) Location of equipment
 - (2) Ventilation
 - (3) Containment
 - (4) Supporting structures for batteries and equipment
 - (5) Electrical system, devices and wiring
- (d) Evidence that the proposed system has been reviewed by the Chagrin Falls Bureau of Fire Prevention and its findings and recommendations are submitted with the application.
- (e) Verification that the installer has the necessary professional training, North American Board of Certified Energy Practitioners (NABCEP) certification and licensure as may be required for the installation of solar energy systems.
- (f) Certification by a licensed structural engineer that the roof of the building is designed to handle all structural loads including those imposed by the proposed solar panel system.
- (g) Evidence that the local public electric utility company approves the applicant's intent to install an interconnected customer-owned system if the proposed system is to interconnect to a local utility grid.
- (h) A description of the location and type of any required screening.
- (i) A description of emergency and normal shutdown procedures and location of electrical disconnection switch.
- (j) Payment of the fee as required by Chapter 1309 of the Building Code.
(Ord. 2017-34. Passed 7-10-17.)

1153.05 GENERAL REQUIREMENTS.

- (a) Solar energy systems shall be permitted as accessory to a main use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the main use or building to which they are accessory.
- (b) The Architectural Board of Review shall review solar energy systems applications for compliance with the Building Code, general design standards, and design standards established in this Planning and Zoning Code.
- (c) Solar panels shall be placed on the roof of a building in accordance with the following:
 - (1) Solar panels shall not be visible from any street or sidewalk at the front elevation of the property unless approved in accordance with procedures set forth in subsection (d) herein.
 - (2) Solar panels shall not extend beyond the edge of the roof.
 - (3) For pitched roofs (sloped in excess of three (3) inches per foot), solar panels shall be placed parallel to the plane of pitched roof and shall be ten (10) inches or less above the surface of the roof when measured to the top of the solar panel.
 - (4) For low slope (pitches less than three (3) inches per foot) and flat roofs, the Architectural Board of Review may approve solar panels of alternative heights and configurations as appropriate for such roof.
- (d) The Architectural Board of Review may approve the placement of solar panels in roof locations that are visible from any street or sidewalk, when the applicant has demonstrated to the Architectural Board of Review that:
 - (1) The alternative location is necessary to optimize system functionality;
 - (2) The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and/or,
 - (3) The size and location of any structure is the minimum necessary to serve the needs of

- the building(s) on the property.
- (e) When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy system from requesting or obtaining a solar access easement from any person.
 - (f) Solar access easements shall be in compliance with Ohio R.C. 5301.63 which sets forth the requirements for solar access. In order to ensure adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Cuyahoga County Recorder's Office.
 - (g) Solar panels and related equipment shall be located, oriented or screened and constructed of such material to prevent to the fullest extent practicable glare from solar panels to not be directed at any other person, building or public right of way.
 - (h) Solar panels shall be uniform in appearance and color, and to the extent practicable, match the design and color of the roof on which the panels will be placed.
 - (i) Accessory components shall be located either within a building, or within a screened enclosure behind the main building, or are hidden from view behind the parapet wall of buildings with flat roofs.
 - (j) Solar energy systems shall be properly maintained at all times in compliance with all manufacturers' specifications.
(Ord. 2017-34. Passed 7-10-17.)

1153.06 ABANDONMENT.

Upon abandonment, the owner shall physically remove the solar energy system within sixty (60) days from the date of abandonment. "Physically remove" shall include, but not be limited to:

- (a) Removal of the solar energy system and related above grade structures.
- (b) Restoration of the location of the solar energy system to its prior condition.
(Ord. 2017-34. Passed 7-10-17.)

APPENDIX A
Similar Use Designations

<u>Res. No.</u>	<u>Date</u>	<u>Description</u>
1979-409	3-12-79	Townsend Reading and Learning Center, use similar to those permitted in Section 1139.03.
1979-410	3-12-79	Valley Art Center, use similar to those permitted in Section 1135.04.
1982-11	5-24-82	Eva's Astrology Boutique, use similar to those permitted in Chapter 1137.
1983-2	2-28-83	Proposed use at 159 E. Washington St. similar to those permitted in Chap. 1139.
1984-3	2-27-84	Proposed use at 34 W. Washington St. similar to those authorized under Section 1123.03.
1984-17	7-9-84	Dog grooming salon as permitted use in Limited Industrial District, open only 5 days a week, 9:00 a.m. to 5:00 p.m., with no overnight housing of dogs or other animals.
1988-82	10-24-88	"Optometrist" as a use similar to "medical office" permitted in the Office District.
1993-22	2-22-93	Catering service as similar use to those authorized under Section 1139.02(a)(3)E. (allowed uses in Limited Industrial Zoning District).

**APPENDIX B
 ZONING MAP CHANGES**

Ord No. Date Description

- 1964-598 6-8-64 Sixteen acres being part of Russell Twp. Lots 18 and 19 from R-1-100 Use District to Golden Age District, No. 2 Height District.
- 1964-607 12-14-64 Part of Russell Twp. Lot 18, Champion Tract near North St. from Park and Institutional Use District to R-50 Use District (Single Family).
- 1966-651 8-16-66 Part of Orange Twp. Lot 21 in Tract 3 near Solon Rd. from R. 1.50 Use District to District B (Retail) Business District.
- 1966-652 8-16-66 Part of Orange Twp. Lot 21 in Tract 3 near Solon Rd. from R. 1.50 Use District to District B (Retail) Business District.
- 1966-653 9-20-66 Part of Solon Twp. Lot 8, Tract 1, near Solon Rd. from R. 1.100 Use District to District O, Business District (Office Building).
- 1966-654 10-18-66 Part of Solon Twp. Lot 8, Tract 1, near Solon Rd. from R1-100 (Single Family) to RMF-25 Use District (Apartments).
- 1967-682 6-6-67 Parts of Gardner and Hallock's Allotment, Russell Twp., near Philomethian and Bell Sts., from L1 Use District (Limited Industrial) to B Use District (Retail Business).
- 1972-866 6-6-72 Northerly one-half of Sublot 79, Graves Allotment, Orange Twp., near N. Main and E. Cottage Sts., from "O" Use District (Office Building) to "B" Use District (Retail Business).
- 1972-886 3-6-73 Part of Sublot 78 in Graves' Subdivision, Orange Twp., near Orange and Cottage Sts. from "O" Use District (Office Building) to "B" Use District (Retail Business).
- 1973-907 7-10-73 Parcel of land near E. Washington St. from L. I. Use District and R-1-60 Use District (Single Family) to R-1-100 Use District (Single Family).
- 1974-940 10-15-74 Part of Solon Twp. Lot 8 near Hillside Ave. and Miles Rd. from R-1-60 Use District to R-1-100 Use District.
- 1975-961 2-18-75 Part of Orange Twp. Lots 14 and 21 near Miles Rd., along Corporate limit between Chagrin Falls and Moreland Hills from R-1-60 Use District to R-1-100 Use District.
- 1975-963 5-20-75 Part of Russell Twp. Lot 17 near E. Washington St. from Limited Industry Use Classification (LI) to R-1-100 Use District.
- 1979-1148 Approved Property located at 20 S. Franklin Street, owned by the United by Voters Methodist Church of Chagrin Falls, from Office Use (O) District 11-6-79 to Park and Institutional (PI) District.

Ord. No. Date Description

- 1980-36 11-4-80 Property located at Bell and Cleveland Sts. from L-1 Use District to ASFR Use District.
- 1980-37 11-4-80 Property on Solon Rd., Permanent Parcel No. 932-26-002 from District O, Business District to ASFR District.
- 1981-10 11-3-81 Property at rear of 231 E. Washington St., Permanent Parcel No. 932-9-13, from Limited Industrial District to Residential One-Family-60 District.
- 1981-12 11-3-81 Permanent Parcel No. 932-21-004 from Residential One-Family-100 District to Attached Single-Family Residential District.
- 1982-1 2-22-92 Adopting updated Zone Map.
- 1986-20 11-4-86 Permanent parcel 932-19-9, at 178 E. Washington St. from Limited Industrial to Office.

- 1986-21 11-4-86 Permanent parcel 931-18-15, at 93-97 American St. from office to 2-Family Residential.
- 1986-22 11-4-86 Permanent parcels 931-18-51, 931-18-27, 931-18-26, 931-18-25, 931-18-24, 931-18-23 and 931-18-22 at 93-127 Bell St. from RMF-10 to R1-50 District.
- 1986-24 11-4-86 Permanent parcel 932-19-8, at 160 E. Washington St. from Limited Industrial to Office.
- 1986-25 11-4-86 Permanent parcel 932-6-39 at 34 W. Washington St. from Park and Institutional to Office.
- 1986-37 11-4-86 Permanent parcel 932-25-8, on Solon Rd. from One Family 100 (R1-100) to Park and Institutional.
- 1991-52 11-5-91 34 E. Orange St. (Permanent Parcels 931-13-39, 931-13-40, 931-13-41) from One Family 60 Residential (R1-60) to Parks and Institutional (PI) District.
- 1992-27 5-11-92 Permanent Parcel 931-1-007 from Residential to Parks and Institutional PI District.
- 1993-44 7-12-93 Two land parcels from the Railroad Property rezoned R1-100 and R1-50; two properties zoned Limited Industrial rezoned to permit existing limited industrial uses.
- 1996-49 8-12-96 Whitesburg Park from Residential (R-1-100) to Conservation District.
- 1996-50 8-12-96 Permanent Parcel 931-1-7 from Parks and Institutional to Conservation District.
- 1998-63 11-3-98 Permanent Parcel 932-19-9 (178 E. Washington St.) from Office District to Residential R1-60 District.
- 1999-23 4-26-99 Permanent Parcels 931-6-2, 931-6-13 and 931-6-15, from Park and Institutional to both Park/Institutional and Cluster Development.
- 2000-6 3-27-00 Includes new boundaries of expanded Central Shopping District as recommended by Planning and Zoning Commission; amends Zoning Map.
- Ord. No. Date Description
- 2000-66 11-13-00 Permanent Parcels 931-22-007 and 931-23-007, from R1-100 to Conservation District.
 Permanent Parcel 931-16-001 from R1-60 to Conservation District.
 Permanent Parcel 932-27-003 from R1-100 to Parks and Institution District.
- 2000-94 1-8-01 Permanent Parcels 931-13-58 to 931-13-61 zoned Parks and Institutional District.
- 2001-49 8-13-01 Permanent Parcel 932-25-4 (Waste Water Treatment Plant site) from R1-60 to Parks and Institutional (PI) District.
- 2004-50 9-27-04 Several Permanent Parcels (Shopping Plaza) from Central Shopping to Retail Business District.
- 2005-56 10-24-05 Permanent Parcels 932-17-028 to 932-17-030 and 932-17-010 from Central Shopping to Retail Business District.
- 2019-_____-_____-_____-19 Permanent Parcel 931-17-003 from the Parking District to the ASF, and the portions of Permanent Parcels 931-17-001 and 931-15-016 in the Parking District to the ASF and Permanent Parcel 932-17-050 from Parking District to R1-50. Sublots 1-38 and Block A of the Falls Walk Subdivision as shown by the recorded Plat in Vol. 360 of Maps, Pages 31 and 32, re-recorded in Vol. 360 of Maps, Pages 35-36 and re-recorded in Vol. 362 Page 68 of the Cuyahoga County records from Parks and Institutional to R1-C. Permanent Parcels 932-21-005, 932-20-011, 932-27-001, 002, and 003, 932-25-004, 932-26-001, 932-25-008, 932-03-005, 006, 008, and 009, 932-07-014 A&B, 932-08-013, 932-07-009, 010 and 011, 931-14-023, 931-14-026, 931-14-012, 013, 014 and 015, and 932-10-028 from Park and Institutional District to Institutional District. Permanent Parcel 931-15-009 from R1-60 to the Park District. Permanent Parcels 931-15-019, and 021 from the

Parking District to the Park District, Permanent Parcels 931-15-022, 023, and 024 from the R1-50 District to the Park District, Permanent Parcel 931-06-018 from the Parks and Institutional District to the Park District, Permanent Parcels 932-01-014, 932-02-001, 002, and 003, 932-02-025 from R1-100 District to the Park District to the extent such Parcels are currently located in the Parks and Institutional District, with the remaining portion of any Parcel not entirely in the Parks and Institutional District to remain in the District in which it currently resides. Permanent Parcel 932-02-031 from R1-50 District to the Park District to the extent such Parcels are currently located in the R1-50 District, with the remaining portion of any Parcel not entirely in the R1-50 District to remain in the District in which it currently resides. Permanent Parcel 932-02-032 from Parks and Institutional District to the Park District, Permanent Parcels 932-02-007, 008, 009, 010, 011, and 012 from the R1-60 District to the Park District to the extent such Parcels are currently located in the Parks and Institutional District, with the remaining portion of any Parcel not entirely in the Parks and Institutional District to remain in the District in which it currently resides. Permanent Parcel 932-02-004 from the R1-100 District to the Park District, Permanent Parcel 932-06-040 from Parks and Institutional District to the Park District, Permanent Parcel 932-06-041, 042, and 043 from the R1-60 District to the Park District, Permanent Parcel 932-06-045 from Retail Business District to the Park District. Permanent Parcel 932-06-039, from the Office District to the Park District. Permanent Parcel 932-06-022 from the Central Shopping District to the Park District. Permanent Parcel 932-06-016 from the Parks and Institutional District to the Park District, Permanent Parcels 932-06-045, 046, 047, and 048 from Retail Business District to the Park District to the extent such Parcels are currently located in the Parks and Institutional District, with the remaining portion of any Parcel not entirely in the Parks and Institutional District to remain in the District in which it currently resides. Permanent Parcels 932-06-020, 021, and 049 from the Central Shopping District to the Park District to the extent such Parcels are currently located in the Parks and Institutional District, with the remaining portion of any Parcel not entirely in the Parks and Institutional District to remain in the District in which it currently resides. Permanent Parcels 931-13-063, 931-13-037, 038, 039, 040, and 041, 931-13-999, 931-15-015, 931-13-049, 931-14-020, the northeast corner of High Street and North Street, to the Park District, to the extent such Parcels are currently located in the Parks and Institutional District, with the remaining portion of any Parcel not entirely in the Parks and Institutional District to remain in the District in which it currently resides. Permanent Parcel 931-19-001 from the RMF-10 District to the R1-50 District. Permanent Parcel 932-25-006 from the RMF-15 District to the R1-100 District. Permanent Parcels 931-13-026, 931-13-028, 029, and 030, and 931-13-080 from the R2F District to the R1-60 District. Permanent Parcels 932-08-004, 932-08-001, 002, 003 and 027 from the RMF-15 to the ASF. Permanent Parcels 932-06-037 and 038 from the Central Shopping District to the Institutional District. Permanent Parcel 931-15-018 from the Parking District to the R1-50 District. The part of Permanent Parcel 931-22-007 in the R1-100 District to the Conservation District. Permanent Parcel 931-10-005 from R1-100 District to the Institutional District.