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CHAPTER 1240

General Provisions and Definitions

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CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

1240.01 TITLE.

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the Zoning Code, and when the words "Zoning Code" are used hereafter the same shall be deemed to mean the Zoning Code of the City of North Ridgeville and all texts and maps which are now and hereafter may be made a part thereof.

(Ord. 335-66. Passed 7-5-66.)

1240.02 PURPOSES.

This Zoning Code is enacted to preserve and promote the public health, convenience, morals, safety, comfort, prosperity and general welfare, and for the following more particular specified purposes:

- (a) To protect the character and stability of residential, commercial, industrial and recreational areas within the City, and to promote the orderly development of such areas;
- (b) To avoid undue concentrations of population and to lessen congestion on the streets;
- (c) To facilitate the adequate but economical provision of public improvements;
- (d) To regulate the location, height and bulk of buildings and the use of buildings and land within the City; and
- (e) To guide and regulate future growth and development of the City for the benefit of its citizens.

(Ord. 335-66. Passed 7-5-66.)

1240.03 INTERPRETATION; APPLICATION; CONFLICTS.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public health, safety or general welfare. Where this Zoning Code imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure, or requires larger open spaces, than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Zoning Code shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements, impose greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or require larger open spaces than are required under the provisions of this Zoning Code, such other provision shall govern.

(Ord. 335-66. Passed 7-5-66.)

1240.04 COMPLIANCE REQUIRED.

- (a) Buildings That Are Moved, Erected, Altered, Etc. Except as hereinafter provided, no building or part thereof shall be moved, erected, located, converted, enlarged, reconstructed or altered unless the same is in conformity with the regulations specified in this Zoning Code for the district in which it is located.

(b) Height, Occupancy, Etc., of Buildings. No building shall hereafter be erected or altered to exceed a height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards or inner or outer courts, than are specified in this Zoning Code for the district in which such building is located.

(Ord. 2748-93. Passed 4-19-93.)

1240.05 COMPUTATION OF REQUIRED YARD AREA.

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Zoning Code shall be included as a part of a yard or other open space similarly required for another building.

(Ord. 2748-93. Passed 4-19-93.)

1240.06 LOCATION OF BUILDINGS ON LOTS.

Every building hereafter erected or structurally altered shall be located on a lot as defined in Section 1240.10(64).

(Ord. 2748-93. Passed 4-19-93.)

1240.07 EXEMPTION OF CITY.

The City is exempt from limitations and restrictions imposed by this Zoning Code on the use of any land or structure.

(Ord. 2748-93. Passed 4-19-93.)

1240.08 EXEMPTION OF ESSENTIAL SERVICES.

The erection, construction, alteration or maintenance by public utilities or Municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution or transmission systems, and collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility or Municipal buildings and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Municipal department or for the public health, safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the City in any use district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Zoning Code, provided that such erection, construction, alteration and maintenance are approved by the Planning Commission, the City Engineer or other appropriate Municipal authorities.

(Ord. 2748-93. Passed 4-19-93.)

1240.09 SEPARABILITY.

If any section, clause, provision or portion of this Zoning Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this Zoning Code.

(Ord. 335-66. Passed 7-5-66.)

1240.10 DEFINITIONS.

For purposes of this Zoning Code, certain terms and words are hereinafter defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the words "individual" or "person" shall include a firm, association, corporation, trust or any other legal entity, including his, her or its agents; the word "lot" shall include the word "plot" or "parcel"; the word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied"; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory. In addition:

- (1) "Accessory use or building" means a subordinate use or building on the same lot customarily incidental to the main use of the land or buildings.
- (2) "Administrative Officer" means the Chief Building Official of the City, who shall enforce the provisions of this Zoning Code.
- (3) "Agriculture" means the cultivation of the land for the production of crops and the keeping of such livestock thereon as is generally customary to farm operations in the County, and for these purposes includes the terms "farming,"

"dairying," "pasturage," "horticulture," "floriculture," "viticulture," "apiculture" and "animal and poultry husbandry", on a lot of not less than one acre, at least one-half of which is used for agricultural activity as enumerated, such activities being engaged in to produce in excess of family needs and for the purpose of producing products of agriculture for sale. However, the term "agriculture," as used herein is not intended to mean or include, or at any time authorize or permit, the keeping for commercial purposes of mink, ferrets, fox, skunk or rats, whose chief value lies in the marketability of the living animals for experimental purposes or for the pelts, clippings or flesh therefrom. The keeping of more than two of any such animals at any one place or location shall be held to be keeping the same for commercial purposes in violation of the provisions of this Zoning Code. The term "agriculture" shall include the processing and storage of the products of a farm and shall include the sale of such products in their natural or processed form with the necessary ingredients and containers on the farm where such are produced.

The operation of a kennel shall not be considered as an agricultural use.

- (4) "Airport" and "aircraft landing field" mean any landing area, runway or other facility designed, used or intended to be used either publicly, privately or by any person, for the landing or taking off of any type of aircraft, whether powered by motors, jet air or other means, including all necessary taxiways, aircraft storage areas, tie-down areas, hangars, passenger stations, machine shops, stores, restaurants and other necessary buildings, open spaces or operations, created as a result of the use of aircraft in the immediate area.
- (5) "Alley" means any road or public way providing a secondary means of access to abutting properties, or any road or public way of twenty feet or less in width.
- (6) "Alteration," as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities of a building or structure, an enlargement, whether by extending on a side or by increasing in height, of a building or structure, or the moving of a building or structure from one location or position to another.
- (7) "Alteration, structural" means any change or replacement of the supporting members of a building, such as bearing walls, columns, beams or girders.
- (8) "Apartment house or apartment building" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.
- (9) "Area, building" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
- (10) "Area, lot" means the total area within the property lines of any parcel of land, excluding streets, alleys or other public ways.
- (11) "Auto court" means the same as "motel."
- (12) "Automobile repair, major" means and includes the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening, painting, upholstering, vehicle steam cleaning and undercoating.
- (13) "Automobile repair, minor" means and includes minor repairs, incidental replacement of parts and motor service to passenger vehicles and trucks. The term "minor automobile repair" does not include any operation specified under the definition of "major automobile repair."
- (14) "Automobile service station" and "gasoline station" mean any premises primarily used for supplying gasoline and oil, at retail, directly to the customer, including minor accessories and minor services for automobiles.
- (15) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.
- (16) "Automotive sales" means the sale or rental of new or used motor vehicles or trailers.
- (17) "Basement" means a story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if the same is used for business or dwelling purposes.
- (18) "Billboard" and "signboard" mean any sign situated on private premises with an area greater than thirty square feet on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.
- (19) "Board of Zoning and Building Appeals" means the Board of Zoning and Building Appeals of the City.
- (20) "Boarding house" means a building, other than a hotel, where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons, but not exceeding nine persons.
- (21) "Building" means any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.
- (22) "Building, front line of" means the line of that face of the building nearest the front line of the lot. This face shall

include sun parlors and covered porches, but shall not include steps.

- (23) "Building, height of" means the vertical distance measured from the average elevation of the proposed finished grade along the front line of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- (24) "Building line" means the theoretical line between which line and the street line or lot line, no building or other structure, or portion thereof, may be erected, except as provided in this Zoning Code.
- (25) "Building permit" means a written approval by the Administrative Officer or his or her agent authorizing the construction, alteration or repair of a building or structure at a specific location and under definite regulations which the owner of the property, building or structure, and/or the contractor or builder of the same, agrees to follow exactly.
- (26) "Building, principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
- (27) "Camp" means any one or more of the following, other than a hospital, place of detention or school offering general instruction:
 - A. Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonable or other more or less temporary living purposes, regardless of whether such structure or other accommodations actually are occupied seasonally or otherwise; or
 - B. Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, and any of the foregoing establishments, whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.
- (28) "Certificate of occupancy" means a statement signed by the Administrative Officer setting forth either that a building or structure complies with the Zoning Code or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.
- (29) "Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians.
- (30) "Club" means a building, or a portion thereof, or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (31) "Commercial entertainment facilities" means any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs and similar entertainment activities.
- (32) "Commercial recreational facilities" means any activity conducted for gain which is generally related to recreation, such as bowling alleys, roller skating rinks, miniature golf courses, golf driving ranges, commercial swimming pools and similar recreational activities.
- (33) "Country club" means any property operated either for profit or for the benefit of a defined membership and offering facilities for outdoor recreation, including, but not limited to, golf, tennis, swimming and archery, and providing meals or entertainment.
- (34) "Commission" means the Planning Commission of the City.
- (35) "Common land" means land in a development area not owned as private land or occupied by dwellings, and which is held for the use and benefit in common by or for the owners or occupants of the dwellings in the subdivision, and including interests and rights in private land in such development area which are created for common usage by deed restrictions, easements, covenants or other conditions running with the land.
- (36) "Court" means an open unoccupied space, other than a yard, on the same lot with a building, unobstructed from the ground to the sky and bounded on two or more sides by the exterior walls of a building, or by exterior walls and lot lines.
- (37) "Court, inner" means a court, no part of which extends to a street or alley or to a front or rear yard.
- (38) "Court, outer" means a court, a part of which extends to a street or alley or to a front or rear yard.
- (39) "Court, width of" means the least horizontal dimension of a court at its lowest level.
- (40) "Cluster subdivision" means a special type of residential subdivision in which lot sizes and other requirements may be reduced without raising the population density of the district in which it is located through the provision of common open spaces and land for recreational use.
- (41) "Curb" means a vertical or near vertical member along the edge of a pavement to form part of a gutter.
- (42) "Curb level" and "grade level" mean the elevation of the top of the curb or the established curb grade opposite the center of the building or portion thereof under consideration. Where no curb level has been established, the

elevation of the ground at the center of the traveled portion of the street in front thereof shall be considered the equivalent of the curb level; and where the building does not adjoin the street, the average elevation of the proposed grade line of the ground immediately adjacent to the building, as shown on the building plans, shall be considered as the curb level.

- (43) "District" means any section of the City for which uniform zoning regulations as provided in this Zoning Code govern the use of land, structures and premises, the permitted height and area of structures, and the area or open spaces about buildings and structures.
- (44) "Dwelling" means a building designed or used as living quarters for one or more families.
- (45) "Dwelling, multiple" means a dwelling designed or occupied otherwise than as a one-family dwelling or a two-family dwelling, including apartment houses, row houses, garden apartments and all other family dwellings of similar character, where apartments or suites are designed for use as separate, complete living units, but excluding hotels, motels or apartment hotels.
- (46) "Dwelling, single-family" means a separate detached building designed for and occupied exclusively as a residence by one family.
- (47) "Dwelling, two-family" means a separate detached building designed for or occupied exclusively as a residence by two families.
- (48) "Essential services" means the erection, construction, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.
- (49) "Family" means an individual or a group of individuals, related or not related, residing in a dwelling in compliance with the occupancy ordinance of the City.
- (50) "Garage" means a building, structure or any portion thereof used for the housing or repairing of motor vehicles, excluding rooms for storing, exhibiting or showing new or used cars for sale.
- (51) "Garage, community" means a group of private garages, one story in height, arranged in a row or surrounding a common means of access, and erected for the use of adjacent property owners who have no private garage on their individual lots.
- (52) "Garage, private" means a building or structure intended primarily for the housing of motor vehicles belonging to the occupants of the premises.
- (53) "Garage, public" means any garage not included within the definition of a "private garage" or a "community garage."
- (54) "Home, convalescent homes for aged, children's nurseries or rest homes" mean a building used for the care of the semi-sick, aged, pensioners, babies and children, except those for correctional or mental cases.
- (55) (EDITOR'S NOTE: Section 1240.10(55) was repealed by Ordinance 3626-00, passed October 16, 2000.)
- (56) "Hospital" means a building in which is maintained an establishment for medical or surgical care of bed patients for a continuous period longer than twenty-four hours, which is open to the general public twenty-four hours each day, which has separate facilities for emergency care and which has on duty at least one registered nurse twenty-four hours each day.
- (57) "Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which egress and ingress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house or an apartment house, which terms are herein separately defined.
- (58) "House trailer" means any self-propelled or otherwise propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other temporary or permanent foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.
- (59) "House trailer park" means any site, lot, field or tract of land upon which one or more house trailers used for habitation are parked either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such house trailer park. The term "house trailer park", also known as a mobile home park, must have 4,000 square feet per mobile unit and each unit must be no less than forty feet wide and 100 feet in depth.
- (60) "Institution" means a building or premises occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (61) "Junk" means any worn out, cast off or discarded article or material which is or may be salvaged for re-use, resale,

reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

- (62) "Junk buildings," "junk shops" and "junk yards" mean any land, property, structure, building or combination of the same, on which junk is stored or processed.
- (63) "Junk vehicle" means any motorized passenger car, motorized truck, recreational vehicle or other transportation device which is either inoperable or, if a license is normally required for such vehicle to be operated on public thoroughfares, is unlicensed.
- (64) "Lot" means a parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Zoning Code and having frontage on a public street or upon an officially approved place.
- (65) "Lot area" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
- (66) "Lot, corner" means a lot situated at the junction of two or more streets.
- (67) "Lot depth" means the mean horizontal distance between the front and rear lot line.
- (68) "Lot, double frontage" and "through lot" mean an interior lot having frontage on two streets.
- (69) "Lot, interior" means a lot, the side lines of which do not abut on a street.
- (70) "Lot lines" means the property lines between two established parcels of land or one parcel and public property.
- (71) "Lot width" means the shortest distance between side lines of the lot measured at the building line.
- (72) "Mixed occupancy" means occupancy of a building or land for more than one use.
- (73) "Motel" means a building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside, with garage or parking space located on the lot and designed for, or occupied by, transient guests. The term "motel" includes any buildings or building groups designated as motor hotels, motor lodges, motor inns, auto courts, or any other title intended to identify such buildings as providing lodging, with or without meals, for compensation.
- (74) "Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the provisions of this Zoning Code for the district in which it is situated.
- (75) "Nursery school" means a school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.
- (76) "Nursing home" means a building and premises used to provide meals and resident care and services for persons who are generally admitted for periods of time exceeding thirty days. Such service includes custodial or attendant care, but may or may not provide for routine and regular medical services. The term "nursing home" includes homes for the aged and convalescent and rest homes.
- (77) "Off-street" means off the right of way of a public street or place.
- (78) "Open space" means an unoccupied space open to the sky of the same lot with a building.
- (79) "Parking space" means an off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to street or alley.
- (80) "Porch" means a roofed, open structure projecting from the front side or rear wall of a building, and having no enclosed features of glass, wood or other material more than thirty inches above the floor thereof, except the necessary columns to support the roof.
- (81) "Profession" means an occupation which is licensed or registered by the State.
- (82) "Professional person" means a person who is licensed or registered by the State to practice his or her occupation in this State.
- (83) "Public uses" means public parks, schools or administrative, cultural and service buildings, not including public lands or buildings devoted solely to the storage and maintenance of equipment and material.
- (84) "Public utility" and "public service facility" mean any person, firm, corporation, Municipal department or board duly authorized to furnish and furnishing, under Federal, State or Municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, public water or public sewage collection treatment or disposal services.
- (85) "Residential district" means any parcel or parcels of land where a residential dwelling is located, regardless of its zoning classification.

- (86) "Semi-public uses" means churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.
- (87) "Setback" means the minimum distance from the street line or front property line to the building line measured along a line perpendicular to the street line or front property line, or, in the case of an arc street, measured along the radius of such arc.
- (88) "Sign" means a structure, or part thereof, or any device attached to or painted directly or indirectly on a structure or parcel of land, and which displays or includes any letter, model, banner, pennant, insignia, device or other representation to direct attention to a person, institution, organization, activity, place, object, product or business. The term "sign" includes any billboard, but does not include the flag, pennant or insignia of any nation or group of nations, of any state, city or other political unit, or of any educational, charitable, civic, religious or like campaign or event.
- (89) "Stable" means any building or structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals, either permanently or transiently.
- (90) "Stable, private" means a structure with a total capacity for not more than four animals.
- (91) "Stable, public" means a structure with a capacity for more than four animals.
- (92) "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- (93) "Story, half" means a story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story.
- (94) "Street" means a roadway or public way dedicated to public use.
- (95) "Structure" means anything constructed or erected other than a building, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including, but not limited to, advertising signs, billboards, backstops for tennis courts and pergolas.
- (96) "Telephone exchange building" means a building with its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company. However, in a residential district, the term "telephone exchange building" does not include public business facilities, storage of plant materials or spare parts other than those carried for the particular building, equipment, trucks or repair facilities, or housing or quarters for installation, repair or trouble crews.
- (97) "Terrace" means a natural or artificial embankment between a building and its lot lines.
- (98) "Terrace, height of" means the difference in elevation between the curb level and the top of the terrace at the center of the building wall.
- (99) "Theater, moving picture" means a building or part of a building devoted to the showing of moving pictures on a paid-admission basis.
- (100) "Theater, outdoor drive-in" means an open lot, or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or outdoor seats.
- (101) "Tourist home" means a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
- (102) "Use" means the specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent does not include any nonconforming use.
- (103) "Use, accessory" means the same as "accessory use or building."
- (104) "Use, conditional" means a use permitted within certain zoning districts of such a nature that the City has reserved the right to approve its exact location, subject to such conditions as are stated in this Zoning Code and to any special conditions imposed by the Board of Zoning and Building Appeals to protect other uses and properties in the neighborhood.
- (105) "Variance" means a modification of the terms of this Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Zoning Code would result in unnecessary and undue hardship. As used in this Zoning Code, a variance is authorized only for height, area and size requirements for structures or size requirements for yards and open spaces. The establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.
- (106) "Yard" means an open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

- (107) "Yard, front" means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right of way line and the main building, or any projection thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- (108) Yard, rear" means a yard extending across the full width of a lot between the rear lot line and the rear of the main building, or any projection thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.
- (109) "Yard, side" means a yard between the side line of a building and the adjacent side line of the lot, extending from the front yard to the rear yard. If there is no front yard, the side yard shall be considered as extending to the front line of the lot; and if there is no rear yard, the side yard shall be considered as extending to the rear line of the lot.
- (Ord. 335-66. Passed 7-5-66; Ord. 2378-89. Passed 7-17-89; Ord. 2577-91. Passed 7-15-91; Ord. 3260-97. Passed 10-6-97; Ord. 3415-99. Passed 3-1-99; Ord. 3625-00. Passed 10-16-00.)

CHAPTER 1242

Administration, Enforcement and Penalty

1242.01 Chief Building Official as Administrative Officer.

1242.02 Records and reports of Administrative Officer.

1242.03 Building permits and certificates of occupancy required; certificates for nonconforming uses; issuance of street numbers for structures; time limitation for commencement of work.

1242.04 Fees.

1242.05 Revocation of certificates of occupancy.

1242.99 Penalty; other remedies.

CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Sec.9.2 et seq.; P. & Z. Ch. 1244

Planning Commission - see CHTR. Art. VIII; P. & Z. Ch. 1210

Chief Building Official - see B. & H. Ch.1440.01 et seq.

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12

Violation of zoning ordinance may be enjoined - see Ohio R.C. 713.13

Part-time Zoning Inspector - see B. & H. 1440.04

Full-time Zoning Inspector - see B. & H. 1440.05

1242.01 CHIEF BUILDING OFFICIAL AS ADMINISTRATIVE OFFICER.

The duty of administering and enforcing the provisions of this Zoning Code is hereby conferred upon the Chief Building Official of the City, who is referred to in this Zoning Code as the Administrative Officer.

(Ord. 335-66. Passed 7-5-66.)

1242.02 RECORDS AND REPORTS OF ADMINISTRATIVE OFFICER.

The Administrative Officer shall keep or cause to be kept a record of his or her Department in regard to any decision, determination or conclusion reached by him or her in connection with the enforcement of this Zoning Code. It shall also be his or her duty to keep records of all applications for building permits, certificates of occupancy and the actions taken thereon. A copy of a building permit or a certificate of occupancy issued shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 335-66. Passed 7-5-66.)

1242.03 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.

(a) No excavation, erection, construction, addition, alteration, or change of use of any structure or part of a structure, and no occupancy of street or alleys with building material or temporary structures for construction purposes, shall be undertaken until a building permit therefor has been issued by the Administrative Officer. No building permit shall be issued for the above purposes in a business district or industrial district until approval of such plot, building plans and elevations is given by Planning Commission. Upon final approved inspection of the approved plans, a certificate of occupancy shall be issued.

(b) All applications for a building permit shall be accompanied by plot drawing, drawn to scale, showing actual dimensions of the lot to be built upon, the size and location of each building to be erected on each lot and such other information as may be necessary to enable the administrative officer to determine that the proposed structure and use will conform to the provisions of the Zoning Code and Building Code.

(c) No vacant land shall be occupied or used or changed in use until a certificate of occupancy has been issued by the Administrative Officer.

(d) A certificate of occupancy, either for the whole or a part of a new building, additions, alterations or change of use of an existing building shall be issued within ten days after the completion of the new building, addition, alteration, or a change of use of an existing building, in conformity with the provisions of the Zoning Code and Building Code.

(e) A certificate of occupancy for the use or occupancy of vacant land, or for a change in the use of land, shall be applied for and issued before any such land shall be occupied or used, or before such land is changed in use, and such certificate shall be issued within ten days after application has been made, provided that such proposed use is in conformity with the provisions of the Zoning Code.

(f) A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use existing at the time of the passage of this Zoning Code (Ordinance 335-66, passed July 5, 1966), and such certificate shall state that the use does not conform with the provisions of this Zoning Code. For the purpose of complying with this requirement, the Administrative Officer shall mail such certificates to the occupants or owners of all such property within thirty days after the passage of this Zoning Code.

(Ord. 335-66. Passed 7-5-66; 1227-76. Passed 10-18-76; Ord. 3900-03. Passed 5-5-03.)

(g) A structure within the City shall have assigned to it by the Administrative Officer, a street number, designating its location, which shall at all times thereafter be prominently displayed upon such structure so as to be discernible from the street and which shall continue to be so displayed until such time as the structure remains in existence. Such street numbers shall be Arabic numerals, three inches minimum height.

(Ord. 1095-75. Passed 10-6-75; Ord. 3317-98. Passed 4-6-98.)

(h) No building permit shall be issued for any purpose described in these Codified Ordinances after two years have elapsed from the date of Planning Commission approval of any plot, building plans, elevations or variances, or any other required approval of the Planning Commission or the Board of Zoning and Building Appeals, except where the Planning Commission or Board of Zoning and Building Appeals has granted an extension of time to the developer to complete some aspect of the development process. In that event, a building permit may be issued any time after two years have elapsed so long as it is issued within the parameters of the extension so granted. Any permit issue shall become invalid if the work authorized by it is not commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the work is commenced, provided, however, that for cause, one or more extensions of time for a period not exceeding ninety days each may be allowed, in writing, by the Administrative Officer.

(Ord. 4458-2007. Passed 9-4-07.)

1242.04 FEES.

(a) Fees for the issuance of a building permit shall be as provided in Chapter1444 of the Building and Housing Code.

(b) The prevailing fee shall be charged for additional copies.

(Ord. 335-66. Passed 7-5-66; Ord. 3901-03. Passed 5-5-03.)

1242.05 REVOCATION OF CERTIFICATES OF OCCUPANCY.

If a use, occupancy or operation should at any time fail to comply with the ordinances of the City or conditions of the certificate of occupancy, and if any such failure to comply continues beyond a time fixed by the Administrative Officer to correct such default, the certificate of occupancy shall become void, all rights thereunder shall terminate and the continuance of the use, occupancy or operation under such certificate shall cease.

(Ord. 335-66. Passed 7-5-66.)

1242.99 PENALTY; OTHER REMEDIES.

(a) Criminal Penalty. Except as otherwise provided in this Zoning Code, the owner or owners of any building or premises, or part thereof, where anything in violation of this Zoning Code is placed or exists, and any architect, builder or contractor who assists or participates in the commission of any such violation, and all persons or corporations who violate any of the provisions of this Zoning Code or who fail to comply therewith, or any requirement thereof, or who build in violation of any detailed statement of plans submitted and approved thereunder, shall, for each and every violation or noncompliance, be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Civil Action. In addition to the penalty provided in subsection (a) hereof, whenever any person neglects or refuses to comply with any order of the Administrative Officer issued pursuant to the authority vested in him or her, or whenever any land or building is being used or built so as to be in violation of, or not in conformity with, any provision of this Zoning Code, the Administrative Officer may, at his or her discretion, request the Director of Law to institute and maintain, in the name of the City, an appropriate action at law or in equity to restrain such person from the further building or use of land or buildings which are in violation of this Zoning Code, and/or to obtain an order to terminate any violation of this Zoning Code.

(c) Remedies Cumulative. The exercise of the rights and remedies granted in subsections (a) and (b) hereof shall in no way preclude or limit the City or any other person from exercising any other right or remedy now or hereafter granted to them or either of them under the laws of the State or the ordinances of the City.

(Ord. 335-66. Passed 7-5-66.)

(d) (1) The general lien procedures contained in Chapter215 shall apply to the Zoning Code where appropriate.

(2) No person shall fail to comply with any notice or citation of violation as required herein. Where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply.

(3) Where a subsequent violation of the same or a substantially similar violation occurs on the same property with the same ownership as the prior violation, each subsequent violation shall be a misdemeanor of the fourth degree and shall be subject to a fine of up to two hundred and fifty dollars (\$250.00) and a jail sentence of up to thirty (30) days or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 4478-2007. Passed 11-5-07.)

CHAPTER 1244

Board of Zoning and Building Appeals

1244.01 Establishment; composition.

1244.02 Officers.

1244.03 Meetings; quorum.

1244.04 Adoption of rules, regulations and bylaws; records.

1244.05 Powers and duties; variances.

1244.06 Authority to administer oaths, compel the attendance of witnesses and the production of evidence.

1244.07 Appeals from decisions of the Administrative Officer.

1244.08 Limitation of powers re legislative matters.

1244.09 Public hearings; notice; fees.

1244.10 Special meeting fee.

CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Sec.9.2 et seq.

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12

Duties of Clerk of Council re Board - see ADM.220.03

Decisions re home occupations - see B.R. & T.830.07

Secretary of the Board of Zoning and Building Appeals - see P. & Z.1210.01

Hearings re Use and Occupancy Housing Code - see B. & H.1480.10

1244.01 ESTABLISHMENT; COMPOSITION.

There is hereby established a Board of Zoning and Building Appeals, consisting of five members appointed in accordance with the City Charter. As used in this Zoning Code, the word "Board" means the Board of Zoning and Building Appeals.

(Ord. 335-66. Passed 7-5-66.)

1244.02 OFFICERS.

Officers of the Board of Zoning and Building Appeals shall consist of a Chairperson and Vice-Chairperson, who shall be elected annually. The Board shall appoint a Secretary who need not be a member of the Board.

(Ord. 335-66. Passed 7-5-66.)

1244.03 MEETINGS; QUORUM.

(a) All meetings of the Board of Zoning and Building Appeals shall be open to the public. Meetings of the Board shall be held at least once a month when there is business to transact and at such other times as the Board may determine, or upon call of the Chairperson. There shall be a fixed place of meeting.

(b) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(Ord. 335-66. Passed 7-5-66.)

1244.04 ADOPTION OF RULES, REGULATIONS AND BYLAWS; RECORDS.

The Board of Zoning and Building Appeals shall adopt rules, regulations and bylaws for the transaction of its business and shall keep a record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions. Every rule and regulation, and the amendment or repeal thereof, and every order, requirement, decision or determination of the Board, shall immediately be filed in the office of the Board and become a public record.

(Ord. 335-66. Passed 7-5-66.)

1244.05 SPECIFIC FUNCTIONS; POWERS AND DUTIES; VARIANCES.

The function of the Board of Zoning and Building Appeals shall be to:

- (a) Review and determine appeals de novo from decisions of the Administrative Officer in the enforcement of the provisions of this Zoning Code. Upon such appeal, the Board may reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination.

(Ord. 335-66. Passed 7-5-66.)

- (b) Make variances from the provisions of this Zoning Code in cases where the strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship. No variances granted which authorize a use of property in any manner different from that permitted in the zoning district in question shall be for a period greater than twelve months. The Board shall review all such variances every twelve months and may cancel, renew, wholly or partly, or modify any such variances based on the findings of the yearly review. This annual review provision shall not apply to variances which authorize the permanent erection of any structure, including dwellings, garages and fences, or the installation of utility lines, unless specifically set forth in the ruling of the Board. Further, no variance from the provisions or requirements of this Zoning Code shall be authorized by the Board unless the Board finds that all of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.
- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (3) That the authorization of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this Zoning Code or the public interest.
- (4) That such variance shall in no manner or guise be construed to mean a change of use but shall mean only a variation or modification from the provisions of this Zoning Code.

(Ord. 687-71. Passed 4-19-71.)

- (c) Interpret the provisions of this Zoning Code where there is doubt as to its meaning or application.
- (d) Grant conditional zoning permits for the use of land, buildings or other structures if such permits for such uses are provided for in this Zoning Code.
 - (1) When authorizing a conditional zoning permit or permitting a conditional use as provided herein, the Board may prescribe such additional conditions as are, in its opinion, necessary for the protection of adjacent properties and the public interest. In all conditional uses granted, the conditions imposed by the Board of Zoning Appeals, in addition to subsection (d)(2)A., B., and C. below, shall be met upon commencement of the conditional use. Any conditional use not used for the purpose granted for a period of one year shall expire.
 - (2) In considering an application for a conditional use, the Board shall establish that:
 - A. The proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;
 - B. Such use will not, under the circumstances of the particular case, be detrimental or injurious to property or improvements in the vicinity; and
 - C. The proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, if any are so specified.
- (e) Exercise such other powers as may be granted to the Board by this Zoning Code, by any amendment thereto or by the general laws of the State.

(Ord. 335-66. Passed 7-5-66; Ord. 3869-02. Passed 12-16-02.)

1244.06 AUTHORITY TO ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE.

The Chairperson of the Board, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence pertinent to any issue before the Board.

(Ord. 335-66. Passed 7-5-66.)

1244.07 APPEALS FROM DECISIONS OF THE ADMINISTRATIVE OFFICER.

- (a) An appeal from a decision of the Administrative Officer may be made to the Board of Zoning and Building Appeals by

any person aggrieved or by any officer of the City affected by any decision of the Administrative Officer. The appellant shall file with the Administrative Officer and with the Board a notice of appeal, specifying the grounds thereof. Such appeal shall be taken within a reasonable time as provided by the rules or the Board. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record of the action appealed from.

(b) The Board shall fix a reasonable time for the hearing of an appeal, which shall be within the time specified by its rules. It shall give public notice thereof as well as due notice to the parties in interest, including owners of adjoining properties. It shall decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person or by agent or attorney.

(Ord. 335-66. Passed 7-5-66.)

1244.08 LIMITATION OF POWERS RE LEGISLATIVE MATTERS.

Nothing in this Zoning Code shall give the Board of Zoning and Building Appeals the power to act for Council in legislative matters.

(Ord. 335-66. Passed 7-5-66.)

1244.09 PUBLIC HEARINGS; NOTICE; FEES.

(a) An applicant to the Board of Zoning and Building Appeals shall provide a list of the current record title owner(s) adjacent to the property of request. Said list shall include the name, permanent parcel number and mailing address of the record title owner(s). If the mailing address of such record title holder is not on file, then the posted notice of such public hearing shall be deemed adequate notice. The application must be filled out in full, including a complete list of current record title owner(s). Any application submitted containing blanks, omissions or not meeting Zoning Code requirements may be delayed or rejected.

(b) Upon receipt of an application by the Board of Zoning and Building Appeals, the Chief Building Inspector shall verify the list of permanent parcel numbers for accuracy. The Chief Building Inspector shall submit a receipt of verification of the permanent parcel numbers to the Clerk of Council within five working days of receipt of an application. Upon receipt of verification of permanent parcel numbers from the Chief Building Inspector, the Clerk of Council shall verify the name and mailing address of the record title owner(s).

(c) The applicant shall be responsible for providing an updated list of current adjacent record title owner(s) to the office of the Clerk of Council fourteen days prior to the date of any public hearing when the applicant will appear on the agenda.

(d) The City strives for accuracy in the notification of adjacent record title owners. However, if the City has made an error in the notification process, this will not be cause for rejection of an application.

(Ord. 3441-99. Passed 5-17-99.)

(e) Applicants before the Board of Zoning and Building Appeals shall pay an additional cost for mailing public hearing notices in the amount of one dollar (\$1.00) per additional notice over the basic charge, if the required notices exceed eight. In addition, applicants shall be charged a cancellation fee of one dollar (\$1.00) per notice, should a cancellation be due to the actions or request of the applicant.

(Ord. 3106-95. Passed 7-17-95; Ord. 4556-2008. Passed 7-7-08.)

1244.10 SPECIAL MEETING FEE.

A fee of two hundred fifty dollars (\$250.00) is to be paid by any person, group, or business entity requesting or causing a special meeting of the Board of Zoning Appeals to be called, except if the Board of Zoning Appeals or any member of the Board of Zoning Appeals or the City Administration calls a special meeting, the fee is not required.

(Ord. 4557-2008. Passed 7-7-08.)

CHAPTER 1246

Amendments

1246.01 Amendment by ordinance.

1246.02 Initiation.

1246.03 Procedure.

CROSS REFERENCES

Zoning and building amendments generally - see CHTR. Art.IX

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

Ordinances and resolutions generally - see ADM. Ch.222

1246.01 AMENDMENT BY ORDINANCE.

Council may, by ordinance, after public notice and hearings as provided in Section 9.1 of the City Charter, amend, supplement or change the regulations, district boundaries or classification of property now or hereafter established by this Zoning Code or by amendments thereof.

(Ord. 335-66. Passed 7-5-66.)

1246.02 INITIATION.

Any proposed amendments, supplements or changes of this Zoning Code may be initiated by any person, firm or corporation filing a petition therefor, by the Planning Commission passing a resolution therefor or by the introduction of an ordinance therefor in Council.

(Ord. 335-66. Passed 7-5-66.)

1246.03 PROCEDURE.

(a) Initiation by Petition. Any person desiring a change in the zoning of property shall file with the Clerk of Council:

- (1) A petition for a zoning change.
- (2) The plat must be drawn on a scale to fit on 24 x 36 paper. If more than two sheets are required, an index sheet of the same dimensions must be filed, showing the entire plat on one sheet, with all areas shown on other sheets indicated thereon.

All copies of the plat drawings required by Planning Commission shall include one full size 24 x 36 original set and nine additional copied sets to be of lesser size as long as legible and no smaller than 11 x 17.

(3) An ordinance approved, in writing, as to form by the Law Director, containing the following:

- A. A legal description of the area;
- B. The location of the area in relation to City streets and numbers or its distance from an indicated intersection;
- C. The name or names of the property owner or owners within the land to be rezoned if there are ten owners or less.
If there are more than ten property owners, then the name of the petitioner shall be recited in the ordinance.
- D. In the caption of the ordinance, a brief description of the land as to its location and the names of the property owners if there are ten or less. If there are more than ten property owners, then the caption shall contain the name of a petitioner.

- (4) A fee of two hundred thirty-five dollars (\$235.00) to defray the costs of notices and other expenses connected with the hearings required by this section. In addition to the aforesaid fee, the applicant shall pay for the actual cost of the legal advertising, with the applicant providing Council with proof of the payment of the same prior to the public hearings.
- (5) A list of the names and addresses of the owners of property, as they appear upon the County Treasurer's tax list or as they appear in his or her index of tax mailing addresses, lying within 500 feet of the perimeter of the area, zone or district proposed to be changed.

(Ord. 614-70. Passed 7-6-70; Ord. 4126-2005. Passed 3-21-05; Ord. 5388-2016. Passed 7-18-16.)

(b) Initiation by Resolution or Ordinance.

- (1) If an amendment, supplement or change is initiated by action of the Planning Commission, such change, amendment or supplement shall be prepared in ordinance form for introduction in Council. Upon its introduction, Council shall set a date for a public hearing of the same and shall provide for the proper notice thereof, all as provided by the City Charter and this Zoning Code.
- (2) If the amendment is initiated by its introduction as an ordinance in Council, the ordinance shall forthwith be referred to the Planning Commission for action thereon.

(c) Consideration by Planning Commission. The Planning Commission shall consider the change, supplement or amendment referred to it and shall act upon the matter, as is provided by the City Charter, within sixty days from the date of referral, unless a different period of time is provided by Council. If the Planning Commission fails to act within the time allotted, it shall be deemed to have approved such matter. Any provisions of any resolution, ordinance or order disapproved by formal action of the Planning Commission shall require a two-thirds vote of all members of Council for adoption or authorization.

(d) Date and Notice for Public Hearing. Upon receipt of a notice of an action from the Planning Commission regarding a proposed ordinance amending this Zoning Code or the Zoning Map, or upon the introduction of such an ordinance when initiated by the Planning Commission, Council shall establish a date for a public hearing of such ordinance. The date of such public hearing shall be not less than thirty days after the date that the hearing is established. The Clerk of Council shall give notice of such public hearing as required by the City Charter and such additional notice as may be directed by the Council at the time the date of the public hearing is established. Any notice given shall set forth the time and place of the public hearing and a summary of the proposed amendment. A copy of the proposed ordinance or amended Zoning Map and all reports in connection therewith shall be on file for public inspection in the office of the Clerk of Council.

(e) Procedure at Public Hearing. At the public hearing provided for in subsection (d) hereof, any interested person shall be heard who desires to present reasons for and/or against the adoption of a proposed amendment, subject, however, to reasonable regulations of Council or rulings from the presiding officer. Council, by motion, may recess from time to time the public hearing, but no further notice by mail or advertisement shall be given for the time or place of any subsequent recessed public hearing of such proposed amendment. Council need not take final action on such proposed amendment at the time of the public hearing.

(f) Action by Council. At any time after the conclusion of the public hearing required by this chapter, Council may adopt the proposed ordinance by the affirmative vote of at least a majority of its members eligible to vote, provided that the proposed ordinance was initiated by the Planning Commission or had received the prior approval by the Planning Commission. If the proposed ordinance or any part thereof has been disapproved by the Planning Commission, it shall be adopted only if it receives the affirmative vote of two-thirds of all members of Council eligible to vote.

(Ord. 335-66. Passed 7-5-66.)

CHAPTER 1248

Districts Generally and Zoning Map

1248.01 Establishment of districts.

1248.02 Zoning Map.

1248.03 Interpretation of district boundaries.

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

Agricultural districts - see B.R. & T.804.01

1248.01 ESTABLISHMENT OF DISTRICTS.

For purposes of this Zoning Code, the City is hereby divided into the following zoning districts:

R-1 Residence District

R-2 Multiple Residence District

R-3 Multiple Family Residence District

R-4 Multiple Family Residence District

R-5 Estate Residence District

RS-1 Special Residence District

RS-2 General Residence District

B-1 Neighborhood Business District

B-2 Central Business District

B-3 Highway Commercial District

B-4 Commercial Parkway District

B-5 Architectural Business District

I-1 Industrial Park District

I-2 Light Industrial District

I-3 Heavy Industrial District

PCD Planned Community Development District

SDD Special Development District

(Ord. 2748-93. Passed 4-19-93; Ord. 2827-94. Passed 2-22-94; Ord. 3491-99. Passed 9-20-99; Ord. 3993-2004. Passed 1-20-04.)

1248.02 ZONING MAP.

The districts provided in Section 1248.01 are bounded as shown on a map entitled "Zoning Map of the City of North Ridgeville, Ohio," adopted by Ordinance 335-66, passed July 5, 1966, as amended, and certified by the Clerk of Council, which map, with all explanatory matters thereon, is hereby made a part of this Zoning Code by reference.

(Ord. 2748-93. Passed 4-19-93.)

1248.03 INTERPRETATION OF DISTRICT BOUNDARIES.

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

- (a) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right of way lines, such centerlines, street lines or highway right of way lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be so construed to be such boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad line.
- (e) In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by dimensions, notes on the Map or the use of the scale appearing on the Map.
- (f) Where a district boundary cannot be reasonably established using the methods described in subsections (a) to (e) hereof, the Planning Commission shall determine the exact district boundary location.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1250

Residence District

1250.01 Intent.

1250.02 Permitted and conditional uses.

1250.03 Building height.

1250.04 Lot and yard requirements.

1250.05 Signs.

1250.06 Off-street parking and loading.

1250.07 Density.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Bed and breakfast inns as conditional uses in the R-1 District - see B.R. & T. 812.03

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1250.01 INTENT.

It is the intent of the City in the establishment of the R-1 Residence District to provide for areas of low residential density and to stabilize and protect those areas where such low residential densities exist. Cluster subdivisions are permitted in this District for use where it is desired to avoid the expense of large lot development and to preserve natural open spaces and low population density.

(Ord. 2748-93. Passed 4-19-93.)

1250.02 PERMITTED AND CONDITIONAL USES.

(a) In an R-1 Residence District, no building or land shall be used or changed in use, and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Farms and agricultural uses.
- (2) Single-family residences.
- (3) Schools and other public uses.
- (4) Churches and other semi-public uses.
- (5) Customary accessory uses.

(b) The following uses shall be deemed conditional uses in an R-1 District and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions as the Board may require:

- (1) Two-family residences.
- (2) Cemeteries, including mausoleums, provided that any new cemetery shall contain an area of not less than ten acres.
- (3) Golf courses, except miniature courses and practice driving ranges operated for commercial purposes.
- (4) Customary home occupations.
- (5) Private clubs and grounds for games and sports, provided that no mechanical amusement is permitted which is normally incidental to a commercial use. Swimming pools and fishing lakes are also conditional uses.
- (6) Institutions.

(Ord. 2748-93. Passed 4-19-93; Ord. 2855-94. Passed 4-4-94.)

- (7) Senior Citizen Planned Residential Developments.

A. Project Development Requirements for Senior Citizen Planned Residential Developments.

No application for a Senior Citizen Planned Residential Development as an R-1 Conditional use which includes plans for the development of a project that does not strictly comply with the following requirements shall be approved by the Board of Zoning and Building Appeals:

1. Intent of Development.

- a. The Development will occur in a unified manner and in a way that is compatible with the surrounding land uses and harmonious with abutting single family neighborhoods;
- b. Provides for a substantially maintenance free residential environment designed to ensure that aesthetically pleasing environments are created;
- c. Is designed for, reserved for, maintained as and marketed as a residential community for persons who are at least 55 years of age in compliance with the Housing for Older Persons Act of 1955;
- d. The Developer has presented a plan which adequately ensures that all phases of development are and shall remain consistent with the requirements and conditions of all ordinances pertaining to Senior Citizen Planned Residential Developments.

2. Development Design Criteria.

- a. Required Amenities. Each Senior Citizen Planned Residential Development shall provide a clubhouse or other community building that includes meeting/assembly space for use by residents of the development.
- b. Private Streets and Shared Drives. A Senior Citizen Planned Residential Development may include private streets and shared drives, provided that:
 - i. Construction methods, standards and materials for private streets and shared drives meet accepted engineering practices and are approved by the City Engineer.
 - ii. The location, design and construction of all utilities on private or common land are approved by the City Engineer.
 - iii. The preservation and maintenance of all private streets and shared drives and utilities on private land is assured according to the requirements set forth in Subsection (b)(7)A.2.c.ii. below.
- c. Common Areas. Common areas, including the clubhouse, private streets, and landscaping shall be maintained

and controlled according to the following:

- i. A homeowners association shall be created so that such association is responsible for the maintenance and control of common areas, including the clubhouse, private streets, shared drives, landscaping and snow removal.
- ii. The Law Director shall determine that, based on documents which shall be submitted with the development plan, the association's bylaws or code of regulations ensure that the Association be responsible for maintenance, control, and insurance of all common areas, including clubhouse, private streets, shared drives, landscaping.
- iii. Required Utilities. Each use and all dwelling units in a Senior Citizen Planned Residential Development shall be served by central water, sanitary sewer facilities and underground utilities.

3. Physical Project Development Requirements.

- a. Minimum Project Area. The gross area of a tract of land proposed to be developed as a Senior Citizen Planned Residential Development (SCRD) shall not be less than 15 acres nor greater than 50 acres. The project area of a SCRDC shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed SCRDC boundaries.
- b. Access. A Senior Citizen Planned Residential Development shall have direct access onto a major roadway (which is a major, primary or secondary arterial) and shall avoid access on local residential streets.
- c. Maximum Project Area Coverage. Impervious surfaces, including areas devoted to buildings and pavement within a Senior Citizen Planned Residential Development shall not occupy more than 50% of the project area.
- d. Maximum Density. For independent dwelling units, the density shall not exceed four units per acre, subject to the approval of Planning Commission pursuant to subsection (b)(7)C. below.
- e. Building Arrangements and Setbacks. In order to ensure that a Senior Citizen Planned Residential Development is compatible with the existing residential environment of North Ridgeville, such development shall comply with the following:
 - i. Dwelling units may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwelling units so as to provide privacy and to form a unified composition of buildings and space, provided all buildings are located on the development site in compliance with the building setbacks set forth below.
 - ii. Schedule of Minimum Setbacks:

Schedule of Min. Setbacks	Building	Parking
Setback from existing public street right-of-way	35 ft.	Not permitted in front of building
Setback from proposed internal street	25 ft.*	Parking permitted
Setback from project boundary, other than a public street:		
- Abutting a lot in Nonresidential District	20 ft.	10 ft.
- Abutting a lot in a Residential District	20 ft.	20 ft.

*Measured from the right of way of a public street and from the edge of the pavement for a private street.

- g. Required Perimeter Buffer. Whenever an SCRDC abuts another lot in a Residential District, a buffer area with a minimum width of 20 feet shall be located adjacent to the project boundary line, within the required setback from the project boundary specified in the Schedule of Minimum Setbacks above.
 - i. Such buffer may be located in a common area or on individual lots.
 - ii. The buffer area shall include landscaping and/or screening to a minimum height of six feet by use of hedges, planting, fence or other screening as may be determined by the Planning Commission.

h. Minimum Unit Sizes. The minimum floor area for independent dwelling units shall be as follows:

- i. Each one-bedroom unit shall include a minimum of 1,000 square feet.
- ii. Each two-bedroom unit shall include a minimum of 1,000 square feet.
- iii. Each three-bedroom unit shall include a minimum of 1,200 square feet.

i. Parking. The following off-street parking regulations shall be required:

- i. Independent dwelling units shall provide off-street parking spaces at the rate of two spaces per dwelling unit. All required spaces shall be enclosed. In addition, one guest parking space shall be provided for every five dwelling units.
- ii. The community recreation facilities shall provide one off-street parking space per each 200 square feet of floor area.

B. Permitted Buildings and Uses.

No application for a Senior Citizen Planned Residential Development as an R-1 Conditional use which includes plans for the erection, existence or maintenance of buildings, or for uses other than the following, shall be approved by the Board of Zoning and Building Appeals:

1. Main Buildings and Uses.

- a. Independent dwelling units, which may include single-family units and attached two-family units.
- b. Common open space.
- c. Club House.
 - i. The construction of the clubhouse facility must be commenced prior to the point at which the total Senior Citizen Planned Residential Development is 50% complete.
- ii. Accessory Uses.
 - (A) Private garages and parking areas;
 - (B) Signs;
 - (C) Supporting recreational uses/facilities such as but not limited to: Tennis courts, picnic areas, gazebos, garden plots, and parking for recreational vehicles.

C. Density in Senior Citizen Planned Residential Developments.

Where Senior Citizen Planned Residential Development is approved as a conditional use in an R-1 residential district, the density requirement may be modified by the Planning Commission to a density no greater than 4.0 families per acre for that conditional use only after a regular public meeting of the Planning Commission and upon consideration of the following factors:

- 1. The degree of benefit/detriment the development could bring to the community and/or the City; and
- 2. How well the project fits or does not fit into the existing site and community, and
- 3. The size of the proposed density change; and
- 4. Any other traffic or safety issues presented by the proposed development; and
- 5. All project development requirements and permitted building uses contained in ordinances regulating Senior Citizen Planned Residential Developments.

D. Planning Commission Review.

No application for approval of a Senior Citizen Planned Residential Development which includes plans for the development of a project that do not strictly comply with the provisions of this section shall be approved by the Planning Commission.

(Ord. 4090-2004. Passed 12-20-04.)

1250.03 BUILDING HEIGHT.

No building or structure in an R-1 Residence District shall exceed thirty-five feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2748-93. Passed 4-19-93.)

1250.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area, Depth and Width. In an R-1 Residence District, lot area, depth and width shall be as follows:

- (1) Each single-family dwelling or other building permitted as provided in this chapter shall be located on a lot having an area of not less than 21,150 square feet, a width of not less than ninety feet and a depth of not less than 200 feet, unless otherwise permitted by this Zoning Code. Notwithstanding the foregoing lot width requirement for each single-family dwelling or other permitted building, all corner lots in residential areas for single-family or other permitted buildings shall have a minimum width of not less than 110 feet.
- (2) Each single-family dwelling or other building permitted as provided in this chapter that is furnished with Municipal water and sewer services or a comparable improved system of water and sewer utilities, shall be located on a lot having an area of not less than 16,200 square feet, a width of not less than ninety feet and a depth of not less than 150 feet, unless otherwise permitted in this Zoning Code. Notwithstanding the foregoing lot width requirement for each single-family dwelling or other permitted building, all corner lots in residential areas for single-family or other permitted buildings shall have a minimum width of not less than 110 feet.

Notwithstanding anything set forth in paragraph (a)(1) or (2) hereof to the contrary, the provisions relating to the minimum width of corner lots shall not apply to any single-family dwelling or other permitted structure in residential areas which has been constructed or approved for construction prior to the effective date of Ordinance 3414-99, passed March 1, 1999.

- (3) Each two-family dwelling permitted as provided in this chapter shall be located on a lot having an area of not less than 29,375 square feet, a width of not less than 125 feet and a depth of not less than 200 feet, unless otherwise permitted by this Zoning Code.
- (4) Each two-family dwelling permitted as provided in this chapter that is furnished with Municipal water and sewer services or a comparable improved system of water and sewer utilities, shall be located on a lot having an area of not less than 22,500 square feet, a width of not less than 125 feet and a depth of not less than 150 feet, unless otherwise permitted in this Zoning Code.

(b) Required Yards. Yards of the following minimum depths or widths shall be provided for all lots in an R-1 District, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall be not less than fifty feet.
- (2) Rear yards. The depth of the rear yard shall be not less than fifty feet.
- (3) Side yards. Each lot or parcel of land shall be provided with two side yards as follows:
 - A. The sum of the side yards for a single-family residence shall be not less than twenty feet, and neither side yard shall be less than ten feet.
 - B. The sum of the side yards for a two-family dwelling shall be not less than forty feet, and neither side yard shall be less than twenty feet.

(Ord. 2748-93. Passed 4-19-93; Ord. 3414-99. Passed 3-1-99.)

- (4) Frontage. No dwelling shall be erected on a lot having frontage of less than sixty feet at the right-of-way line, unless such lot was designated on a recorded plat or separately owned on the effective date of this Zoning Code (Ordinance 335-66, passed July 5, 1966) and cannot be practically enlarged to comply with this requirement. Further, said lot shall not diminish to less than sixty feet from the right-of-way line to the building.

(Ord. 2854-94. Passed 4-4-94.)

1250.05 SIGNS.

Provisions relating to signs in an R-1 Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1250.06 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an R-1 Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1250.07 DENSITY.

The gross residential density in an R-1 Residence District shall be 2.3 families per acre.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1252

R-2 Multiple Residence District

1252.01 Intent.

1252.02 Permitted and conditional uses.

1252.03 Building height.

1252.04 Lot and yard requirements.

1252.05 Signs.

1252.06 Off-street parking and loading.

1252.07 Density.

1252.08 Municipal water and sewer service required.

1252.09 Lot coverage.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Bed and breakfast inns as conditional uses in the R-1 District - see B.R. & T. 812.03

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Buffer strips for R-2 Districts abutting residential districts - see P. & Z. 1288.06

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1252.01 INTENT.

It is the intent of the City in the establishment of the R-2 Multiple Residence District to provide for areas of very high residential density where such areas exist at the time of the enactment of this Zoning Code (Ordinance 335-66, passed July 5, 1966), or where such areas may be considered both desirable and feasible thereafter.

(Ord. 2748-93. Passed 4-19-93; Ord. 2855-94. Passed 4-4-94.)

1252.02 PERMITTED AND CONDITIONAL USES.

(a) In an R-2 Multiple Residence District, no building or land shall be used or changed in use, and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Two-family residences.
- (2) Multifamily (three to eight) residences within this District.
- (3) Schools and other public uses.
- (4) Churches and other semi-public uses.
- (5) Customary accessory uses.

(b) The following uses shall be deemed conditional uses in an R-2 District and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may

require:

- (1) Single-family dwellings.
- (2) Customary home occupations.
- (3) Swimming pools (commercially operated).
- (4) Institutions.

(Ord. 2748-93. Passed 4-19-93; Ord. 2855-94. Passed 4-4-94.)

1252.03 BUILDING HEIGHT.

(a) No single-family residential dwelling in an R-2 Multiple Residence District shall exceed thirty-five feet in height, except as otherwise provided in this Zoning Code.

(b) No two-family dwelling, multifamily dwelling or other building or structure in an R-2 District shall exceed thirty-five feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2748-93. Passed 4-19-93.)

1252.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area, Depth and Width. In an R-2 Multiple Residence District, lot area, depth and width shall be as follows:

- (1) Each single-family dwelling or other building permitted as provided in this chapter shall be located on a lot having an area of not less than 16,200 square feet, a width of not less than ninety feet and a depth of not less than 150 feet, unless otherwise provided in this Zoning Code. Notwithstanding the foregoing lot width requirement for each single-family dwelling or other permitted building, all corner lots in residential areas for single-family or other permitted buildings shall have a minimum width of not less than 110 feet. Notwithstanding anything set forth in this paragraph to the contrary, the provisions of this paragraph relating to the minimum width of corner lots shall not apply to any single-family dwelling or other permitted structure in residential areas which has been constructed or approved for construction prior to the effective date of Ordinance 3414-99, passed March 1, 1999.
- (2) Each two-family dwelling shall be located on a lot having an area of not less than 22,500 square feet, a width of not less than 125 feet and a depth of not less than 180 feet, unless as otherwise provided in this Zoning Code.
- (3) Each multifamily dwelling shall be located on a lot having an area of not less than 43,560 square feet (one acre), a width of not less than 180 feet and a depth of not less than 180 feet, unless otherwise provided in this Zoning Code.

(b) Required Yards. Yards of the following minimum depths or widths shall be provided for all lots in an R-2 District, unless otherwise permitted by this Zoning Code.

(1) Front yards.

- A. The depth of the front yard for single-family dwellings and other buildings shall be not less than fifty feet, unless otherwise provided in this Zoning Code.
- B. The depth of the front yard for two-family dwellings shall be not less than fifty feet.
- C. The depth of the front yard for multifamily dwellings shall be not less than sixty-five feet.

(2) Rear yards.

- A. The depth of the rear yard for single-family dwellings and other buildings shall be not less than thirty-five feet, unless otherwise provided in this Zoning Code.
- B. The depth of the rear yard for two-family or multifamily dwellings shall be not less than fifty feet.

(3) Side yards. Each lot or parcel of land shall be provided with two side yards as follows:

- A. The sum of the side yards for a single-family dwelling shall be not less than twenty feet, and neither side yard shall be less than ten feet.
- B. The sum of the side yards for a two-family or multifamily dwelling shall be not less than forty feet, and neither side yard shall be less than twenty feet.

(Ord. 2748-93. Passed 4-19-93; Ord. 3414-99. Passed 3-1-99.)

1252.05 SIGNS.

Provisions relating to signs in an R-2 Multiple Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1252.06 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an R-2 Multiple Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1252.07 DENSITY.

(a) The gross residential density for single-family dwellings in an R-2 Multiple Residence District shall be 4.2 families per acre.

(b) The gross residential density for two-family or multifamily dwellings in an R-2 District shall be eight families per acre.

(c) In the event that cluster subdivisions of mixed-type residential uses are established, the provisions of this section shall apply for each residential-type of use permitted.

(Ord. 2748-93. Passed 4-19-93.)

1252.08 MUNICIPAL WATER AND SEWER SERVICE REQUIRED.

An R-2 Multiple Residence District must be served by Municipal water and sewers.

(Ord. 2748-93. Passed 4-19-93.)

1252.09 LOT COVERAGE.

No principal building in an R-2 Multiple Residence District shall occupy more than thirty-three percent of the area of a lot.

(Ord. 3252-97. Passed 9-2-97.)

CHAPTER 1254**R-3 Multiple Family Residence District**

1254.01 Intent; location of District in relation to Comprehensive Plan.

1254.02 Permitted uses.

1254.03 Conditionally permitted uses.

1254.04 Building height.

1254.05 Lot and yard requirements.

1254.06 Signs.

1254.07 Off-street parking and loading.

1254.08 Density.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see
TRAF. 440.20

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Buffer strips for R-3 Districts abutting residential districts - see P. & Z. 1288.06

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1254.01 INTENT; LOCATION OF DISTRICT IN RELATION TO COMPREHENSIVE PLAN.

It is the intent of the City in the establishment of the R-3 Multiple Family Residence District to provide medium density apartment developments to fulfill the need for variety and choice of housing accommodations within the City. The R-3 District shall be located in relation to the Comprehensive Plan so as not to create:

- (a) Excessive demands on sewerage and water systems;
- (b) Congestion of traffic on streets and highways; and
- (c) The overcrowding of school and other urban facilities.

Lot sizes and other provisions contained herein are based on the necessary minimum standards to provide for the preservation of health, safety, general welfare and morals of all the residents of the City.

(Ord. 2748-93. Passed 4-19-93.)

1254.02 PERMITTED USES.

In an R-3 Multiple Family Residence District, no land shall be used or occupied or structurally altered, except for one or more of the following permitted uses and accessory uses thereto:

- (a) Multiple apartment-type dwellings, including apartment hotels.
- (b) Public libraries.
- (c) Public community centers.
- (d) Public parks.
- (e) Open spaces.
- (f) Accessory uses. The following accessory uses shall be permitted, provided that they are accessory to the apartment development only: garages, laundry buildings and other uses or structures clearly incidental and customary to the operation of the permitted uses.

(Ord. 2748-93. Passed 4-19-93.)

1254.03 CONDITIONALLY PERMITTED USES.

In an R-3 Multiple Family Residence District, the following uses shall be classified as conditionally permitted uses and may be permitted by the Board of Zoning and Building Appeals, subject, however, to the following conditions and the general conditions set forth in Section 1244.05:

- (a) Private swimming pools accessory to principal permitted uses.
- (b) Community or club swimming pools accessory to a principal permitted use.
- (c) Nursery schools and child day-care centers with four or more children, provided that the amount of floor space per child shall be not less than seventy-five square feet. An outdoor play area maintained in connection with the school or center shall be completely and securely fenced and, if closer than fifty feet to any property line, shall be screened by a solid wall or a chain link fence and a compact evergreen hedge of not less than six feet in height, and there shall be not less than 1,000 square feet of play area available to each day-care center.

(Ord. 2748-93. Passed 4-19-93.)

1254.04 BUILDING HEIGHT.

No building hereafter erected or structurally altered in an R-3 Multiple Family Residence District shall have a maximum height greater than thirty-five feet.

(Ord. 2748-93. Passed 4-19-93.)

1254.05 LOT AND YARD REQUIREMENTS.

In an R-3 Multiple Family Residence District, lot and yard requirements shall be as follows:

- (a) Lot Area. A lot area of 5,500 square feet shall be provided for each dwelling unit; however, a site of 22,000 square feet shall be the minimum lot size required for any development.
- (b) Lot Width. A minimum lot width of 125 feet shall be provided at the building lot line.
- (c) Lot Depth. A minimum lot depth of 176 feet shall be provided.
- (d) Front Yard. Every lot in an R-3 District shall be provided with a front yard of not less than fifty feet.
- (e) Side Yard. Every lot in an R-3 District shall be provided with a side yard of twenty feet on each side of the principal building for a total of forty feet for both side yards.
- (f) Rear Yard. Every lot in an R-3 District shall be provided with a rear yard of not less than fifty feet.
- (g) Maximum Lot Coverage. No principal building in an R-3 District shall occupy more than thirty percent of the area of the lot.

(Ord. 2748-93. Passed 4-19-93.)

1254.06 SIGNS.

Provisions relating to signs in an R-3 Multiple Family Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1254.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an R-3 Multiple Family Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1254.08 DENSITY.

The gross residential density for multifamily dwelling units in an R-3 Multiple Family Residence District shall be eight dwelling units per acre.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1256

R-4 Multiple Family Residence District

1256.01 Intent; location of district in relation to Comprehensive Plan.

1256.02 Permitted uses.

1256.03 Conditional uses.

1256.04 Building height.

1256.05 Lot and yard requirements.

1256.06 Signs.

1256.07 Off-street parking and loading.

1256.08 Density.

1256.09 Storm and sanitary sewers and municipal water service required.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Buffer strips in R-4 Districts abutting residential districts -see P. & Z.1288.06

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1256.01 INTENT; LOCATION OF DISTRICT IN RELATION TO COMPREHENSIVE PLAN.

It is the intent of the City in the establishment of the R-4 Multiple Family Residence District to permit apartment development. The R-4 District shall be located in relation to the adopted Comprehensive Plan so as not to create:

- (a) Excessive demands on sewerage and water systems;
- (b) Congestion of traffic on streets and highways; and
- (c) The overcrowding of school and other urban facilities.

Lot sizes and other provisions contained herein are based on the necessary minimum standards to provide for the preservation of health, safety and general welfare of all the residents of the City.

(Ord. 2748-93. Passed 4-19-93.)

1256.02 PERMITTED USES.

In an R-4 Multiple Family Residence District, no land shall be used or occupied or structurally altered except for one or more of the following permitted uses and accessory uses thereto:

- (a) Multiple apartment-type dwellings, including apartment hotels.
- (b) Public libraries.
- (c) Public community centers (not including swimming pools).
- (d) Public parks.
- (e) Open spaces.
- (f) Accessory uses. The following accessory uses shall be permitted, provided that they are accessory to, and part of, the apartment development only: garages, laundry buildings, private swimming pools and other uses or structures clearly incidental and customary to the operation of the permitted uses.

(Ord. 2748-93. Passed 4-19-93.)

1256.03 CONDITIONAL USES.

In an R-4 Multiple Family Residence District, the following uses shall be classified as conditionally permitted uses and may be permitted by the Board of Zoning and Building Appeals, subject, however to the following conditions and the general conditions as set forth in Section 1244.05:

- (a) Community or club swimming pools accessory to a principal permitted use.
- (b) Nursery schools and child day-care centers with four or more children, provided that the amount of floor space per child shall be not less than seventy-five square feet. An outdoor play area maintained in connection with the school or center shall be completely and securely fenced and, if closer than fifty feet to any property line, shall be screened by a solid wall or a chain link fence and a compact evergreen hedge of not less than six feet in height, and there shall be not less than 1,000 square feet of play area available to each day-care center.

(Ord. 2748-93. Passed 4-19-93.)

1256.04 BUILDING HEIGHT.

No building hereafter erected or structurally altered shall have a maximum height greater than sixty-five feet.

(Ord. 2748-93. Passed 4-19-93.)

1256.05 LOT AND YARD REQUIREMENTS.

In an R-4 Multiple Family Residence District, lot and yard requirements shall be as follows:

- (a) Lot Area. The minimum lot size required for any development is 43,560 square feet (one acre).
- (b) Lot Width. A minimum lot width of 180 feet shall be provided at the building lot line.
- (c) Lot Depth. A minimum lot depth of 180 feet shall be provided.
- (d) Front Yard. Every lot in an R-4 District shall be provided with a front yard of not less than fifty feet.
- (e) Side Yard. Every lot in an R-4 District shall be provided with a side yard of thirty feet on each side of the principal building for a total of sixty feet for both side yards.
- (f) Rear Yard. Every lot in an R-4 District shall be provided with a rear yard of not less than fifty feet.
- (g) Maximum Lot Coverage. No principal building in an R-4 District shall occupy more than thirty-three percent of the area of the lot.

(Ord. 2748-93. Passed 4-19-93.)

1256.06 SIGNS.

Provisions relating to signs in an R-4 Multiple Family Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1256.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an R-4 Multiple Family Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1256.08 DENSITY.

The gross residential density for multifamily dwelling units in an R-4 Multiple Family Residence District shall not exceed thirty-two dwelling units per acre.

(Ord. 2748-93. Passed 4-19-93.)

1256.09 STORM AND SANITARY SEWERS AND MUNICIPAL WATER SERVICE REQUIRED.

Before development, properties within an R-4 Multiple Family Residence District must have operable storm and sanitary sewers and must be served by Municipal water.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1258

R-5 Estate Residence District

1258.01 Intent.

1258.02 Permitted and conditional uses.

1258.03 Building height.

1258.04 Minimum dwelling area requirements.

1258.05 Lot and yard requirements.

1258.06 Signs.

1258.07 Off-street parking and loading.

1258.08 Density.

1258.09 Sidewalks.

1258.10 Street lights.

1258.11 Street standards.

1258.12 Minimum area required for rezoning.

1258.13 Storm drainage systems required.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1258.01 INTENT.

It is the intent of the City in the establishment of the R-5 Estate Residence District to provide areas that will retain the country character of the original community. The R-5 District is to be used where it is desired to preserve a rural character and maintain an extremely low population density that requires a minimal of City services.

(Ord. 2827-94. Passed 2-22-94.)

1258.02 PERMITTED AND CONDITIONAL USES.

(a) In an R-5 Estate Residence District, no building or land shall be used or changed in use, and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Farms and agricultural uses.
- (2) Single-family residences.
- (3) Schools and other public uses.
- (4) Churches.
- (5) Customary accessory uses.

(b) A home occupation use shall be deemed a conditional use in an R-5 District and shall be permitted upon approval by the Board of Zoning and Building Appeals.

(Ord. 2827-94. Passed 2-22-94.)

1258.03 BUILDING HEIGHT.

No building or structure in an R-5 Estate Residence District shall exceed thirty-five feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2827-94. Passed 2-22-94.)

1258.04 MINIMUM DWELLING AREA REQUIREMENTS.

No dwelling in an R-5 Estate Residence District shall be constructed with less than a minimum size of 2,800 square feet, not including garages.

(Ord. 2827-94. Passed 2-22-94.)

1258.05 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area, Depth and Width. In an R-5 Estate Residence District, each single-family dwelling or other

building permitted as provided in this chapter shall be located on a lot having an area of not less than 174,240 square feet (four acres), a width of not less than 150 feet and a depth of not less than 300 feet, and the ratio of the lot depth to the lot width, at the building line, shall not exceed four to one, unless otherwise permitted by this Zoning Code.

(b) Required Yards. Yards of the following minimum depths or widths shall be provided for all lots in an R-5 District, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall be not less than 100 feet from the road right of way.
- (2) Rear yards. The depth of the rear yard shall be not less than 100 feet.
- (3) Side yards. The sum of the side yards for a single-family residence shall be not less than forty feet, and neither side yard shall be less than twenty feet.

(Ord. 2827-94. Passed 2-22-94.)

1258.06 SIGNS.

Provisions relating to signs in an R-5 Estate Residence District shall be as provided in Chapter 1286.

(Ord. 2827-94. Passed 2-22-94.)

1258.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an R-5 Estate Residence District shall be as provided in Chapter 1284.

(Ord. 2827-94. Passed 2-22-94.)

1258.08 DENSITY.

The gross residential density in an R-5 Estate Residence District shall be 0.25 families per acre, one family per lot.

(Ord. 2827-94. Passed 2-22-94.)

1258.09 SIDEWALKS.

Sidewalks are optional in an R-5 Estate Residence District.

(Ord. 2827-94. Passed 2-22-94.)

1258.10 STREET LIGHTS.

Street lights in an R-5 Estate Residence District shall be provided at intersections only.

(Ord. 2827-94. Passed 2-22-94.)

1258.11 STREET STANDARDS.

In an R-5 Estate Residence District, provided in Chapter 1228, Appendix I, shall apply with the following exceptions:

- (a) All streets must be twenty-two feet wide, not including curbs.
- (b) Curbing is optional. If no curbs are provided, then the street must have an additional four-foot minimum of berm on each side.
- (c) The pavement and berm are to meet standards of the Ohio Department of Transportation (ODOT).

(Ord. 2827-94. Passed 2-22-94.)

1258.12 MINIMUM AREA REQUIRED FOR REZONING.

No land shall be rezoned as an R-5 Estate Residence District with a total land area of less than thirty-two contiguous acres.

(Ord. 2827-94. Passed 2-22-94.)

1258.13 STORM DRAINAGE SYSTEMS REQUIRED.

In an R-5 Estate Residence District, a storm drainage system shall be provided which, at a minimum, shall consist of a ditch and storm sewer with catch basins and/or farmers tile or a similar type of source of material to achieve the best results as recommended by the City Engineer and approved by Council. Such system can be used in conjunction with swales if recommended by the City Engineer and/or Council, and the design of such swales will be approved by the City Engineer and/or Council. A catch basin located in the middle of the ditch shall be provided between drive aprons. The ditch and storm sewer system shall provide drainage for a five-year storm event. The minimum size for the storm sewer shall be twelve inches, and such shall comply with the City Engineer's comments, directives and specifications.

(Ord. 2866-94. Passed 5-2-94.)

CHAPTER 1260

RS-1 Special Residence District

1260.01 Intent; application of chapter to Meadows No. 1 and Cleveland Road Homesite.

1260.02 Permitted and conditional uses.

1260.03 Building height.

1260.04 Lot and yard requirements.

1260.05 Signs.

1260.06 Off-street parking and loading.

1260.07 Density.

CROSS REFERENCES

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Parking and storage of recreational equipment on residential property - see P. & Z. 1294.02

1260.01 INTENT; APPLICATION OF CHAPTER TO MEADOWS NO. 1 AND CLEVELAND ROAD HOMESITE.

In the establishment of the RS-1 Special Residence District, it is the intent of the City to provide reasonable regulations for the development of those areas in which substandard lot sizes exist at the time of the enactment of this Zoning Code (Ordinance 335-66, passed July 5, 1966). Lot sizes and other provisions contained in this chapter are based upon the existing lot sizes in the subdivisions to which this chapter is applicable and upon current health and subdivision practices. The RS-1 District shall apply only to the entire area of subdivisions known as the Meadows No. 1 and Cleveland Road Homesite.

(Ord. 2748-93. Passed 4-19-93.)

1260.02 PERMITTED AND CONDITIONAL USES.

(a) In the RS-1 Special Residence District, no building or land shall be used or changed in use, and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Single-family residences.
- (2) Schools and other public uses.
- (3) Churches and other semi-public uses.
- (4) Customary accessory uses.

(b) The following uses shall be deemed conditional uses in an RS-1 District and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:

- (1) Customary home occupations.
- (2) Institutions.

(Ord. 2748-93. Passed 4-19-93.)

1260.03 BUILDING HEIGHT.

No building or structure in an RS-1 Special Residence District shall exceed thirty feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2748-93. Passed 4-19-93.)

1260.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area, Depth and Width. In an RS-1 Special Residence District, each single-family dwelling or other building permitted herein shall be located on a lot having an area of not less than 7,200 square feet, a width of not less than sixty feet and a depth of not less than 120 feet, unless otherwise provided in this Zoning Code.

(b) Required Yards. Yards of the following depths or widths shall be provided for all lots in an R-S1 District, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall be not less than thirty feet.
- (2) Rear yards. The depth of the rear yard shall be not less than thirty feet.
- (3) Side yards. Each lot or parcel of land shall be provided with two side yards. The sum of the side yards for a single-family dwelling or other building shall be not less than eighteen feet, and neither side yard shall be less than five feet. The sum of the side yards may be reduced to twelve feet where there is an attached garage.

(Ord. 2748-93. Passed 4-19-93.)

1260.05 SIGNS.

Provisions relating to signs in an RS-1 Special Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1260.06 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an RS-1 Special Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1260.07 DENSITY.

The gross residential density in an RS-1 Special Residence District shall be 5.0 families per acre.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1262

RS-2 General Residence District

1262.01 Intent.

1262.02 Permitted and conditional uses.

1262.03 Building height.

1262.04 Lot and yard requirements.

1262.05 Signs.

1262.06 Off-street parking and loading.

1262.07 Density.

CROSS REFERENCES

Parcels within an RS-2 District - see CHTR. Sec.9.10

Night parking of commercial and heavy vehicles in residential districts - see TRAF. 440.20

Trees within residential districts - see S.U. & P.S.1032.06(d)

Signs in residential districts - see P. & Z.1286.03

Buffer strips in residential districts - see P. & Z.1288.03 et seq.

Parking and storage of recreational equipment on residential property - see P. & Z. 1286.03

1262.01 INTENT.

In the establishment of the RS-2 General Residence District, it is the intent of the City to provide reasonable regulations for the development of those areas in which substandard lot sizes exist at the time of the enactment of this Zoning Code (Ordinance 335-66, passed July 5, 1966). Lot sizes and other provisions contained in this chapter are based upon the existing lot sizes in the subdivisions to which this chapter is applicable and upon current health and subdivision practices.

(Ord. 2748-93. Passed 4-19-93.)

1262.02 PERMITTED AND CONDITIONAL USES.

(a) In the RS-2 General Residence District, no building or land shall be used or changed in use, and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Single-family residences.
- (2) Schools and other public uses.
- (3) Churches and other semi-public uses.
- (4) Customary accessory uses.

(b) The following uses shall be deemed conditional uses in an RS-2 District and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:

- (1) Customary home occupations.
- (2) Institutions.

(Ord. 2748-93. Passed 4-19-93.)

1262.03 BUILDING HEIGHT.

No building or structure in an RS-2 General Residence District shall exceed thirty feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2748-93. Passed 4-19-93.)

1262.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area, Depth and Width. In an RS-2 General Residence District, each single- family dwelling or other building permitted herein shall be located on a lot having an area of not less than 6,000 square feet, a width of not less than sixty feet and a depth of not less than 100 feet, unless otherwise provided in this Zoning Code.

(b) Required Yards. Yards of the following widths or depths shall be provided for all lots in an RS-2 District, unless otherwise permitted in this Zoning Code.

- (1) Front yards. The depth of the front yard shall be not less than thirty feet.
- (2) Rear yards. The depth of the rear yard for a single-family dwelling shall be not less than twenty-five feet.
- (3) Side yards. Each lot or parcel of land shall be provided with two side yards. The sum of the side yards for a single-family dwelling or other building shall be not less than fifteen feet, except that where there is an attached garage, such sum may not be less than eleven feet and neither side yard shall be less than five feet.

(Ord. 2748-93. Passed 4-19-93.)

1262.05 SIGNS.

Provisions relating to signs in an RS-2 General Residence District shall be as provided in Chapter 1286.

(Ord. 2748-93. Passed 4-19-93.)

1262.06 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an RS-2 General Residence District shall be as provided in Chapter 1284.

(Ord. 2748-93. Passed 4-19-93.)

1262.07 DENSITY.

The gross residential density in an RS-2 General Residence District shall be seven families per acre.

(Ord. 2748-93. Passed 4-19-93.)

CHAPTER 1264

B-1 Neighborhood Business District

1264.01 Intent.

1264.02 Permitted and conditional uses.

1264.03 Building height.

1264.04 Lot and yard requirements.

1264.05 Lot coverage.

1264.06 Signs.

1264.07 Off-street parking and loading.

CROSS REFERENCES

Trees in business districts - see S.U. & P.S. 1032.06(b)

Signs in business and commercial districts - see P. & Z. 1286.04

Buffer strips for business and commercial districts abutting residential districts
- see P. & Z. 1288.05

Commercial and industrial access drives - see P. & Z. Ch. 1290

Additions, alterations, etc., to residential uses in business districts - see P. &
Z. 1294.05

1264.01 INTENT.

In the adoption of the B-1 Neighborhood Business District, it is the intent of the City to provide for the retailing of convenience goods and the furnishing of certain personal services, thus satisfying the daily and weekly household and personal needs of abutting residential neighborhoods. The B-1 District shall be limited in size in order to protect the surrounding residential areas against infiltration of these uses and services.

(Ord. 2657-92. Passed 7-6-92.)

1264.02 PERMITTED AND CONDITIONAL USES.

(a) A building or premises may be used for any of the following in a B-1 Neighborhood Business District:

- (1) Banks (branch office).
- (2) Barber and beauty shops.
- (3) Bakeries (goods for sale on premises only).
- (4) Bed and breakfast inns.
- (5) Bicycle repair shops.
- (6) Bookstores.
- (7) Cleaners and laundries (collection and distribution only, custom and self-service).
- (8) Churches and other semi-public uses.
- (9) Dairy products store (no bottling or drive-in types permitted).
- (10) Day-care.
- (11) Delicatessens.
- (12) Drugstores.
- (13) Florists.
- (14) Food and grocery stores.
- (15) Hardware stores.
- (16) Locksmith, lawnmower services.
- (17) Offices, including professional offices.
- (18) Tailor shops, including pressing.
- (19) Real estate offices.
- (20) Restaurants (excluding the sale of liquor and drive-ins).
- (21) Any other retail business or service, establishment or use, which is determined by the Board of Zoning and Building Appeals to be of the same general character as the above permitted uses.

(b) The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.

- (1) Fix-it shops.
- (2) Home occupations.
- (3) Institutions.
- (4) Recreational activities.
- (5) (EDITOR'S NOTE: Former subsection (b)(5) was repealed by Ordinance 5174-2014, passed October 6, 2014.)
- (6) Public uses.
- (7) Public service facilities.
- (8) Parking lots (subject to Chapter 1292).

(Ord. 2657-92. Passed 7-6-92; Ord. 3818-02. Passed 7-1-02.)

1264.03 BUILDING HEIGHT.

In a B-1 Neighborhood Business District, no building shall exceed forty-five feet in height, except as provided in Chapter

1294.

(Ord. 2657-92. Passed 7-6-92.)

1264.04 LOT AND YARD REQUIREMENTS.

In a B-1 Neighborhood Business District, lot and yard requirements shall be as follows:

- (a) Lot Area. There shall be no requirements for lot area except that any building used for residence purposes shall have a lot area equal to that required by the Board of Zoning and Building Appeals, and in no case shall it be less than that required in an R-2 Multiple Residence District.
- (b) Lot Width. The minimum width of a lot in a B-1 District shall be sixty feet.
- (c) Required Yards. Yards of the following minimum depths or widths shall be provided for all lots in a B-1 District, unless otherwise permitted by this Zoning Code:
 - (1) Front yards. The depth of the front yard shall not be less than fifty feet, with parking surfaces permitted no closer than ten feet to the right of way.
 - (2) Rear yards. The depth of the rear yard shall be not less than fifteen feet, unless it abuts a residential district, in which case it shall be not less than twenty-five feet.
 - (3) Side yards. There shall be no side yard requirements for lots in a B-1 District, except as follows:
 - A. When the side of a lot in a B-1 District adjoins any residential district, then there shall be a side yard on the side so adjoining of not less than twenty-five feet.
 - B. A corner lot in a B-1 District shall have a side yard on the street side equal to the yard requirements of such street.

(Ord. 2657-92. Passed 7-6-92.)

1264.05 LOT COVERAGE.

- (a) Buildings in a B-1 Neighborhood Business District shall not cover more than thirty percent of the area of the lot, except as otherwise provided herein.
- (b) Buildings used for residence purposes, including accessory buildings, shall not cover more than fifty percent of the area of the lot.
- (c) The total impervious area of a lot cannot be more than fifty percent of the lot size.

(Ord. 2657-92. Passed 7-6-92.)

1264.06 SIGNS.

Provisions relating to signs in a B-1 Neighborhood Business District shall be as provided in Chapter 1286.

(Ord. 2657-92. Passed 7-6-92.)

1264.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in a B-1 Neighborhood Business District shall be as provided in Chapter 1284.

(Ord. 2657-92. Passed 7-6-92.)

CHAPTER 1266

B-2 Central Business District

1266.01 Intent.

1266.02 Permitted and conditional uses.

- 1266.03 Building height.**
- 1266.04 Lot and yard requirements.**
- 1266.05 Lot coverage.**
- 1266.06 Signs.**
- 1266.07 Off-street parking and loading.**
- 1266.08 Storm and sanitary sewers required.**

CROSS REFERENCES

Trees in business districts - see S.U. & P.S.1032.06(b)

Signs in business and commercial districts - see P. & Z.1286.04

Buffer strips for business and commercial districts abutting residential districts
- see P. & Z. 1288.05

Commercial and industrial access drives - see P. & Z. Ch.1290

Additions, alterations, etc., to residential uses in business districts - see P. &
Z. 1294.05

1266.01 INTENT.

It is the intent of the City in the establishment of the B-2 Central Business District and its appurtenant regulations to provide retailing, parking, personal and business services of all kinds to satisfy the needs of the residents of the entire City and its trade area.

(Ord. 2657-92. Passed 7-6-92.)

1266.02 PERMITTED AND CONDITIONAL USES.

No land shall be used or occupied, and no structure shall be designed, erected, altered or used, except for either one or several of the following permitted uses or for one or several of the following conditional uses:

(a) Permitted Uses.

- (1) Ambulance service.
- (2) Antique store.
- (3) Apparel and accessories store.
- (4) Appliances (household).
- (5) Automobile accessory store and auto lube center.
- (6) Automobile, truck and trailer display, hire, sale and repair.
- (7) Bakery.
- (8) Banks (see also loan and finance offices).
- (9) Barber shop.
- (10) Barber and beauty shop supply store.
- (11) Beauty shop.
- (12) Blueprinting.
- (13) Bicycle shop.
- (14) Book store.
- (15) Bowling alley.
- (16) Business equipment and supply.
- (17) Business or trade school.
- (18) Bus station.

- (19) Camera and photographic equipment store.
- (20) Churches and temples.
- (21) Candy, nut and confectionery store.
- (22) Clinic (dental or medical).
- (23) Dairy bar.
- (24) Dairy products store (bottling operations excluded).
- (25) Dance studio.
- (26) Delicatessen.
- (27) Department store.
- (28) Diaper, linen and towel supply service.
- (29) Discount center and store.
- (30) Driving range.
- (31) Drug store.
- (32) Dry cleaning (custom and self-service).
- (33) Dry goods store.
- (34) Eating place; grill; bar; cocktail lounge.
- (35) Egg and poultry store, provided that no slaughtering, eviscerating or dressing of poultry is conducted outside of an enclosed structure.
- (36) Floor covering.
- (37) Florist; gift shop.
- (38) Funeral home; ambulance service.
- (39) Furniture; household furnishings.
- (40) Garden and lawn supplies store.
- (41) Grocery store and meat market (supermarkets).
- (42) Hardware and sporting goods.
- (43) Hobby shop.
- (44) Hotel and motel.
- (45) Health salon.
- (46) Hospital and rest home other than for the insane, for persons with contagious diseases, or for drug or liquor addicts.
- (47) Jewelry store.
- (48) Laboratory (dental and medical).
- (49) Laundry (custom and self-service).
- (50) Lighting fixture sales.
- (51) Liquor store (sale by package only).
- (52) Libraries.
- (53) Loan and finance offices (see also banks).
- (54) Locksmith.
- (55) Luggage store.
- (56) License bureau.
- (57) Museum.
- (58) Music store; pianos, radio and television.
- (59) Newspaper publishing sales and service.

- (60) Newsstand.
 - (61) Novelty shop.
 - (62) Office (any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold).
 - (63) Office supply store.
 - (64) Night club.
 - (65) Optician and optometrist shops.
 - (66) Paint and wallpaper store; art supplies.
 - (67) Parking lot and/or structure, either publicly or privately owned and operated.
 - (68) Post office.
 - (69) Plumbing and heating shop and supplies (enclosed storage only).
 - (70) Professional services.
 - (71) Pressing, altering and repair of wearing apparel.
 - (72) Printing and publishing, including processes related thereto.
 - (73) Private clubs and lodges; YMCA; commercial recreation; fraternal societies.
 - (74) Public utility offices and salesrooms.
 - (75) Radio and television broadcasting studios, including transmitter.
 - (76) Repair, rental and servicing of any product, the sale of which is permitted in this District.
 - (77) Restaurant.
 - (78) Resale shop; used clothing and furniture.
 - (79) Shoe store (sales and repair).
 - (80) Sign painting shop.
 - (81) Skating rink.
 - (82) Surgical supplies store.
 - (83) Surplus store.
 - (84) Taxi stand.
 - (85) Telephone exchange and office.
 - (86) Theater and theatrical studio.
 - (87) Tire and battery shop.
 - (88) Toy store.
 - (89) Travel agency.
 - (90) Variety and notions store.
 - (91) Wall and floor coverings store.
 - (92) Any other retail business or service establishment or use which is determined by the Board of Zoning and Building Appeals to be of the same general character as the above permitted uses.
 - (93) The sale as wholesale or warehousing of any commodity, the use or processing of which is permitted in this District.
 - (94) Any non-residential use permitted in a B-1 Neighborhood Business District.
- (b) Conditional Uses Requiring Planning Commission Authorization The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.
- (1) Automobile service station and/or public parking garage, provided that:
 - A. Premises used for such purposes shall not have an entrance or exit for motor vehicles within 200 feet from any place of public assembly, including any hospital, sanitarium or institution. Such measurement

shall be along the usual line of street travel.

- B. The building used for such purposes shall not be nearer than fifty feet from any residential district.
 - C. Any minor automobile repair work, as defined in Section 1240.10(13), shall be done within the principal building on the premises.
 - D. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight hours outside the buildings on the premises.
 - E. When such use abuts the side and/or rear line of a lot in any residential district, a compact evergreen hedge, solid wall or painted board fence not less than five feet high shall be maintained at the property line.
- (2) (EDITOR'S NOTE: Former subsection (b)(2) was repealed by Ordinance 5174-2014, passed October 6, 2014.)
- (3) Accessory uses, provided that such uses are clearly incidental and customary to, and commonly associated with, the operation of the permitted use.
- (4) Crating and packing service.
- (5) Landing and take-off areas for roto-craft.
- (6) (EDITOR'S NOTE: Paragraph (b)(6) hereof was repealed by Ordinance 3251-97, passed September 2, 1997.)
- (Ord. 2657-92. Passed 7-6-92; Ord. 2855-94. Passed 4-4-94; Ord. 3251-97. Passed 9-2-97; Ord. 3818-02. Passed 7-1-02; Ord. 5174-2014. Passed 10-6-14.)

1266.03 BUILDING HEIGHT.

No permitted building or structure in a B-2 Central Business District hereafter erected or structurally altered shall exceed sixty-five feet in height.

(Ord. 335-66. Passed 7-5-66.)

1266.04 LOT AND YARD REQUIREMENTS.

In a B-2 Central Business District, lot and yard requirements shall be as follows:

(a) Lot Area and Width.

- (1) No minimum lot area shall be required for nonresidential purposes; however, no lot may be less than ninety feet in width.
- (2) Where residential uses are permitted, the lot area and width requirements shall meet the requirements of an R-2 Multiple Residence District.

(b) Required Yards. Yards of the following depths or widths shall be provided for all permitted uses in a B-2 District, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall not be less than fifty feet.
- (2) Rear yards. The depth of the rear yard shall not be less than fifty feet.
- (3) Side yards. There shall be no side yard requirements for lots in a B-2 District, except as otherwise provided herein:
 - A. When a use in a B-2 District adjoins any residential district, a side yard shall be provided on such adjoining side of not less than one-half the height of the building but not less than twenty feet in any case, with a natural landscaped buffer no less than ten feet wide and a five foot fence when required by the Planning Commission.
 - B. A side yard shall be provided for a corner lot equal to the depth of the front yard requirements of the side street.
 - C. Yard requirements for residential uses in a B-2 District shall be such as the Planning Commission may require, and in no case shall it be less than required in an R-2 Multiple Residence District.

(Ord. 335-66. Passed 7-5-66.)

1266.05 LOT COVERAGE.

There shall be no percentage of lot coverage requirements for buildings or uses in a B-2 Central Business District, except such requirements as may be provided by the Board of Zoning and Building Appeals for buildings housing residential uses.

(Ord. 335-66. Passed 7-5-66.)

1266.06 SIGNS.

Provisions relating to signs in a B-2 Central Business District shall be as provided in Chapter 1286.

(Ord. 335-66. Passed 7-5-66.)

1266.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in a B-2 Central Business District shall be as provided in Chapter 1284.

(Ord. 335-66. Passed 7-5-66.)

1266.08 STORM AND SANITARY SEWERS REQUIRED.

Before development, properties within a B-2 Central Business District must have operable storm and sanitary sewers.

(Ord. 335-66. Passed 7-5-66.)

CHAPTER 1268

B-3 Highway Commercial District

1268.01 Intent.

1268.02 Permitted and conditional uses.

1268.03 Building height.

1268.04 Lot and yard requirements.

1268.05 Lot coverage.

1268.06 Permitted signs.

1268.07 Off-street parking and loading.

CROSS REFERENCES

Trees in business districts - see S.U. & P.S. 1032.06(b)

Signs in business and commercial districts - see P. & Z. 1286.04

Buffer strips for business and commercial districts abutting residential districts
- see P. & Z. 1288.05

Commercial and industrial access drives - see P. & Z. Ch. 1290

Additions, alterations, etc., to residential uses in business districts - see P. &
Z. 1294.05

1268.01 INTENT.

In the establishment of the B-3 Highway Commercial District and its appurtenant regulations, it is the intent of the City that the needs of the motoring public shall be met, that provision shall be made for highway-oriented commercial uses and that the primary traffic-carrying function of the major highways shall be maintained. The B-3 District shall be located only along State, Federal or other highways designated as major thoroughfares.

(Ord. 2657-92. Passed 7-6-92.)

1268.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses. A building or premises may be used for the following purposes in a B-3 Highway Commercial District:

- (1) Animal hospital and clinic.
- (2) Antique shop.

- (3) Appliance store (major appliances, e.g. T.V., washing machine and radio sales).
- (4) Automobile service station.
- (5) Automobile repair and accessory sales.
- (6) Boat and marine sales.
- (7) Camping trailer sales and service.
- (8) Car wash.
- (9) Cemetery (minimum of ten acres); mortuary; crematory.
- (10) Church and professional building.
- (11) Clinic and professional building.
- (12) Drive-in bank.
- (13) Drive-in ice cream and soda sales.
- (14) Drive-in restaurant.
- (15) Drive-in theater.
- (16) Farm, fruit and produce stand (adequate off-street parking shall be provided to take care of all customers).
- (17) Florist shop and retail sales.
- (18) Food locker.
- (19) Funeral home.
- (20) Furniture store.
- (21) Garden and nursery center.
- (22) Gift and novelty shop.
- (23) Greenhouse.
- (24) Grocery and meat market.
- (25) Heating and plumbing materials (sales, yard).
- (26) Heavy equipment sales.
- (27) Laboratory (medical or dental).
- (28) Lumber yard; builders materials and supplies.
- (29) Monument sales.
- (30) Motel and hotel.
- (31) Office building.
- (32) Parking lot (subject to the provisions of Chapter 1284).
- (33) Pet store.
- (34) Customary accessory uses.
- (35) Any permitted use in a B-2 Central Business District.

(b) Conditional Uses Requiring Board of Zoning and Building Appeals Authorization The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.

- (1) Bars and taverns.
- (2) Bowling alleys, provided that the building used for such purposes shall be not less than 100 feet from any residential district.
- (3) Swimming clubs and other commercial recreation and amusements.
- (4) Truck terminals.
- (5) Kennels.

(c) Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses except for the following uses which are expressly prohibited;

- (1) Self-storage facilities..

(Ord. 2657-92. Passed 7-6-92; Ord. 2855-94. Passed 4-4-94; Ord. 3229-97. Passed 6-16-97; Ord. 3818-02. Passed 7-1-02; Ord. 3821-02. Passed 7-1-02; Ord. 4214-2005. Passed 12-19-05.)

1268.03 BUILDING HEIGHT.

No building or structure in a B-3 Highway Commercial District shall exceed sixty-five feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

1268.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area and Width. Each building, use or structure permitted in a B-3 Highway Commercial District shall be located on a lot having an area of not less than one acre and a width of not less than 150 feet, unless otherwise permitted by this Zoning Code.

(b) Required Yards. Yards of the following widths or depths shall be provided for all permitted uses, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall be not less than fifty feet. Within this front yard and adjacent to the street right of way line, there shall be an open and unobstructed buffer strip of ten feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Except for accessways permitted below, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress and egress and shall be continuous for the entire width of the lot adjoining the street or highway right of way line.

A. Where a kennel is located on the premises, the depth of the front yard shall be not less than 150 feet, measured from the right-of-way line of the road. Conditional management living quarters are permitted.

B. (EDITOR'S NOTE: Former subsection (b)(1)B was repealed by Ordinance 4776-2010, passed September 7, 2010.)

- (2) Rear yards. The depth of the rear yard shall be not less than forty feet.

- (3) Side yards.

A. There shall be two side yards for each lot in a B-3 District, the sum of which shall be not less than thirty-five feet, and each side yard shall be not less than fifteen feet, except as otherwise provided in this Zoning Code.

B. For each lot in a B-3 District which abuts any residential district, the sum of the two side yards shall be not less than fifty feet, and each side yard shall be not less than twenty-five feet.

- (4) Buffer strips. Buffer strips shall be provided as required in Section 1266.04(b)(3)A.

(Ord. 2657-92. Passed 7-6-92.)

1268.05 LOT COVERAGE.

Buildings, together with their accessory uses, in a B-3 Highway Commercial District, shall cover not more than twenty-five percent of the area of the lot, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

1268.06 PERMITTED SIGNS.

Provisions relating to signs in a B-3 Highway Commercial District shall be as provided in Chapter 1286.

(Ord. 2657-92. Passed 7-6-92.)

1268.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in a B-3 Highway Commercial District shall be as provided in Chapter 1284.

CHAPTER 1270

B-4 Commercial Parkway District

1270.01 Intent.

1270.02 Permitted and conditional uses.

1270.03 Building height.

1270.04 Lot and yard requirements.

1270.05 Lot coverage.

1270.06 Permitted signs.

1270.07 Off-street parking and loading.

CROSS REFERENCES

Trees in business districts - see S.U. & P.S.1032.06(b)

Signs in business and commercial districts - see P. & Z.1286.04

Buffer strips for business and commercial districts abutting residential districts
- see P. & Z. 1288.05

Commercial and industrial access drives - see P. & Z. Ch.1290

Additions, alterations, etc., to residential uses in business districts - see P. &
Z. 1294.05

1270.01 INTENT.

In the establishment of the B-4 Commercial Parkway District and its appurtenant regulations, it is the intent of the City to provide for the planned development of land in high-value locations adjacent to the major interchanges of Federal and State roads, to meet the needs of the motoring public through the provision of services and goods at such locations and to maintain the traffic-carrying function of the road system. This District shall be limited in location to areas in the immediate vicinity of major interchanges between Federal and State routes.

(Ord. 2657-92. Passed 7-6-92.)

1270.02 PERMITTED AND CONDITIONAL USES.

(a) A building or premises may be used for the following purposes in a B-4 Commercial Parkway District:

- (1) Automotive center (sales and service).
- (2) Automobile service stations.
- (3) Automobile repairs (minor and major).
- (4) Clinics and professional office buildings.
- (5) Convention halls, auditoriums, assembly halls.
- (6) Gifts and novelties sale.
- (7) Hotels.
- (8) Laboratories (medical and dental).
- (9) Motels.
- (10) Night clubs, including sale of alcoholic beverages.
- (11) Restaurants, including drive-ins.

(12) Other similar uses which serve the long-distance motoring public.

(b) The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.

- (1) Boat and marine sales; construction equipment (sales and service).
- (2) Camping trailers and mobile homes (sales only).
- (3) Car wash.
- (4) Farm implements (sales and service).
- (5) Heavy equipment sales.
- (6) Truck service.
- (7) Truck terminals.

(c) Single-family residential uses shall be specifically prohibited in the B-4 District, except for the dwellings of resident watchman and hotel and motel operators whose work requires their continual presence on the premises.

(d) Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses except for the following uses which are expressly prohibited:

- (1) Self-storage facilities.

(Ord. 2657-92. Passed 7-6-92; Ord. 3818-02. Passed 7-1-02; Ord. 3821-02. Passed 7-1-02; Ord. 4214-2005. Passed 12-19-05.)

1270.03 BUILDING HEIGHT.

No building or structure in a B-4 Commercial Parkway District shall exceed sixty-five feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

1270.04 LOT AND YARD REQUIREMENTS.

(a) Required Lot Area and Width. Each building use or structure permitted in a B-4 Commercial Parkway District shall be located on a lot having an area of not less than one acre and a width of not less than 150 feet, unless otherwise permitted by this Zoning Code.

(b) Required Yards. Yards of the following widths or depths shall be provided for all permitted uses, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall be not less than fifty feet. Within this front yard and adjacent to the street right-of-way line, there shall be an open and unobstructed buffer strip of ten feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress or egress, and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line.

(EDITOR'S NOTE: The second paragraph of subsection (b)(1) was repealed by Ordinance 4776-2010, passed September 7, 2010.)

- (2) Rear yards. The depth of the rear yard shall be not less than forty feet.

- (3) Side yards.

- A. There shall be two side yards for each lot in a B-4 District, the sum of which shall be not less than thirty-five feet, and neither side yard shall be less than fifteen feet, except as otherwise provided in this Zoning Code.
- B. For each lot in a B-4 District which abuts any residential district, the sum of the two side yards shall be not less than fifty feet, and neither side yard shall be less than twenty-five feet. Placement of landscaping shall be in accordance with Chapter 1288.

(Ord. 2657-92. Passed 7-6-92.)

1270.05 LOT COVERAGE.

Buildings, together with their accessory uses, in a B-4 Commercial Parkway District, shall cover not more than twenty-five percent of the area of the lot, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

1270.06 PERMITTED SIGNS.

Provisions relating to signs in a B-4 Commercial Parkway District shall be as provided in Chapter 1286.

(Ord. 2657-92. Passed 7-6-92.)

1270.07 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in a B-4 Commercial Parkway District shall be as provided in Chapter 1284.

(Ord. 2657-92. Passed 7-6-92.)

CHAPTER 1272

B-5 Architectural Business District

1272.01 Intent; nonconforming uses.

1272.02 Rezoning restrictions.

1272.03 Requirements.

1272.04 Permitted and conditional uses.

1272.05 Building height.

1272.06 Lot and yard requirements.

1272.07 Lot coverage.

CROSS REFERENCES

Bed and breakfast inns as conditional uses in the B-5 District - see B.R. & T. 812.03

Trees in business districts - see S.U. & P.S. 1032.06(b)

Signs in business and commercial districts - see P. & Z. 1286.04

Buffer strips for business and commercial districts abutting residential districts - see P. & Z. 1288.05

Commercial and industrial access drives - see P. & Z. Ch. 1290

Additions, alterations, etc., to residential uses in business districts - see P. & Z. 1294.05

1272.01 INTENT; NONCONFORMING USES.

(a) In the establishment of B-5 Architectural Business District, it is the intent of the City to establish an architectural theme business district along Center Ridge Road, a major thoroughfare, between Route 83 westward to Race Road. By implementation of this chapter, the City has a window of opportunity to control the future development of a large area of Center Ridge Road, thereby eliminating future spot zoning and haphazard development. The City also realizes the opportunity to create an architectural theme district to enhance the area and serve as a guide for future development in this District without jeopardizing or restricting the existing residential atmosphere.

(b) The lawful use of any building, structure or land existing at the time of the enactment of this chapter may continue,

subject to the provisions of Section 1292.02.

(Ord. 2657-92. Passed 7-6-92.)

1272.02 REZONING RESTRICTIONS.

The rezoning of property to the B-5 Architectural Business District shall be limited to a maximum depth of 500 feet from the centerline of Center Ridge Road. All rezoned property shall front Center Ridge Road. This chapter only rezones R-1 Residence District property to B-5 District, and does not affect previously zoned properties as shown on the Zoning Map.

(Ord. 2657-92. Passed 7-6-92.)

1272.03 REQUIREMENTS.

(a) Architectural Theme. Each new structure or change of use of an existing structure in a B-5 Architectural Business District shall require Western Reserve "Georgian" Architecture.

(b) Street Lighting. In addition to the existing street lighting, post-type street lighting shall be installed in accordance with Section 1228.06. Lighting shall be installed on the outer edge of the proposed sidewalk area on the side nearest the building. On smaller lots where only one lamp is required, the lamp shall be located near the access driveway.

(c) Utilities. Any new structure or remodeling which takes place due to a change in use shall require the abandonment of overhead utility service and the installation of underground wiring from the road to the structure. This provision shall also apply to any utility company's overhead wires to residents of subdivisions behind this District. This provision also applies to utility company overhead wiring with respect to planned unit developments of a business or residential nature. This subsection shall apply at the time the utility company has its power lines underground.

(d) Trees. Tree planting and removal shall be governed by Chapter 1030 of the Streets, Utilities and Public Services Code, and shall conform to the Master Tree Plan provided in Chapter 1032. In addition, if it becomes necessary to remove any existing tree due to construction or change of use, the property owner shall be responsible for replacing the removed tree.

(e) Signs. Signs shall conform to Chapter 1286; however, they shall be designed in such a fashion as to enhance the architectural theme of the area. Additional restrictions shall be as follows:

- (1) Permanent signs shall be flat nameplate signs not to exceed twelve square feet.
- (2) In addition to flat nameplate signs, ground name plate or business signs not to exceed eighty square feet per side and not to exceed eight feet in height will also be permitted.
- (3) Nameplate signs shall be mounted securely on the building.

(f) Area Lighting. The exterior lighting of any buildings, structures and surrounding grounds shall provide illumination for safety purposes, as well as enhancement. However, such lighting shall be placed and screened in such a manner that it does not show directly or reflect into any adjoining residential or business properties or streets.

(g) Bikeways and Sidewalks.

- (1) The City shall accept a ten-foot easement offered by property owners for bikeways and pedestrian walkways.
- (2) Sidewalks shall be installed in accordance with Chapter 1024 of the Streets, Utilities and Public Services Code; however, all sidewalks shall be five-feet wide to allow for wheelchair access.
- (3) The cost of sidewalk installation shall be as provided in Chapter 1024, where applicable.
- (4) When fifty percent of the frontage of the area has had sidewalks installed, the City shall cause the balance of such area to have sidewalks installed.
- (5) The complete cost of sidewalk installation shall be divided by the number of feet installed. The cost per foot shall be documented and attached to each lot. As the lots are sold, or the use of the lot changes, the cost of the sidewalk installation shall then be paid to the City by the abutting property owner.
- (6) The City Engineer shall keep in mind the possibility of bikeway transportation when laying out the sidewalks.

(h) Off-Street Parking. Off-street parking shall not extend beyond the front line of any building or structure. It is preferred that all parking be kept to the rear. However, side-yard parking is permitted, and the side-yard parking areas, when visible from Center Ridge Road, should be screened from view by a buffer strip, as defined in Section 1288.01.

(Ord. 2657-92. Passed 7-6-92; Ord. 3823-02. Passed 7-1-02.)

1272.04 PERMITTED AND CONDITIONAL USES.

(a) A building or premises may be used for the following purposes in a B-5 Architectural Business District:

- (1) Ambulance service.
- (2) Antique store.
- (3) Apparel and accessories store.
- (4) Appliances (household).
- (5) Art gallery.
- (6) Automobile accessory store, sales and service.
- (7) Bakery.
- (8) Banks (see also loan and finance offices).
- (9) Barber shop.
- (10) Barber and beauty shop supply store.
- (11) Beauty shop.
- (12) Bed and breakfast inns.
- (13) Blueprinting.
- (14) Bicycle shop.
- (15) Book store.
- (16) Business equipment and supply.
- (17) Business or trade school.
- (18) Camera and photographic equipment supply store.
- (19) Child care center.
- (20) Churches and temples.
- (21) Candy, nut and confectionary store.
- (22) Clinic (dental or medical).
- (23) Dairy bar.
- (24) Dairy products store (bottling operations excluded).
- (25) Dance studio.
- (26) Delicatessen.
- (27) Department store.
- (28) Discount center and store.
- (29) Drug store.
- (30) Dry cleaning (custom and self-service).
- (31) Dry goods store.
- (32) Eating place, grill.
- (33) Egg and poultry store.
- (34) Floor covering.
- (35) Florist; gift shop.

- (36) Funeral home and cemetery.
- (37) Furniture; household furnishings.
- (38) Garden and lawn supplies store.
- (39) Grocery store and meat market (supermarket).
- (40) Hardware and sporting goods.
- (41) Hobby shop.
- (42) Motel.
- (43) Health salon.
- (44) Rest home.
- (45) Jewelry store.
- (46) Laboratory (dental and medical).
- (47) Laundry (custom and self-service).
- (48) Lighting fixture sales.
- (49) Liquor store (sale by package only).
- (50) Libraries.
- (51) Loan and finance offices (see also banks).
- (52) Locksmith.
- (53) Luggage store.
- (54) License bureau.
- (55) Museum.
- (56) Music store; pianos, radio and television.
- (57) Newspaper publishing sales and service.
- (58) Novelty shop.
- (59) Office (any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold).
- (60) Office supply store.
- (61) Night club.
- (62) Optician and optometrist shops.
- (63) Paint and wallpaper store; art supplies.
- (64) Parking lot, either publicly or privately owned and operated.
- (65) Post office.
- (66) Plumbing and heating shop and supplies (enclosed storage only).
- (67) Professional services.
- (68) Pressing, altering and repair of wearing apparel.
- (69) Printing and publishing, including processes related thereto.
- (70) Private clubs and lodges; YMCA; commercial recreation; fraternal societies.
- (71) Public utility offices and salesrooms.
- (72) Repair, rental and servicing of any product, the sale of which is permitted in this District.
- (73) Restaurant.
- (74) Resale shop; used clothing and furniture.
- (75) Shoe store (sales and repair).
- (76) Sign painting shop.

- (77) Surgical supplies store.
- (78) Surplus store.
- (79) Telephone exchange and office.
- (80) Theater and theatrical studio.
- (81) Toy store.
- (82) Travel agency.
- (83) Variety and notions store.
- (84) Wall and floor coverings store.
- (85) Cemetery.
- (86) Drive-in bank.
- (87) Drive-in ice cream.
- (88) Drive-in restaurant.
- (89) Farm, fruit and produce stand.
- (90) Gift and novelty shop.
- (91) Office building.
- (92) Pet store, pet cemetery with flat markers only.
- (93) Customary accessory uses.
- (94) Assisted living for the elderly.
- (95) Planned unit development.
- (96) Animal clinic or animal hospital.

(b) The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.

- (1) Bowling alleys shall be deleted, except as part of a larger planned unit commercial development (PUD), with buffer strip.
- (2) Swimming clubs and other commercial recreation and amusements, with buffer strip.
- (3) Automobile service station, with buffer strip.
- (4) Car wash, with buffer strip.

(c) Residences can co-exist at the same location when living quarters are maintained with a minimum of 1,040 square feet.

(d) Existing structures converted to a business shall be grandfathered with regard to setback, side yard and rear yard requirements, but must have "Theme Design" on three prominent sides of the building to respect the architectural theme of the District.

(e) Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses except for the following uses which are expressly prohibited:

- (1) Self-storage facilities.

(Ord. 2657-92. Passed 7-6-92; Ord. 3818-02. Passed 7-1-02; Ord. 3821-02. Passed 7-1-02; Ord. 4213-2005. Passed 12-19-05; Ord. 4214-2005. Passed 12-19-05.)

1272.05 BUILDING HEIGHT.

No building or structure in a B-5 Architectural Business District shall exceed forty feet in height, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

1272.06 LOT AND YARD REQUIREMENTS.

(a) Required Lot Width. Each building, use or structure permitted in a B-5 Architectural Business District shall be located on a lot having a width of not less than fifty feet, unless otherwise permitted by this Zoning Code.

(b) Required Yards. Yards of the following widths or depths shall be provided for all permitted uses, unless otherwise permitted by this Zoning Code:

- (1) Front yards. The depth of the front yard shall not be less than seventy-five feet from the right-of-way.
- (2) Rear yards. The depth of the rear yard shall not be less than fifty feet. However, in this District the rear yard shall meet the off-street parking provisions provided in Chapter 1284.
- (3) Side yards. There shall be two side yards for each lot in a B-5 District, the sum of which shall not be less than thirty-five feet, and each side yard shall be not less than fifteen feet, except as otherwise provided in the Zoning Code.

(Ord. 2657-92. Passed 7-6-92; Ord. 3937-03. Passed 7-21-03; Ord. 4500-2008. Passed 2-19-08.)

1272.07 LOT COVERAGE.

Buildings, together with their accessory uses, in a B-5 Architectural Business District, shall not cover more than twenty-five percent of the area of the lot, except as otherwise provided in this Zoning Code.

(Ord. 2657-92. Passed 7-6-92.)

CHAPTER 1273

Special Development District

PROCEDURES

- 1273.01 Purpose and intent.**
- 1273.02 Scope.**
- 1273.03 Preliminary plan of development area.**
- 1273.04 Referral for review and reports.**
- 1273.05 Report to Council.**
- 1273.06 Action by Council.**
- 1273.07 Authority to proceed.**
- 1273.08 Final plan of development area.**
- 1273.09 Conditions for approval by Commission.**
- 1273.10 Action by Council on final development.**
- 1273.11 Building permits.**
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- 1273.13 Amendment to plans.**
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STANDARDS

- 1273.15 Intent.**
- 1273.16 Definitions.**
- 1273.17 Permitted buildings and uses.**
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- 1273.19 Minimum development area.**
- 1273.20 Minimum use area.**
- 1273.21 Building and parking arrangements.**
- 1273.22 Off-street parking.**
- 1273.23 Yard screening and landscaping.**
- 1273.24 Signage.**
- 1273.25 Storm water management.**
- 1273.26 Maintenance.**

CROSS REFERENCES

Application fees; fee for special meetings - see P. & Z.1210.03

Plats and data for final approval of subdivision plats - see P. & Z.1224.02

Amendments - see P. & Z. 1246.03

Signs - see P. & Z. Ch. 1286

Nonconforming uses - see P. & Z. 1292.02

PROCEDURES

1273.01 PURPOSE AND INTENT.

(a) To encourage skillful planning of parts of the community; to provide for the utilization of design criteria in the arrangements of buildings related to open space; and to utilize topography and other site features to best achieve creative and coordinated designs, it is necessary to expand the scope of land planning and development from a concept of individual lots and structures thereon to the planning and development of areas with groups of structures erected thereon as a coordinated entity. Therefore, procedures, supplementary to those applicable in standard zoning districts created by this Zoning Code, are established under which the City or a developer may prepare development plans to meet these objectives. Procedures are also established for review of such development plans, action thereon by the City and the implementation thereof.

(b) It is the further intent of these regulations that the specific relationships of building and parking to one another and to adjacent properties and streets are to be predicated upon the ingenuity and quality of the project's land planning and building design.

(c) The lawful use of any buildings, structure or land existing at the time of the enactment of this chapter may continue subject to the same provisions as described in Chapter 1292 Section 1292.02 of the North Ridgeville Codified Ordinances.

(d) With these regulations it is also intended that designers of individual projects be given freedom in terms of arranging the spatial relationships of uses, buildings, parking and landscaping in order to achieve a more pleasant and inviting urban environment than can be achieved through the more conventional specification zoning approach.

(e) Any person(s) desiring a change in zoning to a Special Development District shall file a petition with the Clerk of Council in accordance with Section 1246.03 of the North Ridgeville Codified Ordinances and in accordance with these procedures for Special Development Districts.

(Ord. 3993-2004. Passed 1-20-04.)

1273.02 SCOPE.

(a) The City may prepare, or a developer may submit development area plans in accordance with the provisions of this chapter and other applicable parts of this Zoning Code. In addition, the Planning Commission may require developers to prepare and submit development area plans whenever it determines that such planning is essential to assure improved and unified design within the development area and coordination with surrounding areas.

(b) The Planning Commission may adopt area plans for the construction, completion or rehabilitation of special development areas or for coordinating the proposed development with surrounding areas. Such designs may include, but are not limited to, the Planning Commission's recommendations on the use, location, bulk and general design of buildings; the relationship of buildings to each other and to yards and other open spaces; the location and width of streets and access ways to major streets and parking, loading areas; and pedestrian ways; landscaped planting, exterior lighting, signs, street furniture; and the location and design of other exterior site features.

(c) Such areas shall be developed in accordance with criteria set forth in this chapter and any other applicable provisions of the Zoning Code. After such plans are duly adopted by the Planning Commission and Council, they shall be construed as being a part of this Zoning Code, and any new construction, addition to, or rebuilding of, such an area, or parts thereof, shall be in substantial compliance therewith.

(d) Land in a standard zoning district being planned for transfer to a Special Development District shall be subject to all provisions of the North Ridgeville Codified Ordinances as applicable. The Special Development District shall be noted for change on the zoning map upon final approval.

(Ord. 3993-2004. Passed 1-20-04.)

1273.03 PRELIMINARY PLAN OF DEVELOPMENT AREA.

(a) The preliminary plan shall indicate all uses proposed, the location and arrangement of all uses and, unless waived by the Planning Commission as not being applicable, the following:

- (1) Topography at two-foot contour interval, including property lines, easements, street right of ways, structures, trees and landscape features existing thereon;
- (2) The proposed vehicular and pedestrian traffic patterns, including the proposed location and design of public and private streets, the directional flow and location of proposed storm and sanitary sewers and sewers connecting with existing or proposed sewers outside of the development area, the proposed storm water management program, the location and design of parking and service areas and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exits;
- (3) The location of all proposed uses in the development area and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;
- (4) Such other relevant information as the Planning Commission may require; and
- (5) Subdividers or developers of shopping centers and other commercial and industrial uses must comply with the same requirements as residential developers, with the exception of plans or written and signed statements regarding planted areas, parks and playgrounds, where applicable. Plans or written and signed statements regarding planted or open areas may be required where applicable.

(b) The preliminary plan of a development area shall be prepared by professional persons qualified in the planning of land development, traffic engineering, building and landscape design.

(c) Drawings for subdivisions and commercial and industrial properties must have the seals of a licensed professional engineer or of a registered surveyor. Building plans should be stamped by a registered architect or a licensed professional engineer.

(Ord. 3993-2004. Passed 1-20-04.)

1273.04 REFERRAL FOR REVIEW AND REPORTS.

Upon receipt of a preliminary plan of a development area, the Secretary of the Planning Commission shall transmit a copy of the preliminary plan to the City Engineer, City Planner (or Planning Consultant) and Chief Building Official for their review, report and recommendation. The Secretary shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Law Director, Engineer, Planner and Chief Building Official shall each, within 60 days from the date of receiving a preliminary plan of the development area, provide and furnish to the Planning Commission a report upon their respective jurisdictions. Copies of each such report shall be filed with the Planning Commission and one copy shall be filed with the Council Clerk.

(Ord. 3993-2004. Passed 1-20-04.)

1273.05 REPORT TO COUNCIL.

Within 120 days after a preliminary plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and reports required under Section 1273.04 and shall furnish to Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the preliminary plan complies with the design standards and criteria prescribed by this Zoning Code for a Special Development District applicable to the proposal, or a finding of any failure of such compliance and a recommendation that the preliminary plan be approved, disapproved or modified. If, in any such evaluation, the Planning Commission finds that any standard or criteria prescribed by this Zoning Code is inapplicable because of unusual conditions of the development area or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such standards or criteria be made, provided, however, that such adjustment will not be in conflict with the promotion of the public health and safety and the general welfare of the City.

(Ord. 3993-2004. Passed 1-20-04.)

1273.06 ACTION BY COUNCIL.

Council shall either approve, disapprove or modify the preliminary plan. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of a preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

(Ord. 3993-2004. Passed 1-20-04; Ord. 4107-2005. Passed 2-7-05.)

1273.07 AUTHORITY TO PROCEED.

Following approval by Council, the Clerk shall notify the developer of such action, by registered or certified mail, and authorize him to proceed with the preparation of the final plan of a development area, in accordance with the procedures and criteria set forth in this Zoning Code and any special conditions under which this authorization was granted. If the developer does not submit a final plan of a phase of the development area within one year from the date of such notice, the approval of the preliminary plan shall lapse.

(Ord. 3993-2004. Passed 1-20-04.)

1273.08 FINAL PLAN OF DEVELOPMENT AREA.

(a) The developer of any parcel or parcels of land for which a preliminary plan has been approved by Council shall submit a final plan of the development area to the Planning Commission.

(b) The final plan of the development area shall contain and be accompanied by the following:

- (1) A site plan, including all proposed uses, parking areas and drives, the proposed public and private street system with rights-of-way and easements, and the use of all land including common and private land;
- (2) Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, parking areas and drives, storm water management, and all other site features of the development area or that portion of the development to be developed, designed in accordance with the applicable municipal codes;
- (3) A grading and landscape plan showing all site features, and facilities and finished grading for land within the development area;
- (4) The final form of covenants running with the land, deed restrictions, including the use of common land, covenants, restrictions or easements to be recorded, if applicable.

(c) The Planning Commission may require additional drawings to supplement the above when more information is needed or special conditions occur and in compliance with Section 1224.02.

(Ord. 3993-2004. Passed 1-20-04.)

1273.09 CONDITIONS FOR APPROVAL BY COMMISSION.

If the Planning Commission finds that a proposed final plan of a development area is in accordance with and represents a detailed expansion of the preliminary plan heretofore approved by Council, that it complies with all of the conditions which may have been imposed in the approval of such preliminary plan, that it is in accordance with the design criteria and provisions of this Zoning Code which apply particularly to any plan of a development area, that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have

been executed the Commission shall then approve such final plan and certify its approval to the Clerk of Council.

(Ord. 3993-2004. Passed 1-20-04.)

1273.10 ACTION BY COUNCIL ON FINAL DEVELOPMENT.

(a) Council, at its next regular meeting following receipt of the Planning Commission report, shall, in compliance with all requirements of Section 9.1 of the City Charter and Section 1246.03(d) of the Codified Ordinances, set a date for a public hearing of the final development plan, including the report of the Commission thereon, and give at least 15 days notice of the time, place and purpose of such hearing in accordance with the requirements of Section 9.1 of the City Charter.

(b) Following Council's receipt of the Planning Commission's report and recommendation and the public hearing, Council shall either approve, disapprove or modify the final development plan. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority of its members. If Council reverses a report of the Planning Commission recommending disapproval of a preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

(Ord. 3993-2004. Passed 1-20-04.)

(c) Dedication of Land for Public Use; Easements; Acceptance of Streets and Utilities. If the final plat indicates land for public use, the Planning Commission's approval of the plat and Council's formal approval of Planning Commission's action shall constitute the acceptance of any land dedicated for public use and acceptance of any easement. Following approval, the City shall sign the plat for recording with the County. The acceptance of any street, improvement or utility for public use and maintenance by the municipality shall be by separate action of Council.

(Ord. 5495-2017. Passed 11-20-17.)

1273.11 BUILDING PERMITS.

(a) Following the approval of a final plan of a development area, the Chief Building Official shall be so notified and building and other permits may be issued following approval of building, engineering and landscape, construction plans and payment of all required fees and in compliance with Section 1224.02.

(b) If a final plat is required and approved for a Special Development District area, a permit or permits will be issued after the plat is recorded with the office of the Lorain County Recorder.

(Ord. 3993-2004. Passed 1-20-04.)

1273.12 PROGRESSIVE DEVELOPMENT.

(a) A developer, having obtained final approval of any preliminary plan of a development area, may accomplish the development in progressive stages as may be approved by the Planning Commission and Council.

(b) When the final plan of the development area provides for partial development of the total area for which a preliminary plan has been approved, the Planning Commission may require detailed plans for all improvements in the development area to permit evaluation of the development of the entire parcel before development in progressive stages may be approved.

(Ord. 3993-2004. Passed 1-20-04.)

1273.13 AMENDMENT TO PLANS.

At any time after the approval of a preliminary plan or a final plan of a development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Planning Commission and one copy filed with the Clerk of Council. If such amendment is in substantial agreement, as determined by the Chief Building Official, with the approval of a preliminary or final plan, it shall be approved by the Planning Commission and Council. Should such amendment represent a departure from the intent of a prior approval, as determined by the Chief Building Official, such amendment shall then be subject to the same procedure and conditions as the original application.

(Ord. 3993-2004. Passed 1-20-04.)

1273.14 PROCESSING FEES.

(a) All applicants for development in a proposed Special Development District area shall reimburse the City in full for all expenses incurred in connection the proposed plans and/or modifications to such plans, including without limitation the cost of professional, legal, and consulting services, fees and expenses engaged in reviewing the plan, the preparation of departmental reports and plan reviews, inspections, the publication and mailing of public notices, and any other reasonable expenses directly attributable thereto.

(b) At the time of submitting a proposed development plan to the Clerk of Council's office for consideration, the applicant shall deposit the amount of five thousand dollars (\$5,000.00).

(c) Failure to pay the above costs within 30 days of invoice shall stop all processing and review of the site development plans, or shall cause suspension of all development activities on the site.

(d) In addition to the deposit to the Clerk's office set forth above, the applicant shall pay all standard application fees for Planning Commission consideration as set forth in Section 1210.03 of the Codified Ordinances.

(Ord. 3993-2004. Passed 1-20-04.)

STANDARDS

1273.15 INTENT.

(a) Uses, criteria and standards are established in this subchapter with respect to the planning of land and the arrangements of buildings and open spaces for those areas which are covered by preliminary and final plans for their development. The application of the criteria, uses and standards set forth in this chapter are intended to result in the optimum development and use of land in the City. They are intended to ensure full consideration of every planning element pertinent to the objective of sound urban design in order that all improvement values and planning objectives will be fully explored.

(b) The Special Development District (SDD) shall only be considered for rezoning in the areas as shown on a map entitled "Special Development District Areas of the City of North Ridgeville, Ohio" adopted as part of this subchapter by reference and certified by the Clerk of Council, which accompanies and which, with all explanatory matters thereon, is hereby made a part of this subchapter.

(c) It is the further intent of these regulations that the specific relationships of building and parking to one another, to adjacent properties and streets are to be predicated upon the ingenuity and quality of the project's land planning and building design.

(d) Any person(s) desiring a change in zoning to a Special Development District shall file a petition with the Clerk of Council in accordance with Section 1246.03 of the North Ridgeville Codified Ordinances and the additional procedures for Special Development District, as set forth in Sections 1273.01 through 1273.14 of this chapter.

(Ord. 3994-2004. Passed 1-20-04.)

1273.16 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context indicates or clearly requires a different meaning.

(a) "Owner" shall mean and refer to the record owner, whether one or more persons, partnerships, corporations, or associations, of the fee simple title to any lot situated within the development.

(b) "Zoning Code" shall mean the Zoning Code of the City of North Ridgeville, Lorain County, Ohio, as the same may be amended from time to time.

(Ord. 3994-2004. Passed 1-20-04.)

1273.17 PERMITTED BUILDINGS AND USES.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained, in a SDD District, only in

accordance with the following uses:

(a) Suburban Commercial Corridor Area.

(1) Main buildings and uses.

- A. Restaurants.
- B. Business/professional offices.
- C. Retail sales and service.
- D. Theaters.
- E. Hotels/Motels.
- F. Commercial Recreation.
- G. Any compatible or complimentary use approved by the Planning Commission and Council.

(2) Ancillary uses. Any use ancillary to a permitted main use approved by the Planning Commission and Council.

(b) Regional Hospitality, Entertainment and Commercial Area.

(1) Main buildings and uses.

- A. Uses permitted in Suburban Commercial Area.
- B. Convention centers.
- C. Auto service stations.
- D. Warehouse/distribution.
- E. Any compatible or complimentary use approved by the Planning Commission and Council.

(2) Ancillary uses. Any use ancillary to a permitted main use approved by the Planning Commission and Council.

(c) Limited Industrial Area.

(1) Main buildings and uses.

- A. Research and development facilities.
- B. Offices: professional, business, financial, sales and governmental.
- C. Office/warehouse facilities.
- D. Full-service restaurants.
- E. Day care facility.
- F. Any compatible or complimentary use approved by the Planning Commission and Council.

(2) Ancillary uses. Any use ancillary to a permitted main use approved by the Planning Commission and Council.

(Ord. 3994-2004. Passed 1-20-04.)

1273.18 LAND PLANNING CRITERIA.

The following planning criteria are established to guide and control the planning, development and use of land in a SDD District.

(a) Building Arrangements. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Uses shall be arranged with open spaces so as to provide a unified composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall be achieved:

- (1) Adjoining properties shall be protected from loss of light, air and view considering the proximity and bulk or shape of a neighboring building.
- (2) Through skillful design, usability and accessibility of space within the development area shall be achieved.
- (3) Yards and setbacks shall appropriate for landscaped features and other supporting uses.
- (4) The latitude in design shall also apply to the planning of landscape features, such as walls, fences, hedges and other features, to create a variety of common open spaces and private areas.

(b) Local Circulation System. Each use shall be served by a street or drive, planned so as to exclude through traffic. The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency without allowing it to dominate and destroy the form of the area. Driveways for group

developments and streets shall be connected to collector streets at locations where the traffic can be controlled and operated effectively with minimum interference to the capacity of the collector streets.

- (c) Topography and Site Appearance. It is a requirement of this chapter that developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of natural areas. The 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, site features, and storm water management.
- (d) Unified Boundary. The design at the development area boundaries shall be sensitive to adjoining development. Within the development area, extensive parking areas, service areas and other features likely to have adverse effects on surrounding property shall be screened against viewing from outside the development. Screening shall also be provided against adverse views from within the development and surrounding properties against lights, noise or other undesirable conditions in the surroundings.
- (e) Building Material. Materials for exterior construction of any building or structures shall be as follows:
 - (1) Brick shall be hard-burned clay.
 - (2) Concrete shall be poured in place, tilt-up or pre-cast. All concrete shall have textured finishes, unless otherwise approved. Pre-cast structures shall be color impregnated.
 - (3) Concrete masonry shall be decorative exterior concrete block masonry units with either a glazed or broken face and integral color.
 - (4) Crystallized glass panels.
 - (5) Architectural panels shall be stainless steel, porcelain, enamel or painted steel/aluminum insulated sandwich panels.
 - (6) Stone shall have weathered face or shall be polished, fluted or broken faced.
 - (7) Architectural terra-cotta shall be hard burnt glazed clay units which are either machine extruded or hard molded.
 - (8) Synthetic plaster shall be wall systems utilizing insulation board, synthetic reinforced fabric or a fabric with a synthetic plaster finish coat.
- (f) Outdoor Storage. No outdoor storage is permitted on any lot. Trucks or other motor vehicles used in the operation of the business may not be parked in front of the building or adjacent to any residential district.

(Ord. 3994-2004. Passed 1-20-04.)

1273.19 MINIMUM DEVELOPMENT AREA.

- (a) The minimum development area in an SDD District shall be not less than the following contiguous acres:
 - (1) Suburban Commercial Corridor Area 10 acres
 - (2) Regional Hospitality, Entertainment and Commercial Area 10 acres
 - (3) Limited Industrial Area 50 acres
 - (b) Contiguous property of less than specified above may be added to a previously established SDD District.
- (Ord. 3994-2004. Passed 1-20-04.)

1273.20 MINIMUM USE AREA.

- (a) In any SDD District, the following minimum area requirements shall be met.
 - (1) Restaurants 2 acres
 - (2) Offices 3 acres
 - (3) Retail sales/service 3 acres
 - (4) Theaters 5 acres
 - (5) Hotel/Motel 3 acres
 - (6) Commercial recreation 10 acres
 - (7) Convention centers 10 acres
 - (8) Auto service station 2 acres

- (9) Office/warehouse 2 acres
- (10) Day care facility 2 acres
- (11) Research/development facility 2 acres

(b) The minimum lot width for a permitted use within any approved development area in an SDD District shall be as approved by the Planning Commission and Council.

(c) The minimum lot area for a permitted similar use shall be as approved by the Planning Commission and Council.

(d) The building size of any full service restaurant shall be not less than 5,000 sq. ft. All utility lines shall be located underground.

(Ord. 3994-2004. Passed 1-20-04.)

1273.21 BUILDING AND PARKING ARRANGEMENTS.

(a) Buildings within the development area shall be set back not less than 100 feet from adjacent streets; with setback requirements appropriate to its' use from adjacent property outside the development area.

(b) Building spacing within the development area shall be predicated upon the bulk and heights of said buildings and the provisions of access for emergency services.

(c) Off-street parking and service areas shall be arranged to serve the development in a convenient and safe manner. Parking shall be set back not less than 25 feet from any street right-of-way.

(d) Truck loading and receiving areas shall occur in the rear of any buildings or structure on any lot. Truck loading and receiving areas shall be permitted on the side of such buildings if sufficient visual screening is installed to screen the dock area from the street. Truck loading and receiving is not permitted in the front of such buildings.

(Ord. 3994-2004. Passed 1-20-04.)

1273.22 OFF-STREET PARKING.

Off-street parking for uses in an SDD District shall comply with the following requirements:

(a) Spaces.

- (1) Retail sales/service 5.5 spaces per 1,000 SF Gross Floor Area (GFA)
- (2) Theaters 0.3 spaces per seat
- (3) Hotel/motel 1 space per guest room
- (4) Day care facility 4 spaces per 1,000 SF GFA
- (5) Office uses (professional,
business, financial, sales
and government) 3.5 spaces per 1,000 SF GFA
- (6) Restaurant/lounge within
office building or hotel 10 spaces per 1,000 SF GFA
- (7) Restaurant/lounge
free-standing building 18 spaces per 1,000 SF GFA
- (8) Office/warehouse 1 space per employee on the two largest
successive shifts
- (9) Research/development 1 space per employee on the two largest successive shifts

(b) Parking Dimensions (90⁰, angle):

- (1) Stall width 9.0 feet
- (2) Stall length 18.0 feet
- (3) Aisle width 22.0 feet

(c) Off-Street Parking. Required off-street parking for a permitted similar use shall be as approved by the Planning Commission and Council.

(d) Parking Areas. Parking areas shall be improved in accordance with applicable provisions of this Zoning Code.

(e) View of Parking Areas. The view of parking areas from the public streets shall be screened by landscaped earthen berms or other suitable landscape screening. Chain link fences and other unattractive lot line enclosures are not permitted. No parking shall be permitted on any public street or private drive.

(Ord. 3994-2004. Passed 1-20-04.)

1273.23 YARD SCREENING AND LANDSCAPING.

(a) All open areas shall be appropriately landscaped. The entire area of any lot shall be landscaped except for that portion occupied by buildings or other structures, paved walks, parking areas and driveways. If the lot is wooded, the owner is encouraged to preserve natural vegetative cover wherever possible. Incorporation of irrigation systems and landscaped parking islands is required within the landscape design. All landscaping to be provided on any lot shall be complete within 60 days after the substantial completion of construction of the buildings on the lot, subject to time delays as a result of adverse weather conditions.

(b) Buildings and parking areas shall be screened from adjacent properties and streets by a combination of landscaped berms and fencing to reduce the visual encroachment of buildings, illumination and site activity.

(c) All air conditioning and heating systems, auxiliary power stations, transformers, or other similar installations not situated on the roof of a building shall be located at the rear of any buildings or structures erected on the lot; provided, however, that such may be located in the side yard of any buildings or structures erected on the lot if such are screened by building material walls and landscaping. Any rooftop utility and/or system installations visible from public streets or rights-of-way shall be screened from view by parapet walls or other architectural screening.

(d) All trash, refuse and garbage containers shall be screened from view by either a masonry or a board-on-board enclosure and maintained in a clean and sanitary condition.

(Ord. 3994-2004. Passed 1-20-04.)

1273.24 SIGNAGE.

(a) Each separate use within the development area shall be permitted one freestanding ground or pylon sign, and one building sign of a size, design and location consistent with the architectural design and color of said building. Site directional signs shall also be permitted as approved by the Planning Commission and Council consistent with sign regulations contained in Chapter 1286 of the Codified Ordinances of North Ridgeville.

(b) The only exterior signs permitted are signs which identify the name and address of the occupant. The signs shall not advertise business services. The signs cannot be of unusual size or shape in comparison to the building for which they are used, cannot project above the roof line and cannot be flashing, rotating or portable. All free-standing signage shall be constructed of the same materials as the exterior of the building.

(Ord. 3994-2004. Passed 1-20-04.)

1273.25 STORM WATER MANAGEMENT.

The rate of downstream storm water discharge from any developed area in an SDD District shall not exceed the pre-

development conditions.

(Ord. 3994-2004. Passed 1-20-04.)

1273.26 MAINTENANCE.

(a) The owner of each lot shall maintain (and require any tenant or other person in possession thereof to maintain) the exterior of every building or other structure, in good condition and repair, free from the accumulation of rubbish, debris or other waste materials.

(b) Prior to construction on a lot, the owner shall keep such lot free of rubbish, debris, refuse and any other unsightly condition.

(Ord. 3994-2004. Passed 1-20-04.)

CHAPTER 1274

I-1 Industrial Park District

1274.01 Intent.

1274.02 Permitted uses.

1274.03 Prohibited uses. (Repealed)

1274.04 Building height.

1274.05 Minimum lot area.

1274.06 Yards.

1274.07 Lot coverage; storm water retention.

1274.08 Off-street parking.

1274.09 Off-street loading and storage.

1274.10 Signs.

1274.11 Lighting.

1274.12 Certificates of occupancy; building permits. (Repealed)

1274.13 Streets; installation of curbs and gutters. (Repealed)

CROSS REFERENCES

Signs in industrial districts - see P. & Z.1286.08

Buffer strips for industrial districts abutting residential districts - see P. & Z.
1288.04

Commercial and industrial access drives - see P. & Z. Ch.1290

Additions, alterations, etc. to residential uses in industrial districts - see P. &
Z. 1294.05

Review of commercial and industrial plans by registered architect or engineer
- see B. & H. 1468.01

1274.01 INTENT.

It is the intention of the City in the establishment of the I-1 Industrial Park District and its appurtenant regulations to encourage, in appropriate locations, the development of industrial subdivisions which will be characterized by a park-like openness, stressing green foliage and attractive, modern buildings set in a landscaped environment. Industries located therein shall be harmoniously integrated with each other and compatible to that portion of the community within which the

industrial park is located. Area requirements for the District are designed to promote the concentration of these desirable industries so that necessary common facilities may be provided and used and so that problems of utilities, access, traffic control and other services may be more easily solved.

(Ord. 2620-92. Passed 2-18-92.)

1274.02 PERMITTED USES.

A building or premises may be used for the following purposes in an I-1 Industrial Park District:

- (a) Public utilities, whether Municipally or privately owned and operated.
- (b) Research laboratories.
- (c) Heliports.
- (d) The assembly, manufacturing, compounding, processing, packaging, treatment, fabrication, warehousing and distribution of baked goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, plastics, optical goods, pharmaceuticals, toiletries and food products, except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.
- (e) The manufacturing, compounding, assembling, treatment, warehousing and distribution of articles of merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (except planing mills), yarns, and those substances or compounds which are not combustible, inflammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property. Other articles, substances or compounds may be stored and used in reasonable quantities, provided that such storage and use are permitted by the Board of Zoning and Building Appeals after recommendation therefor by the Planning Commission and subject to such conditions as the Board may deem necessary in the interests of public safety.
- (f) Customary accessory uses to any of the foregoing, not in conflict with any other provisions of this Zoning Code.
- (g) Office buildings.
- (h) Special permitted uses. The following special uses shall be permitted in an I-1 District, provided that buildings and accessory buildings and uses comply with all requirements of this District and that all such uses not involving buildings or accessory buildings have the approval of the Planning Commission:
 - (1) Cafeterias or restaurants specifically designed and intended for use by those employees and management of uses permitted in this District, but not necessarily exclusively for their use.
 - (2) Bowling alleys, auditoriums, meeting rooms or other buildings primarily intended for the mutual use of the permitted uses located within this District, for meetings, programs, displays, recreation and other such uses as the industrial users of this District may deem necessary.
 - (3) Outdoor recreational facilities designed and intended for use by employees and management of those industries within this District. These facilities and associated uses shall comply with the requirements of this chapter with respect to front yard, side yard and rear yard clearances. These facilities, if lighted, must be shielded away from any thoroughfares and residential districts.
 - (4) Day-care facilities, branch banks and other industrial facilities to meet the needs of industrial employees.
- (i) Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.

(Ord. 2620-92. Passed 2-18-92; Ord. 3822-02. Passed 7-1-02.)

1274.03 PROHIBITED USES. (REPEALED)

(EDITOR'S NOTE: Section 1274.03 was repealed in its entirety by Ordinance No. 3938-03, passed July 1, 2003.)

1274.04 BUILDING HEIGHT.

The maximum height of any building at each of the building lines in an I-1 Industrial Park District shall be forty-five feet.

(Ord. 2620-92. Passed 2-18-92.)

1274.05 MINIMUM LOT AREA.

- (a) An I-1 Industrial Park District shall be required to contain a minimum of fifty acres of land area.

(b) If the industrial park has one building with one or multiple tenants, the acreage of this property may be a minimum of ten acres.

1274.06 YARDS.

(a) Front Yards. The depth of the front yard shall be not less than seventy-five feet on all minor streets. For lots fronting on streets shown as major thoroughfares on the Official Thoroughfare Plan, the depth of front yards shall be seventy-five feet plus one-half of the proposed right of way for such major thoroughfares as shown on the Official Thoroughfare Plan.

- (1) Buffer Strips. Within the front yard required by this subsection and adjacent to the street right of way line, there shall be an open and unobstructed buffer strip of thirty feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Except for accessways permitted below, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress or egress and shall be continuous for the entire width of the lot adjoining the street or highway right of way line.

- (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 4776-2010, passed September 7, 2010.)

(b) Rear Yards. There shall be a rear yard of not less than fifty feet. Such yards shall be appropriately landscaped and maintained. For those lots with rear lot lines abutting a residential district, there shall be a rear yard of not less than 100 feet. The first fifty feet abutting a residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any principal or accessory building or use.

(c) Side Yards. There shall be two side yards, each having a width of not less than twenty-five feet. Such yards shall be appropriately landscaped and maintained. For lots abutting a residential district, there shall be a side yard clearance for the side abutting such District of not less than 100 feet. The first fifty feet abutting a residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any principal or accessory building or use.

(d) Heliports: Yards Required. In addition to the yards provided herein, any heliport or part thereof lying wholly within an I-1 District shall provide peripheral strips, no less than 100 feet wide, interior from all building lines, and no structures above surface yard improvements or vegetation above a level of eight inches above ground shall be permitted thereon. The interior lines of such peripheral strip shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements specified by the Federal Aviation Administration (FAA) or other applicable agencies governing safe operation and procedure for aircraft.

(Ord. 2620-92. Passed 2-18-92.)

1274.07 LOT COVERAGE; STORM WATER RETENTION.

(a) In an I-1 Industrial Park District, not more than fifty percent of the lot area shall be covered by any main and accessory buildings.

- (b) All industrial park subdistricts shall retain storm water equal to or greater than a fifty-year storm.

(Ord. 2620-92. Passed 2-18-92; Ord. 4040-2004. Passed 6-7-04.)

1274.08 OFF-STREET PARKING.

Space for all street parking of employees, customers and visitors shall be required in the following manner and in accordance with Chapter 1284:

- (a) Off-street parking space shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearances as specified in this Zoning Code.
- (b) All parking spaces provided in this District shall be located on the same lot with the building.
- (c) Parking spaces for employees shall not be permitted beyond the setback building line or to the front of any main building.
- (d) Additional space sufficient to accommodate customers and visitors shall also be provided. Such space shall not be permitted within areas specified for required yards.
- (e) Space shall also be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities prescribed in this Zoning Code are insufficient to handle all such trucks waiting to use such facilities.

(Ord. 2620-92. Passed 2-18-92.)

1274.09 OFF-STREET LOADING AND STORAGE.

Space for off-street loading and storage shall be required in the following manner and in accordance with Chapter 1284:

- (a) Off-street loading and storage spaces shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearances as specified in this Zoning Code.
- (b) All loading and storage spaces shall be located on the same lot with the building.
- (c) All open areas used for storage of any type shall be enclosed by a solid wall or fence approved by the Planning Commission. All such solid walls or fences shall be a minimum of seven feet in height, and in no case shall storage of materials be permitted in excess of this height.
- (d) In no case shall loading and storage spaces be permitted to the front of any main building.
- (e) All loading facilities shall be located a minimum of 300 feet from any residential district boundary, if operated between the hours of 6:00 p.m. and 7:00 a.m.
- (f) There shall be provided sufficient area for loading and unloading and storage of motor vehicles used in the conduct of the business or industrial activity.

(Ord. 2620-92. Passed 2-18-92.)

1274.10 SIGNS.

Provisions relating to signs in an I-1 Industrial Park District shall be as provided in Chapter 1286.

(Ord. 2620-92. Passed 2-18-92.)

1274.11 LIGHTING.

In an I-1 Industrial Park District, lighting, including spotlights, floodlights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking areas, loading and unloading areas and the like, shall be focused, directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.

(Ord. 2620-92. Passed 2-18-92.)

1274.12 CERTIFICATES OF OCCUPANCY; BUILDING PERMITS. (REPEALED)

(EDITOR'S NOTE: Section 1274.12 was repealed in its entirety by Ordinance No. 3939-03, passed July 21, 2003.)

1274.13 STREETS; INSTALLATION OF CURBS AND GUTTERS. (REPEALED)

(EDITOR'S NOTE: Section 1274.13 was repealed in its entirety by Ordinance No. 3940-03, passed July 21, 2003.)

CHAPTER 1276

I-2 Light Industrial District

1276.01 Intent.

1276.02 Permitted uses.

1276.03 Building height.

1276.04 Lot and yard requirements.

1276.05 Signs.

1276.06 Off-street parking and loading.

1276.07 Lot coverage.

1276.08 Improvements to storm drainage system.

CROSS REFERENCES

Signs in industrial districts - see P. & Z. 1286.08

Buffer strips for industrial districts abutting residential districts - see P. & Z. 1288.04

Commercial and industrial access drives - see P. & Z. Ch.1290

Additions, alterations, etc. to residential uses in industrial districts - see P. & Z. 1294.05

Review of commercial and industrial plans by registered architect or engineer - see B. & H. 1468.01

1276.01 INTENT.

The I-2 Light Industrial District is established for use in those areas of the community where it is deemed desirable to locate industry which has a minimum of noxious effects on the surrounding area and the community as a whole. The provisions of this chapter are for use only in those areas shown on the Zoning Map as I-2 Districts.

(Ord 2620-92. Passed 2-18-92.)

1276.02 PERMITTED USES.

(a) A building or premises may be used for any of the following uses or purposes in an I-2 Light Industrial District:

- (1) Acoustical material storage; advertising display manufacturing; agriculture; agricultural implements (repair and service); agricultural tillage (contractors); air express service warehouse; airplane (repair and storage); animal boarding; animal breeding (pets or farm use); animal hospitals and kennels; art needle work; asphalt siding, shingles, roofing, storage; automobiles (assembly of bodies, new and used sales, parts and supplies, repair, brakes, electrical, painting, radiators, upholstery, etc.; warehouse and storage facilities).
- (2) Bakers and baked goods manufacturing; balls and bearing storage; barbecue (bulk preparation and sales); beer and ale distribution (wholesale) and storage; belting (repairing); beverages (bottling); beverages (wholesale and storage); bicycles (repair); biscuit companies (manufacturing); biscuits (wholesale and storage); blacksmiths; boats (pleasure, storage); boilers (repairing); boilers (storage); bookbinders; book publishing (printing); bottles (wholesale); boxes (sales); brick storage yard; brooms (manufacturing); building contractors (equipment and material storage); burglar alarm systems (installation); bus line shops (garage, repair); business machines (manufacturing, repair service, storage and wholesale); button covering (fabrics).
- (3) Cabinet makers; candy (wholesale distribution); canvas goods (fabrication); carpenters' shops and power woodworking; carpet and rug cleaners and storage; carpets and rugs (warehouse); carpets and rugs (wholesale); caskets (wood manufacturing); cement, cement products manufacturing (pipe, blocks, etc.); cement storage; cesspool builders and service equipment yard; chemicals and drugs (storage and distribution); cigarette manufacturing; cigarette service; cigar manufacturing (machine rolled); cigars (wholesale and storage); cleaning compounds storage; cleaning and dyeing processing; clock factory; clothing manufacturing; coffee (wholesale and storage); coin machine manufacturing; coin machines (rental and service); cold storage; concrete contractors (storage yards); concrete products (pipe, beam manufacturing); concrete products (storage); concrete transit mixed; confectioners (wholesale); contractors' equipment and supplies (storage); corsets and brassieres manufacturing; cotton seed products (storage); cranes (storage yard); crop dusting equipment yards.
- (4) Dairies (distribution, commercial); dairies (pasteurization, commercial); decoration (workshop and equipment yard); department store warehouses; desk manufacturing; diaper supply service; diesel engines service, equipment and supplies (not manufacturing); disinfectants (storage and wholesale); display designers' and builders' shops; distillers (distribution, warehouse); doors, sash and trim, wood manufacturing; draperies manufacturing; drilling company equipment yards; drugs (wholesale storage); dry cleaning establishment (bulk processing); dry goods (wholesale and storage).
- (5) Eggs (storage and processing); electric contractors' shops; electric equipment assembly; electric plating; electric refrigeration lockers; electrical appliances manufacturing; electrical appliances repair; enameling and painting (custom); engravers and electro-platers; express company warehouses; exterminating and fumigating (commercial shops).
- (6) Farm implements and machinery assembly; feed (wholesale and storage); fences (wholesale and storage); fertilizers (processed, storage only); filters fabrication; fire escape contractors; firewood (storage); fish (wholesale); flags and banners manufacturing; floor refinishing (contractor's shop); food processing (general, see under product listing); food products (brokers and distributors, wholesale); food products (warehouse); freight forwarders' warehouses; frozen foods processing; frozen foods (wholesale, storage and distribution); fruit and vegetable juice processing; fruit and vegetable market (wholesale); fruit and vegetable processing (general, see under product listing); fur warehouse; furnaces (cleaning and repairing shops); furniture cleaners; furniture (repairing and refinishing); furniture (wholesale and

storage); furs manufacturing (cutting and assembly).

- (7) Garment factory; glass blowing; grocers (warehouse); grocers (wholesale); gunsmith (repairs).
- (8) Harness repair; hat manufacturing; hay and straw (sales, storage); heating and ventilating apparatus (fabrication and storage); hoists (equipment storage); horse shoeing; hosiery manufacturing; hotel equipment (assembly and custom fabrication); house movers (equipment storage yards).
- (9) Ice cream manufacturing; imported goods (warehouse); insecticides (storage and distribution); insulation (contractors' equipment yards, storage and wholesale); interior decorators (workshops); iron (custom decorative wrought iron shops); irrigation companies and equipment.
- (10) Janitors' supplies (storage and warehouse); jewelers (bulk manufacturing); jobbers (bulk materials).
- (11) Kennels; knit goods manufacturing.
- (12) Laboratories (commercial, analytical, chemical, experimental and research); ladies' wear manufacturing; laundries (processing); laundry equipment and supplies (storage); leather goods (manufacturing, fabrication); limb manufacturing (artificial); lime storage; line supply laundry service; linoleum storage; liquor (storage and wholesale); lithographers; livestock (supplies, storage and wholesale); lockers (food storage); locksmiths' repair shops; loft buildings; lubricating compounds (storage); lumber (cabinet working); lumber (storage yard); lumber (used and wholesale).
- (13) Macaroni manufacturing; machine shops; machine tools (storage); machinery rental; machinery (used, storage); markets (exchanges of goods); meat (storage and wholesale); men's clothing manufacturing; metals (heavy castings-primary, processing, light fabrication from standard shapes, machine shop operations, products fabrication and assembly); meters manufacturing; milk bottling plant (other than farm); milk pasteurization; milliners (wholesale and manufacturing); millinery and artificial flower making; mill work (sales and storage); mineral water (distillation and bottling); mining machinery (wholesale, storage); mirrors (resilvering, custom work); model construction supplies and manufacturing; mortar (bulk preparation and sales); motion picture equipment (storage and manufacturing); motion picture studios; motor freight company warehouses; motorcycles (repairing and sales); movers (warehouses).
- (14) Newspaper printing; noodle manufacturing; notions (manufacturing and wholesale); novelties (manufacturing and wholesale); nuts (edible, processing).
- (15) Office equipment manufacturing (see also business machines); office furniture (storage and warehouse); oil burners (installation and repair); optical goods manufacturing; ornamental metal work (custom hand fabrication); orthopedic appliances manufacturing; overall manufacturing.
- (16) Packing, crating service fabrication; painters' equipment and supplies (shops, wholesale and storage); paper products (wholesale and storage); paper storage; pattern shop; paving contractors' equipment and storage; paving materials storage yards; photo-engraving company; pickles (processed, wholesale and storage); pies (bulk, commercial bakery); pipe (used, storage and sales); pipe covering contractors' shops; pipe fitting (storage and wholesale); pipe (concrete, manufacturing and storage); pipe (metal, storage); plasterer (wholesale and storage); plating works (precious metals); plumbers' shops; plumbing fixtures and supplies (wholesale and storage); popcorn processing; potato chip processing; poultry supplies (wholesale and storage); printers; printers' equipment and supplies; wholesale produce (garden); wholesale produce (warehouse); public warehousing; pumps (repairing and rental).
- (17) Quick freeze plant; quilt (manufacturing).
- (18) Radio equipment assembling; radio repair shops; refrigeration equipment (custom installation); refrigeration (servicing); refrigerators (wholesale, storage); restaurant equipment (installation and repair); road building equipment (storage yard); rubber stamps manufacturing; rug cleaners.
- (19) Saddle factory; safes (opening and repairing); sail manufacturing; scaffolds (equipment and storage); scales (commercial weighing); school equipment and supplies (wholesale); screen, door and window manufacturing; screw and bolt manufacturing; seed (wholesale); septic tanks (contractor's, construction); service station equipment (wholesale); sewer pipe manufacturing; sewer pipe storage; sheet metal work (custom fabrication); shirt factory; shoe repairing equipment and supplies (wholesale); shoe manufacturing; sign erectors (contractors' shops); sign painters' shop; sign maintenance service shops; signs (neon and metal, fabrication); skylights (custom manufacturing); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; soda water manufacturing; sound systems (rental and service); specialties (see coin machines); spices (wholesale and storage); spraying supplies equipment yard; springs (replacement and repairs); stair builders (wood); steel awnings (custom manufacturing); steel erectors' equipment yards; steel fabricators (light sections); storage shops; store and office fixtures (contractors' shops); stoves and ranges (wholesale and storage); surgical supplies (wholesale distributors).
- (20) Tank coating equipment yard; tanks (erection, contractors' yard); taxidermists; tent and awning manufacturing; termite control contractor shops; terrazzo contractor shops; thermometer manufacturing; tile contractors (storage); tin shops (fabrication); tobacco, cigarette manufacturing (wholesale and storage); tool grinding and sharpening; tools (wholesale and distribution); towels (supply and service); tractors

(rentals); trailers (repairing); transfer business; truck freight movers (see also express company warehouses); trunk manufacturing.

(21) Underwear (wholesale manufacturing); upholstery (custom).

(22) Wagon shop (repairs); wall board (wholesale and storage); wallpaper manufacturing; warehouses; watch manufacturing; water (distilled, processing); water (mineral, drinking or curative, bottling and distribution); water coolers (drinking fountains, repair and service); water heaters (service and repairing); water softening equipment (service and repairing); water supply systems (contractors' shops); waterproofing (materials, storage); weighers (commercial); welding (commercial); welding (equipment and supplies, storage); welding shops; well drilling (equipment yard); wholesale produce storage or market; commercial winches (equipment rentals); window cleaners service; window display (installations, studio and shops); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom millwork); woodworking (equipment, wholesale); woven goods (fabrication and assembly).

(23) Other uses of a like nature.

(24) Any use permitted in an I-1 Industrial Park District.

(25) Special permitted uses in an I-1 District upon approval of the Board of Zoning and Building Appeals.

(b) The following uses shall be deemed conditional uses in an I-2 District and shall be permitted upon recommendation by the Planning Commission and upon the issuance of a permit therefor by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require: Airplane landing fields, airstrips, airplane hangars and customary accessory uses thereto, excluding, however, the mass assembly and manufacture of aircraft.

(c) Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.

(Ord. 2620-92. Passed 2-18-92; Ord. 3822-02. Passed 7-1-02.)

1276.03 BUILDING HEIGHT.

No building or structure shall exceed sixty feet in height in an I-2 Light Industrial District, unless otherwise specified in this Zoning Code.

(Ord. 2620-92. Passed 2-18-92.)

1276.04 LOT AND YARD REQUIREMENTS.

(a) Lot Area and Width. There shall be no overall requirements for lot area or width in an I-2 Light Industrial District.

(b) Required Yards. Yards of the following widths or depths shall be provided for all permitted uses, unless otherwise permitted by this Zoning Code:

(1) Front yards. The depth of the front yard shall be not less than seventy-five feet.

(2) Side yards. There shall be a minimum side yard on each side of any building or structure of twenty-five feet, measured from the side lot line to the nearest building or structure. Where such use abuts any residential district, there shall be a side yard clearance on the side abutting the residential district of seventy-five feet. Such space shall remain open and unoccupied by any building or accessory building or use.

(3) Rear yards. A rear yard shall be required only where such yard abuts any residential district. In such cases rear yards shall be a minimum of seventy-five feet. Such space shall remain open and unoccupied by any building or accessory building.

(Ord. 2620-92. Passed 2-18-92.)

1276.05 SIGNS.

Provisions relating to signs in an I-2 Light Industrial District shall be as provided in Chapter 1286.

(Ord. 2620-92. Passed 2-18-92.)

1276.06 OFF-STREET PARKING AND LOADING.

Provisions relating to off-street parking and loading in an I-2 Light Industrial District shall be as provided in Chapter 1284.

(Ord. 2620-92. Passed 2-18-92.)

1276.07 LOT COVERAGE.

Buildings, together with their accessory buildings, in an I-2 Light Industrial District, shall cover not more than sixty percent of the area of any lot.

(Ord. 2620-92. Passed 2-18-92.)

1276.08 IMPROVEMENTS TO STORM DRAINAGE SYSTEM.

Any improvements, such as culverts, bridges, storm sewers and ditches, made to the storm drainage system within an I-2 Light Industrial District, that are or will become public facilities, shall be designed to carry a twenty-five year design storm and so that the storm drainage system for the improvement of land within the District retains the difference between the unimproved fifty-year design storm and the improved fifty-year design storm.

(Ord. 2620-92. Passed 2-18-92; Ord. 4040-2004. Passed 6-7-04.)

CHAPTER 1278

I-3 Heavy Industrial District

1278.01 Intent.

1278.02 Permitted uses.

1278.03 Building height.

1278.04 Lot and yard requirements.

1278.05 Signs.

1278.06 Off-street parking and loading requirements.

1278.07 Lot coverage.

1278.08 Improvements to storm drainage system.

CROSS REFERENCES

Signs in industrial districts - see P. & Z.1286.08

Buffer strips for industrial districts abutting residential districts - see P. & Z.
1288.04

Commercial and industrial access drives - see P. & Z. Ch.1290

Additions, alterations, etc. to residential uses in industrial districts - see P. &
Z. 1294.05

Review of commercial and industrial plans by registered architect or engineer
- see B. & H. 1468.01

1278.01 INTENT.

The I-3 Heavy Industrial District is established for use in those areas of the community where it is deemed desirable to locate the following types of industry which normally require larger land area, create more traffic volume and contain other conditions which are not as compatible with other types of uses. The provisions of this chapter are for use only in those areas designated on the official Zoning Map as I-3 Districts.

(Ord. 2620-92. Passed 2-18-92.)

1278.02 PERMITTED USES.

(a) A building or premises may be used for the following purposes in an I-3 Heavy Industrial District:

- (1) Any use permitted in an I-2 Light Industrial District.
- (2) Abrasives manufacturing; acetylene manufacturing; acetylene storage; acoustical material manufacturing; agricultural implements manufacturing; air conditioning equipment (mass-unit production); airplane manufacturing; aniline color or dye manufacturing; automobiles manufacturing.
- (3) Bag cleaning; bag jobbers (burlap); bags (burlap, manufacturing); bags (paper, manufacturing); balls and bearings manufacturing; barrel manufacturing (wood); bathroom accessories manufacturing; beer (brewing); beet sugar manufacturing; belting manufacturing; blast furnaces; bleacheries (cloth processing); bleaching compound manufacturing; blueing manufacturing; boat manufacturing; boiler manufacturing; bottle manufacturing; bottlecap and seal manufacturing; bottled gas manufacturing; bottled gas (storage and distribution); boxes (paper, manufacturing); boxes (wood, manufacturing); brake lining manufacturing; breweries; brick kilns; brush manufacturing; burlap processing; business machine manufacturing; butane distributors; butter and cheese manufacturing; button manufacturing (metal, plastics).
- (4) Candy manufacturing; candle manufacturing; cannery; canvas manufacturing; car manufacturing (railroad); carbide manufacturing; carbide sales and distribution; carpet manufacturing; carriage and wagon manufacturing; carton manufacturing; casein manufacturing; cash register manufacturing; casket (metal); cast iron pipe manufacturing; cattle shed; chalk manufacturing; charcoal manufacturing and pulverizing; cheese manufacturing; chocolate and cocoa products manufacturing; cider and vinegar manufacturing; clay product manufacturing; cleaning compound manufacturing; cloth (weaving and spinning); coal and coke yards; coffee roasting; coke ovens manufacturing; concrete (bulk) manufacturing; condensed milk manufacturing; confectioners manufacturing; container (paper, manufacturing); cooperage works; cordage mill; cosmetic manufacturing; cotton seed product manufacturing; cotton spinning and weaving; crockery manufacturing.
- (5) Dairy equipment and supplies manufacturing; dairy product manufacturing; detergent manufacturing; diesel engine manufacturing; disinfectant manufacturing; distillers; doors (metal, manufacturing); drug manufacturing; dyeing (commercial bulk); dyestuff manufacturing.
- (6) Electric equipment manufacturing (casting and molding); elevators (grain); elevators manufacturing; emery cloth and sandpaper manufacturing; enameling and painting (bulk production); engine manufacturing; envelope manufacturing; excelsior manufacturing; excelsior (storing and distribution, bulk); extrusion of metals.
- (7) Fabrics (weaving and spinning); feed (grains, manufacturing); felt (fabric processing); felt (building insulation manufacturing); felt (fabric manufacturing); fences (metal, fabrication and manufacturing); firebrick manufacturing; fire clay product manufacturing; fireproofing manufacturing; fish curing, packing or storage; floor material (linoleum) manufacturing; floor polish and wax manufacturing; flour and grain (storage and elevators); flour mill forge plants; foundries; furniture (bulk manufacturing, metal, wood).
- (8) Gas tanks (illuminating); gasoline (bulk storage tanks); gasoline refineries; glass blowing (bulk processing); glass manufacturing (window and plate); glucose manufacturing; grain elevators; graphite manufacturing; grist mill; gums (wholesale processing); gutta-percha manufacturing.
- (9) Hair product factory; hat manufacturing; heavy castings manufacturing; horseradish manufacturing; hose manufacturing; ice manufacturing; industrial truck body manufacturing; insulation material manufacturing; iron foundry, japanning and shellacking works; jute mills; kerosene manufacturing or storage; kindling factory.
- (10) Lampblack manufacturing; lath manufacturing; lead manufacturing (see metals); lead (white) and oil manufacturing; leather manufacturing; leather findings; linen goods manufacturing (spinning, weaving); linoleum manufacturing; linseed oil manufacturing; liquor distilleries; locomotive manufacturing; lubricating compound manufacturing; lubricating oil manufacturing; luggage manufacturing; lumber (bulk processing).
- (11) Machine tool manufacturing; malleable castings manufacturing; malt extract manufacturing; marble (quarry processing); match manufacturing (wholesale and storage); mattress manufacturing; metal polish manufacturing; mills (flour and grain); mills (jute); millwork (woodworking) manufacturing; mirrors (bulk manufacturing); molasses manufacturing; monument manufacturing.
- (12) Office furniture manufacturing; oil (fuel, storage); oil (vegetable, manufacturing and processing); oil burner manufacturing; oil refinery; oilcloth manufacturing; oil rubber or synthetic leather goods manufacturing; oleomargarine manufacturing; olives (processing); ore (storage and elevators); organ manufacturing; ornamental metal work (mass production); oxygen production.
- (13) Packing and crating service (sawmill operations); paint shops, automobile (see auto repairs); paint and varnish manufacturing; paper manufacturing; paper product manufacturing (cartons, containers); pencil factory; perfumery manufacturing; petroleum storage (wholesale); pharmaceutical products; phonograph record manufacturing; piano manufacturing; pickles (processing); pipe (metal, manufacturing); planing mill; plating works, bulk galvanizing; poultry feed manufacturing; printers' ink manufacturing; pumice manufacturing.

- (14) Rags (bulk collection and storage); rags (processing); rolling mills; rope manufacturing (rope walk); rubber product manufacturing; rubber product salvage; rubbish removal (private equipment and storage); rug manufacturing.
- (15) Salt manufacturing; sand and gravel (processing and storage); sandpaper manufacturing; sauerkraut manufacturing; sausage manufacturing; sawdust manufacturing; sawmill; seed treatment (processing, extraction of oil); septic tank (servicing and cleaning equipment yard); sewer pipe manufacturing (tile and terra cotta); sewer service (equipment yard); shell grinding; shellac manufacturing; shingle manufacturing; shoddy manufacturing; shoe blackening manufacturing; silk manufacturing; size manufacturing; snuff manufacturing; soap manufacturing; soda ash manufacturing; soda compound manufacturing; soot blower manufacturing; soy bean oil manufacturing; spices (processing); spinning mill; springs (metal, manufacturing); stair builders (metal); steel fabrication (heavy sections); steel manufacturing (rolling mills, etc.); steel tank manufacturing; stone crushing; stone cutting and screening; stove polish manufacturing; stove and range manufacturing; structural steel manufacturing; sugar refining; sweeping compound manufacturing; syrup and preserve manufacturing.
- (16) Tank fabrication; tea and spice packing; terra cotta manufacturing; textile mills; tile manufacturing (decorative); tile manufacturing (structural); time record machine manufacturing; tin product manufacturing; tinfoil manufacturing; tire manufacturing; tobacco (chewing, manufacturing or treatment); tombstone manufacturing; turpentine manufacturing; varnish manufacturing; vinegar manufacturing.
- (17) Wagon manufacturing; wall board manufacturing; washing powder manufacturing; washing soda manufacturing; waste paper product manufacturing; waterproofing material manufacturing; waterproofing treatment and manufacturing; wax processing; waxed containers manufacturing; weaving mills; white lead manufacturing; wine (distillation); wire rope and fencing fabrication; wood product manufacturing (bulk); woodworking (sawmill, bulk, processing); wool processing, wool scouring or pulling; wool spinning and weaving; worsted goods manufacturing; woven goods manufacturing (mills); wrecking contractors ' yards; yeast cultivation (bulk).
- (18) Other uses of a like nature.
- (19) Special permitted uses in an I-1 or I-2 District, upon approval of the Board of Zoning and Building Appeals.

(b) The following uses shall be deemed conditional uses in an I-3 District and shall be permitted upon recommendation by the Planning Commission and upon the issuance of a permit therefor by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may request:

- (1) The slaughtering and packing of animals and meat products.
- (2) Distilling of bones, fat or glue or gelatine manufacturing.
- (3) Junkyards, automobile graveyards.
- (4) Explosive or gunpowder manufacturing storage (including fireworks manufacturing).
- (5) Fertilizer manufacturing.
- (6) Airplane landing fields, hangars and accessory uses.
- (7) Insecticide manufacturing.

(c) Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.
(Ord. 2620-92. Passed 2-18-92; Ord. 3822-02. Passed 7-1-02.)

1278.03 BUILDING HEIGHT.

No building or structure shall exceed sixty feet in height in an I-3 Heavy Industrial District, unless otherwise permitted in this Zoning Code.

(Ord. 2620-92. Passed 2-18-92.)

1278.04 LOT AND YARD REQUIREMENTS.

(a) Lot Area and Width. There shall be no requirements for lot area or width in an I-3 Heavy Industrial District.

(b) Required Yards. Yards of the following widths or depths shall be provided for all uses unless otherwise permitted by this Zoning Code.

- (1) Front yards. The depth of the front yard shall be seventy-five feet, except as otherwise provided by this Zoning Code.
- (2) Side yards. There shall be a minimum side yard on each side of any building or structure of twenty-five feet, measured from the side lot line to the nearest building or structure. Where such use abuts any residential district, there shall be side yard clearance on the side abutting the residential district of 150 feet. Such space shall remain open and unoccupied by any building or accessory building or use.
- (3) Rear yards. Rear yards shall only be required where such yard abuts any residential district. In such cases rear yards shall be a minimum of 150 feet. Such space shall remain open and unoccupied by any building or accessory building.

(Ord. 2620-92. Passed 2-18-92.)

1278.05 SIGNS.

Provisions relating to signs in an I-3 Heavy Industrial District shall be as provided in Chapter 1286.

(Ord. 2620-92. Passed 2-18-92.)

1278.06 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Provisions relating to off-street parking and loading in an I-3 Heavy Industrial District shall be as provided in Chapter 1284.

(Ord. 2620-92. Passed 2-18-92.)

1278.07 LOT COVERAGE.

Buildings, together with their accessory buildings, in an I-3 Heavy Industrial District shall cover not more than sixty-five percent of the area of the lot.

(Ord. 2620-92. Passed 2-18-92.)

1278.08 IMPROVEMENTS TO STORM DRAINAGE SYSTEM.

Any improvements, such as culverts, bridges, storm sewers and ditches, made to the storm drainage system within an I-3 Heavy Industrial District that are or will become public facilities, shall be designed to carry a twenty-five year design storm and so that the storm drainage system for the improvement of land within the District retains the difference between the unimproved fifty-year design storm and the improved fifty-year design storm.

(Ord. 2620-92. Passed 2-18-92; Ord. 4040-2004. Passed 6-7-04.)

CHAPTER 1279

PCD Planned Community Development District

EDITOR'S NOTE: Effective upon the date of adoption of Ordinance No. 4637-2009, no application for the development and rezoning of any parcel or parcels of land within the City of North Ridgeville for a Planned Community Development District (PCD) shall be accepted, reviewed or approved, nor may any parcel or parcels within the City of North Ridgeville not currently zoned as PCD on the effective date of the referenced Ordinance be re-zoned to PCD. This legislation shall not be interpreted to affect the continued development of those lands within the City which are noted as PCD on the municipal Zoning Map on the effective date of referenced ordinance, said lands which may be constructed and completed pursuant to the approved plans and the terms of Chapter 1279.

PROCEDURES

1279.01 Purpose and intent.

1279.02 Scope of PCD Districts.

1279.03 Preliminary plan of development area.

1279.04 Referral for review and reports.

1279.05 Report to Council.

1279.06 Action by Council.

1279.07 Authority to proceed.

- 1279.08 Change in Zoning Map.
- 1279.09 Final plan of development area.
- 1279.10 Conditions for approval by Planning Commission.
- 1279.11 Action by Council on final development.
- 1279.12 Building permits.
- 1279.13 Progressive development.
- 1279.14 Amendments to plans.
- 1279.15 Transfer of land from standard zoning district to PCD District.

USES, CRITERIA AND STANDARDS

- 1279.16 Intent.
- 1279.17 Definitions.
- 1279.18 Permitted buildings and uses.
- 1279.19 Land planning criteria.
- 1279.20 Minimum development area.
- 1279.21 Open space requirements.
- 1279.22 Maximum development area density.
- 1279.23 Area, yard and height regulations.
- 1279.24 Dwelling unit area.
- 1279.25 Vehicle storage and off-street parking.
- 1279.26 Cluster area site design and approval.
- 1279.27 Cluster area access and vehicular circulation.
- 1279.28 Cluster area improvements.
- 1279.29 Streets in PCD Districts.

CROSS REFERENCES

- Division of municipal corporations into zones - see Ohio R.C. 713.06
- Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.
- Restrictions on height of buildings and structures - see Ohio R.C. 713.08
- Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10
- Neighborhood unit-type developments - see P. & Z.1226.12
- Cluster subdivisions - see P. & Z. Ch.1280
- Single-Family Detached and Cluster Development - see P. & Z. Ch.1282
- Planned community development fees - see B. & H.1444.27

PROCEDURES

1279.01 PURPOSE AND INTENT.

To encourage skillful planning of parts of the community in accordance with the objectives of the Master Plan; to provide for the utilization of design criteria in the arrangements of buildings related to open space; and to utilize topography and other site features to their best advantage to obtain creative and coordinated designs, it is necessary to expand the scope of land planning and development from a concept of individual lots and structures thereon to the planning and development of areas with permanent open space and various housing types arranged as a total coordinated entity.

Therefore, procedures, supplementary to those applicable in standard zoning districts created by this Zoning Code, are

established under which a developer may prepare development plans particularly designed to meet these objectives. Procedures are also established for the review of such development plans, action thereon by the City and the implementation thereof. Unless specifically stated herein, the development of PCD Districts shall be governed by the terms and conditions of this chapter only.

The provisions relating to the PCD District are also intended to enhance the City's growth in a unified manner by:

- (a) The preservation of natural site amenities;
- (b) Providing varying housing types which address the functional and social needs of the residents; and
- (c) The coordination of such planning with neighboring development.

It is the further intent of these regulations that the specific relationships of buildings to one another, to adjacent properties and to streets, are to be predicated upon the ingenuity and quality of the project's land planning and building design.

(Ord. 3491-99. Passed 9-20-99.)

1279.02 SCOPE OF PCD DISTRICTS.

(a) A developer seeking to develop a parcel or parcels of land as a PCD District shall submit development area plans, including preliminary and final development applications, in accordance with the provisions of this chapter and other applicable parts of this Zoning Code in order to insure a unified design within the development area and coordination with surrounding areas.

(b) Development area plans designed in accordance with the standards and design criteria set forth herein and in other applicable sections of this Zoning Code may include the following uses:

- (1) Single-family dwellings.
- (2) Cluster single-family dwellings (attached and detached).
- (3) Neighborhood business uses as permitted in the B-1 Zoning District.
- (4) Other uses deemed appropriate and compatible by the Planning Commission and Council.

(Ord. 3491-99. Passed 9-20-99.)

1279.03 PRELIMINARY PLAN OF DEVELOPMENT AREA.

(a) An application for preliminary PCD approval shall be filed with the Clerk of Council by the owner(s) of the property for which the PCD is proposed. The application shall comply with the requirements of Section 1246.03(a) of this Zoning Code. The application shall further include a preliminary development plan indicating the location and arrangement of all uses proposed and, unless waived by the Planning Commission as not being applicable, the following:

- (1) Topography at two-foot contour intervals, including property lines, easements, street right of ways structures, and landscape features existing thereon;
- (2) The proposed vehicular traffic patterns, including the proposed location and design of public streets, the directional flow and location of proposed storm and sanitary sewers and sewers connecting with existing or proposed sewers outside of the development area, the proposed storm water management program, the location and design of parking and service areas and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exits;
- (3) The location of all proposed uses in the development area and all structures lying outside of the boundaries of the development area, located within 200 feet thereof; and
- (4) Such other relevant information as the Planning Commission may require.

(b) The preliminary plan of a development area shall be prepared by professional persons qualified in the planning of land development. The engineering services required for the preparation of the preliminary plan shall be rendered by licensed professional persons.

(Ord. 3491-99. Passed 9-20-99.)

1279.04 REFERRAL FOR REVIEW AND REPORTS.

Upon receipt of an application for preliminary PCD approval, the Clerk of Council shall transmit and refer a copy of the application to the Planning Commission, the City Engineer and the City Planner (or Planning Consultant) for their review, report and recommendation. The Clerk of Council shall also transmit a draft copy of all covenants, restrictions and

easements to be recorded and covenants for maintenance to the Law Director for his or her review, report and recommendation.

The Law Director, the City Engineer and the City Planner shall each, within fifteen days from the date of receiving a preliminary plan of the development area, provide and furnish to the Planning Commission a report upon his or her respective jurisdiction. Copies of each such report shall be filed with the Planning Commission. One copy shall be submitted to the Mayor and one copy shall be filed with the Clerk of Council.

(Ord. 3491-99. Passed 9-20-99.)

1279.05 REPORT TO COUNCIL.

Within sixty days after an application has been filed with the Clerk of Council, the Planning Commission shall evaluate the application and reports issued by the City Engineer, the City Planner (or Planning Consultant) and the Law Director and issue its own report to City Council. The report of the Planning Commission shall include a finding either that the application complies with the design standards and criteria prescribed by this Zoning Code for a PCD District or a finding of any failure of such compliance and a recommendation that the application be approved, disapproved or modified. If, in any such evaluation, the Planning Commission finds that any standard or criteria prescribed by this Zoning Code is inapplicable because of unusual conditions of the development area or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such standards or criteria be made, provided, however, that such adjustment will not be in conflict with the promotion of the public health and safety and the general welfare of the City.

If the Planning Commission does not act on the application within sixty days from the date of referral, it shall be deemed approved. (See Section 8.8 of the City Charter.)

(Ord. 3491-99. Passed 9-20-99.)

1279.06 ACTION BY COUNCIL.

Council, at its next regular meeting following receipt of the Planning Commission report, shall, in compliance with all requirements of Section 9.1 of the City Charter and Section 1246.03(d) of this Zoning Code, set a date for a public hearing on the preliminary plan of the development area, including the report of the Commission thereon, and give at least thirty days notice of the time, place and purpose of such hearing by publication in a newspaper of general circulation in the City.

Following Council's receipt of the Planning Commission's report and recommendation and the public hearing, Council shall either approve, disapprove or modify the preliminary plan. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of a preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

(Ord. 3491-99. Passed 9-20-99.)

1279.07 AUTHORITY TO PROCEED.

Following approval by Council, the Clerk shall notify the applicant of such action, by registered or certified mail, and authorize said applicant to proceed with the preparation of the final plan of the development area, in accordance with the procedures and criteria set forth in this Zoning Code and any special conditions under which the application was approved.

(Ord. 3491-99. Passed 9-20-99.)

1279.08 CHANGE IN ZONING MAP.

Following approval of the application by Council, the Clerk shall cause a notation to be made on the Zoning Map to reflect the area which is included in the approved preliminary plan in a PCD District. If the developer does not complete and file a final plan of a phase of the development area within one year, the approval of the preliminary plan shall lapse and the notation of such approval shall be removed from the Zoning Map.

Following approval of the application by Council and the notation on the Zoning Map, the legislative process for rezoning the PCD District shall be complete. Review and approval by Council of the PCD District's final development application shall be solely administrative in nature.

(Ord. 3491-99. Passed 9-20-99.)

1279.09 FINAL PLAN OF DEVELOPMENT AREA.

The developer of any parcel or parcels of land for which a preliminary plan has been approved by Council shall submit a final development plan of a phase or area to be developed within the PCD District to the Planning Commission.

The final plan of the development area shall conform to Section 1224.02 of the Subdivision Regulations and contain and

be accompanied by the following:

- (a) A site plan, including all proposed uses, parking areas and drives, the proposed public and private street system with rights of way and easements, and the use of all land, including common and private land;
- (b) Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, parking areas and drives, storm water management, and all other site features of the development area or that portion of the development to be developed, designed in accordance with applicable Municipal codes;
- (c) A grading and landscape plan showing all site features, and facilities; and
- (d) All covenants running with the land, deed restrictions, (including the use of common land), covenants, restrictions or easements to be recorded, declaration of covenants, restrictions and by-laws of a homeowners' association and its incorporation, declaration of condominium ownership and other covenants, if any, for maintenance.

The Planning Commission may require additional drawings to supplement the above when more information is needed or special conditions occur.

(Ord. 3491-99. Passed 9-20-99.)

1279.10 CONDITIONS FOR APPROVAL BY PLANNING COMMISSION.

If the Planning Commission finds that a proposed final plan of a development area is in accordance with and represents a detailed expansion of the preliminary plan heretofore approved by Council, that it complies with all of the conditions which may have been imposed in the approval of such preliminary plan, that it is in accordance with the design criteria and provisions of this Zoning Code which apply particularly to any plan of a development area, that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed, the Planning Commission shall then approve such final plan and certify its approval to the Clerk of Council.

If the Planning Commission determines that the final development plan is not in compliance with the specifications of this Zoning Code and the criteria set forth in Section 1224.02 of the Subdivision Regulations, the Planning Commission shall disapprove the final development plan.

If the Planning Commission does not act on the application within sixty days from the date of referral, it shall be deemed approved. (See Section 8.8 of the City Charter.)

(Ord. 3491-99. Passed 9-20-99.)

1279.11 ACTION BY COUNCIL ON FINAL DEVELOPMENT.

(a) Council, at its next regular meeting following receipt of the Planning Commission report, shall, in compliance with all requirements of Section 9.1 of the City Charter and Section 1246.03(d) of this Zoning Code, set a date for a public hearing on the final development plan, including the report of the Planning Commission thereon, and give at least thirty days notice of the time, place and purpose of such hearing by publication in a newspaper of general circulation in the City.

(b) Following Council's receipt of the Planning Commission's report and recommendation and the public hearing, Council shall either approve, disapprove or modify the final development plan. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Planning Commission recommending disapproval of a preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

(Ord. 3491-99. Passed 9-20-99.)

(c) Dedication of Land for Public Use; Easements; Acceptance of Streets and Utilities. If the final plat indicates land for public use, the Planning Commission's approval of the plat and Council's formal approval of Planning Commission's action shall constitute the acceptance of any land dedicated for public use and acceptance of any easement. Following approval, the City shall sign the plat for recording with the County. The acceptance of any street, improvement or utility for public use and maintenance by the municipality shall be by separate action of Council.

(Ord. 5495-2017. Passed 11-20-17.)

1279.12 BUILDING PERMITS.

Following the approval of a final plan of a development area, the Building Commissioner shall be so notified and building and other permits may be issued following approval of building construction plans and payment of all required fees.

(Ord. 3491-99. Passed 9-20-99.)

1279.13 PROGRESSIVE DEVELOPMENT.

A developer, having obtained final approval of any preliminary plan of a development area, may accomplish the development in progressive phases as may be approved by the Planning Commission.

(Ord. 3491-99. Passed 9-20-99.)

1279.14 AMENDMENTS TO PLANS.

At any time after the approval of a preliminary plan or a final plan of a development area, the owner or owners may apply for an amendment to said plan.

If the application for an amendment seeks to add contiguous property of less than 200 acres to a previously established PCD District or depart from the intent of the previously approved PCD District, it shall conform to the requirements of Section 1279.03 and be filed with the Clerk of Council. The City shall then process the application in accordance with the procedures set out in Sections 1279.04 et seq.

If the application seeks a change or modification consistent with the intent of the previously established PCD District, it shall conform to the requirements of Section 1279.09 and be filed with the Planning Commission. The City shall then process the application in accordance with Sections 1279.10 and 1279.11.

(Ord. 3491-99. Passed 9-20-99.)

1279.15 TRANSFER OF LAND FROM STANDARD ZONING DISTRICT TO PCD DISTRICT.

Land in a standard zoning district being planned for transfer to a PCD District shall be subject to all provisions of this Zoning Code applicable in such standard zoning district until a notation is made on the Zoning Map reflecting the area as in a PCD District.

(Ord. 3491-99. Passed 9-20-99.)

USES, CRITERIA AND STANDARDS

1279.16 INTENT.

Uses, criteria and standards are established in this chapter with respect to the planning of land and the arrangements of buildings and open spaces for those areas which are covered by preliminary and final plans for their development. The application of the criteria, uses and standards set forth in this chapter are intended to result in the optimum development and use of land in the City. They are intended to ensure full consideration of every planning element pertinent to the objective of sound urban design in order that all improvement values and planning objectives will be fully explored.

It is the further intent of these regulations that the specific relationships of buildings and parking to one another, to adjacent properties, and to streets are to be predicated upon the ingenuity and quality of the project's land planning and building design.

(Ord. 3491-99. Passed 9-20-99.)

1279.17 DEFINITIONS.

As used in this chapter.

- (a) "Single-family dwelling" means a dwelling unit located on an individual lot meeting the width and area requirements of this chapter.
- (b) "Cluster single-family dwelling" means a separate dwelling located in a planned arrangement with other similar dwellings and adjoining open adjacent areas.
- (c) "Attached cluster single-family dwelling" means a dwelling unit attached to an adjoining dwelling unit by a common wall(s) and roof and having two separate entrances.
- (d) "Open space area" means an area substantially open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, water areas, swimming pools, tennis courts, golf courses and other recreational uses and facilities, including club houses and parking lots used exclusively therefor. The area may also include other uses as deemed permissible by the City Planning Commission and Council. Streets, structures for habitation and parking for those structures and the like shall not be included.
- (e) "Neighborhood business use" means those uses permitted in Section 1264.02 of this Zoning Code.

(Ord. 3491-99. Passed 9-20-99.)

1279.18 PERMITTED BUILDINGS AND USES.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained in a PCD District, only in accordance with the following uses:

(a) Main Buildings and Uses.

- (1) Single-family dwellings.
- (2) Cluster single-family dwellings (detached and attached).
- (3) Neighborhood business uses (as permitted in Section 1264.02).
- (4) Open space uses, such as natural environmental features, tennis courts, club houses, swimming pools, golf courses and other recreational facilities and parking lots used therefor, and such other uses as deemed appropriate by the Planning Commission and Council. Such uses are part of the required open space uses within the PCD District. Such facilities shall be commonly owned by a homeowner's association or privately owned and maintained.

(b) Ancillary Uses.

- (1) Active and passive recreation areas.
- (2) Off-street parking areas.
- (3) Storm water management elements.

(Ord. 3491-99. Passed 9-20-99.)

1279.19 LAND PLANNING CRITERIA.

The following planning criteria are established to guide and control the planning, development and use of land in a PCD District:

- (a) Building Arrangements. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Uses shall be arranged with open spaces so as to provide a unified composition of buildings and space.

Although latitude in design is provided and encouraged, the following design conditions shall be achieved:

- (1) Adjoining properties shall be protected from loss of light, air and view considering the proximity and bulk or shape of a neighboring building;
 - (2) Usability and accessibility of open space within the development area shall be achieved through skillful planning and design;
 - (3) Required yards and setbacks shall not be excessive so as to prevent the reasonable development of open land for landscaped features or other supporting uses; and
 - (4) The latitude in design shall apply to the planning of landscape features, such as walls, fences, hedges and other features, to create a variety of open space areas.
- (b) Local Circulation System. Each use shall be served by a street or drive, planned so as to exclude through traffic to the greatest extent possible. The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile and emergency vehicles with safety and efficiency without allowing it to dominate and destroy the form of the area.

Driveways for group developments and streets shall be connected to collector streets at locations where the traffic can be controlled and operated effectively with minimum interference to the capacity of the collector streets.

- (c) Topography and Site Appearance. It is a requirement of this chapter that developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of natural areas. The 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, site features, and storm water management.
- (d) Unified Boundary. The design at the development area boundaries shall be unified with adjoining development. Within the development area, extensive parking areas, service areas and other features likely to have adverse effects on surrounding property shall be screened against viewing from outside the development. Screening shall also be provided against adverse views from within the development against lights, noise or other undesirable conditions in the surroundings.
- (e) Utilities. Underground utilities, including cable television, telephone and electrical systems, are required within the

limits of a PCD District and shall conform to the requirements set forth in Chapter 1228 of this Planning and Zoning Code.

(Ord. 3491-99. Passed 9-20-99.)

1279.20 MINIMUM DEVELOPMENT AREA.

The minimum area to qualify as a development area shall be not less than 200 contiguous acres. Contiguous property of less than 200 acres may be added to a previously established PCD District in accordance with the provisions of Section 1279.14.

(Ord. 3491-99. Passed 9-20-99.)

1279.21 OPEN SPACE REQUIREMENTS.

The configuration of open space area(s) shall be appropriate considering their proposed active or passive use as determined by the Planning Commission. Whenever possible, open space shall consist of interconnected areas throughout the development and shall be adjacent to, or accessible to, the maximum number of dwelling units practicable. The highest priority shall be given to including as open space those areas of the site which best preserve the natural landscape and/or unique natural features. Other open space areas shall be large enough to be suitable for the intended purposes of the area and shall otherwise comply with the following:

- (a) A minimum of twenty percent of the entire PCD District shall be reserved in perpetuity for open space and recreational uses. If the open space and recreational uses are not held in common ownership by the PCD District owners, then environmental easements shall be granted in perpetuity to each owner, specifying the manner of use and development restrictions for the open space.
- (b) In determining if the proposed open space is in compliance with this section, the Planning Commission shall consider the following criteria:
 - (1) The open space should not solely include land areas merely because they have a shape or natural characteristics which make them unsuitable for conventional development.
 - (2) The open space should not include private yards, streets, private drives, center island of streets, private parking areas, required setbacks between the project boundary lines and buildings or parking areas, minimum spacing between buildings, landscaping in parking lots and areas required for accessory uses other than open space.
 - (3) The open space shall include retention or detention basins.
- (c) Prior to PCD approval, the developer shall submit legal instruments describing the plan and methods for care and maintenance of the common open space and recreation facilities. The City Planning Commission's recommendation to approve shall be based on the following standards:
 - (1) Instruments shall guarantee that open spaces shown on the final development plan shall remain as such.
 - (2) Common open space and recreation areas, other than areas subject to environmental easements, shall be deeded to a homeowners' association.
 - (3) Environmental easements and other restrictions of record shall be granted to each owner for those open space and recreational uses not under common ownership.
 - (4) Costs for necessary legal instruments shall be paid by the developer.
- (d) The type of ownership and land dedicated for common open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the City Planning Commission and City Council. Type of ownership may include, but is not necessarily limited to, the following:
 - (1) Homeowner or cooperative associations or organizations;
 - (2) Shared, undivided interest by all property owners in the subdivision; or
 - (3) Privately owned land subject to environmental easements or restrictive covenants.
- (e) If the open space is held in common by all of the residential planned community development property owners, all subdivision property owners shall be jointly and severally liable for the maintenance of the open spaces.
- (f) If such maintenance is not performed adequately, the Director of Service may, at his or her option, perform the necessary maintenance after serving a five day notice in the same manner as set forth in Section 660 of the General Offenses Code. The reasonable costs thereof shall be paid to the City and, if not paid, such costs shall be assessed. The City is not bound by such alternative and if the owner or owners fails to comply with the requirements that the common open spaces be maintained as required, an action at law by the City may be commenced against him or her or them for the purpose of enforcing compliance. If an action at law is required,

at the discretion of the Mayor, reasonable attorney's fees and other costs and expenses incurred in such action by the City shall be paid by the property owners.

(Ord. 3491-99. Passed 9-20-99.)

1279.22 MAXIMUM DEVELOPMENT AREA DENSITY.

In any PCD District development, the maximum density shall not exceed 3.24 dwelling units per acre for the entire development area (defined as median density in the N.R. Master Plan).

Neighborhood business uses shall not exceed ten percent of the entire development area. Open space uses, including golf courses and other identified recreational facilities, shall not be counted in determining the percentage of a PCD District developed as Neighborhood Business.

(Ord. 3491-99. Passed 9-20-99.)

1279.23 AREA, YARD AND HEIGHT REGULATIONS.

In any PCD District development, land and buildings shall be erected, altered and maintained only in accordance with the following regulations:

(a) Single-Family Dwelling.

Lot Area - 10,500 sq. ft.

Lot Width - 70 feet (at front building setback line).

Front Building Setback - 30 feet with an average minimum setback of 35 feet maintained throughout the single-family dwelling portion of the development area.

Side Yard Setback - All sideyards shall be minimum 7.5 feet setbacks.

Rear Yard Setback - 20 feet.

Building Height - Maximum 35 feet measured from ground to outside wall/roof meeting joint.

(b) Cluster Single-Family.

Front Building Setback - Not less than 20 feet measured from the nearest edge of street or sidewalk pavement.

Cluster Single Family Dwelling, Setback and Spacing - Shall be 15 feet from common open space (unless approved by Planning Commission) and maintain 35 feet from single family property line.

The minimum building separation between adjacent detached cluster buildings shall be not less than 6 feet.

Building Height - Maximum 35 feet measured from ground to outside wall/roof meeting joint.

(c) Neighborhood Business.

Maximum Building Coverage - 25 percent

Front Building Setback - 65 feet from street right-of-way.

Front Parking Setback - 10 feet from street right-of-way.

Side and Rear Yard Setback:

Building - 35 feet abutting residential and 15 inches abutting non-residential property.

Parking - 20 feet abutting residential and 10 feet abutting non-residential property.

Height - Maximum 45 feet.

(Ord. 3491-99. Passed 9-20-99; Ord. 3812-02. Passed 6-17-02; Ord. 3813-02. Passed 6-17-02.)

1279.24 DWELLING UNIT AREA.

Dwelling units within a PCD District development shall be not less than the following, minimum livable floor areas:

Single-family residential:

One-story 1,200 sq. ft.

Two-story 1,600 sq. ft.

Cluster-single family 1,100 sq. ft.

(Ord. 3491-99. Passed 9-20-99.)

1279.25 VEHICLE STORAGE AND OFF-STREET PARKING.

In any PCD District development, vehicle storage and off-street parking shall be provided as follows:

Single-family dwelling Two enclosed spaces

Cluster single-family Two per unit (including one enclosed), plus one guest space for each five units.

Neighborhood business: As required in Chapter 1284 of this Zoning Code.

(Ord. 3491-99. Passed 9-20-99.)

1279.26 CLUSTER AREA SITE DESIGN AND APPROVAL.

The developer of any parcel of land approved for cluster single-family use shall prepare a detailed site plan of the cluster area proposed for development.

The site plan of each cluster single-family area shall include the following:

- (a) The number, location, arrangement and architectural design of all dwelling units;
- (b) The proposed use of all private and common land;
- (c) The location and arrangement of all dedicated and private vehicular and pedestrian accessways;
- (d) The number and arrangement of all open parking and service areas;
- (e) The location of all utilities; and
- (f) The landscape treatment of the cluster area.

The cluster site plan shall be transmitted to the City Engineer and the City Planner (or the Planning Consultant) for their review, report and recommendation.

A copy of all covenants, restrictions and easements to be recorded and covenants for maintenance of common areas, and homeowners' association by-laws shall be submitted to the Law Director for his or her approval.

The Planning Commission shall evaluate the reports of the Engineer, the City Planner (or the Planning Consultant) and the Law Director and shall act to approve, disapprove or modify the cluster area site plan.

(Ord. 3491-99. Passed 9-20-99.)

1279.27 CLUSTER AREA ACCESS AND VEHICULAR CIRCULATION.

Each cluster area shall be served by a dedicated street; however, individual dwelling units within such cluster need not so abut, provided that:

- (a) Each dwelling unit is accessible by means of a private drive, to service motor vehicles and emergency vehicles in a manner acceptable to the City Engineer.
- (b) Construction methods, standards and materials for private drives meet accepted engineering practices and are approved by the City Engineer.
- (c) The location, design and construction of all utilities on private or common land is approved by the City Engineer.
- (d) The preservation and maintenance of all private drives and utilities on private land is assured by a firm commitment of the abutting owners through documents recorded in the Office of the Lorain County Recorder or in such other form as is approved by the Director of Law.

(Ord. 3491-99. Passed 9-20-99.)

1279.28 CLUSTER AREA IMPROVEMENTS.

The developer of a cluster area shall submit to the City Engineer, for his or her approval, the detailed design of all improvements of a cluster area, to include the pavement, storm sewers, sanitary sewers, water mains, sidewalks and electric power and telephone service. This submission shall conform to the requirements of the City Engineer and Council for plans and specifications with respect to the construction and material standards for all pavement and utility installations within the City. Utility improvements in a cluster area, if approved by the Planning Commission and the City Engineer, need not be installed in a dedicated right of way. In all instances where such improvements are not installed in a dedicated right of way and the operation and maintenance of such utilities are to be performed by the City or other public utility, the owner shall grant permanent easements to the City and/or the appropriate public utility, in a form satisfactory to the Law Department and the City Engineer, providing for access to the utilities by the City and/or other utility companies.

(Ord. 3491-99. Passed 9-20-99.)

1279.29 STREETS IN PCD DISTRICTS.

All streets in a PCD District development must be offered for dedication to the City, except as provided in Section 1279.27.

(Ord. 3491-99. Passed 9-20-99.)

CHAPTER 1280

Cluster Subdivisions

1280.01 Intent.

1280.02 Requirements.

1280.03 Approval procedure.

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Neighborhood unit-type developments - see P. & Z. 1226.12

Single-family detached and cluster development - see P. & Z. Ch. 1282

1280.01 INTENT.

In permitting cluster subdivisions, it is the intent of the City to make reasonable provisions through which, during the subdivision of land, natural elements of the landscape and population density within districts may be maintained, development costs may be lessened and physical living conditions within the City improved. The provisions of this chapter are set forth to provide extra amenities for the City and not as an automatic reduction of lot size requirements.

(Ord. 335-66. Passed 7-5-66.)

1280.02 REQUIREMENTS.

A cluster subdivision may be permitted in R-1 and R-2 Districts if the following conditions are met:

- (a) The development contains a minimum of twenty dwelling units.
- (b) The gross residential density (families per acre) is no greater than if the tract were developed with minimum lot sizes as specified in this Zoning Code for the appropriate type of residential use within the district. To compute the gross residential density of a given subdivision, the total number of buildable acres is divided into the total number of dwelling units proposed, the answer being in dwelling units or families per acre. Unbuildable area, such as lakes, ponds, streams, swamps, hazardous topography or soils and land that are not available to the owner for development because of easements, shall not be considered as part of the gross acreage in computing the maximum number of dwelling units that may be created under this procedure, unless otherwise determined by the Planning Commission and Council.
- (c) The location, shape, size, intended use and legal responsibility for the tenure and maintenance of common land is approved by the Planning Commission and Council and meets the following requirement: The common land is publicly dedicated to the City or a property ownership corporation, or is reserved by deed for use in common by the residents of the subdivision, each property owner receiving an undivided proportionate share in such common land.

- (d) Reductions in lot width, area and yard requirements are approved by the Planning Commission and Council and do not exceed fifteen percent of the district requirements. For purposes of this subsection, the reduction is not a variance as defined in Section 1294.01(g)(1).
- (e) The proposed development is designed to produce an environment of stable and desirable character and is approved by the Planning Commission and Council.

(Ord. 335-66. Passed 7-5-66; Ord. 2216-87. Passed 11-2-87.)

1280.03 APPROVAL PROCEDURE.

(a) A person, firm or corporation desiring to create a cluster subdivision shall apply to the Administrative Officer for a building permit and a certificate of occupancy for such subdivision. The application shall be accompanied by a map or plat of the proposed cluster subdivision showing:

- (1) The dimensions and location of all existing and proposed buildings, driveways, off-street parking areas, topography, abutting streets, highways and other features within 200 feet of the property lines of the parcel.
- (2) Architectural plans for all proposed buildings, walls and fences.
- (3) Plans or reports showing the proposed collection, treatment and disposal of sewage produced on the area of the cluster subdivision.
- (4) Additional data which may be required by the Planning Commission and Council to judge the subdivision and its effect upon the surrounding area and the City.

(b) The Administrative Officer shall convey such plans and reports presented by the applicant to the Planning Commission, which shall make a study thereof and present its findings thereon to Council.

(c) Upon the receipt of the findings of the Planning Commission, Council shall study the same and, if concurring therewith, shall direct the Administrative Officer to issue the building permit and the certificate of occupancy to the applicant. Such certificate of occupancy may contain conditions attached thereto by Council as it deems necessary in the best interest of the City and such certificate shall be revoked if such conditions are not followed.

(Ord. 335-66. Passed 7-5-66.)

(d) Dedication of Land for Public Use; Easements; Acceptance of Streets and Utilities. If the final plat indicates land for public use, the Planning Commission's approval of the plat and Council's formal approval of Planning Commission's action shall constitute the acceptance of any land dedicated for public use and acceptance of any easement. Following approval, the City shall sign the plat for recording with the County. The acceptance of any street, improvement or utility for public use and maintenance by the municipality shall be by separate action of Council.

(Ord. 5495-2017. Passed 11-20-17.)

CHAPTER 1282

Single-Family Detached and Cluster Development

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CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Neighborhood unit-type developments - see P. & Z.1226.12

Cluster subdivisions - see P. & Z. Ch.1280

1282.01 INTENT.

In order to encourage greater attractiveness, flexibility and utilization of space to obtain a more desirable environment than may be possible through the strict application of minimum requirements of the conventional single-family district, contiguous one-family dwellings may be clustered in accordance with the regulations of this Zoning Code to permit the flexible spacing of lots and buildings in order to encourage:

- (a) The creation of functional and interesting residential areas;
- (b) The provision of readily accessible recreation areas and open spaces;
- (c) The conservation of the natural amenities of the landscape; and
- (d) The separation of pedestrian and vehicular circulation.

(Ord. 2886-94. Passed 7-18-94.)

1282.02 DEFINITIONS.

As used in this chapter:

- (a) "Cluster area", "cluster use", "cluster dwelling" and "cluster portion of the development area" mean that part of the development area designed and intended for the construction of single-family dwelling units in a unified and harmonious arrangement as reflected on a plan indicating all dwelling units within a specific portion of the development area.
- (b) "Detached single-family unit", "detached single-family dwelling" and "detached single-family portion of the development area" mean that part of the development area designed and intended for the construction of single-family dwelling units to be located upon separate individual lots.

(Ord. 2873-94. Passed 6-6-94.)

1282.03 APPLICATION; SCOPE.

The provisions of this chapter shall apply whenever an owner or developer elects to submit plans in accordance with the provisions of this chapter and whenever the Planning Commission finds and determines that the application of the planning standards and regulations of this chapter are required in order to:

- (a) Preserve or protect natural features or environmental conditions of a land area proposed to be developed;
- (b) Meet the open space or recreational needs of future residents of a land area proposed to be developed;
- (c) Provide for the safety of those utilizing pedestrian and vehicular circulation routes in and near a land area proposed to be developed through the separation of pedestrian circulation from vehicular circulation routes which, for any reason, present an above-average risk to pedestrian traffic; or
- (d) Assure an arrangement or placement of improvements and/or dwelling units on the land area proposed to be developed which will be functional and serviceable in all respects.

Further, this chapter shall apply when the Planning Commission finds and determines that the application of the planning

standards and regulations of this chapter will not significantly affect the use of the land area proposed to be developed when considered as a whole for the purposes and to the extent permitted under this Zoning Code.

(Ord. 2873-94. Passed 6-6-94.)

1282.04 PRELIMINARY DEVELOPMENT PLAN REQUIRED; CONTENTS.

An owner or developer shall submit to the Planning Commission a preliminary plan of a single-family detached and cluster development thereof as specified in Section 1224.02(a) with written application to the Commission.

(Ord. 5389-2016. Passed 7-18-16.)

The preliminary plan shall include:

- (a) Topography, at two-foot contour intervals, of the proposed development area, including property lines, easements, street rights of way and structures, trees and landscape features existing thereon, together with a certificate, by a registered engineer or surveyor, of the gross area of the development in acres and square feet;
- (b) The proposed vehicular and pedestrian traffic patterns, including the proposed location of public and private streets and the location of off-street parking and service areas;
- (c) The proposed assignment of use, including detached single-family lots and single-family cluster areas, and subdivisions of all land, including private land and common land, with a certificate by a registered engineer or surveyor of the gross area of each use of the development area in acres and square feet;
- (d) The proposed forms of covenants running with the land, deed restrictions (including those with respect to the use of the common land), restrictions or easements proposed to be recorded; covenants proposed for maintenance; and homeowners' association bylaws; and
- (e) Such other relevant information as the Commission may require.

(Ord. 2873-94. Passed 6-6-94.)

1282.05 REFERRAL OF PRELIMINARY DEVELOPMENT PLAN FOR REVIEW AND REPORT.

The Planning Commission shall transmit a copy of the preliminary plan to the City Engineer for review, report and recommendation.

A copy of all covenants, restrictions and easements to be recorded, covenants for maintenance of common areas, and homeowners' bylaws, shall be submitted to the Law Director for his or her review and recommendation.

(Ord. 2873-94. Passed 6-6-94.)

1282.06 ACTION BY PLANNING COMMISSION ON PRELIMINARY DEVELOPMENT PLAN.

The Planning Commission shall evaluate the preliminary plan and reports provided for in this chapter and shall make a finding that the preliminary plan complies with the regulations, standards and criteria prescribed by this Zoning Code for a single-family detached and cluster development, or a finding of any failure of such compliance, and shall act to approve, disapprove or modify such preliminary plan.

(Ord. 2873-94. Passed 6-6-94.)

1282.07 FINAL SUBDIVISION PLAN; CONTENTS.

The developer of any parcel of land for which a preliminary plan has been approved by the Planning Commission may prepare and submit a final subdivision plan of the single-family detached and cluster development. The final subdivision plan shall contain and be accompanied by the following:

- (a) A written application for approval upon compliance with the formal provisions of this chapter, the application form to be provided by the Commission.
- (b) A plat of the development area showing the street right of way, subdivided and common land, areas reserved for single-family cluster use, and easements, in accordance with the requirements of the Subdivision Regulations, which shall be in form for recording;
- (c) Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, grading and other site features of the development area, or that portion of the development area to be developed and designed in accordance with the Subdivision Regulations and other applicable laws and regulations;
- (d) A detailed landscape plan showing all existing site features to remain, recreation facilities and the landscape treatment of all common open space areas within the development area; and

- (e) The final form of covenants running with the land, deed restrictions (including the use of common land), covenants, restrictions or easements to be recorded, declaration of covenants, restrictions and bylaws of a homeowners' association and its incorporation, declaration of condominium ownership and other covenants, if any, for maintenance.

(Ord. 2873-94. Passed 6-6-94.)

1282.08 ACTION BY PLANNING COMMISSION ON FINAL SUBDIVISION PLAN.

(a) If the Planning Commission finds that the final subdivision plan of the single-family detached and cluster development is in substantial compliance with and represents a detailed expansion of the approved preliminary plan, that it complies with all of the conditions which may have been imposed in the approval of such preliminary plan, that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed, that all fees have been provided and all payments made, and that the applicable provisions of the Subdivision Regulations have been complied with and certified by the City Engineer, the Commission shall then approve such final subdivision plan of single-family detached and cluster development.

(b) Following approval of the final subdivision plan by the Commission, if the final plat indicates land for public use, the plat shall be submitted to Council for acceptance of any public land and of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by separate action of Council.

(Ord. 2873-94. Passed 6-6-94.)

(c) Dedication of Land for Public Use; Easements; Acceptance of Streets and Utilities. If the final plat indicates land for public use, the Planning Commission's approval of the plat and Council's formal approval of Planning Commission's action shall constitute the acceptance of any land dedicated for public use and acceptance of any easement. Following approval, the City shall sign the plat for recording with the County. The acceptance of any street, improvement or utility for public use and maintenance by the municipality shall be by separate action of Council.

(Ord. 5495-2017. Passed 11-20-17.)

1282.09 CLUSTER AREA DESIGN AND APPROVAL.

The developer of any parcel of land previously approved for cluster single-family use in a single-family detached and cluster development shall prepare a detailed site plan of the cluster area proposed for development.

The site plan of each cluster single-family area shall include the following:

- (a) The number, location, arrangement and architectural design of all dwelling units;
- (b) The proposed use of all private and common land;
- (c) The location and arrangement of all dedicated and private vehicular and pedestrian accessways;
- (d) The number and arrangement of all open parking and service areas;
- (e) The location of all utilities; and
- (f) The landscape treatment of the cluster area.

The cluster site plan shall be transmitted to the City Engineer for review, report and recommendation.

A copy of all covenants, restrictions and easements to be recorded, covenants for the maintenance of common areas, and homeowners' association bylaws, shall be submitted to the Law Director for his or her approval.

The Commission shall evaluate the reports of the City Engineer and the Law Director and shall act to approve, disapprove or modify the cluster area site plan.

(Ord. 2873-94. Passed 6-6-94.)

1282.10 PERMITTED BUILDINGS AND USES.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained, in a single-family detached and cluster development only in accordance with the following:

- (a) Main Buildings and Uses.

- (1) One-family dwellings; and
- (2) Common open spaces, recreation areas and public facilities.

- (b) Accessory Buildings and Uses. Gardens, fences, walls, pools and other recreation facilities on private and common

land.

(Ord. 2873-94. Passed 6-6-94.)

1282.11 LAND PLANNING CRITERIA.

The following planning criteria are established to guide and control the planning, development and use of land in a single-family detached and cluster development:

(a) Area and Density Regulations.

- (1) Minimum development area. The minimum area to qualify for single-family detached and cluster development shall be twenty-five contiguous acres. The Planning Commission may, however, allow areas of less than twenty-five acres if it finds and determines that the single-family detached and cluster development as proposed can adequately meet the intent of this chapter.
- (2) Development area density. The residential density of the entire development area shall not exceed 2.3 dwelling units per acre.
- (3) Required open space. In any single-family detached and cluster development, the total public or common open space area shall be not less than twenty percent of the gross acreage of the entire development area.

(b) Building Arrangement and Dwelling Unit Size. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The dwellings may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwelling so as to provide privacy and to form a unified composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall be met:

- (1) Distribution of cluster single-family dwellings. Not more than thirty-five percent of the total allowable dwelling units within any single-family detached and cluster development may be allocated to cluster areas.
- (2) Cluster area building spacing. Dwelling units in an approved cluster area shall be set back not less than fifteen feet from any common open space area and thirty-five feet from a detached single-family side and rear property line. The Commission may, however, allow lesser distances if it determines that the intent of this chapter will be adequately met.

(c) Yard and Height Regulations.

- (1) Lot area. The minimum lot area for each dwelling unit in the detached single-family portion of the development area shall be 12,800 square feet.
- (2) Lot width. Dwelling units in the detached single-family portion of the development area shall vary between eighty and 100 feet, provided that an average width of eighty-five feet is achieved and maintained throughout the development area. In the detached single-family portion of the development area, corner lots shall have a minimum lot width of not less than ninety-five feet measured at the front building setback line.
- (3) Front yard depth. The front yard depth for each dwelling unit in the detached single-family portion of the development area shall be varied from thirty feet to forty feet, with an average minimum setback of thirty-five feet maintained throughout the detached single-family portion of the development area. The front yard depth for each dwelling unit within any cluster single-family portion of the development area shall be no less than twenty-two feet, measured from the nearest edge of the street or the sidewalk pavement.
- (4) Side yard and building spacing. In the detached single-family portion of the development area, side-yard width and the separation between adjacent dwellings shall be as follows:
 - A. Each dwelling shall have a minimum side-yard depth of not less than five feet: and
 - B. The minimum separation between adjacent dwellings shall be no less than fifteen feet.
- (5) Rear yard. The rear yard depth for dwellings in the detached single-family portion of the development area shall not be less than thirty feet.
- (6) Building height. The height of any single-family dwelling shall not exceed thirty-five feet.

(d) Access and Vehicular Circulation. Each cluster area of single-family dwelling units shall be served by a dedicated street. However, individual dwelling units within such cluster area need not abut the same, provided that:

- (1) Each dwelling unit is accessible, by means of a private drive, to service and emergency vehicles in a manner acceptable to the City Engineer.
- (2) Construction methods, standards and materials for private drives meet accepted engineering practice and are approved by the City Engineer.

- (3) The location, design and construction of all utilities on private or common land is approved by the City Engineer.
- (4) The preservation and maintenance of all private drives and utilities on private land is assured by firm commitment of the abutting owners through documents recorded in the office of the County Recorder or in such other form as is approved by the Director of Law. Each dwelling unit in the detached single-family portion of the development area shall abut upon a dedicated street.
- (e) Parking. Two enclosed parking spaces shall be provided for each dwelling unit in a single- family detached and cluster development outside the street right of way or private drive. Additional off-street parking areas may be required by the Commission if it determines that such additional parking is necessary to adequately serve the needs of the cluster area.

(Ord. 2873-94. Passed 6-6-94; Ord. 3664-01. Passed 3-19-01; Ord. 3672-01. Passed 4-2-01; Ord. 3898-03. Passed 5-5-03.)

1282.12 CLUSTER AREA IMPROVEMENTS.

(a) The developer of a cluster area shall submit to the City Engineer for his or her approval, the detailed design of all improvements of a cluster area, including the pavement, storm sewers, sanitary sewers, water mains, sidewalks, gas lines, electric lines and telephone lines. This submission shall conform to the requirements of the City Engineer and Council for plans and specifications with respect to the construction and material standards for all pavement and utility installations within the City.

(b) Utility improvements in a cluster area, if approved by the Planning Commission and the City Engineer, need not be installed in a dedicated right of way. In all instances where such improvements are not installed in a dedicated right of way, and the operation and maintenance of such utilities are to be performed by the City or other public utility, the owner shall grant permanent easements to the City and/or other public utility, in a form satisfactory to the Law Director and the City Engineer, providing for access to the utilities by the City and/or other utility companies.

(c) All streets in the single-family detached portion of the development must be offered for dedication to the City. The Planning Commission may, however, permit rights of way and pavement dimensions of less than the minimum requirements set forth in the City's Subdivision Regulations, if approved by the City Engineer and Council. The procedures and requirements for the dedication of streets in a single-family detached and cluster development shall meet all other standards set forth in the Subdivision Regulations.

(Ord. 2873-94. Passed 6-6-94.)

1282.13 PERMITTED SIGNS.

Provisions relating to signs in a single-family detached cluster development shall be as provided in Chapter 1286.

(Ord. 2873-94. Passed 6-6-94.)

1282.14 TEMPORARY STRUCTURES AS CONDITIONAL USES.

Temporary structures shall be deemed a conditional use in a single-family detached and cluster development and shall be permitted upon approval by the Board of Zoning and Building Appeals if such structures are deemed necessary for construction operations of the dwellings of the area, provided that:

- (a) Such structures shall be limited to offices, yards and buildings for the storage of lumber, equipment and other building material, and to workshops for prefabricating building components.
- (b) The operations and activities carried on within such structures shall not adversely affect the use of nearby dwellings by reason of noise, smoke, dust, odor, fumes, vibration, electrical disturbance or glare to a greater extent than normal in the district that is being developed.
- (c) The hours of operation shall be 7:00 a.m. to 6:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in the district being developed.
- (d) All temporary structures, when constructed, shall be located at least 100 feet from the nearest occupied residential dwelling.
- (e) All structures and yard storage areas are to be enclosed by a fence.
- (f) A conditional use permit for such temporary structures has been applied for and approved.

(Ord. 2873-94. Passed 6-6-94; Ord. 3903-03. Passed 5-5-03.)

Off-Street Parking and Loading Requirements

1284.01 Intent.

1284.02 General provisions and requirements in all districts.

1284.03 Loading space requirements.

CROSS REFERENCES

Parking of commercial and heavy vehicles in residential districts at night - see TRAF. 440.20

Parking generally - see TRAF. Ch. 452

Off-street parking and loading in subdivisions - see P. & Z. 1226.07

Off-street parking and loading in B-5 District - see P. & Z. 1272.03(h)

Parking of recreational equipment on residential property - see P. & Z. 1294.02

1284.01 INTENT.

It is the intent of the City, through the establishment of the regulations contained in this chapter, to provide reasonable requirements for off-street parking and loading, thus lessening the congestion on the streets and preserving the traffic-carrying function of the City's streets and highways.

(Ord. 335-66. Passed 7-5-66.)

1284.02 GENERAL PROVISIONS AND REQUIREMENTS IN ALL DISTRICTS.

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Zoning Code (Ordinance 335-66, passed July 5, 1966), shall be provided and maintained as herein prescribed.

- (a) In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of spaces required shall be construed to be the nearest whole number.
- (b) Whenever a use requiring off-street parking is increased in floor area, additional parking space shall be provided in the amounts hereafter specified for that use, if the total parking space is inadequate to serve the increased floor area.
- (c) For purposes of this Zoning Code, "floor area," in the case of offices, merchandising or service- types of uses, means the gross floor area of the structure.
- (d) Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking facilities for other than one and two-family dwellings shall be within 300 feet of the building intended to be served. An industry which employs 500 or more employees may supply off-street parking at a distance greater than 300 feet from such industry upon approval of the Planning Commission.
- (e) The off-street parking requirements for uses not specifically mentioned herein shall be the same as those required for uses of a similar nature.
- (f) Collective off-street parking facilities may be provided. However, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.
- (g) The amount of off-street parking space required for uses, buildings or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a building permit and shall be reserved for such use.

Use Required Parking Space

- (1) One and two-family dwelling
or mixed occupancy. One parking space for each family unit.
- (2) Multiple dwellings. One parking space for each dwelling unit.
- (3) Tourist homes, cabins or motels
or motor hotels. One parking space for each sleeping room or suite, including that of the

owner or manager if resident on the premises.

- (4) Hospitals, sanitoriums, convalescent homes, homes for the aged or similar uses. One parking space for each three patients, plus one space for each two employees and staff members.
- (5) Orphanages or similar uses. One parking space for each ten beds.
- (6) Hotels. One parking space for each three guest sleeping rooms.
- (7) Private clubs, fraternities and boarding and lodging houses. One parking space for each two guest sleeping rooms.
- (8) Community centers, libraries, museums, post offices, civic clubs, etc. One parking space for each 100 square feet of floor area.
- (9) Theaters and auditoriums (other than incidental to schools). One parking space for each four seats, plus one additional space for each two employees.
- (10) Churches and schools. One parking space for each six seats in a principal auditorium or one space for each seventeen classroom seats, whichever is greater.
- (11) Dance halls, pool and billiard halls and exhibition halls without fixed seats. One parking space for each 100 square feet of floor area used for dancing or assembly.
- (12) Stadiums and sports arenas. One parking space for each four seats.
- (13) Bowling alleys. Five parking spaces for each alley.
- (14) Mortuaries or funeral homes. One parking space for each fifty square feet of floor space in the slumber rooms, parlors or individual funeral service rooms.
- (15) Establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments. One parking space for each 100 square feet of floor area, plus one parking space for each four employees.
- (16) Medical or dental clinics, banks and business or professional offices. One parking space for each 200 square feet of floor area, plus one parking space for each employee.
- (17) Beauty parlors and barber shops. Three parking spaces for each barber and/or beauty shop operator.
- (18) All retail stores, except as otherwise specified herein. One parking space for each 200 square feet of store area.
- (19) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops. One parking space for each two employees on the maximum working shifts, plus space to accommodate all trucks and vehicles used in connection therewith.
- (20) Warehouses and storage buildings. Sufficient parking space to accommodate employees and the loading and unloading of materials.

- (h) Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed twenty-five feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five feet from any sidewalk line, and such lots shall be so designed that all vehicles leaving the facilities will be traveling forward to approaching traffic.
- (i) Entrances, exits or driveways shall not be computed as any part of a required parking lot or area.
- (j) Additional off-street parking and loading regulations for commercial and industrial districts and residential district parking lots of a commercial type are as follows:
 - (1) Any vehicle parking space in a commercial or manufacturing district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind, other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this Zoning Code.
 - (2) No building or structure of any kind shall be erected in any off-street parking space, except for a parking garage containing parking space equal to the requirements of this section.
 - (3) No signs shall be displayed in any such vehicle standing space, except for signs to direct the orderly use of such space.
 - (4) The design of all off-street parking facilities and means of access thereto shall be subject to the approval of the Planning Commission.
 - (5) The vehicle parking space on any lot, as set forth and designated in this Zoning Code, shall be deemed to be required open space on such lot, in addition to any yard space required by the provisions of this Zoning Code, and shall not be reduced or encroached upon in any manner.
 - (6) All parking spaces, drives and aisles shall be surfaced with a bituminous or other dust-free surface.
 - (7) In all commercial districts, a minimum area of 300 square feet per car shall be allowed in computing the total area to be devoted to parking.

(Ord. 335-66. Passed 7-5-66; Ord. 3649-01. Passed 2-5-01; Ord. 3827-02. Passed 7-15-02.)

1284.03 LOADING SPACE REQUIREMENTS.

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten foot by twenty-five foot loading space with a fourteen foot height clearance for every 10,000 square feet, or fraction thereof, in excess of 3,000 square feet of building floor use or land for the above-mentioned purposes.

(Ord. 335-66. Passed 7-5-66.)

CHAPTER 1286

Signs

1286.01 Intent.

1286.02 Classification of signs.

1286.03 Signs in residential districts.

1286.04 Signs in business and commercial districts.

1286.05 Area of signs.

1286.06 Location of signs.

1286.07 Height of signs; design and construction standard for freeway-oriented signs.

1286.08 Industrial district signs.

1286.09 General provisions applicable to all districts.

1286.10 Political signs. (Repealed)

1286.11 Hazardous signs.

1286.12 Illumination.

1286.13 Permit required; applications.

1286.14 Nonconforming signs.

1286.15 Removal of signs.

1286.16 Maintenance and repair.

1286.17 Abandoned signs.

1286.18 Review of chapter by Planning Commission and Council.

1286.99 Penalty.

CROSS REFERENCES

Advertising on junk yard fences - see B.R. & T.840.05

Rummage sale signs - see B.R. & T.858.05

Signs in the B-5 District - see P. & Z.1272.03(e)

Fees for outdoor advertising signs - see B. & H.1444.01

1286.01 INTENT.

It is the intent of the City in setting forth the requirements contained in this chapter to provide for reasonable and appropriate conditions for the advertising of goods and services rendered in the community, but at the same time to regulate such advertising so that property values within the City will be preserved and protected.

(Ord. 1845-83. Passed 9-6-83.)

1286.02 CLASSIFICATION OF SIGNS.

(a) Classification by Content and Use. Signs are herein classified according to content and use as follows:

- (1) "Nameplate" means a sign indicating the name, address and/or profession of the person or persons occupying the lot.
- (2) "Bulletin board" means an announcement sign directing attention to, and located on the lot of, a public or semipublic institution.
- (3) "Real estate and development" means a sign directing attention to the promotion, development, rental, sale or lease of the property on which it is located, or a sign indicating the name, owner or manager of a development.
- (4) "Business" means a sign which directs attention to the name of a business or establishment, the goods or commodities sold and/or services rendered on the lot on which the sign is located.
- (5) "Industrial" means a sign directing attention to the name, service or industrial establishment, goods produced or sold or services rendered on the lot on which the sign is located.
- (6) "Billboard" means any sign advertising, identifying or directing attention to any product, service, entertainment or commercial activity not offered upon the lot on which the sign is located and exceeding 200 square feet.
(Ord. 5759-2020. Passed 8-3-20.)
- (7) "Directional" means a sign indicating the direction to which attention is called, either on the same or another lot.
- (8) (EDITOR'S NOTE: Division (a)(8) was repealed by Ordinance 4035-2004, passed June 7, 2004.)
- (9) "Shopping center" means a sign which is located within a shopping center district, indicating the name of the shopping center.
- (10) "Agricultural" means a sign related to agricultural products grown within any district.
- (11) "Changeable copy signs" includes the following:
 - A. "Manual" means a sign on which copy is changed manually in the field (i.e. reader boards with changeable letters or pictorial panels).
 - B. "Automatic" means a sign such as electronically or electrically controlled time and temperature units (clock and thermometer configurations included) or units that give public service messages that are changed frequently by the use of off-sign controls.

- (12) "Freeway-oriented sign" (limited access highways only) means any sign identifying local premises where food, lodging or businesses are located that engage in supplying goods and services essential to the normal operation of motor vehicles and where such businesses are dependent directly upon the adjacent freeway for business.
- (13) "Off-premises advertising sign" means any outdoor sign, billboard or other contrivance directing attention to a local business, product, service or entertainment sold, conducted or offered other than on the same lot where the device is situated. Local businesses are those located within the City.
- (14) "Multiple tenant business sign" means a sign which lists multiple tenants' business on the same parcel.

(b) Classification by Design. Signs are herein classified and defined, according to design, as follows:

- (1) "Flat" and "wall" mean a sign erected parallel to or painted on the surface of, or integral with, the wall of any building.
- (2) "Projecting" means a sign erected on the outside wall of a building which projects out at an angle therefrom.
- (3) "Marquee" means a sign attached to the soffit or fascia of a marquee, roof over a walk or permanent awning.
- (4) "Roof" means a sign erected upon and completely over the roof of any building.
- (5) "Pole" means a sign erected on a pole, poles or posts, the diameters of which are less than two-thirds of the structure it is to support and which is wholly independent of any building or structure, the base of which is not less than eight feet above the grade. A pole support shall have no advertising on it.
- (6) "Ground" means a sign with the base wholly on the ground or less than eight feet above grade, wholly independent of any building.
- (7) "Temporary" means a sign or signs applying to a change in business or seasonal or other special business activities other than the sale of the real property upon which it is posted, or which relates to public events and is installed in a sound but nonpermanent manner.

(Ord. 4035-2004. Passed 6-7-04.)

- (8) "Window signs and lettering" means signs affixed to or directly painted on the surface of the window glass where the business is located and to which it directs attention.

(Ord. 1845-83. Passed 9-6-83; Ord. 3815-02. Passed 6-17-02.)

- (9) "Attractive devices" refers to animation, revolution, movement (up and down or sideways) and wind-blown devices, such as ribbons, pennants, spinners and streamers, whether part of a sign or not.

(Ord. 2034-85. Passed 7-15-85.)

1286.03 SIGNS IN RESIDENTIAL DISTRICTS.

Signs in residential districts shall conform to the regulations set forth in this section, and the following types of signs shall be permitted:

- (a) Nameplate. One nameplate not exceeding one square foot in total area shall be permitted for each dwelling unit. Such nameplate shall not be permitted for dwellings of three or more units.
- (b) Bulletin Boards and Temporary Signs. One bulletin board or announcement sign, not exceeding thirty-two square feet of visible surface per side for each street frontage and six feet in height, shall be permitted on the premises of a public or semipublic institution. In addition, subject to the limitations contained in this chapter, temporary signs may be permitted.

(Ord. 4035-2004. Passed 6-7-04.)

(c) Real Estate Signs.

- (1) One "For Sale" or "To Rent" or "Model Home" sign, not exceeding six square feet in total area and not exceeding three feet in height, shall be permitted for each dwelling or lot. Such signs shall be located not less than fifteen feet from the front or any side lot line. "Room for Rent" signs shall not be permitted.
- (2) Subdivision development signs shall not exceed fifty square feet in total area for each street frontage. Permits for such temporary signs shall be for a period not exceeding one year, and may be renewed while construction is being pursued. Illuminated signs must be turned off by 10:00 p.m.
- (3) During the building of a structure, a sign not exceeding twelve square feet in area, located not nearer than twenty-five feet to any street line, for the purpose of displaying the names of the builder, shall be permitted. Such sign shall be removed after completion of the structure.
- (d) Agricultural Signs. An agricultural sign shall be permitted in any district and shall not exceed thirty-two feet.
- (e) Apartment House Signs. A sign not exceeding thirty-two feet shall be permitted for each apartment house complex.

(f) Monumental Permanent Subdivision Identification Signs.

- (1) A ground sign not exceeding thirty-two square feet in area and six feet in height, indicating the name of a subdivision or residential development from an arterial or collector street, shall be permitted. Such sign shall be set back a minimum of ten feet from the right of way and shall be part of the architectural treatment of the development. Illumination, if any, is at the discretion of the Planning Commission, and subject to Section 1286.12.
- (2) When a developer desires to place a monumental permanent development identification sign and components at the entryway(s) (including landscape islands in the right-of-way) of the development, notwithstanding other regulation contained in the Zoning Code of signage, fencing, plantings, electrical, sprinkler systems, lighting and other potential components of a development identification sign, the following criteria alone shall be used by the Chief Building Official (CBO) to determine whether or not a permit shall be issued for the sign(s).
 - A. Whether the proposed sign and its decorative and functional components comply with the existing requirements for each component or the degree to which each component does not vary substantially from existing requirements;
 - B. Whether or not each component complies with all safety concerns and requirements;
 - C. Whether or not the design is aesthetically pleasing and coordinated with the style of the development;
 - D. Whether or not maintenance of all components of the sign and the immediately adjacent green space or other area related to the sign is provided for in the Homeowners Association (HOA) guidelines, or if no HOA exists, by the developer; and
 - E. Whether or not the developer has paid a permit fee for each such sign.
- (3) The permit fee shall cover the cost of administration of the fee, review of plans by the CBO or designee thereof, and final inspection of the sign and components upon completion to insure that they conform to the plans presented to the CBO. It shall be the responsibility of the developer to apply for the permit, provide the plans, draw the HOA documents or agreement by the developer to maintain the sign and components, and to call for final inspection when completed. The fee for each sign and each component is as per Codified Ordinance Chapter 1444.
- (4) Upon inspection, if the applicant is in violation of any provision of this section, the applicant will be given a reasonable amount of time to become compliant, not to exceed thirty days. If not compliant within the given time frame, the applicant may be cited and fined up to fifty dollars (\$50.00) per day until compliant.

(Ord. 1845-83. Passed 9-6-83; Ord. 3817-02. Passed 7-1-02.)

- (g) Home Occupation Signs. Home occupation signs shall not exceed 144 square inches and shall be affixed to the building in which the home occupation is conducted and shall not be illuminated by artificial lighting.

(Ord. 2649-92. Passed 6-1-92.)

1286.04 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS.

Signs in business and commercial districts shall be accessory to a building or use permitted and shall conform to the following:

- (a) Permitted Signs Classified by Content and Use The following types of signs, classified by content and use, shall be permitted:
- (1) Nameplate and bulletin boards if they are accessory to a residential or institutional building or use.
 - (2) A nameplate for an office if the sign is located on the same lot as the profession or service to which it is directed.
 - (3) A business sign if the sign is located on the same lot as the business or service to which it is directed.
 - (4) A real estate and development sign if the sign is located on the same lot on which the real estate business is conducted or the lot to which attention is directed.
 - (5) Directional signs located on any lot in a business or commercial district.
 - (6) Changeable copy signs (manual and automatic) if such are located on the same lot as the business or service to which they are directed.
 - (7) A freeway-oriented sign (limited access highway only) if it is located on the same lot as the business to which it is directed and within 1,320 feet of the right of way for a freeway interchange.
 - (8) Off-premises advertising signs which are located on a lot adjacent to a freeway interchange, or within 1,320 feet of the right of way of an interchange, so long as the business is located near the interchange and in the City. The minimum setback of such signs shall be 660 feet with a 250-foot separation.

(b) Permitted Signs Classified by Design. The following types of signs, classified by design, shall be permitted:

- (1) Flat and wall signs, if attached to, painted on, or integral with, a wall, or if attached to the windows or doors of a building occupied by a permitted business or service.
- (2) Projecting signs, if projecting from a building occupied by a permitted business or service.
- (3) Pole signs, if located on the same lot as the business or service building, parking or other use to which they direct attention.
- (4) Ground signs, if located on the same lot as the real estate, business, service or other use to which they direct attention.
- (5) Subject to the limitations contained in this chapter, temporary signs, if located on the same lot owned or occupied by the business or commercial enterprise which displays, or grants permission for the display of the signs.

(Ord. 4035-2004. Passed 6-7-04.)

- (6) Flat and gable roof signs, which shall have at least ninety percent of the surface of the sign related to the business where the sign is located.

(Ord. 1845-83. Passed 9-6-83.)

1286.05 AREA OF SIGNS.

(a) The area of embellishments of signs which is of a decorative nature only and which has no advertising purpose shall not be considered in determining sign area as hereafter provided.

(b) The surface area of a sign shall be computed as including the area within a regular geometric form, or combinations thereof, comprising all of the display area of the sign, including all of the elements displayed, together with any material or color used to differentiate the sign from the environment or surroundings in which it is placed. Only one side of a double-face sign shall be considered to calculate the surface area, provided that the two signs are not joined at an angle greater than fifteen degrees. Frames and structural members not being advertising matter shall not be included in the computation.

(c) The total area of all permanent signs for each office, store or service building, parking lot or other land use shall not exceed the number of square feet indicated as follows:

- (1) The sign area of either one pole or one ground sign (a choice of either, but not both) shall be as follows:
 - A. A pole sign with a visibly different constructed sign face area shall have a maximum area of sixty square feet per side. An additional fifteen square feet per side shall be allowed to pole signs with a visibly different constructed sign face area which incorporates a permanent changeable copy sign or sign face area, provided that the changeable copy area does not exceed one-half the total sign face area.
 - B. A ground sign without a visibly different face area shall have a maximum area of fifty square feet per side, with an additional ten square feet per sign for ground signs without a visibly different sign face area and which incorporate a permanent changeable copy sign face area, provided that the changeable copy section does not exceed two-thirds the total sign face area.
- (2) The maximum area of all other signs shall be two times the building frontage. Signs shall be located on the building.
- (3) Multiple tenant business signs, maximum area 300 square feet. Only one multiple tenant business sign for each multiple tenant business unit. Height of sign and sign setback shall follow existing requirements. Once multiple tenant business sign is constructed, businesses in multiple tenant units may not construct individual business signs. (Does not include wall signs or directional signs.)

(d) Sign areas shall be permitted in addition to the areas provided in subsection (c) hereof as follows:

- (1) A nameplate (separately or as a part of an outdoor building directory sign) shall be permitted for professional or service offices and organizations above the ground floor of a building. Additional signs, or window signs if the total area of such signs does not exceed two percent of the floor area covered by the business or fifty square feet, or whichever is smaller, shall be permitted. No window signs above a ground floor shall exceed twenty-five percent of the glass area.
- (2) The size, area and design of signs for theaters and places of amusement shall be determined for each establishment and regulated by conditional use permits issued by the Planning Commission.
- (3) Directional signs of permanent construction, indicating traffic routes and similar functions, shall be permitted in addition to the above limitations if each sign does not exceed six square feet in area, is not in the right of way and does not hinder the flow of traffic.

(4) Ground floor commercial window signs and lettering, directing attention to the business to which they are attached, are permitted to cover a maximum of fifty percent of the window glass area, subject to limitations set forth in paragraph (c)(1)B. hereof.

(5) Freeway-oriented signs (limited access highway only) and off-premises advertising devices are not to exceed 185 square feet per side.

(e) Permanent signs indicating the name of the building and its address number shall be permitted, the size and design of which shall be approved by the Planning Commission.

(Ord. 1845-83. Passed 9-6-83; Ord. 2034-85. Passed 7-15-85; Ord. 3816-02. Passed 6-17-02.)

(f) Temporary signs shall not exceed the maximum size of 600 square inches in any residential or "R" designated zoning districts.

(g) Temporary signs in all areas of the City not referenced in division (f) of this section shall not exceed the maximum size of twenty-four square feet.

(Ord. 4025-2004. Passed 6-7-04.)

1286.06 LOCATION OF SIGNS.

(a) Signs in business and commercial districts may be located on the surface of or project from the building wall adjacent to a street, a pedestrian way or a parking area, or be erected on poles or other ground supports in the yards on which the business is located.

(b) Wall or flat signs shall not project more than eighteen inches from the building wall and may project to any building corner, if side yards exist. A sign may extend above the front wall if the sign is set back from each side lot line and party wall line a distance at least equal to the dimensions that the sign projects above the top of the wall.

(c) Projecting signs shall be limited to not more than one sign for each establishment or store unit. Such signs shall be attached to the wall and may extend above the top of the wall, but not more than thirty-five percent of the total height of the sign, nor more than fifty feet overall, may extend above the wall. No face of a projecting sign shall be less than five feet from a side lot line or party wall of another store unit.

(d) Pole signs shall not project over a public right of way. The support for the sign shall not be located within the public right of way.

(e) Ground signs shall not be located within twelve feet of a public right of way, or so as to obstruct vision from the roadway or vision from motorists entering and exiting nearby driveways.

(Ord. 1845-83. Passed 9-6-83.)

(f) The displaying of more than one identical temporary sign on a parcel located in any residential or "R" designated zoning district is prohibited.

(Ord. 4035-2004. Passed 6-7-04.)

1286.07 HEIGHT OF SIGNS; DESIGN AND CONSTRUCTION STANDARD FOR FREEWAY-ORIENTED SIGNS.

(a) The height of the lowest member of any sign which is not integral with a wall surface shall not be less than eight feet above a sidewalk or other pedestrian way, and not less than fourteen feet if over or within eighteen inches of the vertical projection of a pavement used for vehicular traffic.

(b) Freeway-oriented signs (limited access highway only) and off-premises signs shall not exceed seventy-five feet above the average terrain or highway level, whichever is greater in overall height. Structural design, construction and installation

shall conform to windload stress factors of thirty pounds per square foot or current standards set by other codes which are applicable, whichever standard is greater.

(c) Pole signs may extend to the ground when set back from the right-of-way as provided for ground signs.

(Ord. 1845-83. Passed 9-6-83; Ord. 3820-02. Passed 7-1-02.)

1286.08 INDUSTRIAL DISTRICT SIGNS.

In industrial districts, three square feet of sign shall be permitted for each foot of building front. Total footage may be utilized in the front, on one side or on the roof.

Either one roof sign of not more than 200 square feet, or a ground sign of not more than seventy-five square feet, shall be permitted (a choice of either, but not both).

Ground signs shall be set back a minimum of twenty-five feet from the right of way.

(Ord. 1845-83. Passed 9-6-83.)

1286.09 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS.

(a) The display of official public notices, the flag, emblem or insignia of a political unit, and temporary displays in connection with a charity drive, shall not be governed by the provisions of this chapter.

(b) Christmas display lighting shall be exempted from the requirements of this Zoning Code.

(c) Signs of warning or prohibiting hunting or trespassing may be erected, provided that they do not exceed six square feet.

(Ord. 1845-83. Passed 9-6-83.)

(d) All temporary business signs shall be prohibited, except in the following circumstances:

(1) New business or use. In the event of a new business or use, a flat or wall sign not exceeding forty square feet in size may be attached to the building for a period of time not more than thirty days beyond the installation of its permanent signs.

(2) Temporary development signs. Temporary development signs announcing a proposed building or a building under construction, or advertising the sale, rental or lease of a building, or part thereof, shall be located on the lot occupied by the building or use advertised and shall not exceed forty square feet in total area for each street frontage. Permanent signs, indicating the name, owner or manager, shall be permitted; however, the sign size and design shall first be approved by the Chief Building Official.

(3) Temporary signs.

A. No temporary sign shall be located closer than ten feet from any lot line or shall impede or obstruct any public right-of-way, or exceed the size limitations prescribed in this chapter, or exceed six feet in height above natural grade. Illumination is permitted subject to the requirements of this chapter.

B. No temporary sign shall remain displayed for greater than thirty days. A temporary sign which has been previously displayed on a property (or a substantially similar temporary sign which is essentially identical) may not be again displayed on that property until after the expiration of thirty days.

C. The Chief Building Official shall be permitted to assist in the display of, or may remove or order the removal of any temporary sign which is determined to pose a safety hazard.

(Ord. 4035-2004. Passed 6-7-04.)

(e) The following signs are prohibited in all districts:

(1) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character, or which contain advertising matter which is deceptive or untruthful;

(2) Flashing signs;

(3) Signs which are placed on utility poles, trees, fences, yard structures or other signs;

- (4) Attraction devices;
- (5) Portable business signs;
- (6) Abandoned signs; and
- (7) Signs which are placed on or over a Municipal, County or State right of way, except as may otherwise be provided in this chapter.

(Ord. 2034-85. Passed 7-15-85; Ord. 3798-02. Passed 5-17-02.)

- (8) Signs which resemble traffic control signs or signals. For enforcement of this section, "resemble" shall mean:
 - A. The sign is placed at a location such that a user of the street, road, or highway would reasonably believe that the sign is for the purpose of directing or otherwise informing traffic; and
 - B. The sign is of the same size, format, color and shape of an actual traffic control device used for a similar purpose.

(Ord. 3966-2003. Passed 11-17-03.)

- (9) Billboards are prohibited in all zoning districts.

(Ord. 5759-2020. Passed 8-3-20.)

1286.10 POLITICAL SIGNS. (REPEALED)

(EDITOR'S NOTE: Section 1286.10 was repealed by Ordinance 4035-2004, passed June 7, 2004.)

1286.11 HAZARDOUS SIGNS.

(a) Signs shall not project over or obstruct the required windows or doors of any building, nor shall signs be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated in the Building and Housing Code.

(b) Unless regulated otherwise in the Traffic Code, signs shall not be erected so as to obstruct street sight lines of traffic control lights or signs at street intersections or street sight lines or signals at railroad crossings. Signs visible from the sight lines along a street shall not resemble highway traffic signs. Mechanical movement of any part of a sign or the whole sign is prohibited. This includes animation or rotation by a motor, leverage or wind pressure.

(Ord. 1845-83. Passed 9-6-83.)

1286.12 ILLUMINATION.

(a) Light sources to illuminate signs shall not be of excessive brightness or cause glare hazardous to pedestrians or auto drivers, or be objectionable to adjacent residential districts. The colors red or green shall not be used where they may interfere with the sight lines of a traffic signal.

(b) Flashing, moving or intermittent illumination and "outline lighting" shall not be permitted.

(c) Signs in residential districts shall not be illuminated, except for bulletin boards, temporary subdivision signs and signs for institutions. All signs in business, commercial and industrial districts may be illuminated. Illumination of parking lots and used car sales lots shall not be of excessive brightness or cause a glare objectionable to any adjacent residential district, and except for illumination required for safety purposes, such lighting shall be permitted only during the hours the establishment is in operation.

(Ord. 1845-83. Passed 9-6-83.)

1286.13 PERMIT REQUIRED; APPLICATIONS.

(a) A permit shall be required for all permanent signs exceeding one square foot and all temporary signs exceeding six square feet.

(b) Applications for permits to erect, place, paint or alter a sign shall be made by the owner or lessee of the property upon which a sign is proposed, and such applications shall be submitted on forms furnished by the Building Department. Each application shall be made separately. The fee shall be established by separate ordinance.

Each application shall be accompanied by drawings to scale, showing:

- (1) The design and layout proposed, including the total area of the sign and the size, character and color of letters, lines and symbols.
- (2) The method of illumination, if any.
- (3) The exact location of the sign in relation to the building and property.
- (4) Details and specifications for construction, erection and attachment as may be required by the Building and Housing Code.

(Ord. 1845-83. Passed 9-6-83.)

1286.14 NONCONFORMING SIGNS.

A sign existing lawfully at the time of the effective date of this chapter, but which does not conform with the sign regulations of the district in which it is located, may be repaired and maintained in its original state, and structural or electrical parts may be repaired or restored to a safe condition in compliance with the National Electrical Code, as adopted in Section 1426.01 of the Building and Housing Code.

(Ord. 1845-83. Passed 9-6-83.)

1286.15 REMOVAL OF SIGNS.

Whenever the removal of any sign has been ordered by the Chief Building Official, and the person, firm or corporation on whose premises such sign or display structure has been erected, affixed or maintained, fails to remove the sign within forty-eight hours after receiving such notice, the Chief Building Official may remove or cause to be removed such sign at the expense of the person, firm or corporation on whose premises it was erected, affixed or attached, and each such person, firm or corporation shall be individually and separately liable for the expenses incurred in the removal of the sign.

(Ord. 1845-83. Passed 9-6-83.)

1286.16 MAINTENANCE AND REPAIR.

Every sign, including, but not limited to, those signs for which permits or no permits are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts or sections of missing sign face material, painting, repainting, cleaning and other acts required for the maintenance of such signs. The City shall require compliance with all standards of this Zoning Code. If the sign is not made to comply, the City shall order its removal in accordance with Section 1286.15 upon ten days written notice. This section shall be effective six months from the effective date of this chapter.

(Ord. 1845-83. Passed 9-6-83.)

1286.17 ABANDONED SIGNS.

Any sign which is located on property which becomes vacant for a period of six months or more, which sign pertains to a time, event or purpose which no longer applies, shall be deemed abandoned and ordered removed under Section 1286.15. Temporary signs relating to a date specific event that remain displayed five days following the occurrence and conclusion of that event shall be deemed abandoned, and shall be ordered removed pursuant to Section 1286.15. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more, in which case it may be ordered removed under Section 1286.15. Abandoned signs are prohibited and shall be removed by the sign owner, property owner or person responsible under Section 1286.15. Painted walls or window lettering shall be removed or completely covered or painted over in a professional, durable manner within thirty days of vacating the business premises by the sign owner, the property owner or the person responsible, or the same shall be removed as provided for in Section 1286.15.

(Ord. 1845-83. Passed 9-6-83; Ord. 4035-2004. Passed 6-7-04.)

1286.18 REVIEW OF CHAPTER BY PLANNING COMMISSION AND COUNCIL.

This chapter shall be reviewed by the Planning Commission and Council every three years in order to modify, alter or update its provisions or application if necessary or desirable.

(Ord. 2034-85. Passed 7-15-85.)

1286.99 PENALTY.

(a) Whoever violates any provision of Section 1286.10 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars.

(Ord. 2284-88. Passed 9-6-88.)

(b) Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. Subsequent to the issuance of a citation or of notice of a violation by the City, each day that a sign is erected or maintained in violation of this chapter is deemed to constitute a separate offense.

(Ord. 2034-85. Passed 7-15-85; Ord. 4035-2004. Passed 6-7-04.)

CHAPTER 1288

Buffer Strips

1288.01 Definitions.

1288.02 Purposes.

1288.03 Required; residential district defined.

1288.04 Industrial districts abutting residential districts.

1288.05 Business and commercial districts abutting residential districts.

1288.06 R-2, R-3 or R-4 Districts abutting residential districts.

1288.07 Growth setback from street line.

1288.08 Compliance with regulations.

CROSS REFERENCES

Injuring vegetation - see GEN. OFF.642.06

Street trees - see S.U. & P.S. Ch. 1030; P. & Z. 1226.03

Master Tree Plan - see S.U. & P.S. 1030.03, Ch. 1032

Obstruction of view at intersections by vegetation - see S.U. & P.S. 1030.06(d)

Trees in the B-5 District - see P. & Z.1272.03(d)

Buffer strips in the I-2 District - see P. & Z.1274.06(a)

1288.01 DEFINITIONS.

As used in this chapter:

- (a) "Buffer strip" means a visual barrier composed of shrubs, trees or hedges.
- (b) "Landscape" and "landscaped" mean a living fence, i.e. shrubs, trees, hedges or a combination thereof.
- (c) "Shrubs" means self-supporting, deciduous or evergreen species, normally branched near the base, of bushy composition, less than fifteen feet in height as normally grown in the County.
- (d) "Trees" means self-supporting woody, deciduous or evergreen plants with a well defined central stem of a species which normally grows to a height of fifteen feet or more in the County.

(Ord. 1222-76. Passed 10-18-76.)

1288.02 PURPOSES.

The purposes of providing a buffer strip are to screen undesirable views from one district to the other; to increase soil water retention through landscaping requirements; in the case of buildings in residential districts, to preserve the appearance and protect property values from the adverse effect of adjoining nonresidential or multifamily residential uses;

and to supplement land use planning.

(Ord. 1222-76. Passed 10-18-76.)

1288.03 REQUIRED; RESIDENTIAL DISTRICT DEFINED.

(a) A buffer strip, as defined herein, shall be provided in cases where the side or rear yard of a property in a B, I, R-2, R-3 or R-4 District abuts a residential district or a lot in any other zoning classification which has on it a residence unit used for a residence, except that if a single-family unit is located on a B, I, R-2, R-3 or R-4 District lot, then no buffer strip need be provided.

(b) The buffer strip shall be situated on the lot with the lower zoning classification. Districts are classified from residential to industrial, with the R-1 District being the highest zoning classification, then other types of residential districts, then all B Districts, then all I Districts, with I-3 being the lowest zoning classification.

(c) The term "residential district", as used in Sections 1288.04 to 1288.06, inclusive, includes not only a district with a residence zoning classification, as defined in this Zoning Code, but also a lot, irrespective of its zoning classification, which has on it a residential unit being used for residential purposes.

(Ord. 1289-77. Passed 4-18-77.)

1288.04 INDUSTRIAL DISTRICTS ABUTTING RESIDENTIAL DISTRICTS.

A buffer strip, in the case of an I-1, I-2 or I-3 District abutting any residential district, shall be thirty-five feet of the setback nearest the district boundary line, which shall be landscaped with a row of deciduous or evergreen trees, or a mixture of each, spaced not more than forty feet apart, and not less than one row of shrubs spaced not more than five feet apart and which grow at least five feet wide and five feet or more in height after one full growing season, to be planted and maintained in a healthy growing condition by the property owner, subject to the limitations provided in Section 1288.07.

(Ord. 1222-76. Passed 10-18-76.)

1288.05 BUSINESS AND COMMERCIAL DISTRICTS ABUTTING RESIDENTIAL DISTRICTS.

A buffer strip, in the case of a B-1, B-2, B-3, B-4 or B-5 District abutting a residential district, shall be the ten feet nearest the district boundary line, which shall be landscaped with a row of trees, spaced not more than forty feet apart, and not less than one row of shrubs, spaced not more than five feet apart and which grow at least five feet wide and five feet or more in height after one full growing season, planted and maintained in a healthy growing condition by the owner of the property, subject to the limitations provided in Section 1288.07.

(Ord. 1222-76. Passed 10-18-76; Ord. 3819-02. Passed 7-1-02.)

1288.06 R-2, R-3 OR R-4 DISTRICTS ABUTTING RESIDENTIAL DISTRICTS.

A buffer strip, in the case of an R-2, R-3 or R-4 District abutting any other residential district, shall be the ten feet nearest the district boundary line, which shall be landscaped with a row of deciduous or evergreen trees or a mixture of each, spaced not more than forty feet apart, and not less than one row of shrubs, spaced not more than five feet apart and which grow at least five feet wide and five feet or more in height after one full growing season, planted and maintained in a healthy growing condition by the owner of the property, subject to the limitation provided in Section 1288.07. No other use can be made of the buffer strip except use for sidewalks and necessary accessways.

(Ord. 1222-76. Passed 10-18-76.)

1288.07 GROWTH SETBACK FROM STREET LINE.

In no case shall the growth in the buffer strip grow closer than thirty feet from the right-of-way line of a street or road.

(Ord. 1222-76. Passed 10-18-76; Ord. 3829-02. Passed 7-15-02.)

1288.08 COMPLIANCE WITH REGULATIONS.

Any building not covered under the provisions of this chapter, upon the sale or change of use or upon substantial exterior alterations and/or additions as determined by the Planning Commission shall, as of the effective date of this section, comply with the provisions of this chapter.

CHAPTER 1290

Commercial and Industrial Access Drives

- 1290.01 Definitions.**
- 1290.02 Permit required.**
- 1290.03 Permit application; fee.**
- 1290.04 Plans.**
- 1290.05 Permit approval; construction requirements.**
- 1290.06 Exceptions to construction requirements.**
- 1290.07 Location requirements.**
- 1290.08 Permit denials; appeals.**
- 1290.09 Culverts.**
- 1290.10 Traffic flow.**

CROSS REFERENCES

Right of way at private drives - see TRAF.432.20
Stop signs on private driveways - see TRAF.432.205
Speed limits on private driveways - see TRAF.434.035
Driveway culverts - see S.U. & P.S. Ch.1026
Accessways in the I-1 District - see P. & Z.1274.06(a)(2)
Permit fees for driveways - see B. & H.1444.12(g)

1290.01 DEFINITIONS.

As used in this chapter:

- (a) "Access drive" means a private drive intended to provide ingress or egress to a parcel of land.
- (b) "Arterial street" means a street, road or highway indicated on the Official Thoroughfare Plan as either a major arterial street or a minor arterial street.
- (c) "Collector street" means a street, road or highway indicated on the Official Thoroughfare Plan as either a major collector street or a minor collector street.
- (d) "Local streets" means all other streets, including frontage roads, except limited access highways and alleys.
- (e) "Service drive" means an access drive primarily used by vehicles servicing one or more parcels of land.
- (f) "Tree lawn" means the unpaved public strip of land located between a public street and its right- of-way line.

(Ord. 1906-84. Passed 5-21-84.)

1290.02 PERMIT REQUIRED.

Owners of private property are responsible for the construction and maintenance of access driveways that serve such property, including the portion of the access driveways located within the public street right of way. No person shall construct, build, establish or alter any access drives over, across or upon any public sidewalks or tree lawns in any business, commercial or industrial district without first obtaining a permit to do so from the Building Department, in accordance with the provisions of this chapter.

(Ord. 1906-84. Passed 5-21-84.)

1290.03 PERMIT APPLICATION; FEE.

(a) An application for a driveway permit shall be made by the property owner or his or her agent on a permit form furnished by the Building Department. The applicant is responsible for the preparation of a detailed plan of the proposed driveway. The plan submitted shall become a part of the permit record and shall contain information sufficient for:

- (1) A review of the application.
- (2) A contractor to construct the proposed driveway in accordance with the terms of the permit.
- (3) Serving as a record of the work authorized by the Building Department.

(b) A nonrefundable permit fee of thirty dollars (\$30.00) for each curb cut shall be paid at the time of issuance of the permit. A separate permit shall be obtained to construct, build, establish or alter any access drive over, across or upon any public sidewalk or tree lawn.

(Ord. 1906-84. Passed 5-21-84.)

1290.04 PLANS.

Three copies of a detailed plan shall be filed for examination and subsequent approval or disapproval. The detailed plan shall be drawn to a scale of one inch equals forty feet or less. The Building Department shall retain two copies of the detailed plan and shall return one copy to the petitioner upon approval or disapproval thereof. The detailed plan shall contain the following information:

- (a) In General. The north point, scale and date.
- (b) Property Description. The property boundary lines and dimensions thereof, and the source of the same, for which the access drive approval is requested, including existing easements and right of way lines, and adjacent properties on the same frontage and adjacent properties on the opposite frontage, indicating the location of existing and/or known proposed ingress and egress to such properties.
- (c) Topography. Topographical data, including the existing street width and the location of edges, curbs, islands, sidewalks, catch basins, inlets, fireplugs, culverts, drainage ditches, watercourses and other items located in the street right of way along the frontage of the property being served by the proposed access drive; the exact location and dimensions of existing curb cuts, if any; and the existing directions of traffic flow on the subject property and into and from public ways.
- (d) Ingress and Egress; Curb Cuts; Traffic Flow. The exact location, dimensions and type of construction of proposed facilities of ingress and egress to the subject property, proposed curb cuts, if any, and the proposed direction of traffic flow on the subject property and into and from public ways. The detailed plan of the driveway shall be accompanied by a detailed site plan, if needed, to show all information both on and off the street right of way that will affect traffic movements, such as curbs, parking areas, buildings, pump islands and loading dock locations.
- (e) Drainage. The method of surface water (storm water) runoff control that assures that concentrated flows will not be directed by the proposed driveway across sidewalks, public street pavements or curbs, and the location and description of proposed drainage structures within the public right of way, if any.
- (f) Identify of Applicant. The name and address of the person seeking approval of the proposed access drive.
- (g) Building Department Approval. Provision on the face of the site plan for the approval of the Building Department.

(Ord. 1906-84. Passed 5-21-84.)

1290.05 PERMIT APPROVAL; CONSTRUCTION REQUIREMENTS.

(a) Approval of a driveway permit shall be considered approval of proposed work within a public street right of way only. The location and design of all items related to traffic movements upon the private property, such as curbs, parking areas, parking aisles and pump islands, shall be subject to the review and approval of the Building Department.

- (b) The Building Department shall determine whether the proposed access drive conforms to the following requirements:

(Ord. 1906-84. Passed 5-21-84.)

- (1) Driveway width. The minimum width of a commercial driveway shall be fifteen feet and the minimum width of an industrial driveway shall be twenty feet. The maximum width of a driveway shall be thirty-five feet, unless otherwise approved by the City Engineer. The width of a driveway shall be measured along a line parallel to the centerline of the street located near the street right-of-way line.

(Ord. 4776-2010. Passed 9-7-10.)

- (2) Driveway alignment. The intersection angle of the centerline of the driveway and the street shall be between seventy degrees and ninety degrees, except for gasoline stations, which shall be between forty-five

degrees and ninety degrees.

- (3) Curb requirements for curbed streets. Driveways abutting curbed streets may be either curbed or uncurbed. Where a driveway abuts a street with a rolled-type curb with a maximum width of four inches, the owner may either install a depressed curb two inches high or construct the driveway flush with the top of the curb. Where a proposed driveway abuts a street with a vertical-type curb, the owner shall install a depressed curb no higher than two inches above the original gutter line of the street.
- (4) Curb requirements for uncurbed streets. Driveways abutting uncurbed streets may be either curbed or uncurbed; however, the driveway curb shall not be closer to the through pavement edge than eight feet.
- (5) Sidewalk ramps. Where a driveway curb is extended past a sidewalk, a sidewalk ramp shall be installed.
- (6) Driveway edge turning radii. When the driveway apron is constructed with a radius edge, the minimum radius shall be twenty feet for uncurbed street locations and fifteen feet for curbed street locations. When the driveway apron is constructed with straight edges, the paved surface area shall provide for turning movements that can be made on a radius driveway with the minimum radius specified herein. For determination of acceptable straight edge design, the turning radius may be considered as being tangent to a line two feet from the street side of the back of the street curb, and tangent to a line one foot from the driveway side of the edge of driveway.
- (7) Length of dropped curbs. The maximum length of a dropped curb or the maximum length of driveway apron meeting the back of a rolled curb shall be eighty feet.
- (8) Material requirements. Driveway aprons constructed on curbed streets shall be constructed with Portland cement concrete. The minimum thickness shall be six inches for driveways to be used by passenger cars and light trucks and eight inches for driveways to be used by heavy trucks. Driveway aprons constructed on uncurbed streets may be constructed with either Portland cement concrete or asphalt concrete. The concrete thickness shall be as noted above. The minimum thickness of an asphalt commercial and industrial driveway shall be either two and one-half inches of asphalt concrete over eight inches of aggregate base or one inch of asphalt concrete over five inches of bituminous aggregate. The owner may use additional thicknesses of material for locations where heavy trucks will use the driveway. On concrete driveway aprons, expansion joint material shall be provided between the curb and apron and between the apron and the sidewalk. Where an apron crosses an existing sidewalk of less thickness than the required concrete, the sidewalk shall be removed and reconstructed. The sidewalk area through an asphalt driveway shall be constructed with concrete.
- (9) Location. All driveways shall be located to minimize the offset distance from a commercial or industrial driveway or a street intersection on the far side of the street.
- (10) Spacing between curb cuts. The minimum spacing between curb cuts serving the same property shall be eighty feet along arterial streets, sixty feet along collector streets and twenty feet on local streets.
- (11) Sight distances. A driveway to be located along a property frontage that has less sight distance available than the minimum sight distance required for making all turning movements safely shall be located to provide the maximum sight distance available for right turns for ingress and egress and shall be restricted in use to right turns only.
- (12) Number of curb cuts. The maximum number of curb cuts to be allowed for one property along one frontage on both arterial and collector streets shall be two. Any number of curb cuts meeting the length and spacing requirements provided in this section may be installed along local streets.

For the purpose of this section, a property shall be defined as:

- A. A plotted lot under single ownership which is of record at the time of passage of this section;
 - B. Two or more platted lots or combinations of lots with continuous frontage under single ownership which are of record at the time of passage of this section; or
 - C. An unplatted parcel of land with continuous frontage under single ownership, except that for land where a final plat is approved by the Planning Commission after the passage of this section, each new parcel shall be considered as one property.
- (13) Minimum spacing between curb cuts and street intersections. The minimum spacing from the end of a curb cut for a driveway to a public street intersection shall be ten feet plus the radius of the intersection curb or edge of pavement, but not less than thirty-five feet as measured from the curb line or edge of the pavement projected from the cross street to the curb cut along the street curb line.
 - (14) Proximity to intersections for major traffic generators. Access drives for major traffic generators, such as commercial or industrial developments with over 100 parking spaces, shall be located not less than 200 feet on arterial streets and collector streets, and not less than 100 feet on local streets, from a street intersection, as measured from the near curb line or edge of the pavement projected from the cross street to the centerline of the driveway.
 - (15) City utility adjustments. If a driveway requires any changes in any City-owned items, the owners shall be

responsible for the expense of the adjustments as required for the following items:

- A. Pole relocation.
 - B. Manhole cover adjusted to grade.
 - C. Relocation or adjustment to grade of a water-valve box.
 - D. Relocation or change of a street inlet.
 - E. Moving a fire hydrant to provide not less than six feet of clearance from the edge of the apron and centerline of the hydrant.
- (16) Joint use driveways. A permit may be issued for a joint use driveway, provided the owners of both properties file a joint application for the driveway.
- (17) Median openings. No new median openings shall be permitted on divided streets for driveways.
- (18) Proximity of parking aisles and access drives to parallel public streets No on-site vehicular parking aisle or on-site access drive shall be located less than thirty feet from any parallel public street, measured from the nearest curb line of the aisle or access drive to the nearest right-of-way line of the parallel public street.
- Commercial driveways serving parking areas with 100 or more parking spaces, constructed along any classification of street, shall be designed to prevent cross movement of internal traffic on the property for a distance of 100 feet from the street right-of-way line. This may be accomplished by the use of a raised divider or by the use of curbing.
- Industrial driveways serving parking areas with 100 or more parking spaces constructed along an arterial street shall be designed to prevent cross movement of internal traffic on the property side of the street right-of-way line for a distance of 100 feet from the street right-of-way line.
- (19) Driveway and sidewalk grades. Where possible, the driveway crossing of the sidewalk shall be made with no change in the sidewalk grade. Where conditions preclude meeting this objective, the sidewalk shall be warped to meet the driveway grade. Sidewalk step-down sections shall not be used. Within the right-of-way limits, the driveway grade shall be limited to a maximum of six percent. Where possible, the profile of a commercial and industrial driveway shall have a relatively flat area thirty feet long from the edge of the through pavement to permit vehicles to turn off a roadway without immediately climbing or descending. The driveway shall have small sag or crest rounding as may be required in the vertical profile, at a grade change point, to provide vehicle clearance.

(Ord. 1906-84. Passed 5-21-84.)

1290.06 EXCEPTIONS TO CONSTRUCTION REQUIREMENTS.

(a) Gasoline Service Stations. The following exceptions to the above provisions shall be made for gasoline service stations. At street intersections, a minimum distance of ten feet shall be provided between the terminus of the public street curb radius and the intersection of the curb lines extended of the public street and the edge of the access drive, but in no case shall the distance between the intersection of the curb lines extended of the public street and the access drive, and the intersection of the nearest curb lines extended of the nearest intersecting public street, be less than thirty feet. A distance of not less than twenty-five feet shall be provided between access drives, measured from the nearest curb lines thereof, and not more than two access drives per street frontage shall be allowed.

(b) Drive-In Businesses. A specific land parcel to be developed with such uses as a drive-in restaurant, drive-in bank, drive-in car wash stall, drive-in beer or liquor store, or similar use requiring a continuous flow of one-way traffic onto and off of the particular parcel, and which has a frontage of less than 210 feet, shall be permitted two access drives per frontage, provided that one access drive is for entrance only and one access drive is for exit only.

(c) Abandoned Driveways. If an existing driveway is to be abandoned with the redevelopment of a property, the owner shall remove the unused driveway apron at his or her expense. The owner shall also replace any dropped curb section along the street at an abandoned driveway with a new curb of a design approved by the City Engineer.

(d) Access Required. If any lot, by reason of location or size, cannot be developed in accordance with the requirements of this chapter, access shall be provided at locations which most closely comply with this chapter. Under no circumstances shall access be denied to any property.

(Ord. 1906-84. Passed 5-21-84.)

1290.07 LOCATION REQUIREMENTS.

The proposed location of an access drive shall make provision for:

- (a) Automotive and pedestrian safety.
- (b) Traffic flow and control.
- (c) Accessibility for emergency vehicles.
- (d) The economic, noise, glare or odor effects of the proposed access drives, loading areas and parking areas on adjoining properties.

(Ord. 1906-84. Passed 5-21-84.)

1290.08 PERMIT DENIALS; APPEALS.

(a) Within ten days after receiving the site plan, the Building Department shall approve or disapprove the location of the proposed access drive. If the decision is negative, the Building Department shall state the reasons in writing.

(b) Appeals from the decision of the Building Department shall be filed with the Secretary of the Board of Zoning and Building Appeals within thirty days of such decision.

(Ord. 1906-84. Passed 5-21-84.)

1290.09 CULVERTS.

Driveway culverts shall be installed at the property owner's expense and in accordance with specifications of the City Engineer.

(Ord. 1906-84. Passed 5-21-84.)

1290.10 TRAFFIC FLOW.

The issuance of a permit for any driveway shall not obligate the City to allow and/or provide for specific traffic turning movements that may be shown on such application if, at any time, in the opinion of the proper City officials, the traffic flow conditions on the adjacent street would become congested and/or hazardous due to the turning movements, which may be prohibited by installation of traffic control devices and/or barrier curbs.

(Ord. 1906-84. Passed 5-21-84.)

CHAPTER 1292

Nonconforming Uses

1292.01 Intent.

1292.02 Permitted continued use of buildings, structures or land.

CROSS REFERENCES

Nonconforming parcels in subdivisions - see P. & Z.1220.07

Certificates for nonconforming uses - see P. & Z.1242.03

Nonconforming uses in the B-5 District - see P. & Z.1272.01

Nonconforming signs - see P. & Z.1286.14

1292.01 INTENT.

It is the intent of this chapter to provide reasonable regulations for the use of structures and land which do not conform as to the area or width of lots, yard dimensions, lot coverage, height of buildings, use intended or other provisions of this Zoning Code, and to provide for the conversion of such structures and land into conforming uses as soon as is reasonably possible.

(Ord. 335-66. Passed 7-5-66.)

1292.02 PERMITTED CONTINUED USE OF BUILDINGS, STRUCTURES OR LAND.

The lawful use of any building, structure or land existing at the time of the enactment of this Zoning Code (Ordinance 335-66, passed July 5, 1966) may be continued although such use does not conform to the provisions of this Zoning Code, subject, however, to the following provisions:

- (a) Unsafe Structures. Any structure or portion thereof declared to be unsafe by a proper authority may be restored to a safe condition.
- (b) Alterations. A nonconforming building may be reconstructed or structurally altered if such reconstruction or alteration meets the requirements as to yard coverage, height and area regulations for a conforming use in the district in which it is located.
- (c) Extensions. The extension of a lawful use of any portion of a nonconforming building which existed prior to the enactment of this Zoning Code (Ordinance 335-66, July 5, 1966) shall not be deemed the extension of such nonconforming use.
- (d) Variances. Where there is a practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Zoning Code, or amendments thereto, in cases of change of or appeal on nonconforming uses, the Board of Zoning and Building Appeals shall have the power, in a specific case and after a public hearing, to vary or modify the application of any such provisions to permit the applicant to enjoy essential property uses without harm to others and in harmony with the general purposes and intent of this Zoning Code, and amendments, to protect the public, health, safety, morals and general welfare and to do substantial justice.
- (e) Construction Approved Prior to Adoption or Amendment of Zoning Code Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and which entire building shall be completed according to such plans as filed within one year from the date of the passage of this Zoning Code.
- (f) Restoration. Any building or structure, existing as a nonconforming use at the time this Zoning Code takes effect (August 5, 1966), which is destroyed by fire, accident or the elements, may be reconstructed and restored, provided that the same is started within one year and completed within two years from the date of such destruction.
- (g) Voluntarily Discontinued Uses. Whenever a nonconforming use has been voluntarily discontinued for two years or more, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Zoning Code.
- (h) Uses Changed to More Restricted or Conforming Uses Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or nonconforming use.
- (i) District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

(Ord. 335-66. Passed 7-5-66.)

CHAPTER 1294

Supplementary Regulations

1294.01 Interpretations and exceptions in general.

1294.02 Parking and storage of recreational equipment and trailers on residential property.

1294.03 Detached private garages.

1294.04 Height limitations for antennas.

1294.05 Additions, alterations, etc., to residential uses in business, commercial and industrial districts.

1294.06 Reserved.

1294.07 Outdoor bulk storage or display.

1294.08 Lighting laws.

1294.09 Setback requirements for Center Ridge Road.

1294.10 Front yard setback exemptions.

1294.11 Call for building inspection; penalty for noncompliance.

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

1294.01 INTERPRETATIONS AND EXCEPTIONS IN GENERAL.

The regulations specified in this Zoning Code shall be subject to the following interpretations and exceptions:

- (a) Essential Services. Essential services shall be permitted in all districts.
- (b) Basement Dwellings. No basement shall be used as a temporary dwelling.
- (c) House Trailers. Unless otherwise provided in this Zoning Code, the parking of a house trailer in any district is hereby prohibited, except that one trailer may be parked or stored on a lot, provided that no living quarters shall be maintained or any business practiced therein, and further provided that such trailer shall conform to the setback (yard) requirements of the district in which it is placed.
- (d) Construction Trailers. A trailer used for construction headquarters or for the storage of materials used during construction may be parked at a construction site for a period not to exceed six months. Such trailer need not meet the setback requirements of the district in which it is placed.
- (e) Private Swimming Pools. A swimming pool located outside of a completely enclosed building and normally capable of containing water to a depth at any point greater than one and one-half feet, exclusive of portable swimming pools with a diameter of less than twelve feet or with an area of less than 100 square feet, shall not be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:
 - (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - (2) It is not located, including any walks or paved areas or accessory structures adjacent thereto, closer than five feet to any property line of the property on which located.
 - (3) A fence of at least four feet in height, but not more than five feet, and of a strength compatible with its intended use, shall be erected around the pool and be maintained at all times while the pool is filled. The fence shall have a gate which has its own lock or is capable of being secured by a lock, and it shall be kept securely locked at all times when the pool is not in use or attended by the owner or anyone using the pool with the owner's permission.

In the case of a pool elevated to a height of four feet or more, access to which is gained by a ladder or stairway, such access shall be removed or it shall be secured in such a way that no one may make entry to the pool when the pool is not in use.
 - (4) Electric for all swimming pools shall conform to the most current edition of National Electric Code (N.E.C.) (NFPA 70) at the time of permit application.
 - (5) In the case of above-ground swimming pools, any permanent structure or ground elevation within five feet of the swimming pool shall maintain a clear height of four feet. The clear height shall be a measure of distance from the top of the swimming pool or approved safety guard to the top of the adjacent permanent structure or ground elevation below.
- (f) Building Height Limitations. The building height limitations of this Zoning Code shall not apply to churches, synagogues and other places of worship, parish houses, convents, Sunday schools, college buildings, school buildings, libraries, museums, art galleries, sororities, fraternities, clubhouses, recreation buildings, community buildings, hospitals, sanitariums, public buildings, railroad stations, bus stations, air travel stations and buildings specifically designed for watershed protection or conservation of soil or water, provided that such buildings shall be set back from all lot lines, in addition to any other required setback imposed in the district in which they are proposed to be located, one foot for each one foot of height in excess of thirty-five feet,

measured from the grade at the front of the building to the line of the eaves of such building.

(g) Area and Yard Requirements: Projections.

- (1) No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this Zoning Code, and, if already less than the minimum required by this Zoning Code, such area or dimension shall not be further reduced.

For purposes of this subsection, the variance is not a reduction as defined in Section 1280.02(d).

- (2) Except as may be otherwise specified in this Zoning Code, yards and courts required by this Zoning Code shall be open and unobstructed to the sky.
- (3) Cornices and eaves may project not more than three feet over any minimum required yard, provided that any such projection shall be at least five feet from any lot line.
- (4) Sills, leaders, belt courses and similar ornamental structures may project six inches over any minimum yard or court. An open fire balcony, fire escape or fire tower may project five feet over any yard.
- (5) In residential districts, any bay window, oriel, entrance, vestibule or balcony, which is not more than ten feet in width, may project not more than three feet into any front or rear yard. An open porch or stoop may extend into any side yard in residential districts, provided that it does not come nearer to the side lot line than five feet (except on a corner lot, in which it shall not come nearer than fifteen feet to the side street line), and may extend ten feet into any rear yard, provided that it does not come nearer to the rear lot line than fifteen feet in business, commercial and industrial districts. No show window or projection shall project beyond the building line. Uncovered porches may extend five feet into any required front yard.
- (6) In any business, commercial or industrial districts, a chimney, smokestack flue or elevator shaft may project into any rear yard, provided that the horizontal section of the projection does not exceed twenty square feet.
- (7) Walks and driveways may occupy any yard area.
- (8) Lots having frontage on two intersecting streets shall contain the required front yards on both streets.
- (9) The minimum lot frontage on cul-de-sacs and curves resembling cul-de-sacs shall be regulated by obtaining the required lot width at the required front setback requiring radial lines.
- (10) Accessory uses shall be permitted only in a side yard or in a rear yard in residential districts. The provisions of this section shall not apply to detached garages.

(h) Fences.

- (1) A fence is subject to the provisions of Section 1468.03(a) regarding lot line verification. Property pin verification, when visible, shall be an indication that the fence is properly located. However, the homeowner is the responsible person for any legal verification of fence placement. All fences constructed within residential areas of the City shall conform to the following standards:
 - A. Along the street line and to the front line of the building located nearest to such street, no fence shall exceed three and one-half feet in height.
 - B. Along the rear lot line of the property and to the front line of the building located nearest to such street, no fence shall exceed six feet in height.
- (2) Fences may be erected adjacent to the property line, except that no living fence, such as a hedge or bush-type fence, shall be permitted within three feet of any road right of way or sidewalk.
- (3) All fences in residential areas shall be constructed so that the open area of such fence structure shall be equal to or greater than the closed or barred portion of such fence, except as to fences erected principally as enclosures for swimming pools, and except that along the rear lot line of the property and from the rear lot line to the front line of the building located nearest to the street, a privacy or barred fence shall be permitted, provided that there is a gate or opening for ingress and egress, at least four feet in width, within ten feet of any connection to a residence. Where a privacy or barred fence is permitted along a lot line, there shall be a recorded easement of two feet for maintenance purposes, before issuance of a permit by the Chief Building Official.
- (4) In B and I Districts, fences shall be not greater than eight feet in height and shall be set back not less than twelve feet from the right-of-way.
- (5) This Zoning Code shall have no application to junkyard fences referred to in Chapter 840 of the Business Regulation and Taxation Code.
- (6) Fences shall be deemed a structure within the purview of the Building and Housing Code of the City and shall require a building permit.
- (7) Nothing in this subsection shall be interpreted so as to have application to land used for agricultural purposes.

- (8) A living fence as referred to in this Zoning Code means a hedge, bush-type fence or other type of enclosure formed from herbage, bushes or other similar living plant life.
- (9) All fences constructed pursuant to this subsection shall be constructed in such a fashion that the good side of the fence shall face outward toward adjacent properties.
- (10) Fence height shall be measured from a point not more than four inches from grade and shall follow grade contours as far as practical.

(Ord. 335-66. Passed 7-5-66; Ord. 549-69. Passed 7-21-69; Ord. 1173-76. Passed 6-7-76; Ord. 2217-87. Passed 11-2-87; Ord. 2863-94. Passed 4-18-94; Ord. 3624-00. Passed 10-16-00; Ord. 3814-02. Passed 6-17-02; Ord. 3830-02. Passed 7-15-02; Ord. 3831-02. Passed 7-15-02; Ord. 3868-02. Passed 12-16-02; Ord. 5112-2014. Passed 3-17-14; Ord. 5761-2020. Passed 8-3-20.)

1294.02 PARKING AND STORAGE OF RECREATIONAL EQUIPMENT AND TRAILERS ON RESIDENTIAL PROPERTY.

(a) For the purpose of this section, recreational equipment means and includes the following:

- (1) "Boats" and "boat trailers", which mean boats, floats and rafts, plus the normal equipment to transport the same on the highway. All boats, floats and rafts, while being stored, shall remain secured on trailers.
- (2) "Folding tent trailer", which means a canvas folding structure, mounted on wheels and designed for travel and vacation uses.
- (3) "Motorized home", which means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (4) "Pickup camper", which means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses. Trucks with fixed caps and commercial plates shall be excluded from this definition.
- (5) "Travel trailer", which means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, and which shall not exceed thirty feet in length.
- (6) Trailers not addressed elsewhere in this Zoning Code.

(b) Any owner, operator or custodian of camping and recreational equipment may park or store such equipment on any residential property, subject to the following conditions:

- (1) Recreational equipment and trailers not addressed elsewhere in this Zoning Code, parked and stored shall not be connected to gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes. Water and electricity shall be allowed and permitted only for cleaning and repair purposes. Canvas awnings shall be rolled up, except for the loading or unloading period, which is forty-eight hours as hereinafter provided.
- (2) If the camping, recreational equipment, and trailer not addressed elsewhere in this Zoning Code, is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line. The setback requirement in the side or rear yard shall be a minimum of four feet.
- (3) Notwithstanding the provisions of paragraph (b)(2) hereof, camping, recreational equipment, and trailers not addressed elsewhere in this Zoning Code, may be parked forward of the front building line, but as close to the building line as possible, for loading or unloading purposes only, for a period of not more than forty-eight hours.
- (4) All recreational equipment and trailers not addressed elsewhere in this Zoning Code must be kept in good repair.
- (5) There shall be no more than one boat, one camping vehicle, or trailer not addressed elsewhere in this Zoning Code stored on any premises at one time.
- (6) The provisions of this section are specifically intended to regulate the parking and storage of recreational equipment and trailers not addressed elsewhere in this Zoning Code, on residential property. In the event that any of the provisions herein are inconsistent with any of the other provisions of these Codified Ordinances, these provisions shall govern.
- (7) Any violation of this section shall be penalized in accordance with Section 1242.99, and any and all remedies authorized therein shall be applicable to any violation of this section.

(Ord. 1020-74. Passed 12-23-74; Ord. 3832-02. Passed 7-15-02.)

1294.03 DETACHED PRIVATE GARAGES.

(a) As used in this section, "detached private garages" means garages which are not attached to single-family or two-family dwellings and are of frame construction or of construction similar to single-family or two-family dwellings. Detached private garages shall be located not less than five feet from the side and rear yard lot lines and not less than ten feet from

other buildings located upon the same lot with a detached private garage.

(b) All detached private garages must be drained by either an interior floor drain or by properly sloping the floor to drain to the exterior.

(c) Notwithstanding anything to the contrary, wherever, under this Zoning Code, a single-family or two-family dwelling is permitted, one detached private garage shall be permitted to occupy the rear yard according to the terms of this section, in spite of any yard requirements provided in any other provision of this Zoning Code.

(d) (1) In all residential districts, no detached private garage shall exceed one story or fifteen feet in height for a single-family or two-family residential structure. No detached private garage shall exceed twenty-six feet in length or width or be over 676 square feet in area in any residential district zone with one-half acre or less.

(2) Each dwelling may have both private detached garage and an outbuilding. Agriculturally zoned districts or lots greater than one-half acre are not regulated as to the number of outbuildings but cannot exceed lot coverage of ten percent.

(Ord. 3963-2003. Passed 11-17-03.)

(e) Outbuilding.

(1) As used in this section "outbuilding" means storage buildings for purposes other than for the parking of motor vehicles such as cars or trucks or similar vehicles. Outbuildings shall be located on the property in the same manner as detached private garages in subsection (a) hereof.

(2) An outbuilding may be no larger than twenty-six feet by twenty-six feet or a total of 676 square feet. The outbuilding must be of conventional framing and finish with vertical walls and an appropriately pitched roof. No building shall be more than one story tall or fifteen feet in height.

(3) In agriculturally zoned districts or property greater than one-half acre, outbuildings are not limited in size but, shall not exceed thirty-five feet in height.

(4) Each dwelling may have both a private detached garage and an outbuilding. Agriculturally zoned districts or lots greater than one-half acre are not regulated as to the number of outbuildings but cannot exceed lot coverage of ten percent.

(Ord. 1127-76. Passed 1-19-76; Ord. 1132-76. Passed 2-2-76; Ord. 3739-01. Passed 11-19-01; Ord. 3807-01. Passed 6-3-02; Ord. 4170-2005. Passed 7-5-05.)

1294.04 HEIGHT LIMITATIONS FOR ANTENNAS.

(a) As used in this section, "antenna" means a device for radiating and/or receiving radio waves.

(b) The following height limitations shall apply to all broadcast receiving and communication antenna structures erected in all areas of the City to be used with citizens band and/or amateur radio equipment:

(1) The height of all antenna structures to be used with citizens band radio equipment shall be governed by Chapter 95 of the Federal Communications Commissions Regulations; and

(2) The height of all antenna structures to be used with amateur radio stations shall be governed by Chapter 97 of the Federal Communications Commission Regulations.

(Ord. 1157-76. Passed 4-19-76.)

1294.05 ADDITIONS, ALTERATIONS, ETC. TO RESIDENTIAL USES IN BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.

It shall be permissible to add accessory uses and residential additions to residential uses in business, commercial and industrial districts existing at the time of the adoption of this section (Ordinance 2852-94, passed April 4, 1994) without applying for pre-approval to the Board of Zoning and Building Appeals or the Planning Commission. Building permits, where applicable, shall still be required, and this section shall not be considered to be a waiver of building standards or inspection requirements.

(Ord. 2852-94. Passed 4-4-94.)

1294.06 RESERVED.

1294.07 OUTDOOR BULK STORAGE OR DISPLAY.

(a) Outdoor storage or display shall not interfere with parking or the safe and unobstructed view of pedestrian or vehicular traffic.

(b) Outdoor storage or display shall allow signage not greater than six square feet, affixed on or near the storage or display. No banners, pennants or attraction devices shall be allowed.

(c) Outdoor storage or display shall not diminish the required parking.

(Ord. 3965-2003. Passed 11-17-03.)

1294.08 LIGHTING LAWS.

(a) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illuminating Engineering Society of North America (IESNA) shall be observed.

(b) All parking area lighting will be full cut-off type fixtures.

(c) Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area.

(d) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent:

- (1) Disability glare for drivers or pedestrians;
- (2) Light trespass beyond the property line; and
- (3) Light above a 90 degree, horizontal plane. Wallpack type fixtures are not acceptable.

(e) Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

(f) All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. "Non-essential" can apply to display, aesthetic, parking and sign lighting.

(Ord. 3989-2004. Passed 1-20-04.)

1294.09 SETBACK REQUIREMENTS FOR CENTER RIDGE ROAD.

(a) An additional 15-foot front yard setback shall be added to all existing required front yard setbacks from the north right-of-way of Center Ridge Road/Rte. 20 from the Western municipal corporation boundary to the Eastern municipal corporation boundary.

(b) An additional 20-foot front yard setback shall be added to all existing required front yard setbacks from the south right-of-way of Center Ridge Road/Rte. 20 from the Western municipal corporation boundary to the Eastern municipal corporation boundary.

(Ord. 4501-2008. Passed 2-19-08.)

1294.10 FRONT YARD SETBACK EXEMPTIONS.

This Chapter 1294, Supplemental Regulations, is hereby amended to provide that service stations and other similar commercial or business-use canopy structures are exempt from front yard setback requirements conditioned upon the finding by the CBO or the CBO's designee that all of the following apply:

- (a) The canopy is an open structure without walls and whose supporting structure does not obstruct any views or sightlines for safety purposes; and

- (Ord. 5260-2015. Passed 6-15-15.)

(a) No person, company, corporation or other responsible entity shall fail to call for or cause to be called for required, appropriate, and timely inspections for either permitted or non-permitted building structures and/or building systems, including but not limited to HVAC, plumbing, electrical and so forth, as set forth in the applicable Building Codes and the North Ridgeville Codified Ordinances.

(b) Because the duty to request appropriate building inspections falls to the person or to the entity and not to the City of North Ridgeville, no notice of violation from the City is required before issuance of a citation of violation.

(c) The requirement for inspections has always been part of the City's adopted Ordinances and by the Building Codes and the necessity to ensure safe structures is vital for the health, safety and general welfare of the community; therefore, this section applies equally to existing structures, additions to existing structures, to new structures and additions to new structures.

(d) “Structure” is defined broadly to encompass the several definitions contained in the North Ridgeville Codified Ordinances and in the applicable Building Codes. Structures for which permits have been obtained and structures for which the person or entity failed to obtain proper permits are covered equally by this section.

(e) Violation of this section is a misdemeanor of the fourth degree punishable by a fine of up to two hundred fifty dollars (\$250.00) and/or imprisonment of up to thirty days. A citation may be issued for failure to call for a single required inspection or may encompass multiple inspections as a single violation. If any inspection for which a person or entity has been cited is not called for within thirty days, the person or entity may receive an additional citation as a continuing violation. (Ord. 5297-2015. Passed 11-2-15.)

APPENDIX I

SUMMARY OF REQUIREMENTS FOR ALL DISTRICTS

[illegible]

	Ranch minimum house size 1,040 Sq. Ft. Split level size 1,260 Sq. Ft. 1 1/2-story, 900 Sq. Ft.; total 1,200 Sq. Ft. 2-story, 624 Sq. Ft. and 624 Sq. Ft.; total 1,248 Sq. Ft. R-5 Zone - Minimum house size, 2,800 Sq. Ft.
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CODIFIED ORDINANCES OF NORTH RIDGEVILLE